



State of Vermont
Department of Public Safety
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ROADWAY SAFETY SUBCOMMITTEE MINUTES

December 20, 2017

The Roadway Safety Subcommittee meeting was opened at approximately 10:00 AM by Commissioner Thomas Anderson, Chair, with the following in attendance.

Present: Thomas Anderson, Commissioner of the Department of Public Safety, Chair; Dr. Trisha Conti, Director of the Vermont Forensic Laboratory; Representative Maxine Grad; Lieutenant John Flannigan, Vermont State Police; Marie Horbar, Assistant General Counsel, Department of Public Safety; Jake Perkinson, Co-Chair of the Governor's Marijuana Advisory Commission; James Pepper, Department of State's Attorneys and Sheriffs; Marshall Pahl, Office of the Defender General; Captain Mike Major, designee of the Criminal Justice Training Council; Jolinda LaClair, Director of Drug Abuse Prevention; Robin Joy, Crime Research Group.

PowerPoint presentation by Lt. John Flannigan: "The DWI Process & the Drug Evaluation and Classification Program."

Discussion and Questions:

- Increase in cannabis detection; possible reasons.
- Unresponsive Drug Recognition Experts (DREs) calls.
- Protocol for and deployment of DREs; phases of roadside stops and processing.
- Standards for DREs, training, and coverage.
- Expert testimony in impaired driving cases and case law.
- Oral Fluid testing; what other states are doing.
- January 15, 2018 recommendations (v) and (vi) – adequacy of DREs with legalization, funding, geographical considerations, and oral fluid testing.

PowerPoint presentation by Dr. Trisha Conti: "Toxicology at the VFL."

- January 15, 2018 recommendation (vii).
- Current testing, and now bringing in house.
- Expansion – renovations and new equipment.
- VFL testing – equipment, and process.
- DMTs deployed around state; breath vs. blood testing; U.S. Supreme Court *Birchfield* case.
- Drug testing results data; upward trend in positive tests for Delta-9 THC; poly-drug use.



- Capacity – VFL has capacity for current workload, but if significant increase in number of samples, will need more resources, especially for testimony at trial.
- Case law regarding testimony; authentication.
- Question about cut-off for THC level.

Robin Joy led discussion on data collection.

- What Colorado would have done differently; Colorado suggestions.
- Colorado legislation required data collection.
- Discussed spreadsheet of data categories.
- Among other recommendations, recommended VT define “marijuana-related crimes” before legalization.
- Baseline data and measurements.
- Definition of “quality-of-life crimes”.
- Youth – define “drug-endangered children”; look at youth usage now and monitor.

PowerPoint by Commissioner Anderson to review January 15, 2018 recommendations:

- Recommendations (v), (vi), (vii), (viii), (x), (xi), (xii).

Next steps:

- Review recommendations and send finalized draft to co-chairs early in January 2018.

Meeting adjourned at approximately 12:10 pm.

