



Traffic Safety Resource Prosecutor Manual

3rd Edition

January 2024 Update

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The National Traffic Law Center (NTLC) is a program of the National District Attorneys Association (NDAA). NDAA's mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people.

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Introduction—What is a TSRP?

A Traffic Safety Resource Prosecutor (TSRP) is typically a current or former prosecutor who offers training, education, and technical assistance to traffic crimes prosecutors and law enforcement in their state. TSRPs promote a unified, multidisciplinary approach to prosecuting traffic crimes like impaired driving, distracted driving, vehicular homicide, and related safety concerns. Tailoring their efforts to their state's specific needs, TSRPs collaborate with various agencies, including the National Highway Traffic Safety Administration (NHTSA), law enforcement, crime labs, medical examiners, highway safety offices, victim advocates, community groups, and the National District Attorneys Association's National Traffic Law Center (NTLC), to provide valuable support to prosecutors and law enforcement in a continuing effort to save lives on America's roadways.

The following suggested qualifications aim to ensure that a TSRP not only meets the foundational legal standards but also possesses a deep understanding of specialized areas within traffic safety and regulations. This will equip them to excel in their role and contribute effectively to the enhancement of traffic safety and the enforcement of regulations within their jurisdiction.

Required Qualifications:

- Successful completion of a Juris Doctorate program from a law school accredited by either the American Bar Association or the Supreme Court of the respective State.
- Active and in good standing membership with the State Bar.

Preferred Additional Qualifications:

- Significant and proven expertise in prosecuting cases involving impaired driving and various traffic offenses.
- Familiarity or a strong eagerness to acquaint oneself with the NHTSA/ International Association of Chiefs of Police (IACP) Standardized Field Sobriety Testing (SFST) and the Drug Evaluation and Classification (DEC) Program.
- Eagerness to learn about sobriety checkpoints, if applicable within the jurisdiction.
- Keen interest or readiness to gain knowledge about saturation patrol operations.
- Understanding of State ignition interlock laws and protocols.
- Familiarity with State administrative license revocation laws.

TSRPs provide valuable support to prosecutors and law enforcement in a continuing effort to save lives on America's roadways.

TSRP as a Resource

Prosecutors are vital to the criminal justice system, yet they often face excessive workloads and inadequate training, lacking resources to navigate their impactful roles. Most cases involving victims and defendants proceed through lower courts, shaping public perception of prosecutors and courts. Often, novice prosecutors, who significantly impact public safety, receive minimal attention or training until errors occur. As a TSRP, one serves these dedicated new and/or less experienced prosecutors as they tackle one of the world's most important and challenging roles. While TSRPs also assist traffic safety partners, prioritizing new prosecutors (or prosecutors new to the traffic safety position) could be beneficial. Ideally, every prosecutor's office should have a training plan, but this is frequently not the case due to understaffing. Consequently, new prosecutors must independently seek, request, and coordinate training and court coverage.

The TSRP program offers each state the flexibility to tailor the role according to its needs. Some TSRPs are active prosecutors with court appearances, while others are primarily focused on research, networking, training, and preparing legal updates. This distinction allows non-caseload TSRPs to amass resources and develop comprehensive content and presentations that surpass regular prosecutors' capabilities. They also tap into top line prosecutors nationwide to enrich the training experience they facilitate. Consequently, TSRPs are in high demand for police and traffic safety training programs, often receiving numerous training requests annually within their jurisdiction and beyond.

Each TSRP offers versatile technical assistance. Essentially, resource prosecutors serve as contacts for legal queries, expert witness details, and case strategies. While they may not possess immediate answers, they likely have a network of knowledgeable contacts. The array of resources TSRPs provide, including training, case experience, and reference materials, alleviates the challenges of the prosecutor's role.

TSRP as an Ambassador

Less apparent yet equally vital, the TSRP also functions as an intermediary, bridging the worlds of traffic safety and other areas of criminal justice. Despite shared terminology, these domains can sometimes diverge in meaning and strategies, despite their common pursuit of public welfare. Prosecutors, serving the public as their client, play a pivotal role not solely confined to the traffic safety community. They hold unparalleled authority and responsibility within the criminal justice system, surpassing even law enforcement and judges in discretion and impact.

Given this, prosecutors are indispensable participants in endeavors employing criminal justice to enhance safety and modify behavior. If solutions involve law enforcement and adjudication, prosecutors must inevitably be integral. This centrality stems from prosecutors being the nexus connecting all facets of the criminal justice system. They stand as the pivotal point of influence and coordination in this intricate framework.

INTRODUCTION—WHAT IS A TSRP?

The TSRP holds a vital role in the traffic community, contributing to task forces, assessment teams, and policy discussions. They offer the unique blend of a frontline prosecutor's experience, specialized prosecution expertise, and the research capabilities typically restricted by caseload demands. Without the TSRP, plans and initiatives in traffic safety risk significant blind spots.

Additionally, the TSRP acts as a liaison between prosecutors and the traffic safety community. When conflicts arise among prosecutors, victims' advocates, law enforcement, judges, funding sources, or national initiatives, the TSRP can help resolve misunderstandings through communication and the sharing of resources. Understanding the diverse goals and demands of each side, the TSRP bridges gaps and functions as a translator and diplomat. While traffic safety specialists emphasize quantitative metrics like arrests and convictions, TSRPs comprehend the complexities of constitutionally sensitive decisions tied to funding.



Getting Started as a New TSRP

While TSRPs specialize in traffic safety, it's a complex field. New TSRPs must acquire knowledge about related laws, court rulings, state regulations, and law enforcement tools. Their priorities include self-educating and becoming a subject matter expert, building relationships within the traffic safety community, managing time for personal availability and resource development, and facilitating broader education and training efforts.

