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|  |   | <h2 style="text-align: center;">Project: Impaired Driving Task Force</h2>   |   |                          |   |
|   |   | <b>Date:</b> April 24, 2017<br><b>Time:</b> 11:00 AM<br><b>Location:</b> Metro Nashville Police Department, West Precinct   |   |                          |   |
| <b>Project Description:</b>   |   | Task force to foster leadership, commitment, and coordination among all parties interested in impaired driving issues, e.g., highway safety enforcement, criminal justice, driver licensing, treatment, health care, media, education, etc. |   |                          |   |
| <b>Meeting Called by:</b>   |   | Jason Ivey  |   |                          |   |
| <b>Next Meeting:</b>  |   | July 12, 2017   |   |                          |   |
| <b>Task Force Member Attendance (x indicates attendance)</b>                      |   |   |   |                          |   |
| Kyle Anderson   | X | Terry Ashe  |   | Rod Bragg                |   |
| Megan Buell   | X | Patricia Burnett  |   | Michelle Consiglio-Young | X |
| Maggie Duncan   | X | Brian Evans   | X | Mike Gilliland           | X |
| Michael Hogan   | X | Richard Holt  | X | Stephanie Krivcher       | X |
| Charles Lowery, Jr.   | X | Joseph Massengill   |   | Chris Osbourn            | X |
| Carroll Owen, Jr.   |   | Kate Ritchie  | X | Terry Seay               | X |
| Robert Seesholtz  | X | Lila Statom   |   | Bobby Straughter         | X |
| Chuck Taylor  | X | Tracy Trott   |   | Barry Williams           | X |
| Samera Zavaro   |   | Jason Ivey (non-voting member)  | X |                          |   |
| <b>Guest Attendees</b>  |   |   |   |                          |   |
| Dana Bruce  |   | Kim VanAtta   |   | Shandi Smith             |   |
| Kelly Hennessy-Pierce   |   | Tony Barham   |   | Leon Burns               |   |
| Ginger Cross  |   |   |   |                          |   |

| Agenda Items                | Discussion   |
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| Impaired Driving Task Force | <ol style="list-style-type: none"> <li>1. Jason Ivey - Welcome                             <ol style="list-style-type: none"> <li>a. Introduction of Guests</li> <li>b. Business - Review and Adoption of JAN Minutes</li> <li>c. Action Item 1574 closed - Confirm stats with Col. Trott re: patrol cars hit mid-day due to marijuana in the bloodstream. Per Col. Trott, if DUI test .08 or higher no test for marijuana is done. There is a \$ issue. We will need data years from now regarding the legalization of marijuana. Tom Kimball suggested to lower the BAC level to .02 when in combination with drugs (requires drug test). Per Richard Holt CO study showed traffic accidents increased 62% due to marijuana legalization.</li> <li>d. Action Item 1577 closed</li> <li>e. Kate Ritchie leaving MADD and going to Smart Start. Kelly Hennessy-Pierce with MADD is a current IDTF member.</li> <li>f. Richard Holt is retiring.</li> <li>g. Captain Charles Lowery retirement date TBD</li> <li>h. Rod Bragg with Dept. of Mental Health retired.</li> <li>i. Shandi Smith promoted to THSO Program Manager.</li> </ol> </li> <li>2. Updates from Membership                             <ol style="list-style-type: none"> <li>a. Barry Williams – New Cases &amp; Current Legislative Environment                                     <ul style="list-style-type: none"> <li>➢ SB 1219 Alcohol Offenses, Motor Vehicles - As introduced, prohibits any passenger in a motor vehicle from consuming an</li> </ul> </li> </ol> </li> </ol> |

