

## Regional Toxicology Liaison - Quarterly Reflection and Progress Report

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*Quarter reported:* April - June, 2023

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The RTLs have officially kicked off the testimony training for the laboratories in their regions. The first training occurred on June 16<sup>th</sup> in Des Moines, Iowa. The topics covered were the following:

- Alcohol and retrograde extrapolation, techniques and a review of an upcoming American Standards Board (ASB) document focusing on this practice.
- Drug impairment testimony, using case examples with practice testimony questions.
- An overview from a prosecutor, discussing do's and don'ts for an expert witness specific to the Iowa statutes.
- An overview of the DRE program from the State Coordinator or other designee
- A review of the ASB 037 Guidelines For Opinions and Testimony in Forensic Toxicology.

There were fifteen participants from the Iowa Criminalistics Laboratory, which included two toxicologists from the Nebraska State Patrol Crime Laboratory. Chris Heartsill, R7 RTL, is collecting feedback from the attendees. The RTLs will use this feedback to further develop the curriculum. As of today, there are nine more trainings scheduled for all three regions. To the extent possible, the RTLs are looking to combine laboratories within the regions for each training.

On June 22, the RTLs hosted the first, All Region meeting for the toxicology labs in all three regions. There were over 100 registered and ultimately 76 people attended. The attendees were primarily forensic toxicologists. However, there were a few highway safety partners and TSRPs. The topic of the meeting was the process of standard creation for the Organizational Scientific Area Committee – Toxicology (OSAC), placement of the standard on the registry by the American Standards Board (ASB) and how to implement the standards within a laboratory. During the discussion portion of the meeting, several questions arose from the laboratories asking how to actually implement the standards when a laboratory is facing a backlog or appropriate personnel. This area is something the RTLs will discuss and look to develop an option for laboratories that want to implement the standards but do not have the capacity or resources to do so. It is very important for all laboratories to conform to the standards in order to provide consistent results and data to the customers and partners. Feedback from the TSRPs indicated they had no idea how much work is involved in the standards and implementation process. They would be interested to hear more to be able to convey to prosecutors the complexity of the process.

The SOFT Toxicology Resource Committee completed the nationwide survey. Out of 150 laboratories that received the survey, 96 responded to full completion. The RTLs have been provided with the data from the survey and are in the process of analyzing it. Laboratories were asked if they limit testing based on blood alcohol concentration (BAC). Forty-eight percent indicate they do not perform drug testing if the BAC is greater than 0.100 g/100mL, 30% cancel testing at 0.08 g/100mL and 2% at 0.05 g/100mL. This is an increase from the previous survey in 2021. In the coming months, the RTLs will strategize a roadmap to find out specifically which laboratories in their regions have this policy, if it is a new policy, and why they have to have any policy in effect. Initial responses have simply stated that the laboratories do not have adequate funding and personnel to perform all testing on all drivers, including fatalities.

*Please see the Appendix A for a complete list of activities related to the project*

#### *Project challenges:*

South Dakota is looking to move the forensic toxicology laboratory out of their Department of Health and into the Crime Laboratory. The RTLs have been asked to provide guidance and consultation. There will be an initial meeting to find out the exact needs of the state, then the RTLs can ascertain whether or not the bandwidth exists to provide assistance.

Two states outside of the current project have requested the testimony training. At this time the RTLs will not be able to assist them but will provide resources when available.

### **Appendix A**

#### **R5 Q2 Activities:**

##### **Recurring:**

RTL weekly meetings – Wednesday each week.

Minnesota DWI Taskforce–Monthly

Minnesota Office of Traffic Safety Staff Meeting – Monthly

Illinois Impaired Driving Task Force Meeting – Monthly

National Safety Council – Alcohol Drug and Impairment Division – Model DUI Law meeting - No set time or date.