Self-Educating and Becoming a Subject Matter Expert

The TSRP must be the state's foremost authority on traffic safety, especially in impaired driving, distracted driving, and vehicular homicide. A deep understanding of relevant statutes and local case law is essential. Expertise gained through research is crucial for the TSRP's credibility when advising law enforcement, prosecutors, judges, highway safety offices, legislators, and others. Collaborating with fellow TSRPs and the National Traffic Law Center (NTLC) is important for sharing resources and staying updated on legislative shifts, legal rulings, and law enforcement practices.

Additionally, the TSRP should grasp law enforcement training methods, attending courses like Standardized Field Sobriety Testing (SFST), breath testing instruments, Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Expert (DRE). This involvement not only deepens their knowledge but also helps shape future training initiatives and personal presentations.

Understanding forensic toxicology is crucial in complex impaired driving cases. Visiting state and independent labs, conversing with toxicologists, and referring to NTLC resources aid in comprehending toxicology methods and processes.

As the TSRP's expertise becomes evident, they become a resource for various tasks, such as aiding legislation and policies. Collaborating with the state's highway safety office, they contribute to program development. Also, understanding the political culture of the state's prosecutors can help guide the TSRP in addressing relevant issues effectively.

A TSRP must quickly familiarize themselves with the intricacies of government grants' language. This involves thoroughly studying the award that supports their role and comprehending the permissible and obligatory activities it entails. Furthermore, a TSRP should grasp the significance of proactive communication with the grant monitor, seeking clarification on any expenditure concerns prior to disbursing funds.

New TSRPs must acquire knowledge about related laws, court rulings, state regulations, and law enforcement tools.

Introductions, Networking and Relationship Development

Networking is pivotal for TSRPs, particularly in their early stages. It's crucial for prosecutors, law enforcement, and related disciplines to be aware of the TSRP's role. Effective information gathering across the impaired driving process enhances program efficacy. A blend of networking methods boosts program recognition and fosters valuable connections for the future.

INTRODUCTIONS

To effectively support traffic safety professionals, a TSRP must ensure their visibility and services are well-known. Initiating contact through letters or emails to prosecutors' offices and law enforcement agencies, along with needs surveys, aids in introducing the TSRP and gauging agency goals.¹ Included in these communications, the TSRP should mention their ability to work with organizations like Mothers Against Drunk Driving (MADD), Students Against Destructive Decisions (SADD) and the National Association of Prosecutor Coordinators (NAPC)² to support the mission of saving lives on their State's roadways. Follow-up meetings or calls, individually or in groups, further strengthen these connections. During these interactions:

- Delve into their specific needs.
- Outline the services the TSRP can offer.
- Understand their ongoing efforts to avoid duplication.
- Extend the invitation for regular meetings to maintain collaboration.

In the initial phase, the TSRP should consider a statewide introduction effort involving face-to-face engagement. A circuit around the state can be conducted, visiting prosecutors and law enforcement or organizing regional training sessions like case law updates, which provide needed services while connecting in person. This approach aids in understanding jurisdiction-specific issues and required resources.

Contacting all elected District Attorneys/State's Attorneys is crucial, preferably through the state's Prosecution Coordinator's Office or individual meetings. Inform them about available training, technical assistance, and resources for complex impaired driving and other traffic safety related prosecutions. If applicable, explain assistance with research, legislative reviews/developments, and potential presentations to the state legislature, if permitted by the TSRP funding source.

¹ See the Appendix for a sample Initial Contact Letter and sample Needs Surveys for Prosecutors and Law Enforcement.

² NAPC is the only national professional association of prosecutor coordinators. The NAPC serves in all 50 states as well as Puerto Rico and the District of Columbia. A link to the Prosecutor Coordinators is included in the Appendix.

GETTING STARTED AS A NEW TSRP

The TSRP should also reach out to diverse law enforcement agencies across the state, from dedicated highway patrols to smaller units, to introduce the program. Request to join and collaborate with existing task forces, contributing expertise and participating in addressing emerging traffic safety issues. Active participation in events hosted by prosecutor and law enforcement organizations, as well as the highway safety office, is vital to educating about the array of available services and resources.

A new TSRP benefits from engaging with fellow TSRPs,³ best facilitated through a mentor. A mentor, usually from a nearby state, aids in programming, training, and connecting within the TSRP community, bolstering the state program's success. NHTSA provides funding through the NAPC for the TSRP to travel and observe the mentor's program. The exclusive TSRP Forum, moderated by NTLC, is a nationwide platform for questions, resource sharing, and advice among TSRPs. It serves purposes like:

- Facilitating designated DWI⁴ prosecutor development if not present in a state.
- Outlining steps for organizing and conducting state trainings.
- Identifying defense experts and acquiring materials, including transcripts, to counter their arguments.

Additionally, TSRPs utilize this forum for assessing effective strategies, addressing challenges, strategizing on emerging local and national traffic safety issues, assisting in DWI prosecutor development, planning state trainings, and combatting defense experts.

The TSRP can also contribute by teaching officers, such as leading legal sections in standardized trainings like SFST, ARIDE, and DRE. This involvement fosters relationships with traffic-oriented officers.

NETWORKING AND RELATIONSHIP DEVELOPMENT

Strategic partnerships are pivotal in numerous industries, including traffic safety, where TSRPs exert significant influence. Unlike profit-driven industries, TSRPs gauge success by saving lives on the roads. Achieving this involves collaborating with effective partners. Within a state, partnerships can be forged with agencies managing breath and blood testing, hospital legal departments, law enforcement groups (like state police chiefs' and sheriffs' associations), and other organizations that align in goals and values. While some partners are apparent, others may be less obvious. This includes those already vested in traffic safety efforts. They include:

- National Traffic Law Center (NTLC)
- The Foundation for Advancing Alcohol Responsibility (a.k.a. Responsibility.org)

³ The current TSRP list is available on the NTLC website and is updated with the addition of new TSRPs. A link to it is provided in the Appendix.

⁴ Driving while intoxicated (DWI) and driving under the influence (DUI) are used interchangeably in this manual and are shorthand references to impaired driving, whether by alcohol, drugs, or poly-substance.

Strategic partnerships are pivotal in numerous industries, including traffic safety, where TSRPs exert significant influence.

