

GEORGIA traffic PROSECUTOR

A PUBLICATION OF THE PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA TRAFFIC SAFETY PROGRAM

>>> OUR MISSION

The goal of PAC's Traffic Safety Program is to effectively assist and be a resource to prosecutors and law enforcement in keeping our highways safe by helping to prevent injury and death on Georgia roads.

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Photo courtesy of PoliceOne.com.

On December 31, 2015, Georgia will retire the last of its Intoxilyzer 5000s, leaving the new Georgia Model Intoxilyzer 9000 as the state's sole evidential breath-testing instrument. As the transition period between the two devices enters the final stages, prosecutors and law enforcement officers must familiarize themselves with the new equipment so that the final conversion is seamless. In this edition of the Georgia Traffic Prosecutor, Chris Tilson, manager of the GBI's Implied Consent section, summarizes the functionality of the new instrument and reviews training opportunities on Georgia's new breath-testing protocols.

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Don't forget to visit our Training Web page to register for our traffic safety-related conferences and training courses.

READY OR NOT, HERE IT COMES: THE INTOXILYZER 9000

By Chris Tilson, Manager, Implied Consent Section
Georgia Bureau of Investigation

Alcohol has been shown to adversely affect a person's ability to operate a motor vehicle or watercraft. The impaired driver presents a hazard to public safety on Georgia's highways and waterways. To protect the motoring and boating public, O.C.G.A. Titles 40 and 52 declare this conduct to be unlawful and establish penalties for violations.

As part of the rules of the road, the legislature has established that it is implied that all individuals driving on the roads throughout the state of Georgia have given consent to chemical testing in order to determine whether they are driving under the influence. Under O.C.G.A. § 40-6-392, the legislature has proscribed the methods by which these chemical tests must be performed. This statute requires that the Georgia Bureau of Investigation:

- Approve satisfactory techniques and methods to ascertain the qualifications and competence of individuals to conduct analyses.
- Issue permits to conduct analyses.
- Issue requirements for properly operating and maintaining testing instruments.
- Issue certificates that instruments have met the approval requirements of Department of Forensic Sciences.

Pursuant to O.C.G.A. § 40-6-392, the Georgia Bureau of Investigation is responsible for approving the methods used for evidential breath alcohol testing in the state of Georgia. Since 1995, the sole approved instrument in the state of Georgia for analysis of alcohol in breath has been the Intoxilyzer 5000 manufactured by CMI, Inc. Although a reliable breath testing device, the technology used in the Georgia Model Intoxilyzer 5000 may not be able to meet future requirements for Georgia's breath testing program. Significantly, some of its original components are no longer produced by the manufacturer, leading to uncertainty as to the availability

of replacement parts for the Georgia Model Intoxilyzer 5000. Additionally, the design of the Georgia Model Intoxilyzer 5000 is unable to meet the evolving demands for digital information from the legal community.

In light of these concerns, in 2011 the GBI-DOFS decided to embark on a comprehensive evaluation to approve the successor to the Georgia Model Intoxilyzer 5000. This decision was not made out of any concerns over the adequacy of Georgia's current breath testing methods or the reliability of the Georgia Model Intoxilyzer 5000, but as a proactive measure to ensure that Georgia's breath testing program would be able to address any future challenges and that instruments used in the state of Georgia would continue to be uniformly supported with the best parts and service.

After a comprehensive evaluation, based on laboratory testing and administrative review conducted by the Division of Forensic Sciences, of the best multiple filter infrared breath testing devices currently used or for sale in the United States, the Intoxilyzer 9000 has been selected to be the successor to the Georgia Model Intoxilyzer 5000. Beginning in 2013, the Division of Forensic Sciences (DOFS) began the process of transitioning from the Georgia Model Intoxilyzer 5000 to the Georgia Model Intoxilyzer 9000, which will become the sole evidential breath testing instrument used throughout the state of Georgia on December 31, 2015. The Intoxilyzer 9000 will accurately and reliably measure subjects' breath alcohol concentration when properly operated and maintained. The Intoxilyzer 9000 possesses the excellent accuracy and analytical reliability observed from the Intoxilyzer 5000 and offers advantages over the Georgia Model Intoxilyzer 5000 in key areas:

- **Quality Control**

The Intoxilyzer 9000 is equipped to utilize dry gas calibration checks

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that can be scheduled on a periodic basis or run with every test. The Georgia Model Intoxilyzer 5000 is not currently equipped to run dry gas controls.