National Safety Council – Alcohol Drug and Impairment Division – Cannabis in Safety Sensitive Positions – Meet every two weeks

National Safety Council – Alcohol Drug and Impairment Division – Cannabis Section – Monthly

Academy Standards Board – Toxicology Consensus Body and Leadership Meetings – Monthly

Forensic Science Oversight Board Meeting (MA) – Monthly

##### **Past Single event:**

Maryland Highway Safety Summit Presentation “Challenges in Prosecuting Cannabis Impaired Driving”– Baltimore, MD – April 12, 2023

RTL Program Update to State DRE Coordinators – Noblesville, Indiana April 16, 2023  
RTL Program Update at Indiana Impaired Driving Conference – Noblesville, Indiana April 17-19, 2023  
Midwest Association for Toxicology and Therapeutic Drug Monitoring Presentation “Standardization, Impaired Driving, and the US Regional Toxicology Liaison Demonstration Project” – South Lewis Center, Ohio April 20-21, 2023  
Region 5 All Region Meeting – Indianapolis, Indiana April 25-26, 2023  
Montgomery County-Oral Fluid Samples Coordination. May 3, 2023  
Ohio Narcotics Intelligence Center Annual Conference Coordination. May 3, 2023  
Current Trends in Forensic Toxicology Annual Virtual Conference, Co-Chair. May 8-12, 2023  
Michigan State Police-Testimony Challenges. May 15, 2023  
Presentation to Region 5 State Judicial Outreach Liaisons and Traffic Safety Resource Prosecutors. May 15, 2023  
Iowa Testimony Training – Virtual, June 16, 2023  
Ohio Narcotics Intelligence Center Law Enforcement Drug Summit Presentations "Why can't you say that?" ANSI/ASB 037 Guidelines for Opinions and Testimony in Forensic Toxicology and "Testimony Tips and Tricks" and “Multiple Perspectives: The Drug Epidemic”, Columbus, Ohio June 21, 2023  
RTL All Region Meeting– Virtual, Jun 22, 2023  
Franklin Co Forensic Science Center (Ohio) Testimony Training, Columbus, Ohio June 28, 2023  
Planning and Coordination meeting for continued Testimony Training Curriculum – ongoing with RTL Meetings

#### **Upcoming Activities:**

Southern California Lab Testimony Training – Virtual, July 19-20, 2023  
RTL in-person meeting – Chicago, IL, August 16, 2023  
Kansas Testimony Training – Virtual, September 7, 2023  
Arkansas Testimony Training – September 18, 2023  
Northern California Testimony Training – September 19-20, 2023  
Illinois Testimony Training – Lake Co, IL – September 26, 2023

#### **R7 Q2 Activities:**

##### ***Recurring:***

RTL weekly meetings – Wednesday each week.  
R7 Monthly State conference call – Last Tuesday each month  
Missouri Impaired Driving Subcommittee meeting – No set time or date. Last one was Feb 10, 2023  
National Safety Council – Alcohol Drug and Impairment Division – Model DUI Law meeting – next meeting scheduled for Friday June 23<sup>rd</sup>, 2023.

Additional NSC ADID Activities – Executive Board – Secretary, member of Administrative Committee.

##### Society of Forensic Toxicologists – monthly Board of Directors Meetings

Additional SOFT Activities include – Chair of Membership Committee, Chair of Policies and Procedures Committee, Member of the Finance Committee, Member of the Toxicology Resource Committee, Associate Editor of ToxTalk

##### OSAC Toxicology Subcommittee Monthly meetings

Additional OSAC work includes participation on the Alcohol Standard Methods subcommittee

AAFS Academy Standards Board – Working on committee updating document ASB 017 Measurement Traceability, Working on committee publishing document ASB 122 Alcohol Calculations.

Midwest Toxicology Collaborative – Round Table – monthly meetings

***Past Single event:***

Presenter Southwest Association of Toxicologists Annual Meeting – Shreveport, LA – April 12-14, 2023  
(update on RTL and Update on ASB 122 Alcohol Calculations)

Region 7 All Region Meeting – Rogers Arkansas April 17-19

Presented to the Missouri Office Prosecution Services Webinar Series – Drug Impaired Driving:

Stimulants – May 26, 2023, Hallucinogens – June 22, 2023,

OSAC in-person meeting – Indianapolis, May 15-19, 2023

AllPA Conference – presented on RTL program and drug trends, May 22-24, 2023, Charleston, SC.