GETTING STARTED AS A NEW TSRP

- Mothers Against Drunk Driving (MADD) and other Victim Advocacy Groups
- Students Against Destructive Decisions (SADD)
- State Highway Safety Office
- State Police/Highway Patrol
- State Sheriff's Association
- State Prosecutor's Association
- State Driver License Agency (SDLA)
- Federal Motor Carrier Safety Association (FMCSA) Regional Office
- Law Enforcement Liaisons (LELs)
- NHTSA Judicial Outreach Liaisons (JOLs)
- Members of the state legislature
- School Boards
- Community Service Organizations such as:
 - Lions Club
 - Rotary Club
 - The American Legion
 - The Veterans of Foreign Wars
 - The Masons

Many of these organizations readily host guest speakers at local and state meetings, providing TSRPs a chance to educate community leaders about the dangers of impaired driving, distracted driving, and speeding. These leaders can amplify the mission of saving lives by disseminating the message of highway safety.

As elaborated later, risky driving by commercial driver license (CDL) holders endangers road users. Violating the federal ban on masking can lead to federal non-compliance findings, risking loss of state highway funds and CDL program decertification, and allowing unsafe CDL drivers to remain on the roads. To enhance compliance, the TSRP can initiate a CDL Working Group comprising TSRPs, fellow prosecutors, law enforcement leaders, judges, judicial outreach liaisons, court clerks, defense bar, driver's license agencies, and others. The National Traffic Law Center (NTLC) published a white paper regarding the formation of a CDL Working Group that can be used to model a working group. This signifies a unique alliance among traditional traffic safety partners toward a shared life-saving objective.

Many organizations host guest speakers at local and state meetings, providing TSRPs a chance to educate community leaders about the dangers of impaired driving, distracted driving, and speeding.

GETTING STARTED AS A NEW TSRP

Attending regular meetings like state MADD board meetings and regional law enforcement liaison (LEL) meetings, the TSRP can offer technical guidance and resources upon request. They can also participate in SADD meetings and bolster law enforcement ties by presenting traffic-related courses at training centers. Offering quarterly or biannual training for major law enforcement entities, possibly in collaboration with the State Judicial Outreach Liaison (JOL),⁵ is beneficial. Strategic partnerships alleviate the TSRP's solitary role in enhancing traffic safety and life preservation.

Availability and List Serve

Each TSRP should share their contact details with prosecutors in their state, highlighting their availability for in-person and electronic technical assistance and training.

A TSRP should initiate or contribute to a prosecutor/law enforcement listserv within the state. This platform enhances name recognition and broader communication. At the outset, the TSRP should begin by acquiring comprehensive lists of prosecutors responsible for traffic cases and Drug Recognition Experts (DREs) through pertinent connections. Subsequently, they should initiate introductions via professional email correspondence, actively promoting the sharing of these contacts among other pertinent individuals engaged in traffic cases, thereby fostering greater participation and facilitating seamless inclusion in the lists for both inquiries and collaborations.

Ideally, the listserv efficiently shares updates on new laws, cases, resources, and training announcements, fostering awareness of state trends and issues. It serves as a discussion platform for questions and feedback from prosecutors in the same state, ensuring productive interactions. The invitation-only, government email approach encourages candid discussions, allowing participants to learn and exchange information securely. This also aids the TSRP in understanding emerging trends necessitating intervention or training within the state.

A TSRP can also develop an email contact list for publications and newsletters. Newsletters offer periodic distribution of relevant traffic safety topics, while resources like a DWI Manual cater to daily law enforcement and prosecutorial needs.

For both methods, including forensic scientists routinely testifying in impaired driving cases from the crime lab enhances collaboration. Expanding the list to training attendees is also beneficial.

⁵ With NHTSA grant funding, the American Bar Association's program of State Judicial Outreach Liaisons includes "... active or retired judges who function as teachers, writers, consultants, and subject matter experts to share the latest research and best practices on addressing impaired driving and recidivism in their respective States." See www.americanbar.org/groups/judicial/jolprogram/ for additional information about this and other programs. A link to a current list of JOLs is included in the Appendix.

GETTING STARTED AS A NEW TSRP

Lastly, where possible, the TSRP should consider courtroom observation, assisting prosecutors, attending checkpoints or directed patrols, and participating in ride-alongs. Demonstrating interest in daily work fosters outreach for support when needed.

Educating Others

The TSRP should create multi-disciplinary trainings, utilizing available course materials from NTLC that can be customized to suit individual jurisdictions. Borrowing ideas and materials from mentors or other TSRPs in different states is also beneficial. Additionally, assisting with routine officer trainings like SFST, ARIDE, and providing case law updates is advisable.

State prosecutors' annual meetings often provide a platform to address traffic safety issues in the state. Collaborating with training committees to include traffic safety topics based on requests for assistance, new cases, or statutes can develop pertinent trainings. If possible, approach state judicial educators to offer resources and services for judicial trainings, enhancing judges' understanding of the intricacies of impaired driving prosecutions.



Tracking Technical Assistance and Publications

Part of the TSRP's role involves consistently aiding prosecutors and law enforcement, via responses to technical assistance requests. This service is likely listed as a grant deliverable. Accurate tracking for grant reporting, monthly, quarterly, or annually, is vital. A simple Excel spreadsheet may suffice for this purpose. This data reveals trends which help guide training needs, product development, or legislative proposals. It's also valuable for future funding requests. Assistance spans various forms—answering technical queries, sharing traffic related resources, written guidance, case law updates, and delivering materials via a website.

Technical Assistance

As the state's subject matter expert and TSRP, the role is to be the primary resource for prosecutors, law enforcement, and traffic-safety partners. These professionals will seek information on various traffic-related matters. The TSRP is responsible for addressing inquiries from prosecutors and law enforcement, covering topics such as impaired driving, traffic crimes, court procedures, legal changes, and defense challenges.