- **Information Retention**

The Intoxilyzer 9000 is capable of retaining all of the test information and downloading the information to a centralized server. Test, control, and calibration information can be reprinted directly from the instrument. The Georgia Model Intoxilyzer 5000 is not currently configured to retain any information other than the last test run.

- **Software Update Flexibility**

The Intoxilyzer 9000 is capable of having the software version updated from a centralized server. The Intoxilyzer 5000 requires a physical change of an EPROM on the CPU in order to change the operational software version.

- **User Interface**

The Intoxilyzer 9000 utilizes a 7" color touch screen display as part of the user interface. This allows for the display of multiple lines of information on the screen at one time. The Intoxilyzer 5000 can only display several characters on the instrument display at a given time and thus is forced to scroll information.

- **Display of Test Information**

The Intoxilyzer 9000 is capable of displaying the entire pressure and BrAC curve throughout the subject test. This allows the operator to visually see if the subject is blowing. The Intoxilyzer 5000 only displays the current BrAC reading on the display.

- **Customized Report Format**

The Georgia Model Intoxilyzer 9000 will employ a USB external printer. This will allow for the use of customized reporting formats including printing of the pressure and BrAC curves for each test. The Georgia Model Intoxilyzer 5000 only employs an internal slip printer and requires the purchase of special print cards.

- **Projected Maintenance Frequency**

The Intoxilyzer 9000 does not require the use of a mechanical chopper to analyze breath alcohol concentration. It also utilizes a long-life grey body radiation source that is expected to last much longer than the standard tungsten lamp used in the Georgia Model 5000. The tungsten lamp, chopper motor and the internal slip printer are the cause of the majority

of repairs on the Georgia Model Intoxilyzer 5000.

- **Portability**

The Intoxilyzer 9000 can operate off of 110V AC or 12V DC power source. In addition, the manufacturer lists an operating temperature range of 32-104F degrees. This allows for easier adaptation to mobile testing environments. The Intoxilyzer 5000 requires 117V AC (+/-10%) and has a listed operating temperature range of 68-86F.

- **Remote Access**

The Intoxilyzer 9000 is configured to be remotely accessed by vendor supplied software when connected to a data line. The Georgia Model Intoxilyzer 5000 is not currently configured to be accessed by a central computer.

There are two ways for officers to receive training on the Intoxilyzer 9000. Officers who have already been trained on the Intoxilyzer 5000 can register for the Intoxilyzer 9000 Transition Class. This is a four hour class delivered at GPSTC in Forsyth covering the similarities and differences between the Intoxilyzer 9000 and Intoxilyzer 5000. Attendance is limited to officers who either possess a valid Intoxilyzer 5000 permit or have a permit that has been expired for less than one year. To register for this class (depending on their department policy) either the officers or their department training officer should send an email request with "Intoxilyzer 9000 Transition Class Registration Request" in the subject line to the Division of Forensic Sciences at the following address: ImpliedConsent@gbi.ga.gov. This request should contain the name of the officer, their existing permit number, their POST OKEY, their agency name, a contact email address, a contact phone number, and their top three class choices in order of preference. An email response will be sent to the originating address within two to three weeks, informing the officer of their registration status and giving them a link to print the necessary training materials. A list of available class dates and detailed registration instructions can be found at: <https://dofs.gbi.georgia.gov/breath-alcohol-testing-transition-class-information>.

