

UPCOMING TRAININGS & CONFERENCES

A full list of NDAA's virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

NDAA's Mastering Masking Digital Course/ On Demand Training (CLE Available)
[▶ ndaa.org/training/mastering-masking-2/](https://ndaa.org/training/mastering-masking-2/)

NDAA's Human Trafficking and the Impact on Commercial Driver's Licenses/ On Demand Training
[▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/](https://ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/)

NDAA's Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)
[▶ ndaa.org/training/prosecuting-dui-cases/](https://ndaa.org/training/prosecuting-dui-cases/)

2022 NDAA Capital Conference
January 25–26, 2022, Washington, DC
[▶ ndaa.org/training/2022-ndaa-capital-conference/](https://ndaa.org/training/2022-ndaa-capital-conference/)

Streamlining Trial Preparation and Strengthening Cases (Live Webinar)
February 17, 2022 @ 1:00 p.m. ET

What's Your Password? Navigating Encryption Issues and Motions (Live Webinar)
March 9, 2022 @ 2:00 p.m. ET

RESOURCES

Impaired Driving Resources
[▶ ndaa.org/programs/ntlc/](https://ndaa.org/programs/ntlc/)

CDL-Related Resources
[▶ ndaa.org/programs/ntlc/commercial-drivers-license/](https://ndaa.org/programs/ntlc/commercial-drivers-license/)

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The National Traffic Law Center is a division of the National District Attorneys Association. This document was prepared under Cooperative Agreement Number 693JJ91950010 from the U.S. Department of Transportation National Highway Traffic Safety Administration. Points of view or opinions in this document are those of the authors and do not necessarily represent the official positions or policies of the Department of Transportation or the National District Attorneys Association.



Volume 30, Issue 1 | January 2022



NTLC's Year in Review and A Look Ahead

By NTLC Staff

As the calendar turns to a new year, the staff at the National District Attorneys Association's (NDAA) National Traffic Law Center (NTLC) pause to review the past year and look ahead to the work plans for 2022.

Grant Awards

In 2021, the NTLC continued its work under an existing cooperative agreement with the National Highway Traffic Safety Administration (NHTSA) as well as a cooperative agreement with the Federal Motor Carrier Safety Administration (FMCSA). With this funding, the NTLC continues 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 a resource benefitting prosecutors, judges, law enforcement officers and others in the justice system. To accomplish this mission, the NTLC serves as a nationwide, interdisciplinary resource center for research, training, and technical assistance.

The NTLC's core competencies include knowledge building, training, and technical assistance. Knowledge is captured in the NTLC publications, including manuals, newsletters, and monographs that are disseminated nationally and primarily electronically through the NDAA/NTLC website. The NTLC will continue to provide technical assistance, training, and publications into 2022 and beyond. Its materials and publications are available at no cost to download on the NDAA website at ➤ www.ndaa.org.

Staffing Changes

In 2021, NTLC experienced notable staffing changes in its Commercial Driver's License (CDL) Team.

In May, **Jim Camp** became the new Senior Attorney replacing former Senior Attorney Romana Lavalas. Jim joined NDAA in October 2020 on the FMCSA grant. A nationally recognized authority on traffic safety, trial advocacy, law enforcement and prosecution issues, he is an in-demand subject matter expert having served as an Elected District Attorney in Wisconsin for over 16 years and as an Assistant District Attorney General and Traffic Safety Resource Prosecutor (TSRP) in Tennessee for more than nine years. With more than 33 years of experience as a trial lawyer, most of those years were spent in prosecution with extensive experience in traffic safety, vehicular homicide, child abuse/neglect, drug delivery and domestic violence prosecutions, trial advocacy, office management and leadership, and adult education and training. Jim has educated and provided authoritative advice to and for law enforcement, staff and command, prosecutors, legislators, committees, boards, traffic safety partners and private industry nationally. He has authored numerous articles on impaired driving and trial advocacy. He is a lifelong drummer, enthusiastic guitar picker, airplane pilot, second degree black belt, father of two, and the proud Grandpa of four grandchildren.



Jim Camp

To complete the CDL Team, the NTLC welcomed **Aaron Ann Cole-Funfsinn** as its newest member in July. She joined NDAA as a CDL Staff Attorney. Aaron Ann was born and raised in Kentucky but left the Bluegrass State to attend the University of Michigan in Ann Arbor and Loyola University Chicago School of Law. She began her career 13 years ago in the Cook County State's Attorney's Office as a prosecutor and most recently was based in the Kentucky State Police's Office of Legal Services to teach at the Academy and advocate for KSP. Thereafter, Aaron Ann became one of Kentucky's TSRPs. In that role, she worked tirelessly to develop traffic-based trainings for law enforcement, prosecutors, and other traffic safety stakeholders. Aaron Ann is on the faculty of the Kentucky Prosecutor's Institute and is a member of the Kentucky CDL Advisory Committee and the Kentucky CDL Outreach Project. She is also a member of the Kentucky Impaired Driving Task Force. Her extensive prosecutorial experience in both Illinois and Kentucky, along with her traffic safety background, training experience, passion and commitment to saving lives on our roadways made her the perfect choice for the position.