Iowa Governors Highway Traffic Safety Conference – Des Moines, Iowa, June 14-15, 2023

Testimony Training at the DCI Crime Lab – Des Moines Iowa, June 16, 2023

NASID Member meeting (virtual) – June 20, 2023

RTL Region 7 All Region Meeting (virtual) – June 22, 2023

***Upcoming Activities:***

Franklin County, Ohio Testimony Training – Columbus, OH – June 28, 2023

Planning and Coordination meeting for continued Testimony Training Curriculum – ongoing with RTL Meetings

Missouri Office Prosecution Services Webinar Series – Drug Impaired Driving: Dissociative Anesthetics, July 20, 2023.

Testimony Training Southern California Regions – July 19-20, 2023

Missouri Testimony Training- July 28, 2023

Presenter, Alcohol Testing Alliance, Nacogdoches, TX, July 31, 2023

**R9 Q2 Activities:**

**April**

Weekly RTL Meetings

17<sup>th</sup> - Santa Clara Lab visit to discuss testimony training and method and update possible gaps/needs.

18<sup>th</sup> - SFME Lab visit to discuss testimony training, Oral Fluid project grant, and update possible gaps/needs.

24<sup>th</sup> - Ventura Crime Lab Online meeting to discuss testimony training, identify gaps/needs, and method development training.

25<sup>th</sup> - CAIDTF Meeting

26<sup>th</sup> – NSC-ADID DUID Model Language meeting – draft review discussion

Scheduling other onsite lab meetings

R5 Testimony Training prep (June)

Planning for the annual RTL meeting

Emails - Addressing questions regarding the funding of public labs from the legalization of cannabis tax funds. Other states are inquiring as they legalize the use of cannabis.

Emails - Addressing ongoing concerns regarding delta-8 and laboratory capabilities to identify and report.

Emails - connecting laboratories to training at Green Labs

Review draft regarding language for DUID model and meeting to discuss.

## **May**

Weekly RTL Meetings

4<sup>th</sup> – Meet with SCCL regarding Testimony Training – Part 2

5<sup>th</sup> – Met with Sgt Gary Martens to discuss the LE aspect of testimony training.

8<sup>th</sup> – Met with the Defense Attorney speaker to discuss testimony training.

R9 Testimony Training prep for So Cal Labs, Nor Cal Labs, and SFME office (in CA) – tentatively scheduled for July/Aug/Nov.

Initiated training program - a method of development/validation training for R9 Labs.

Annual All-Region Planning Meeting.

R5 and R7 Testimony Training Preps

Document edits for Testimony Training Exam

Document edits for SOFT Presentation Proposal on SOFT TRC Survey

Meeting with Dave Doucette regarding Research study with Mandi Moore and CSFRE.

Assisted LA coroner crime lab on a grant proposal for LC-Q-ToF

Assisted Kern County with method development discussion.

## **June**

Weekly RTL Meetings

13<sup>th</sup> - Drug Testing Advisory Board Meeting – Open and Closed Meetings

15<sup>th</sup> – Meeting with LAPD Crime Lab regarding SoCal Testimony Training

15<sup>th</sup> – Meeting with Franklin County, Ohio IT department to test online platform for Testimony training (June 28<sup>th</sup>).

16<sup>th</sup> – Iowa Testimony Training

16<sup>th</sup> – Franklin County testimony test part 2

22<sup>nd</sup> – Annual RTL Meeting

22<sup>nd</sup> – Reviewed and edited DUID Laws Position Statement

23<sup>rd</sup> – NSC ADID DUID Laws Position Statement Meeting

Meeting with presenters for SoCal training – date not yet determined but will be a week of June 26<sup>th</sup>.

28<sup>th</sup> – Franklin County, Ohio Testimony Training