The Division of Forensic Sciences will periodically update this site with new classes as the existing classes fill up. Officers who do not currently possess a valid Intoxilyzer 5000 permit or possess a permit that has been expired for more than one year, must successfully complete the two day Intoxilyzer 9000 Basic Training Class in order to receive a permit to operate the Intoxilyzer 9000. This two-day course covers foundational topics related to the analysis and interpretation of alcohol in the human body and the legal framework of the chemical test within a DUI

case. Officers will also receive specific training on the operation of the Intoxilyzer 9000, proper execution of the evidential breath test, interpretation of breath test report, and the best practices for ensuring a reliable result. Though this class is delivered at GPSTC in Forsyth, registration is handled directly through the Division of Forensic Sciences website. Detailed information on how to register for this class and a list of available dates can be found at the website below. These classes typically fill up very quickly once posted, so officers are encouraged to check the page periodically for new postings. Once an officer fills out and submits the online registration form found at the address below, an email confirmation will be sent within 3 to 4 weeks regarding their registration status and providing them a link to print the necessary materials for class: <http://dofs.gbi.georgia.gov/intoxilyzer-basic-class-information>. 



Chris Tilson is the manager of the Implied Consent Section of the Georgia Bureau of Investigation and is responsible for overseeing the state's breath alcohol testing program. He holds a B.S. in chemistry from the Georgia Institute of Technology and is certified by the American Board of Forensic Toxicology as a forensic toxicologist. Over the past 17 years, Mr. Tilson has provided training in alcohol testing throughout the state of Georgia and has spoken to numerous national and international organizations, such as the Southern Association of Forensic Sciences, the International Association for Chemical Testing, the Forensic Toxicologist Certification Board, and the Society of Forensic Toxicologists on topics ranging from ethylene glycol poisoning to alcohol pharmacokinetics and breath alcohol testing instrumentation.

>>> fact:

Twenty-four percent of alcohol-impaired drivers in fatal crashes in 2013 had a previous license suspension or revocation (within just the last three years, for alcohol-related and non-alcohol-related offenses).

-Statistics courtesy NHTSA
(www-nrd.nhtsa.dot.gov/Pubs/812101.pdf)

ADMINISTRATIVE LICENSE SUSPENSION AND *FLADING v. STATE*

By Joe Stone, Traffic Safety Resource Prosecutor
Prosecuting Attorneys' Council of Georgia



When someone is arrested for Driving Under the Influence (DUI), by law, the arresting officer is required to read Georgia's Implied Consent Notice. The notice informs the suspect that their license "shall" be suspended if they refuse to submit to the state administered test to determine if they are under the influence of alcohol or drugs. The notice also informs the suspect that if they submit to the state administered test, but their alcohol concentration equals or exceeds the applicable statutory level for their age or class of vehicle, then their license "may" be suspended. Additionally, the notice informs the individual that after submitting to the state test, they have the right to an additional test of their choosing, but if they refuse state testing, then the refusal itself can be used against them during their criminal trial.

After arrest, suspects are typically taken to the jail in the jurisdiction where they were arrested. According to O.C.G.A. § 40-5-67.1, after a suspect's arrest for DUI, the arresting officer should submit form DDS-1205. The form acts as a temporary driving permit, and also informs the arrestee that they have ten days to request a hearing to challenge the validity of their administrative license suspension. Pursuant to O.C.G.A. § 40-5-67.1(g)(1), the Office of Administrative Hearings must conduct such hearings within thirty days.

At the time of the arrest, if the suspect refuses to submit to state testing, the suspension period is for one year. O.C.G.A. § 40-5-67.1(d). If the individual submits and exceeds the applicable statutory alcohol limit, and it is their first such suspension within five years, then their license is suspended for one year; however, such offenders can apply for license reinstatement after thirty days. O.C.G.A. § 40-5-67.2(a)(1).

At the Administrative License Suspension (ALS) hearing, the arresting officer, who represents the Department of Driver's Services, often must contend with seasoned attorneys representing the arrestee (Plaintiff). Plaintiffs (i.e., DUI defendants), have two choices when faced with an ALS hearing: (1) (s)he can go forward with a hearing and risk having the suspension upheld; or (2) (s)he can sign a waiver agreeing to plead guilty in their DUI case in exchange for the arresting officer's agreement to withdraw the notice of administrative license suspension.

For years, both law enforcement officers and prosecutors have been frustrated with the ALS system as a whole. Defendants ask the officers to withdraw administrative suspension in exchange for a promise to plead guilty in their criminal DUI case, only to later renege on the deal and demand that their case be tried (often with the knowledge or outright complicity of their criminal defense attorney). The officer's only course of action in such cases is to sign an affidavit and *attempt* to have the defendant's license administratively re-suspended, but such efforts are often thwarted when a defendant's trial ends in an acquittal, thereby terminating the administrative license suspension process.