Aaron Ann Cole-Funfsinn

After working as a Senior Attorney on the FMCSA grant at NDAA, **Romana Lavalas** moved to a wonderful new opportunity at the U.S. Department of Transportation (USDOT) where she now serves as an Attorney Advisor with FMCSA. For four years, Romana worked tirelessly to advance the work of the NTLC and served as a valuable resource for prosecutors, judges, law enforcement officers, and others in the justice system by addressing CDL issues across the country. Romana worked on legal compilations, provided technical assistance, and presented trainings both near and far. Romana will continue to use her qualifications to serve others in this important role.

NTLC Publication of New Resources

- ***Constitutional Law Monograph***

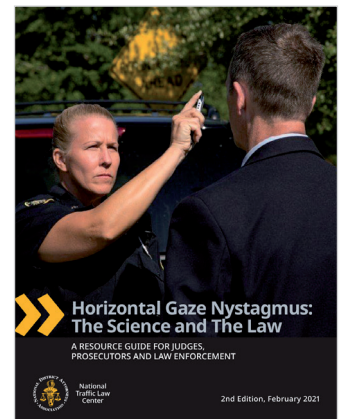
In the recent past, the United States Supreme Court (USSC) has issued several opinions directly impacting impaired driving investigations and prosecutions. When pausing to consider the numerous constitutional issues arising in traffic cases, many come to mind. With that, the idea of this monograph was born. The intent of *Constitutional Law Issues in Impaired Driving Cases* monograph is to provide an overview of some of the many constitutional issues impacting traffic cases from the law enforcement officer's observations of a vehicle in motion through a defendant's trial. It is designed to review United States Supreme Court cases that impact the prosecution of impaired driving cases generally, as well as cases that have addressed impaired driving issues specifically. This monograph covers issues, and USSC opinions, involving the Fourth, Fifth, Sixth, and Fourteenth Amendments. It is intended to serve as a resource and is not meant to replace the research required for proper case preparation. It highlights holdings of those cases in a chronological review of the issues from oldest to most recent case to demonstrate how the rule came to be in its present state. It does not present full case analyses but offers a guide to understanding the impact of these cases. Not all cases referenced are factually related to impaired driving but are included because the analysis and holding can apply to impaired driving cases. This resource was created by the hard work and dedication of our TSRP colleagues: Ike Avery (North Carolina), Beth Barnes (Arizona), Tom Lockridge (Kentucky), Jason Samuels (Georgia), and Ken Stecker (Michigan). Many thanks also to NHTSA's Linda Fisher for her vision and support of this project. The NTLC published the *Constitutional Law Issues in Impaired Driving Cases* monograph in early 2021; it is available on the NDAA/NTLC website for free [here](#).



- ***HGN: The Science and the Law, 2nd Edition***

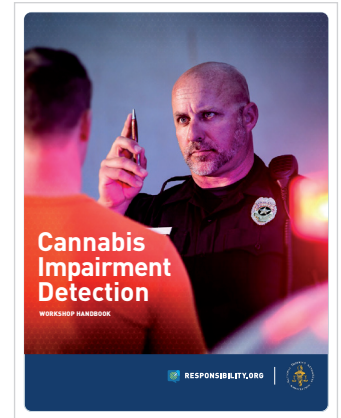
Consumption of alcohol or certain other drugs hinders the ability of the brain to correctly control eye muscles. The resulting abnormal eye movements are readily observable and identifiable by properly educated and trained observers, such as law enforcement officers. These observations form the basis of some of the key assessments of impaired drivers that officers conduct at roadside during traffic stops, including the Horizontal Gaze Nystagmus (HGN) test. The HGN test is one of three tests that comprise the Standardized Field Sobriety Test (SFST) battery; the other two tests are the Walk-And-Turn (WAT) and One-Leg-Stand (OLS) tests.