Handling these requests for technical assistance (TA) entails legal research unique to the state, used in legal documents, hearings, trials, or appeals. Common TA topics include:

- Search and seizure issues
- SFST-related questions
- Admissibility of DRE testimony and DEC program queries
- Implied consent matters
- Chemical testing (breath, urine, oral fluid, blood)
- EDRs and crash reconstruction issues
- Pending legislation and existing case law
- Trial strategies
- Defense expert inquiries

Part of the TSRP's role involves consistently aiding prosecutors and law enforcement, via responses to technical assistance requests.

DWI Manual and Other Manuals

Develop or update a state-specific DWI manual for prosecutors. Include current case law, pre-trial procedures, traffic stop sufficiency, probable cause, testing methods (blood, breath, urine, oral fluid), impairment proof, sentencing guidelines, vehicle forfeiture, defense challenges, and jurisdiction-specific court forms. Existing TSRP manuals in other states can serve as models for designing or updating. Inform prosecutors and police about available resources in written or digital formats.

When time allows or demand arises, consider creating additional manuals like Predicate Question Guide, DWI Investigation and Prosecution, Intoxication Manslaughter, Traffic Stops, and Warrants. Collaborate with fellow TSRPs and NTLC to review existing manuals or for new ideas.

Case Law Updates

A TSRP's role involves providing timely case law updates, vital for prosecutors, law enforcement, and stakeholders due to changing laws. Newer case law often holds more significance and contributes to uniformity across jurisdictions. Effective case law updates can be achieved by:

- **Consistency:** Regular updates (monthly or quarterly) are essential to ensure timely delivery and anticipation. These updates can be part of a newsletter, blog, separate document, or even an email or list serve message.
- **Prosecutors and Law Enforcement:** Updates guide them on necessary changes in practice, taking a leadership role. Providing trial and appellate recommendations can shape future legal practices. Tailoring updates for trial and appellate prosecutors, and addressing nuances of decisions for prosecutors and real consequences for law enforcement, is essential.
- **Summaries, Tips, and Practice Points:** Brief summaries of key case points are essential, keeping in mind that brevity is valuable. Including tips and practice points can drive change and consistency within the state.
- **Training Based on Updates:** Regular case law updates can be used to create new training sessions, offering a practical way to apply the updates.

Create a Website

As previously discussed, both a list serve and an email distribution list are vital tools for TSRPs to disseminate information, news, resources, and facilitate discussions within the state. Additionally, many TSRPs maintain a website accessible to prosecutors and police upon request, using their government email address. Within this website, a resource library can be hosted, containing newsletters, blogs, manuals, case law updates, and more. It's also a suitable platform to store webinar recordings offered by the TSRP.

A TSRP's role involves providing timely case law updates, vital for prosecutors, law enforcement, and stakeholders due to changing laws.

Training

A central duty of a TSRP is delivering impactful training to law enforcement, prosecutors, and traffic safety professionals. Drawing from expertise in traffic safety matters, the TSRP imparts detailed understanding of preventing, enforcing, and prosecuting impaired driving cases. This training ensures that professionals effectively utilize this knowledge for successful traffic safety and prosecutorial outcomes.

Training Tools and Equipment

Training tools and equipment encompass all items essential for achieving training objectives. While certain sessions may solely require audiovisual (AV) equipment, more extensive training might demand tools for interactive participation. Developing a checklist of required supplies ensures readiness. Consider the following list of training supplies and equipment:

- Projector
- Computer
- Speakers/faculty
- Screen
- Clicker
- Training manuals
- Flipcharts
- Whiteboards
- Easel
- Markers/dry erase
- Handouts/flash drives
- Power cords
- Note pads
- Writing utensils—pens, pencils, highlighters, etc.
- Name tags and lanyards
- Participant sign-in sheets

A central duty of a TSRP is delivering impactful training to law enforcement, prosecutors, and traffic safety professionals.

Scheduling

When setting up training, the notice period should align with the training type and duration. Longer sessions necessitate more advanced notice compared to webinars. Account for travel time and potential overnight stays for attendees. For multi-day training, starting in the afternoon or ending early can minimize office absence. Given prosecutors' caseloads and court commitments, several months' notice is recommended. Law enforcement, especially understaffed agencies, may also require extended notice to ensure coverage. The TSRP should also be aware of other prosecutor trainings offered in the state to avoid conflicts. The TSRP can coordinate with the NAPC State representative to share training calendars.

Attendees (Who to Invite)

When organizing training, consider the intended audience. In many cases, diverse participants from various fields, like law enforcement and prosecutors, enhance the training's impact. This type of cross-disciplinary training fosters mutual understanding and knowledge sharing, promoting relationships that aid in future collaboration. However, there are situations where targeted training for a single profession is more effective due to specific content and skill requirements. Evaluate the training's content and participants' needs to determine the approach.

In-Person vs. Virtual Training

When choosing the training format, consider in-person, virtual, or hybrid options, weighing their pros and cons. The training's length plays a pivotal role. Short sessions (1–2 hours) are suitable for virtual training, while longer sessions benefit from in-person engagement.

IN-PERSON TRAINING PROS

- **Interactive Learning:** Hands-on activities, discussions, and practical experience enhance understanding.
- **Controlled Environment:** Limited distractions and face-to-face interactions aid learning.
- **Networking Opportunities:** Attendees from different fields can build relationships.
- **Supportive Environment:** Attendees can ask questions and engage in deeper conversations.

IN-PERSON TRAINING CONS

- **Time Constraints:** Staffing limitations might hinder attendees' availability for longer trainings.
- **Cost:** Travel expenses, space rentals, and refreshments add financial burden.

VIRTUAL TRAINING PROS

- Convenience: Attendees can join from anywhere, eliminating travel requirements.
- Time-Saving: Reduced travel time benefits both trainers and attendees.
- Wider Reach: Accessibility to a broader audience, including those with travel constraints.
- Flexibility: Recorded sessions allow viewing at attendees' convenience.
- Cost-Effective: Reduced expenses compared to in-person options.