However, much of the frustration generated by a system that has for many years seemed self-defeating has been significantly reduced, if not eliminated, because of the recent decision in *Flading v. State*, 327 Ga. App. 346 (2014). In this case, the Georgia Court of Appeals directly addressed the admissibility of the "Joint Withdrawal" agreements that are often reached at or before ALS hearings between the defendant and the arresting officer. As summarized in the *Flading* opinion, Officer Joshua Ott of the Roswell Police Department stopped the defendant and ultimately arrested him for DUI. Subsequently, Flading refused to submit to the state administered test of his breath. Thereafter, his attorney appeared at the ALS hearing initiated due to Officer Ott's timely submission of DDS Form 1205 and signed a document entitled, "Final Decision" (more commonly known as a "Joint Withdrawal" form). The document included an agreement between the defense attorney and Officer Ott that Flading's license suspension would be withdrawn by the officer, with the understanding that Flading would instead plead guilty to DUI. Further, the agreement contained a stipulation that if Flading did not enter a plea as agreed, then the "Final Decision" could be entered into evidence as an admission of guilt. In 2013, Flading appeared for trial with *another* defense attorney; prior to trial, the new attorney made a Motion *In Limine* to prevent the admission of the "Final Decision." The trial court denied the motion, and Flading

was convicted of Driving Under the Influence of Alcohol.

The sole enumeration of error on appeal was whether the trial court erred by allowing the State to admit the "Final Decision" agreement into evidence. The Court of Appeals analyzed the case using Georgia's new Evidence Code. First, Flading argued that evidence produced at an ALS hearing is inadmissible in a subsequent criminal trial because Georgia's appellate courts had never given preclusive effect to decisions made at the Administrative Hearing. However, the Court found that argument unpersuasive because the cases Flading cited were distinguishable from the facts of this case. The Court reasoned that the "Final Decision" was equivalent to an admission which, though signed only by Flading's first attorney, would be admissible upon a showing by the prosecution that the first attorney was authorized to sign the document on his behalf. The Court noted that during the motion hearing, Flading neither claimed fraud or mistake, nor did he ever repudiate the attorney's authority to enter into the agreement.

Next, Flading argued that the "Final Decision" was substantially more prejudicial than probative, and therefore should be excluded based upon O.C.G.A. § 24-4-403. The Court of appeals first looked to O.C.G.A. § 24-4-401 and concluded that the "stipulation that he would plead guilty to DUI in exchange for the return of his driver's license is relevant to, though certainly not dispositive of, the charge that he was driving under the influence of alcohol." *Flading* at 351. The Court then applied the balancing test of O.C.G.A. § 24-4-403 and determined that the waiver's probative value *was not* substantially outweighed by the danger of unfair prejudice, contrary to Flading's assertion. Therefore, the court held that the "Final Decision" agreement was properly admitted by the trial court. Further, the Court reasoned in footnote 8 of the opinion that the waiver would have survived a hearsay challenge because it was a statement against interest which exposed the defendant to criminal liability, and as such would be admissible pursuant to O.C.G.A. § 24-8-804(b)(3)(A).

It is important for Georgia traffic prosecutors to step back and consider how *Flading* has changed the landscape of the ALS



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hearings. Admittedly, the decision *does not* make the waiver form instantly admissible throughout the state. However, it does give Joint Withdrawal agreements a great deal more weight and importance, and traffic prosecutors would be well-advised to seek the admission of such agreements into evidence in any trial where the defendant has disregarded his or her prior agreement to plead guilty to DUI. The wording contained in the form outlined in the *Flading* decision, stating that the parties agree that the form is admissible as an admission that the defendant was guilty of DUI¹, should be included in all waiver forms hereafter used in the ALS context.

In light of *Flading*, how should the arresting officers prepare for ALS hearings?

• ***First and foremost, go!***

The vast majority of administrative license suspensions (on the order of 95%, according to the Governor's Office of Highway Safety) are affirmed when an officer appears and follows-through with a hearing. In contrast, in all administrative suspension proceedings where an officer fails to appear, the suspensions are rescinded.