This guide is designed to assist judges, prosecutors, and law enforcement officers in gaining a basic understanding of the HGN test, its correlation to alcohol and certain other drugs, other types of nystagmus, the HGN test's scientific validity and reliability, its admissibility in jurisdictions in the U.S., and the purposes for which it may be introduced. First published approximately 30 years ago, the *Horizontal Gaze Nystagmus: The Science and The Law, A Resource Guide for Judges, Prosecutors, and Law Enforcement* monograph received necessary updates to the scientific research and case law upon which it is based. The NTLC published the 2nd Edition in early 2021 with significant updates by Dr. Karl Citek. This monograph is available on the NDAA/NTLC website and may be accessed [here](#).



- ***Cannabis Impairment Detection Workshop Manual***

The Foundation for Advancing Alcohol Responsibility ([► Responsibility.org](https://responsibility.org)) and the NTLC teamed together in 2021 to create and publish the *Cannabis Impairment Detection Workshop Manual*. With cannabis impaired driving incidents on the rise, law enforcement officers needed training to better detect those drivers. At the workshop, law enforcement officers can observe and test individuals under the influence of cannabis. The Manual provides insight and tips for agencies interested in hosting its own cannabis impairment detection workshop. This resource is designed to assist organizations in addressing and avoiding common obstacles in hosting these trainings. Our partners on this collaboration included Montgomery County (MD) Police Officer Jaymie Derbyshire; Scot Mattox, Esq., Drug Recognition Expert Instructor and CEO of Dirigo Safety, LLC (Maine); Andrea Nardone, Esq., Director of Training, Municipal Police Training Committee, Randolph, Massachusetts and former Massachusetts TSRP; and Loveland (CO) Police Chief Robert Ticer. The manual may be accessed [here](#) or contact NTLC Staff Attorney [Erin Inman](#) for additional information.



- ***Boating Under the Influence Training Module***

The NTLC also partnered with the National Association of State Boating Law Administrators (NASBLA), a United States Coast Guard grant recipient, to create a new training module for boating law enforcement officers to improve their ability to work effectively with prosecutors in preparation for trial. As with highway impaired driving cases, adjudication of boating under the influence (BUI) cases is paramount in decreasing death and injury on our waterways. Successful prosecution of BUI cases requires law enforcement officers to understand courtroom mechanics. Officers must also know how to work with prosecutors, so they can communicate the facts of the case to jurors in a logical and thorough manner. This training module is intended to supplement existing NASBLA training curriculum to enhance courtroom preparation for boating enforcement officers. Again, NTLC was fortunate to have the assistance of Aaron Ann Cole-Funfsinn while she was still the Kentucky TSRP. For additional information, contact NTLC Staff Attorney [Erin Inman](#).

- ***From Roadside to Record Video Series***

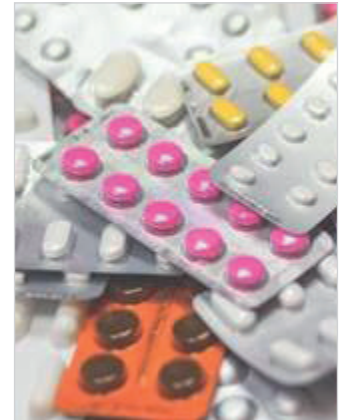
Last year, the CDL team produced *From Roadside to Record*, a comprehensive video series which focuses on enforcing, prosecuting, and adjudicating CDL traffic stops in accordance with the state and federal regulations. Funded by FMCSA and created with help from Kentucky TSRP Tom Lockridge, these videos focus on three stages of CDL enforcement: law enforcement stopping a CDL holder in a commercial motor vehicle, as well as a CDL holder in a personal vehicle, the prosecution and adjudication of CDL violations and the necessary court filings, transmissions to the state driver license agency and the proper recording of convictions. These videos have been successfully integrated in CDL and masking presentations, and can be downloaded without charge [here](#). The clerk's role in assuring that a conviction is properly recorded on a CDL holder's driving record video will be available in late January 2022 at the same website location.



New Resource Development

- ***Prosecuting Drug-Impaired Driving Cases Online Course***

Currently, state cannabis medicinal and recreational legalization efforts continue across the United States, despite being illegal at the federal level. There is a potential for cannabis to be rescheduled and decriminalized at the federal level in 2022. Many prosecutors and law enforcement officers have had little to no training to understand the methods of ingestion of cannabis, its physiological and cognitive impairing effects on driving, and how that impairment affects the operator of a motor vehicle. Many have never visually observed a person under the influence of cannabis or other drugs and how motor skills and cognitive capabilities are affected. Such information is critical for an effective DUI investigation and successful adjudication of drug impaired driving.



