



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

March 16<sup>th</sup>, 2020  
Albuquerque, New Mexico

### I. Call to order:

Charles Files called to order the 3<sup>rd</sup> meeting of the New Mexico D.R.E Committee at 0859 on March 16<sup>th</sup>, 2020 inside the Fiesta Ballroom at the Hyatt Regency Hotel, in Albuquerque, New Mexico.

### II. Roll call:

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

Aaron Baca	Joel Holt
Kevin Bruno	Brian Hobbs
Micah Doering	Charles Files
Ryan Postenrieder	

**The following D.R.E. Committee members were present Via Zoom (online meeting platform):**

Gregory Gaudette	Fabian Fernandez
Carmelita Chavez	Brett Barnes
Tina Garcia	Joshua Montano

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

Robert Shilling	Eva Fontanez
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**The following guests were present:**

Kimberly Wildharber (via Zoom)	Janell Files
Jaime Gonzales	Jeres Rael
Tim McCarson	

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

*Motion made to Approve:* Micah Doering *Seconded:* Brian Hobbs

### IV. Motion to Move Agenda Item 11 (2020 DRE School) to Item 3 on Agenda

*Motion made to Approve:* Ryan Postenrieder *Seconded:* Brian Hobbs

## V. Program Status Update

Chaves County will no longer be able to host the 2020 DRE School. Our options are to cancel or delay.

If we delay until the end of April, we could re-open the applications to Officers for the new date (we are down to 14 for this class). We will have to consider that many agencies may pull their Officers to fill other positions (ie. Wal-Mart Detail) in reference to Covid-19.

The Officers who put in for the school are located around the state with a majority of Student/Instructor presence in the Las Cruces area. Moving the School to Las Cruces might be an option. We will also need to contact CHP where Field Certifications are conducted to see if pushing back our dates is a possibility.

During Field Certifications there will be a new schedule as follows:

- a) 2 Days of Evaluations
- b) 3rd day Complete Reports
- c) Last day Final Knowledge (Test will now have a 6 Hour Time limit as a trial)  
\*Micah is working on a standardized scheduling format to ensure students are being efficient with the time they have outside of the Field Certification sites.

The DRE School will be delayed. Charles will follow up with our partners at the California Highway Patrol (CHP) to coordinate Field Certifications (Delay? Same trips?). Fabian indicated Las Cruces (DASO) would be interested in providing a venue. New dates and possibly location (due to lack of interest in Roswell) will be discussed with the Committee via email following conversations with CHP

## VI. By-Law Modification

- a) All Committee meetings will now be held in the Metro area
- b) Replacing wording of 'Technical Panel' with 'Voting Members'

***Motion made to Approve:*** Micah Doering ***Seconded:*** Brian Hobbs

Future modifications (will be voted on next meeting):

c) Certification Issues: Determining how to go about Suspension/Probation? It is Important to uphold the standards of the DRE Program by providing quality Officers to be Experts. As the goal is for their testimony alone could be substantial, we need a recourse when we come across a situation where the DRE shows a lack of ability to articulate their findings, or trouble detecting the correct indicators. A suspension to the certification requiring remedial training will be needed. We have proposed that the following actions be taken to reinstate a suspended DREs certificate:

- Candidate DRE will retake the 100-question test and
- Candidate DRE Department will arrange for the Officer to complete (4) Evaluations

These modifications will be added to the existing By-Laws to be voted on at the next meeting.

## **VII. Regional Coordinator Positions:**

a) We propose DRE Instructors within the Areas of North, Metro, and South take on the title and duties of a Regional Coordinator. The Regional Coordinator will assist in reviewing reports and will be the first point of contact for those DREs in that area. We have identified the Regional Coordinators as follows:

North: Micah Doering      Metro: Joel Holt      South: Fabian Fernandez

## **VIII. New DRE Instructors/Committee Seats:**

a) DRE representatives from the northern (Brian Hobbs) and southern (Ryan Postenrieder) regions are on track to promoting to DRE Instructor by the end of the year. Once they do, we will need to vote on replacements for their seats on the Committee. This will be visited/voted on during the next Committee Meeting.

## **IX. Changes to Committee Seats:**

- a) Brett Barnes will be replacing Ashley Schweizer as the Traffic Safety Resource Prosecutor
- b) Judge (Ret.) Garcia will seek replacement for her seat from the Metropolitan, Municipal, Magistrate or District Courts. The Committee is open to recommendations for this seat. Judge (Ret.) Garcia will maintain her position due to her judicial background, until that seat is filled. At which point, Judge (Ret.) Garcia will be offered an 'At-Large' seat.
- c) We will consider adding a NMDPS seat on the Committee. Currently due to turnover, NMDPS is extremely short-staffed. Once appropriate, the Committee will reach out

## **X. Pain and Recovery Center Collaboration:**

a) Morgan Ortiz, CEO of the Pain and Recovery Center was invited to present on the possibility of collaborating with the DRE Program on educating DREs on addiction. Mr. Ortiz was not present.