• ***Next, go prepared!***

Officers should have all of the required documentation, including, his/her arrest report; the Implied Consent card that was read to the defendant (remember to read it into the record and substitute a copy for the original); an original of the Intoxilyzer printout; his/her Intoxilyzer 5000 or 9000 operator's permit (if he/she was the operator); a copy of the last two Certificates of Calibration for the Intoxilyzer used (if the officer did not operate the instrument), and—if the defendant was stopped at a roadblock—a certified copy (certified by the agency's records custodian) of the roadblock authorization form and statistical summary or after action report. It should be noted that, if necessary, an officer *can* subpoena the Intoxilyzer operator and the roadblock supervisor to the hearing in order to avoid any issues with the Certificates of Calibration and the certified copies of any roadblock reports. However, in such cases, the roadblock supervisor should bring the roadblock documentation to the hearing.

The Administrative License Suspension process was designed to get impaired drivers off of Georgia's roads *quickly*. To be effective, communication between officers and prosecutors is crucial. Insofar as it is possible, officers should routinely update their prosecutors on the status of pending

administrative hearings. Officers who enter into a Joint Withdrawal agreement, but then receive a subpoena in the corresponding criminal case should inform the prosecutor at once, and then reinstate the defendant's suspension. Prosecutors should be available as a resource for officers, and be ready to assist them in any way possible. Prosecutors with access to needed documents (*i.e.*, Intoxilyzer Calibration Certificates) make sure to get them to officers when necessary for ALS purposes. Find out when the ALS hearings are held in your jurisdiction and attend when possible. Working together, officers and prosecutors can utilize the administrative process more effectively to make all of Georgia's roadways safer for the driving public. 

Endnotes

1. The author suggests inclusion of the following language in all future Joint Withdrawal forms:

COME NOW the parties in the above-styled case and respectfully request that the Sworn Report be withdrawn, and in so doing respectfully show as follows:

1. The undersigned arresting officer is the Complainant in this case. As such, the arresting officer completed a Sworn Report, which was submitted to the Georgia Department of Driver Services pursuant to O.C.G.A. § 40-5-67.1. It is now the intent of the undersigned arresting officer to withdraw the Sworn Report and rescind the administrative suspension. This withdrawal of the Sworn Report is based upon an agreement between the parties. In exchange for the arresting officer's withdrawal of this Sworn Report, the Plaintiff shall enter a plea of guilty to the underlying charge of violating O.C.G.A. § 40-6-391 at the time of arraignment. The parties agree that a copy of this Joint Motion may be admitted into any subsequent legal proceeding involving the charge as an admission by the Plaintiff of the Plaintiff's guilt in exchange for the rescission of the administrative license suspension.

2. The Plaintiff further agrees that if s/he fails to enter a plea of guilty to the underlying charge of violating O.C.G.A. § 40-6-391 at the time of arraignment, (a) this order may be voided; (b) s/he waives his/her right to a hearing under O.C.G.A. § 40-5-67.1(g) (l); and (c) s/he authorizes the arresting officer to sign and file ex parte the Affidavit below with this court, which shall immediately enter an order reinstating the administrative suspension **without a hearing**.



UPCOMING TRAINING EVENTS

FEBRUARY 16, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Hall County Government Center
2875 Browns Bridge Road
Gainesville, GA 30504
8:00 AM - 3:00 PM

FEBRUARY 20, 2015

Joint Prosecutor & Law Enforcement DUI Training

Lithonia Police Department
6920 Main Street
Lithonia, GA 30058
8:00 AM - 3:00 PM

FEBRUARY 27, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Roswell-Alpharetta Public Safety Training Center
11565 Maxwell Road
Alpharetta, GA 30009
9:00 AM - 4:00 PM

MARCH 9, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Valdosta State University
University Center, Building #39, Magnolia Room
1205 N. Patterson Street
Valdosta, GA 31601
9:00 AM - 4:00 PM

MARCH 25-27, 2015

2015 Prosecuting the Drugged Driver

Calloway Gardens
17800 U.S. Highway 27
Pine Mountain, GA 31822

APRIL 16, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Cobb County Board of Commissioner's Room
100 Cherokee Street, 2nd Floor
Marietta, GA 30090
8:00 AM - 3:00 PM