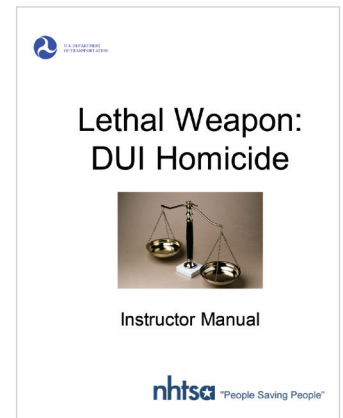
The Foundation for Advancing Alcohol Responsibility (> [Responsibility.org](https://responsibility.org)) and the NTLC have collaborated in previous years to provide numerous resources to DUI prosecutors in the fight against impaired driving. In 2021, our two organizations, along with a group of subject matter experts (SME), again partnered to create a *Prosecuting Drug-Impaired Driving Cases Online Course* for prosecutor education. The SME group includes Illinois TSRP Jennifer Cifaldi, Florida TSRP Vin Petty, Wyoming TSRP Ashley Schluck, Missouri State Highway Patrol Corporal Ryan Hutton, and Wisconsin State Laboratory of Hygiene Director of Forensic Toxicology Amy Miles.

This new course will utilize the *Cannabis Impairment Detection Workshop Manual* (as described above) which will enhance the identification of drivers under the influence of cannabis and other poly-substance impairment, thus improving impaired driving adjudications to save lives. This will be an on-line, on-demand course available at no cost to students. It will include a short test at the end, and attorneys will earn CLE credits after successfully completing the test. The course will be available in the late summer of 2022.

- ***Lethal Weapon: DUI Homicide Curriculum Update***

In 2021, the NTLC gathered a team of subject matter experts to complete an extensive update to the *Lethal Weapon: DUI Homicide* curriculum. Vehicular fatality cases are complex, requiring prosecutors to have a working knowledge of crash reconstruction and toxicology, as well as skills to work with expert witnesses and victims. The *Lethal Weapon* course is focused on assisting prosecutors to develop their knowledge and skills in trying these cases. A substantial portion of this course involves technical investigation of the crime scene, crash reconstruction, legal issues, and issues particular to victims of these crimes. This course is designed for experienced traffic safety prosecutors and those assigned to investigate and prosecute vehicular homicide cases.

The Update Team includes experienced prosecutors, including former Nassau County DA (NY) Executive Assistant District Attorney Maureen McCormick, Essex County DA (MA) Supervisor of Motor Vehicle Offense Prosecution Bill Melkonian, Idaho TSRP Jared Olsen, Michigan TSRP Ken Stecker, former Kansas TSRP Karen Wittman, as well as veteran crash reconstructionist John Kwasnoski. The NTLC plans to complete this work by late summer 2022.

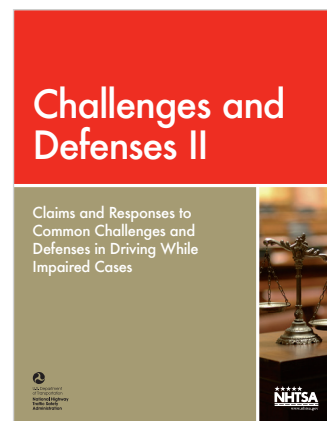
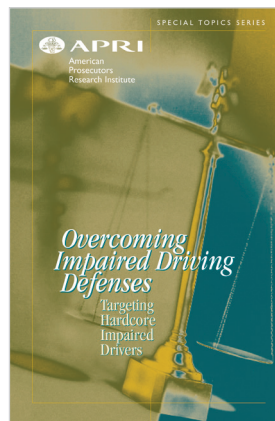


- ***From Roadside to Record New Curriculum Development***

The CDL Team is developing a curriculum to accompany the *From Roadside to Record* videos (described above) in a live training that traffic safety partners will be able to tailor and present in their jurisdictions across the country. A subject matter expert working group comprised of Indiana TSRP Chris Daniels, Kentucky TSRP Tom Lockridge, New York Judge Gary Graber, New York Court Clerk Gillian Koerner, and the Commercial Vehicle Safety Alliance's Chris Turner is currently working together to create this training. The training will incorporate modules designed around each video with practical resources to assist law enforcement, prosecutors, and court personnel.

• *Challenges and Defenses III* New Monograph Development

In early 2022, the NTLC will begin development of a new monograph about the challenges and defenses prosecutors face when handling impaired driving cases. Some of the topic areas covered in this monograph may include the challenges faced in selecting the appropriate jury, how to deal with a “none detected” toxicology report, how to handle a drug-impaired driving case without the testimony of a pharmacologist, what to do when a DRE protocol is incomplete, and how to best handle issues involving product recalls (e.g., blood test tubes, motor vehicles, etc.). The SME group includes North Carolina TSRP Sarah Garner, Wyoming TSRP Ashley Schluck, Idaho TSRP Jared Olson, Louisiana TSRP Rachel Smith, Nevada TSRP Shannon Bryant, Oregon TSRP Deena Ryerson, Florida TSRP Vin Petty, Tennessee TSRP Linda Walls, Iowa TSRP Jeremy Peterson, and Wisconsin State Laboratory of Hygiene Director of Forensic Toxicology Amy Miles. The monograph will be available in the late summer/early fall of 2022.



