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## PROGRAM ANNOUNCEMENT

*The Advocacy Institute Is Pleased to Present*

### PROSECUTING THE DRUG-IMPAIRED DRIVER

**June 11, 2018**

**(Registration: 8:30 a.m. to 9:00 a.m.)**

**9:00 a.m. to 4:00 p.m.**

**R.J. Hughes Justice Complex**

**4<sup>th</sup> Floor Conference Room A**

**25 Market Street**

**Trenton, New Jersey**

#### PLEASE READ: NOTICE REGARDING COURSE MATERIALS

You will receive the course materials approximately forty-eight (48) hours prior to the date of the course. The materials will be contained in an email attachment.

#### *Program Summary*

This program will examine the multitude of issues involved in prosecuting the drug-impaired driver. It will take an in-depth look at the 12-step Drug Influence Evaluation, the Drug Recognition Expert training program and the scope of testimony a Drug Recognition Expert can provide. The program will also cover how biological samples obtained during the Drug Influence Evaluation are tested by the Office of Forensic Science; including which substances are tested and how the test results are reported. Legal and practical issues related to drug-impaired driver prosecutions will be addressed, including pertinent case law, witness selection and examination and developing the most effective arguments to support your case.

#### *Who Should Attend?*

**This program is open to municipal and county assistant prosecutors and deputy and assistant attorneys general within the Division of Criminal Justice only. Please DO NOT attempt to register for this program if you are NOT a municipal or county assistant prosecutor or an attorney in the Division of Criminal Justice.**

## *Who Is the Faculty?*

**AP Monica do Outeiro** is an Assistant Prosecutor in the Appellate Section of the Monmouth County Prosecutor's Office. AP do Outeiro began working for the Monmouth County Prosecutor's Office as a legal assistant in the Appellate Section and was sworn in as an Assistant Prosecutor in 2007. After brief stints in the Family Unit prosecuting juvenile and domestic violence cases, she returned to the Appellate Section. AP do Outeiro is the Municipal Prosecutors Supervisor and is responsible for developing case law involving the Alcotest. She is also a Police Training Commission Certified Instructor who regularly teaches at the Monmouth County Police Academy and at various in-service trainings for municipal police officers. AP do Outeiro graduated *magna cum laude* from Hamilton College in Clinton, New York in 2003 with a Bachelor of Arts degree in English Literature, and graduated *cum laude* from Quinnipiac University School of Law in Hamden, Connecticut in 2006.

**Lieutenant Christopher Dudzik** has been employed by the Toms River Police Department for the past twenty years. He began as a patrolman assigned regular patrol work then was assigned to the Traffic Safety Bureau in 1999. He remained in the Traffic Safety Unit until June 2008 when he was promoted to the rank of Sergeant. As Sergeant, he supervised patrol officers on all shifts before moving to Special Operations where he oversaw all aspects of Traffic Safety and directly supervised the Traffic Safety Unit, Motorcycle Unit, and Crossing Guards. In 2014 he was promoted to the rank of Lieutenant. Lieutenant Dudzik has extensive training in Crash Investigation and is a certified Accident Reconstructionist. He is an active radar instructor for the Toms River Police Department and serves as an instructor for the Ocean County Police Academy. He also is an instructor for Kean University teaching advanced Crash Investigation courses. He is an active member of the New Jersey Association of Accident Reconstructionists (NJAAR) and former member of the International Association of Law Enforcement Educators and Trainers Association (ILEETA). Lieutenant Dudzik also has extensive training in DWI detection and investigation. During his career, he has made several hundred DWI arrests, averaging approximately 30 arrests per year. He is trained in Breathalyzer and Alcotest Operation, Standardized Field Sobriety Testing, and has undergone training as a Drug Recognition Expert. He is also currently a DRE Instructor and President of the New Jersey DRE Association. He has instructed for the DRE Program across the country. He is a former Field Training Officer and is still an Emergency Medical Technician.