APRIL 17, 2015

Joint Prosecutor & Law Enforcement DUI Training

Cobb County Board of Commissioner's Room
100 Cherokee Street, 2nd Floor
Marietta, GA 30090
8:00 AM - 3:00 PM

MAY 1, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Hiram Police Department
217 Main Street
Hiram, Georgia 30141
8:00 AM - 3:00 PM

MAY 14, 2015

Joint Prosecutor & Law Enforcement Drug Impaired Driving Training

Cherokee County Justice Center
Jury Assembly Room
90 North Street
Canton, GA 30114
8:00 AM - 3:00 PM

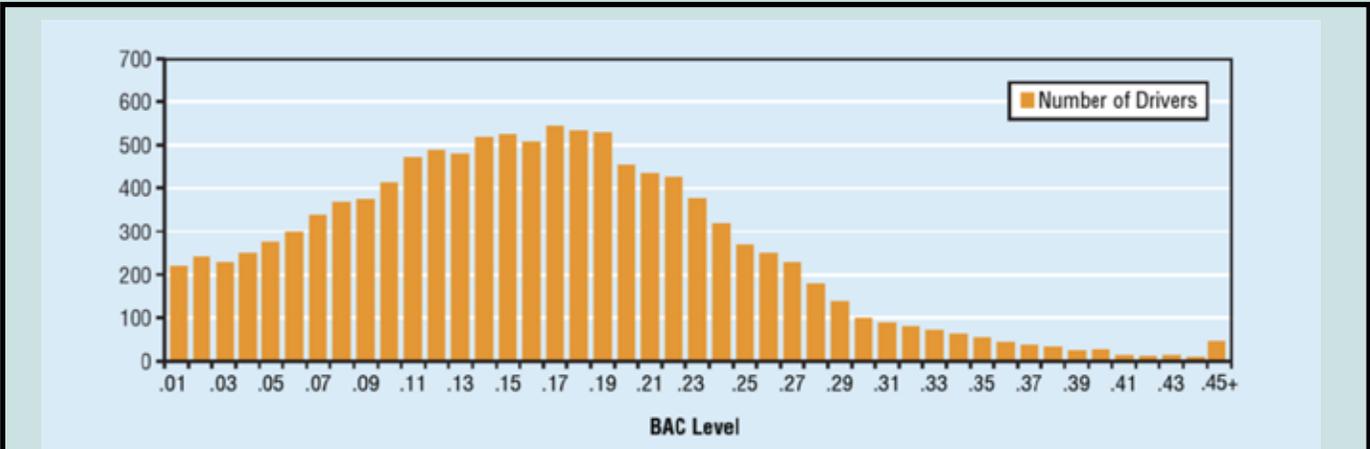
Visit the PAC website to read more about our training events or to register to attend a course www.pacga.org.



DID YOU KNOW?

Among the 10,076 alcohol-impaired-driving fatalities in 2013, 68 percent (6,860) were in crashes in which at least one driver in the crash had a BAC of .15 g/dL or higher.

Distribution of BAC Levels for Drivers With BACs of .01 or Higher Involved in Fatal Crashes, 2013



Across the country, in fatal crashes with any measurable alcohol, the large majority of drivers in fatal crashes had measurable alcohol levels far higher than 0.08. In 2013, 84% (9,461) of the 11,307 drivers with BACs of .01 or higher who were involved in fatal crashes had BAC levels at or above 0.08, and 56% (6,341) had BACs at or above .15. Among the 10,076 alcohol impaired driving - driving fatalities in 2013, 68% (6,860) were in crashes in which at least one driver in the crash had a BAC of .15 g/dL or higher. The most frequently recorded BAC among drinking drivers in fatal crashes was 0.17.

Source: National Highway Traffic Safety Administration, "Traffic Safety Facts 2013 Data: Alcohol-Impaired Driving," December 2014, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf>.