## **XI. Recognitions:**

- a) DRE of the Year (2019) Ricky Dominguez (Bosque Farms Police) could not be present due to military orders. He will be presented with a plaque at the next DRE Committee Meeting.
- b) Officer Tim McCarson was presented with a recognition award due to his hard work in the field (2<sup>nd</sup> in evaluations in 2019) as well as his commitment to training new Officers in the field of impaired driving.
- c) Lieutenant Joel Holt was presented with a recognition award due to his commitment and contributions to the New Mexico DRE Program.

## **XII. NMDRE Position on ‘No Impairment’ Evals:**

- a) Follow-up discussion related to the percentage of ‘No Impairment’ evaluations in New Mexico (7% at last Committee Meeting/update)
- b) This drove us to check other States. Five States ‘No Impairment’ evaluations for 2019 were checked randomly. The results were: Wyoming 12%, Arizona 3%, Indiana 22%, Nevada 3%, Oregon 7% and New Mexico 6%. Based on these numbers, we are not alarmed by a 6% rate in New Mexico but we have identified that ‘No Impairment’ evaluations are going to be a result of either a questionable arrest or psychoactive drugs wearing off between the arrest and the evaluation.
- c) What is the State’s position on what to do with No Impairment evals?
- d) The DRE should review the specifics of the case (assuming they are not the arresting Officer)
- e) If the DRE determines the ‘No Impairment’ is the result of the drug wearing off, the Program will recommend moving towards prosecution, including toxicology
- f) If the DRE determines the ‘No Impairment’ is a result of a questionable arrest, it will be documented and agency policies will take over (remedial training for arresting Officer, releasing the subject etc.)
- g) Agency policy will always override NMDRE recommendations, these are strictly recommendations and an identified stance of the NMDRE Program.

## **XIII. Program Update/Statistics:**

- a) Cannabis topped all evals for 2019. Stimulants was second with Depressants as third
- b) Currently we have 88 Certified DREs “on the books”. Our short-term goal continues to be 100
- c) Micah will promote the program within the New Mexico State Police
- d) Currently at 9 DRE instructors. Will have 12 added after Field Certifications
- e) Letters of interest for DRE Instructors will open in May. There is also a new format/application that will go out to help better capture the information needed for the Committee
- f) Completed 16 ARIDE courses in 2019, training 254 Officers/Prosecutors
- g) This was the most productive year for ARIDE in the history of the program in New Mexico

## **XIV. 2021 DRE School:**

- a) The location, dates, venue, course manager/site liaison will be tabled until the next meeting in due to the NMDRE contract expiring in 2020

## **XV. Challenges:**

- a) The inconsistent interpretation across New Mexico of State v. Aleman has been, and continues to be a top challenge of the DRE Program in New Mexico
- b) The members of the New Mexico DRE Committee should have the same interpretation of this case. We need to be consistent in the event prosecutors or officers reach out to us
- c) Charles will send out the case (State v. Aleman) and will respectfully request all members to read/review it. At the next meeting, we will discuss our interpretations and attempt to agree on an interpretation
- d) There is a possibility of New Mexico receiving a Judicial Outreach Liaison. We should have a consistent interpretation of the case prepared in the event we get this resource
- e) Getting the word out/promoting the program and importance of the DRE eval continues to be a challenge. We all have a role/responsibility in educating Officers, Prosecutors and other impaired driving stakeholders

## **XVI. Updates/Concerns/Suggestions for Improvement:**

- a) DRE's/DRE Instructors in the Field:
  - a. Continue to promote the class
  - b. (SWTC)- Change the reputation of the training
  - c. Promoting and explaining the difference of 'Investigation' and 'Trial' procedures
  - d. Target individuals who would be successful
    - i. DWI Officers
    - ii. SFST Instructors
    - iii. Film a video about the DRE School/Training to post online
- b) New Mexico Department of Transportation: Kim Wildharber advised the Committee she is submitting the application for the Judicial Outreach Liaison
- c) Traffic Safety Resource Prosecutor: Will be conducting NMDPS Accredited Training for Law Enforcement on Trial procedures (4 hour)
- d) Assistant District Attorney: None
- e) U.S. Attorney's Office: Not present
- f) Judicial: None
- g) Defense: None
- h) SFST/SWTC: None

## **XVII. Date/Location of Next Meeting:**

- a) Tentatively set for Monday, September 14<sup>th</sup>, 2020 in Albuquerque

**XV. Meeting Adjourn:**

a) Charles Files adjourned the meeting at 1132

*Motion made to Adjourn:* Micah Doering *Seconded:* Joel Holt

Minutes submitted by: Janell Files, BRV Consulting

Minutes approved by: Micah Doering Seconded: Joel Holt \*September 14th, 2020 @ 0905. Online.