



## **New Mexico D.R.E Committee Meeting Minutes**

March 25<sup>th</sup>, 2019  
Albuquerque, New Mexico

### **I. Call to order**

Charles Files called to order the inaugural meeting of the New Mexico D.R.E Committee Meeting at 0835 on March 25, 2019 at Agave Room inside the Embassy Suites, in Albuquerque New Mexico.

### **II. Roll call**

**Conducted a roll call. The following D.R.E. Committee members were present:**

Ashley Schweiser	Tim McCarson
Kevin Bruno	Micah Doering
Tina Garcia	Joel Holt
Brian Hobbs	Charles Files
Carmelita Chavez	Fabian Fernandez
Eva Fontanez	Ryan Postenrieder

**The following D.R.E. Committee members were not present:**

Aaron Baca  
Gregory Gaudette  
Robert Shilling

**The following guests were present:**

Kimberly Wildharbor  
Evan Cochnar  
Joel Holloway  
Janell Files

### **III. Approval of minutes from last meeting:**

Not applicable. No Reading of Minutes.

### **IV. D.R.E. Committee Purpose/By-Laws**

- a) Purpose and mission of the D.R.E. Committee. Meetings to be conducted in accordance with the New Mexico Open Meeting Act. The D.R.E. Committee will meet twice a year until otherwise stated. Meetings will be held in different jurisdictions (Metro, North, South) on a rotating basis to accommodate Committee Members throughout the state.
- b) All items that require a vote which occur between meetings will go out to the Committee and voting members will cast their vote via email.

- c) All voting members are requested to provide contact information of an alternate to attend committee meeting in the event that they are unable to attend. Alternates will be voted on at next D.R.E. Committee Meeting.
- d) There are two open 'At-Large' seats on the committee. If a nomination is received, the Committee will review his/her qualifications and proposed contributions to the Committee's purpose. The Committee will vote in-person/via email to vote/approve their seat.
- e) **\*VOTE:**  
By-laws and appointed positions discussed. Charles solicited a motion to approve by-laws as the New Mexico D.R.E. Committee's By-Laws.

**Motion made to approve:** Micah Doering

**Seconded:** Brian Hobbs

#### **V. Recognition of DRE of the Year 2018**

- a) Officer Brian Hobbs and Sergeant Joel Holloway of the New Mexico State Police were recognized as the State's D.R.E.s of the year for 2018. Together, their enforcement evaluations accounted for 21% of the State's total evaluations. They were presented with a plaque from the D.R.E. Program.

#### **VI. N.M.D.R.E. Program Status**

- a) There are currently 67 Certified DRE's. Each DRE's certification is good for two years and then they will need to recertify. 30 DRE's need to attend a re-certification to stay certified for 2019. Three recertification courses are offered throughout the year. The first for 2019 was in Ruidoso March 8<sup>th</sup>, 2019. The next recertification will be held on May 17<sup>th</sup>, the last day of the DRE School. Our goal is to reach 100 DRE's We will continue to push training of ARIDES throughout the state as a good source of recruitment to the DRE Program.
- b) Currently we have 9 D.R.E. Instructors. Two have completed D.R.E. Instructor School and will need to attend Field Certifications to meet their I.A.C.P. Instructor Certification Requirements. They are both scheduled to attend this year.
- c) We will be sending one more candidate to D.R.E. Instructor school in 2019. Charles will send out a solicitation for interest and selection will be a voting item.
- d) Statistics from the 211 enforcement evaluations conducted in 2018 showed Cannabis being the top drug category found to be impairing drug impaired drivers. CNS Depressants was second.

#### **VII. 2019 D.R.E. School**

- a) Phases one and two of this years' DRE School will be held in Farmington May 6-17<sup>th</sup>. Phase three will be conducted in California in July. There are 22 slots for this year's school which will be voted on after the closing date of April 6<sup>th</sup> by the voting members. Each voting member will take into consideration DWI Experience, SFST Proficiencies, ARIDE Scores and the Geographical location.

#### **VIII. A.R.I.D.E.**

- a) Have Completed 10 ARIDE courses out of the 24 needed by April 2020 resulting in 138 trained officers and prosecutors. Upcoming scheduled ARIDEs include Silver City, Las Cruces and

Santa Rosa. We would like to schedule 3 classes in Las Cruces and Farmington each. The remaining classes will be scheduled in the Metro area and rural areas of the State.

#### **IX. Current Legal Challenges- Aleman Interpretation/Oregon v. Aman**

- a) The misconception of 'Just getting blood' being sufficient in DWI-Drug cases continues to be an ongoing issue among L.E. agencies.
- b) The interpretation of State v. Aleman (requiring an expert witness in every DRE case) has become an issue in multiple jurisdictions. The NMDRE Program and TSRPs interpretation of this case is that the foundation has already been laid and is not required in each case. We need to encourage prosecutors to argue this point.
- c) Judicial (including prosecutors) Education has been identified as an issue. Getting prosecutors on board with training/education about the D.R.E. Program has been established as a goal. Ashley Schweizer had begun putting trainings together. TSRP and NMDRE should work together on these trainings. **Promoting the NMDRE Program along with trainings for Prosecutors:**
  - i) How can we put the word out to Officers better? How can we get BCSO involved?
  - ii) Getting the word out: Kevin Bruno suggested contacting LEA, Chiefs, or Department Training Coordinator to get POC for their local departments to offer training.
  - iii) Contacting District Attorneys with information on aforementioned training for prosecutors.
  - iv) Look into getting 1-hour DRE course approved for CEU for Prosecutors. Have each DRE reach out to their local prosecutor.
  - v) Attempt to find out DRE conviction/dismissal rates. Possibly obtain 10% of cases. Judge Garcia suggested we may utilize Odyssey since the D.R.E. Federal database excludes personal information. If each area can provide 5 cases to review the outcome.
    - (1) Look into having D.R.E.s submit rolling logs quarterly?
  - vi) Get Dates to Tim who can get APD academy for trainings.
  - vii) DWI Conference in May for Prosecutors. There will be a whole day in reference to ARIDE/DRE. Get with Ashley.
  - viii) Send 1-hour presentation to Ashley possibly put on calendar for regular training so all prosecutors will be trained even if they move jurisdictions.
  - ix) Keep Judges in the information loop. Judge Garcia will reach out to Defense/ADA.
    - (1) Charles continues to present at Judges conferences as invited. Magistrate December 2018 and will present at Municipal May 2019.
  - x) Continue to reach out to SLD to have a seat on the board.

#### **X. Updates/Concerns/Suggestions for Improvement**

- a) Tim McCarson brought up Albuquerque Police is not receiving copies of their Toxicology Results from SLD. Results are sent to Albuquerque Police's main headquarters. Ryan Postenrieder mentioned this is an issue at Las Cruces Police as well. It was identified as an issue with the larger departments. Charles will reach out to SLD and try to work on a solution.

b) Evan Cochnar reiterated the importance of increasing the number of D.R.E.s.

**XI. Date/Location of next Meeting**

Tentatively set for September 4, 2019 in Las Cruces, New Mexico

**XII. Meeting Adjourn**

Charles Files adjourned the meeting at 1039

**\*VOTE:**

**Motion made to adjourn:** Micah Doering

**Seconded:** Brian Hobbs

Minutes submitted by: Janell Files, BRV Consulting

Minutes approved by: <Name> \*Voting Item at next Committee meeting