PAC WELCOMES TRAFFIC SAFETY RESOURCE PROSECUTOR JOE STONE



Joe Stone
Traffic Safety Resource Prosecutor
404-969-4001
jstone@pacga.org

Since late 2012, the Prosecuting Attorneys' Council Traffic Safety Resource Program has operated with the assistance of a single Traffic Safety Resource Prosecutor. In the intervening years, several factors—including the size of the State of Georgia and the growing demand for cutting-edge traffic safety training—demonstrated the necessity of adding additional manpower to the Council's staff.

After an exhaustive process, PACGA added a second Traffic Safety Resource Prosecutor (TSRP) to its staff on October 1, 2014.

Joseph L. Stone ("Joe") joined the Traffic Safety team after seven years with the Henry County Solicitor-General's Office. Prosecution is Joe's second career—he spent roughly 30 years as an automotive electrician with General Motors. In addition, he served in Georgia's Air National Guard as an avionics specialist during the 1980s, supporting the F-4 Phantom and the F-15 Eagle. In 2002, Joe returned to college and obtained a criminal justice degree from Georgia State University, and then finished his law degree at Atlanta's John Marshall Law School in early 2007. He immediately went to work in the Henry County Solicitor-General's Office, where he prosecuted a variety of traffic crimes, including a large number of DUI cases.

Joe brings a wealth of traffic safety and impaired driving knowledge to the Traffic Safety Resource Program. Most importantly, because of his expertise, PACGA will be able to extend the scope of technical assistance and training opportunities available to traffic prosecutors across the state. **Welcome aboard, Joe!**

>>> facts:

- An average of one alcohol-impaired-driving fatality occurred every 52 minutes in 2013.
- Of the traffic fatalities among children 14 and younger in 2013, about 17 percent occurred in alcohol-impaired-driving crashes.
- In 2013, the 21 - to 24-year-old age group had the highest percentage of drivers in fatal crashes, with BAC levels of .08 or higher (33%).

- Statistics courtesy NHTSA, "Traffic Safety Facts 2013 Data: Alcohol-Impaired Driving," December 2014, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf>.

BACK BY POPULAR DEMAND: PROSECUTING THE DRUGGED DRIVER RETURNS IN MARCH



Uncredited photo used courtesy of hotels.com.
<http://www.hotels.com/ho131819/callaway-gardens-pine-mountain-united-states/>

Because of the overwhelming response to PACGA's September 2014 presentation of NHTSA's "Prosecuting the Drugged Driver" course, the Traffic Safety Resource Program, in conjunction with the Governor's Office of Highway Safety, will offer the course again from March 25-27, 2015 at Callaway Gardens in Pine Mountain, Georgia. Interested law enforcement officers and prosecutors responsible for the investigation and prosecution of drug-impaired driving cases are encouraged to attend. Attendees will receive advanced training on drugged driving trends, the Drug Recognition Expert (DRE) protocol, charging decisions and evidence considerations unique to drugged driving cases, and dealing with defense experts. Completion of the course will allow prosecutors and officers alike to better investigate, understand and present cases involving impairment based on illegal and prescription drugs. To preregister for this event, call Kelly McWaters at (404) 969-4001 or visit the PAC website at: <http://www.pacga.org/site/content/33>.

Prosecuting the Drugged Driver
Callaway Gardens
17800 U.S. Highway 27
Pine Mountain, GA 31822
March 25-27, 2015

GEORGIA traffic PROSECUTOR

Prosecuting Attorneys' Council of Georgia
Traffic Safety Program
104 Marietta Street, NW
Suite 400
Atlanta, Georgia 30303

>>> GEORGIA TRAFFIC SAFETY RESOURCE PROGRAM



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>>> fact:

In 2010 (the most recent year for which cost data is available), the estimated economic cost of alcohol-impaired-driving crashes in the United States was \$49.8 billion.

-Statistics courtesy NHTSA (<http://www-nrd.nhtsa.dot.gov/Pubs/812102.pdf>)

The "Georgia Traffic Prosecutor" addresses a variety of matters affecting prosecution of traffic-related cases and is available to prosecutors and others involved in traffic safety. Upcoming issues will provide information on a variety of matters, such as ideas for presenting a DUI/Vehicular Homicide case, new strategies being used by the DUI defense bar, case law alerts and other traffic-related matters. If you have suggestions or comments, please contact Editor Todd Hayes or Joe Stone at PAC.