VIRTUAL TRAINING CONS

- Technical Issues: Poor connections or technology glitches can disrupt sessions.
- Lack of Structure: Requires self-discipline; distractions may hinder engagement.
- Distractions: Attendees might multitask or lose focus during virtual sessions.
- Limited Interaction: Lack of face-to-face contact hinders discussions and feedback.
- Reduced Networking: Virtual settings limit attendee communication and networking opportunities.

Planning

The content designed for training novice prosecutors significantly contrasts with the material tailored for individuals possessing extensive expertise in the field. Develop clear, achievable, and measurable goals for the training. Create a comprehensive agenda and be sure to maintain compliance with time allotments, including scheduled breaks. Plan participant interaction and activities aligned with goals. Select a quiet, accessible training space with necessary equipment. Explore diverse funding sources beyond grants. Anticipate and prepare for potential training challenges.

To effectively plan and execute a training session, it's crucial to consider several factors.

- Understanding Participants' Needs: Prior to organizing a training, it's imperative to grasp the requirements of the participants. Gaining insights into attendees' profiles, specific goals, and training expectations will enable the TSRP to tailor the training content for optimal outcomes. Consider participants' experience and familiarity with the training subject.
- Designing a Comprehensive Schedule: Craft a comprehensive training schedule that encompasses the necessary material within the allocated time frame. Identify key sessions essential for meeting training goals and select adept presenters to deliver the required information. Adhere to the schedule diligently by maintaining session timelines, commencing promptly, and concluding as scheduled. If deviations occur, transparently communicate these changes to participants.

TRAINING

- **Clearly Defined and Achievable Goals:** Set clear, attainable, and measurable training objectives that align with the available time. The TSRP should outline primary goals to accomplish during the training while being mindful of the time available for each. Concentrate efforts on these pivotal goals to ensure comprehensive coverage of training topics. Plan interactive activities that align with the established objectives, enhancing the training's relevance and utility.
- **Strategize Breaks and Participant Comfort:** Factor in adequate break times to allow participants to address external tasks, fostering their focus during the training sessions. Evaluate the feasibility of refreshments during breaks for participant comfort.
- **Adhering to Time Constraints:** Respect participants' time by strictly adhering to the training schedule. Estimate the duration of lecture segments and activities, accounting for transitions between the two without exceeding allotted time. Allocate time for participant questions as well.
- **Optimal Training Space Selection:** Select an appropriate training space that maximizes learning efficiency. As much as possible, seek a quiet, distraction-free environment. Ensure accessibility and ease of location for participants, including ample parking, access to airports, and food locations. Consider facilities that have enough of the necessary amenities such as restrooms and spaces for brief breaks. Verify the availability of required equipment and resources for the training. Search for training space that may be at no-cost such as a law school, university, law enforcement academy or local library.
- **Exploring Funding Sources:** In addition to grant funding, explore alternative revenue streams to bolster trainings. Forge connections with community foundations, coalitions, and local corporations for potential financial support. Be sure to understand and operate within and limitations on the use of the funds provided.
- **Contingency Planning:** Anticipate potential challenges that may arise during the training and devise contingency plans. Preemptively address potential pitfalls like medical emergencies or severe weather issues. with solutions in place. This will ensure a seamless training experience even in the face of unforeseen difficulties.

By incorporating these refined approaches, a TSRP can create a more effective and streamlined training experience that meets the needs of participants and optimizes the training's impact.

Evaluation/Feedback

Collect genuine feedback from attendees to enhance future training. Enable them to express likes and dislikes, fostering improvement. Anonymous feedback often yields candid insights, promoting honest critique. Evaluations drive training effectiveness through necessary adaptations. Simplify evaluations with QR Codes, facilitating on-the-spot completion via smartphones.

Legislative Support

As outlined earlier in this manual, a TSRP serves as both a resource and an ambassador, roles that come into play when offering legislative support to a state legislature.

Educating vs. Lobbying

Federal grantees are prohibited from using federal funds or any matched funds to advocate for or against legislative outcomes. The funding structure for TSRPs only allows them to provide education to legislative bodies on issues without lobbying for specific legislative results. It's crucial to understand the distinction between educating and lobbying in the TSRP's role.

Educating government officials is not considered lobbying as long as it avoids taking a specific stance on particular legislation. TSRPs can educate elected officials about specific issues and how to address them, but they must refrain from expressing a stance on specific legislation. Education can inform officials without pushing them toward a particular legislative action.

TSRPs can and should educate government officials about their role, activities, and impact. This includes discussing traffic safety issues, collaborative efforts of traffic safety partners, available data, funding sources, and outcomes achieved.

Lobbying involves advocating a specific position on legislation and urging elected officials to support that position. It encompasses direct communication (written, verbal, or in-person) to influence legislative decisions in alignment with the interests of the advocate. While TSRPs cannot engage in lobbying, organizations like Mothers Against Drunk Driving (MADD) can lobby since their funding comes from non-federal sources. Collaborating with such organizations can be effective for addressing traffic safety issues through lobbying efforts.

How Can a TSRP Assist Legislative Initiatives?

In compliance with the prohibition against lobbying, here are actions a TSRP can take to educate legislative bodies and elected officials:

- Engage in discussions with elected officials about traffic safety matters, avoiding specific legislation.
- Respond to requests from officials or legislative bodies for information on legislation without expressing a stance.

Educating government officials is not considered lobbying as long as it avoids taking a specific stance on particular legislation.

LEGISLATIVE SUPPORT

- Testify in legislative hearings, presenting facts and data on issues without advocating for specific legislation.
- Collaborate with lobbying groups like MADD to provide them with information for their advocacy efforts.
- Utilize facts, data, and information to educate without pushing for specific actions.
- Address concerns, provide analysis, and answer questions without promoting legislative action.

It's vital to consider the intent, context, and timing of communications to ensure they focus on education rather than lobbying. Education involves sharing information, addressing concerns, and aiding understanding without advocating for specific actions. TSRP testimony in hearings is crucial, requiring preparation to explain issues concisely, answer questions, and provide requested information. Effective education can lead to informed legislative decisions.