Previous monographs on impaired driving defenses.

Ongoing/Available Resources

• *Between the Lines* Newsletter

NTLC will also continue to publish the *Between the Lines* (BTL) newsletter monthly in 2022. The BTL newsletter contains information on impaired driving and other current traffic safety issues, including but not limited to, CDL related issues, 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.

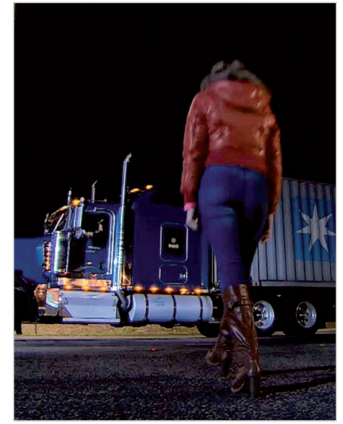
To be added to the *Between the Lines* distribution list or to view the archival library, click [here](#). Articles in 2021 included the following:

- DRE Post-Incident Review: Something to Consider in Cases Without a DRE;
- The Importance of Judicial Recognition of Cases Involving Commercial Drivers Licenses;
- Forensic Science Standards Development—Get Informed & Get Involved;
- The Kentucky CDL Advisory Committee and the Kentucky CDL Outreach Project;
- Traffic Enforcement Issues Decided by the U.S. Supreme Court;
- Smart, Comprehensive Impaired Driving Enforcement;
- Operation Sober Handle: Changing Behaviors and Increasing Public Safety, One Truck Stop at a Time;
- Bright Lights Ahead | What to Expect from Congress and the Biden Administration on Transportation Policy;
- In Search of a Vaccine for America's Ongoing Road Safety Epidemic;
- Traffic Safety Initiatives: Safer Roadways through CDL and CMV Enforcement;
- Responsibility.org and the Wisconsin State Laboratory of Hygiene Partner to Create New Resource for Toxicologists—The National Resource Toxicologist; and
- Impaired Driving: A New Perspective on a Perennial Problem.



- **Human Trafficking Online Training**

NTLC continues to focus on human trafficking offenses and their implications for a CDL holder's license. In 2019, pursuant to the "No Human Trafficking on Our Roads Act" (Pub. L. No 115-106), FMCSA issued a rule which permanently bans a driver from holding a CDL who has been convicted of a felony involving a severe form of human trafficking. This rule must be implemented in each state by September 23, 2022. In 2020, NTLC developed a course module, "Human Trafficking and the Impact on Commercial Driver's Licenses," that can be presented as a stand-alone training on this important topic, or in conjunction with other trainings. The online training and supporting resources can be found [here](#) or contact NTLC Staff Attorney [Aaron Ann Cole-Funfsinn](#) for more information.



- **Prosecuting DUI Cases Online Course**

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 the Foundation for Advancing Alcohol Responsibility 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 or her state bar. Click [here](#) to register for this course.



- **Masking and CDL Licensing Training**

NTLC continues to offer live and online training on masking and CDL licensing issues. In 2021, the CDL team taught in D.C., Florida, Minnesota, Missouri, Kentucky, Utah, South Carolina and Tennessee on these issues, and plan to continue teaching on these important issues throughout 2022. NTLC will offer its "Commercial Driver's License Violations: Enforcement, Prosecution and Reporting" Conference in June 2022. NTLC is also thrilled to announce that it will be holding a "Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses" one-and-a-half-day course, with the dates and location to be announced soon. As in years past, these conferences fully fund participants to attend, subject to FMCSA grant rules and federal government guidelines. The online "Mastering Masking" module can be accessed found [here](#). The CDL team is also available, at your request, to provide in-person and virtual training with, among other presentations, the highly rated, "Unmasking CDL Violations." Contact NTLC Senior Attorney [Jim Camp](#) or NTLC Staff Attorney [Aaron Ann Cole-Funfsinn](#) for further information about training.



Conclusion

The staff at the NTLC is dedicated to helping Traffic Safety Resource Prosecutors, prosecutors, law enforcement officers, and other allied traffic safety partners throughout the year. We wish everyone much success as they embark upon this year's search for justice.