| Agenda Items | Discussion  |
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|              | <p>alcoholic beverage in a motor vehicle or possessing an open container containing an alcoholic beverage in a motor vehicle. This bill is dead per Maggie Duncan.</p> <ul style="list-style-type: none"> <li>➤ HB 0532 As introduced, prohibits any passenger in a motor vehicle from consuming an alcoholic beverage in a motor vehicle or possessing an open container containing an alcoholic beverage in a motor vehicle. - Amends TCA Title 55, Chapter 10, Part 4. This bill is dead.</li> <li>➤ SB 0134 Implied Consent Law Tennessee law requires you to take a blood, breath, or urine test if you are arrested for a DUI. Tennessee’s “implied consent” law says that if you are lawfully arrested by an officer who has probable cause to believe that you have been driving under the influence, then you consent to taking a chemical test of your blood, breath, or urine for the purpose of determining your blood alcohol content (BAC). This bill should pass.</li> <li>➤ SB 0017 As introduced, authorizes DUI memorial signs for victims of accidents in which the intoxicated driver causing the accident was not convicted due to the driver dying as a result of the accident; requires a sign to be erected as soon as reasonably practicable for such a victim named in the act. - Amends TCA Section 54-5-1003 and Chapter 1039 of the Public Acts of 2016. This bill should pass.</li> <li>➤ SB 00402 As introduced, prohibits a person who has been convicted of a fourth or subsequent violation of driving under the influence from driving within the state, including prohibiting the issuance of a restricted driver license to such a person. - Amends TCA Title 55. This bill is dead.</li> <li>➤ State vs. Jerry Lewis Tuttle M2014-00566-SC-R11-CD Appeal granted primarily to determine whether the intermediate appellate court erred in finding the search warrant affidavit insufficient to establish probable cause, and in doing so, to revisit the continuing vitality of State v. Jacumin, 778 S.W.2d 430 (Tenn. 1989). In Jacumin, this Court refused to follow Illinois v. Gates, 462 U.S. 213 (1983), which adopted a totality-of-the-circumstances analysis for determining whether an affidavit establishes probable cause for a search warrant, and instead embraced, as a matter of Tennessee constitutional law, another test derived from two earlier United States Supreme Court decisions, Aguilar v. Texas, 378 U.S. 108 (1964) and Spinelli v. United States, 393 U.S. 410 (1969). For the reasons explained herein, we overrule Jacumin and adopt the totality-of-the-circumstances analysis for determining whether an affidavit establishes probable cause for issuance of a warrant under article I, section 7 of the Tennessee Constitution. Applying this standard, we reverse the Court of Criminal Appeals’ decision holding the search warrant invalid. We also reverse the intermediate appellate court’s conclusion that the evidence was insufficient to support the defendant’s convictions for conspiracy to possess over 300 pounds of marijuana with intent to sell or deliver and conspiracy to commit money laundering and reinstate the trial court’s judgment approving the jury’s verdict. Finally, we affirm, on separate grounds, the Court of Criminal Appeals’ decision upholding the trial court’s judgment ordering forfeiture of the \$1,098,050 cash seized when the search</li> </ul> |

| Agenda Items | Discussion  |
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|              | <p>warrant was executed.</p> <ul style="list-style-type: none"> <li>➤ State of Tennessee v. Corrin Kathleen Reynolds E2013-02309-SC-R11-CD Appeal granted to determine whether the warrantless blood draw violated the defendant's right to be free from unreasonable searches and seizures, guaranteed by the Fourth Amendment to the United States Constitution and article I, section 7 of the Tennessee Constitution, and, if so, whether the exclusionary rule applies and requires suppression of the evidence. We conclude that the warrantless blood draw violated the defendant's federal and state constitutional right to be free from unreasonable searches and seizures. Nevertheless, we adopt the good-faith exception to the exclusionary rule articulated by the United States Supreme Court in <i>Davis v. United States</i>, 564 U.S. 229 (2011), and as a result, hold that any evidence derived from testing the defendant's blood need not be suppressed because the warrantless blood draw was obtained in objectively reasonable good-faith reliance on binding precedent. On this basis, we affirm the judgment of the Court of Criminal Appeals.</li> <li>➤ Captain Charles Lowery reported forced blood draws not getting results or appropriate tests and hospitals won't draw blood.</li> </ul> <p>b. Chris Osbourn – Fatal Crash Locations updated weekly with crashes from 2015-2017 and zoom capabilities for additional crash information/data. <a href="http://tntrafficsafety.org/titan-fatal-crash-locations">http://tntrafficsafety.org/titan-fatal-crash-locations</a></p> <p>3. Stephanie Krivcher, Metro Government of Nashville/Davidson County – DUI Probation/Parole handles on average 200 criminal court cases with one other person.</p> <p>4. Lt. Mike Gilliland, Nashville Police Department – Enforcement</p> <ul style="list-style-type: none"> <li>a. Arrest statistics for DUI decreasing since 2010. Processing time has increased. There are prosecution issues with the 132 form (driver, accuracy &amp; actions) and video quality issues. Meetings are in progress to review and re-design the form. Video camera analog solutions are being utilized currently and are outdated technology. A body camera project is in initiation. Uber and Lyft popularity may be lowering DUIs.</li> <li>b. Kate Ritchie reported MADD Facebook drugged driving live event <a href="https://www.facebook.com/pg/MADDTennessee/videos/?ref=page_internal">https://www.facebook.com/pg/MADDTennessee/videos/?ref=page_internal</a></li> <li>c. Megan Buell reported THP is doing a more in-depth video on how to conduct DUI stops. We have the shoot date scheduled for May 10.</li> </ul> <p>5. Focus Areas for next meeting</p> <ul style="list-style-type: none"> <li>a. Rob Seesholtz – Health</li> <li>b. Michael Hogan – Driver Services</li> </ul> <p>6. New Initiatives from IDTF members/Final Comments</p> <ul style="list-style-type: none"> <li>a. New 3-year Strategic Plan process begins FY19 - THSO reviewing other state plans</li> <li>b. Funding/budget contingency planning in progress - FAST ACT, Open Container</li> <li>c. HSP deadline July 1</li> </ul> |