To effectively engage in legislative education, a TSRP can consider the following steps:

- Familiarize themselves with the state's legislative process.
- Explore the legislative body's website for valuable information and resources.
- Identify and collaborate with supportive allies.
- Arrange meetings with potential legislative advocates to discuss general issues.
- Analyze interim legislative topics to determine their relevance.
- Assess proposed bills for their relevance to traffic safety.
- Inform key partners about pertinent proposed bills.
- Communicate with legislators who demonstrate support for traffic safety.
- Craft informative and concise emails, avoiding direct calls for specific votes.

Navigating education and the legislative process while avoiding lobbying can be challenging, but it's important as TSRPs often possess expertise critical to informed decisions. Legislators might not fully grasp the impact of proposed legislation on traffic safety efforts. By educating them on traffic safety issues, TSRPs contribute to successful legislative outcomes.

Navigating education and the legislative process while avoiding lobbying can be challenging, but it's important as TSRPs often possess expertise critical to informed decisions.

Traffic Safety Resource Investigator Position

A Traffic Safety Resource Investigator (TSRI) is a former or current law enforcement officer who collaborates with a TSRP to offer training, education, and technical assistance to traffic crimes prosecutors and law enforcement agencies within their state. TSRI works alongside their TSRP partner to identify state-specific needs, working with agency partners to address them.

Introduced by the Prosecuting Attorneys' Council of Georgia in 2018, the TSRI role is a recent addition to state traffic safety teams. As part of this team, the TSRI significantly enhances DUI and serious traffic crime investigation and prosecution statewide. They contribute to delivering investigative portions of TSRP training programs, ensuring a seamless presentation between police and prosecution topics and message consistency statewide.

The TSRI's permanent membership in the traffic safety team enables them to train prosecutors in effectively utilizing DRE/ARIDE/SFST expertise in court. They also offer consultation to prosecutors, evaluating cases through the review of case materials, reports, and patrol videos. Furthermore, the TSRI can respond to field requests from prosecutors requiring expert testimony to counter defense experts, who are often called with minimal notice.

The TSRI's responsibilities encompass:

- Responding to technical assistance requests from prosecutors, potentially including on-site trial assistance and expert witness testimony for complex impaired driving cases.
- Designing, teaching, and refining curricula for multi-day conferences such as Protecting Lives, Saving Futures, Lethal Weapon, Prosecuting the Drugged Driver, Basic DUI Prosecution, etc.
- Identifying state-specific training needs and crafting relevant curricula.
- Staying current with DRE/ARIDE/SFST training and best practices, updating training materials and curricula accordingly.
- Instructing joint sessions for prosecutors and law enforcement on topics like Standardized Field Sobriety Testing, Report Writing, Drugged Driving, and the Drug Evaluation and Classification Program.
- Offering consultations via phone, email, or in-person for impaired driving cases, potentially traveling for on-site support for pending fatality or serious injury cases.

A TSRI is a former or current law enforcement officer who collaborates with a TSRP to offer training, education, and technical assistance to traffic crimes prosecutors and law enforcement agencies within their state.

TRAFFIC SAFETY RESOURCE INVESTIGATOR POSITION

- Promoting the DRE Program through various avenues such as trainings, network meetings, listservs, agency website, and social media to expand program awareness, identify eligible candidates, and increase program participation.

Selecting the right TSRI candidate is crucial for success, especially if it's the state's first TSRI. The new TSRI will need to navigate their own path, and patience from the parent agency is important. Clear performance objectives and standards are vital. Recommended candidate qualifications include:

- Minimum 10 years' law enforcement experience, 5 years as a traffic enforcement instructor
- Experience as an instructor in DRE or DUI/ARIDE/SFST training
- Peace Officer's Certification in good standing
- Current Peace Officer Instructor certification (if applicable)
- Certifications as a DRE Instructor and DUI/SFST Instructor
- Proven instructional competency
- Yearly training and evaluations to maintain certifications

Considering compensation, benefits, and resources is crucial. Resources for success, like equipment and travel funds, should be assessed. The salary range and benefits must be budgeted appropriately, keeping in mind the high level of training required may limit the applicant pool. Agencies need to justify the addition of a TSRI to their granting authority, citing local impaired driving statistics, training programs, and anticipated benefits. Letters of endorsement from partner agencies can be helpful. The Traffic Safety Team at the Prosecuting Attorneys' Council of Georgia can provide further guidance and documentation.⁶

⁶ See Appendix for sample Letters of Support for TSRI Position.

National Traffic Law Center

What is the NTLC?

The National Traffic Law Center (NTLC), established by the National District Attorneys Association, benefits legal professionals and law enforcement by enhancing traffic safety justice through information dissemination, training, and technical support. The NTLC is a nationwide interdisciplinary resource center, focusing on knowledge building, training, and technical assistance. It aids prosecutors in addressing challenges related to evidence, crash reconstruction, and impaired driving issues. The NTLC's resource clearinghouse includes case law, research, training materials, expert directories, and focuses on impaired driving and vehicular homicide topics. It offers an array of resources and is supported by various funding sources.



NTLC Funding Sources

The NTLC secures funding from various entities to carry out its services, including the United States Department of Transportation (NHTSA and FMCSA), the Foundation for Advancing Alcohol Responsibility (Responsibility.org), Lyft, and the National Association of Boating Law Administrators (NASBLA).

- The NTLC receives annual funding from NHTSA and FMCSA through cooperative agreements since 1992.
- The NTLC collaborates with Responsibility.org, which funded projects like the updated Drug Toxicology for Prosecutors monograph and the Hospitals and HIPAA monograph.
- Partnership with Lyft involves analyzing ride share data to study its potential impact on impaired driving arrests.
- NTLC teams up with NASBLA to develop a training module for prosecutors on boating under the influence (BUI) cases, funded by the United States Coast Guard grant to NASBLA and NDAA.

NTLC's Available Resources

The NTLC imparts its expertise through various publications such as manuals, newsletters, and monographs, which are distributed nationwide primarily via the NDAA/NTLC website in digital format. These resources can be freely accessed and downloaded from the NDAA website at www.ndaa.org or via this QR code.



***BETWEEN THE LINES* NEWSLETTER**

The NTLC publishes a monthly newsletter titled *Between the Lines*. These newsletters encompass case studies, summaries of U.S. Supreme Court decisions, trending traffic safety concerns, and more. Quarterly, a newsletter edition focuses on Commercial Driver's License (CDL)-related matters. Traffic safety professionals, including prosecutors, can subscribe by filling out a registration form. Furthermore, guest authors are encouraged to submit potential articles for inclusion in the newsletter. Interested individuals can contact NTLC staff to discuss topics and submission procedures.

CDL LISTSERV

In 2016, the NTLC established a listserv for participants of its Basic CDL Course. Since then, the listserv's membership has expanded to include other attendees of CDL-related courses and individuals interested in matters concerning commercial driver's license holders and commercial motor vehicles. Currently, NTLC staff share CDL-related articles, commentary, and relevant points regarding the prosecution of CDL holders and the enforcement of CDL regulations. Prosecutors, judges, law enforcement, court clerks, and other traffic safety professionals can sign up for this CDL listserv by completing a registration form. (Additional details about resources for commercial driver's licenses can be found below.)

MONOGRAPHS

A monograph is an in-depth paper that explores a specific subject or field of study. The NTLC houses an extensive collection of monographs covering a range of topics, including alcohol and drug toxicology, cannabis impairment, constitutional law, defense strategies, crash reconstruction, and various CDL-related matters. All NTLC monographs are accessible for free and can be downloaded from the NDAAs NTLC website.

TRAINING AND TRAINING COURSE MATERIALS

The NTLC offers valuable resources for TSRPs, including:

- Access to educational videos and on-demand training courses on their website, which can enhance the TSRP's own learning and training efforts for law enforcement and prosecutors.
- The NTLC website hosts training materials for various curricula like DRE, ARIDE, and SFST, as well as additional courses:
 - *Cops in Court*
 - *Lethal Weapon: DUI Homicide*
 - *Prosecuting the Drugged Driver*
 - *Prosecuting the Impaired Driver: DUI/DWI Cases*

- *Prosecutor and Toxicologist Guide to Effective Communication in Impaired Driving Cases*
- *Protecting Lives, Saving Futures*
- *Train the Trainer*

EXPERT WITNESS DATABASE

NTLC maintains a database of expert witnesses who commonly testify in impaired driving cases. These experts cover various areas, including SFSTs, pharmacology, breath testing instruments, crash reconstruction, and more. Expert files contain testimony transcripts, reports, articles, resumes, presentations, court pleadings, and rulings. Some files also include outlines prepared by TSRPs, aiding prosecutors in understanding experts' potential testimony and backgrounds. These outlines help prosecutors prepare for cross-examination and support motions to exclude witnesses who go beyond their expertise. By utilizing NTLC's expert files, prosecutors save time on research. TSRPs can also access NTLC's resources, which include expert witness files, monographs, and more, to support their busy schedules. NTLC provides assistance through emails containing links to resources upon request.

COMMERCIAL DRIVER'S LICENSE ISSUES AND MASKING

NTLC provides resources and training on CDL-related issues funded by the Federal Motor Carrier Safety Administration. CDL holders are specialized drivers operating large vehicles, necessitating unique laws and federal regulations. TSRPs should educate prosecutors and officers on these matters due to the risk associated with CDL holders' violations. CDL holders operate heavy vehicles, and their violations pose greater risks. Enforcement and prosecution of CMV drivers are essential to public safety. Officers should be well-versed in relevant charges and prosecutors must handle cases correctly without "masking" violations. Training on CDL enforcement should be part of TSRP programs to ensure accountability. TSRPs might also engage with the state legislature on CDL-related legislation, emphasizing safety issues and federal requirements. NTLC attorneys are available to speak about this and other traffic issues. Questions concerning CDL masking and other CDL related issues can be directed to NTLC's CDL webpage at ndaa.org/programs/ntlc/commercial-drivers-license/.

Appendix—Resources

TSRP List

The current TSRP list is available on the NTLC website and is updated with the addition of new TSRPs. Visit the NTLC webpage that hosts the TSRP list at ndaa.org/programs/ntlc/traffic-safety-resource-prosecutor-list/.

JOL List

The current list of Judicial Outreach Liaisons is available on the American Bar Association website and is regularly updated. Visit the ABA webpage hosting the list at www.americanbar.org/groups/judicial/jolprogram/sjols/.

NAPC's Prosecutor Coordinators List

The current list of Prosecutor Coordinators is available on the National Association of Prosecutor Coordinators and is regularly updated. Visit the NAPC webpage hosting the list at www.napc.us/about-napc/prosecutor-coordinators/.

Sample Initial Contact Letter

This is a sample letter a TSRP may send out to law enforcement agencies, prosecutors' offices, and the state department of transportation as an initial introduction. Please modify it as necessary.

Dear (title, name):

Nationally, traffic crashes of all kinds claim nearly 43,000 lives a year. In (your State) in 200X, traffic crashes took the lives of XXX people and injured scores more. Additionally, traffic related prosecutions, particularly DWIs and DWI-fatalities, are among the most complicated cases to handle. Line prosecutors with substantial caseloads need a specialized prosecutor they can turn to for help, a person who focuses solely on traffic issues and prosecutions.

I am the Traffic Safety Resource Prosecutor (TSRP) for (your State). My role as a specialized attorney/prosecutor is to provide education, training, and technical assistance to prosecutors and law enforcement throughout the State. I can assist you in a number of ways: coordinate trainings in your area, give individual technical assistance where needed, conduct legal research, and represent your interests at State and regional traffic safety meetings. Whether the topic is DWI, suspended or revoked drivers, aggressive drivers, traffic stops, or any other traffic related subject, I am here to support both prosecutors and law enforcement.

While some States have had specialized prosecutors for many years, the program took a great leap forward just a few years ago, when the National Highway Traffic Safety Administration (NHTSA) made the landmark decision to prioritize prosecutors.

I am here to address the needs of (your State's) prosecutors and law enforcement officers in the traffic safety arena. We all have a common goal: to reduce the number of injuries and fatalities on our state's roads. By working as a team, we can make great strides toward this goal.

Please do not hesitate to contact me with your questions and concerns. I look forward to working with you.

Sincerely,

Sample Prosecutor Survey

Location and geographic size of your jurisdiction

Population

Number of attorneys in your office

Number of police agencies in your jurisdiction

Number of sworn officers

Number of DWI arrests annually in your jurisdiction

Number of DWI repeat offenders annually

Number of drugged-driving arrests annually in your jurisdiction

Number of vehicular fatalities annually in your jurisdiction

Alcohol-related

Drugged driving

Number of vehicular assaults annually in your jurisdiction

Alcohol-related

Drugged driving

Do you have specifically designated DWI prosecutors?

How are they funded?

Does your jurisdiction have a designated DWI Court?

Do you provide any in-office training?

If yes, on what topics?

Do you provide written materials?

How are they paid for?

Is the training conducted at your office or at another facility?

If applicable, do prosecutors receive continuing legal education credits?

Are you familiar with the:

- National District Attorneys Association?
- National Traffic Law Center?
- National Association of Prosecutor Coordinators?
- International Association of Chiefs of Police?
- National Highway Traffic Safety Administration?
- National Sheriffs Association?
- National Center for State Courts?

Have you ever sent your prosecutors to any NDAA or NAPC training courses?

Which courses?

What other training courses do your prosecutors attend locally and/or nationally?

Do your prosecutors attend training with local law enforcement?

Do your prosecutors instruct law enforcement officers?

- Police in-service training?
- Police academy?

What training programs would you like to see offered to your prosecutors?

How else can your State's Traffic Safety Resource Prosecutor be of assistance to you?

Sample Law Enforcement Survey

Number of sworn officers within your agency

Breakdown by rank

Number of DWI arrests each year by your agency

Number of DWI repeat offenders each year

Number of drugged-driving arrests each year by your agency

Number of vehicular fatalities investigated each year by your agency

- Alcohol-related?
- Drugged driving?

How many of your officers are certified breath test operators?

If applicable, how many of your officers are certified to draw blood?

Do you have specifically designated DWI patrols (saturation patrols)?

- How are they funded?
- How often do they operate?

Do you have a written sobriety checkpoint protocol, if permitted in your State?

How many times each year are they conducted?

Does your jurisdiction have a specifically designated DWI Court?

Does your department provide any in-service training?

If yes, on what topics?

Do you provide written materials?

How are they paid for?

Is the training conducted by your agency or at another facility?

If applicable, do the officers receive continuing education/training credits?

Who serves as instructors?

Other law enforcement?

Prosecutors?

Toxicologists/other experts?

Are you familiar with the:

National District Attorneys Association?

National Traffic Law Center?

National Association of Prosecutor Coordinators?

International Association of Chiefs of Police?

National Highway Traffic Safety Administration?

National Sheriffs Association?

What other training course do your officers attend locally and/or nationally?

Do your officers attend training with local ADAs?

What training programs would you like to see offered to your police officers?

Sample Letter of Support for TSRI #1

The following letter is included in the TSRP Manual with permission from the Prosecuting Attorneys' Council of Georgia. It is a letter of support from the Georgia Association of Solicitors-General to the Governor's Office of Highway Safety in support of funding for a TSRI position. It should be modified to suit your needs and should be sent on your office letterhead.

To Whom It May Concern:

I am writing this letter as President-Elect of the Georgia Association of Solicitors-General to encourage the distribution of grant funds so the Prosecuting Attorneys' Counsel (PAC) may hire a Drug Recognition Expert (DRE) as a full-time employee. I speak for the association when I say that this grant would give PAC and its already existing Traffic Safety Resource Prosecutors an amazing tool in its arsenal to fundamentally change for the better the training of prosecutors and law enforcement in this state.

This grant would allow our prosecutors the opportunity to receive additional "hands on" training that is often unavailable due to DRE unavailability. While we have made strides in reaching across the table to law enforcement and training as a team, we are not always able as a practical matter to get one of the state's few DREs to help put on our trainings. A full-time PAC employee would also facilitate better education when dealing with impaired drivers and how a DRE can be used to bolster our cases. DREs are the best trained experts we have when battling the scourge of impaired driving in this state, and providing access to one full time would additionally allow those jurisdictions who don't have one available to call on PAC for an expert who would be able to testify at trial.

This is an opportunity for Georgia to continue its cutting-edge work with DUI prosecution, and one that the Solicitors-General of this state back 100%. Please let me know if I can be of any assistance when making your decision.

Sincerely,

President-Elect

Georgia Association of Solicitors-General

Sample Letter of Support for TSRI #2

The following letter is included in the TSRP Manual with permission from the Prosecuting Attorneys' Council of Georgia. It is a follow-up letter from the Georgia Public Safety Training Center to the Prosecuting Attorney's Council of Georgia in further support of funding for a TSRI position. It should be modified to suit your needs and should be sent on your office letterhead.

Dear _____,

I want to take time to reiterate a few points regarding our conversation pertaining to a DRE within the PAC staff. I fully support this proposal and see no potential downsides to such a position.

As a DRE Instructor, I always felt that the weakest link in the case was the courtroom. Due to the technical nature of drug DUI cases and the robust defense given, a well-prepared state counsel is imperative. In some instances, this is simply not the case and the results indicate such.

I envision such a position to be a great augmentation to our training programs here, working in concert to further combat the drug and alcohol DUI problem that plagues our state. I would be pleased to see this initiative come to fruition, and if so, certainly look forward to deepening our working relationship.

Sincerely,

Georgia Police Academy

Georgia Public Safety Training Center