Lieutenant Dudzik holds a Bachelor's Degree in Criminal Justice from the University of Delaware with double minors in Sociology and History. He is currently working towards his Masters in Administrative Science from Fairleigh Dickinson University.

**Sgt. Mike Gibson** was a member of the 135th State Police Class and graduated from the NJSP Academy in September of 2004. He is currently assigned to the Alcohol Drug Testing Unit and is New Jersey's Drug Recognition Expert (DRE) State Coordinator. Prior to joining the State Police, Sgt. Gibson served as a Class II Police Officer in the City of North Wildwood during the summer of 2000. He also served as a Cape May County Sheriff from 2001 to 2002. In 2002, Sgt. Gibson became a full time Police Officer in the City of North Wildwood, where he worked until March of 2004.

Sgt. Gibson completed the Drug Recognition Expert Training (DRE) in 2007 and has been a certified DRE Instructor since 2009. He has trained over 300 Drug Recognition Experts and has held the positions of Course Manager and Lead Instructor. Sgt. Gibson has trained over 200 municipal and county prosecutors, as well as other law enforcement professionals. Sgt. Gibson has been recognized as an expert in DRE, DWI/SFST, and breath testing, in numerous municipal courts in New Jersey.

**DAG Robyn Mitchell** is a Deputy Attorney General with the New Jersey Division of Criminal Justice. DAG Mitchell has been assigned to the Prosecutors Supervision and Training Bureau since March 2011, where she handles matters involving DWI and Alcotest-related issues and provides legal guidance and support to assistant county prosecutors and municipal prosecutors in the prosecution of DWI cases.

DAG Mitchell joined DCJ in 2002 and was previously assigned to the Appellate Bureau and the Legislation Section. DAG Mitchell started her career as a Staff Attorney in the Criminal Defense Division of The Legal Aid Society in Manhattan. She received her B.A. degree from Rutgers College and her J.D. from The University of Maryland School of Law in Baltimore, Maryland.

**DAG Erin Shamy** joined the Division of Criminal Justice in June 2015 and is assigned to the Prosecutor's Supervision and Training Bureau. DAG Shamy assists DAG Robyn Mitchell with traffic safety and municipal court legal issues and training. She also handles the return of weapons for State law enforcement officers involved in domestic violence incidents and trains prosecutors and law enforcement officers on domestic violence and sexual assault topics. DAG Shamy is an instructor at the DCJ Academy in Sea Girt, where she teaches criminal law, motor vehicle offenses, drug offenses, use of force and courtroom testimony.

Prior to June, 2015, DAG Shamy worked in private practice and as a Municipal Prosecutor from 2001-2006 and again from 2012-2015. She was a Municipal Court Judge from 2007-2010. DAG Shamy was an Assistant Prosecutor with the Middlesex County Prosecutor's Office from 1996-2001. DAG Shamy obtained her law degree from Rutgers-Camden School of Law in 1995 and her undergraduate degree from Rutgers University-Douglass College in 1992. She served as a law clerk to Honorable Travis L. Francis, A.J.S.C and Honorable George J. Nicola, J.S.C. 1995-1996.

**Bridget Verdino** is a Forensic Scientist 3 with the NJSP Office of Forensic Sciences, where she is the Toxicology Unit Supervisor in Sea Girt, NJ and the Toxicology QA/QC Coordinator for the OFS. Her current duties include the technical and administrative review of casework, as well as, the technical oversight of toxicology procedures, quality assurance/quality control, and training and proficiency testing.

Bridget has been working in the Forensic Science field for over 20 years. Since 2001, she has been employed by the NJSP Office of Forensic Sciences in the Toxicology section. Over her tenure, Bridget worked extensively on drug facilitated sexual assault (DFSA) cases as well as general toxicology cases, method development, and training other scientists. She has had the opportunity to serve the forensic and law enforcement communities as a speaker at various professional meetings and training classes.

Bridget received her Bachelor of Science degree in Chemistry from Saint Mary's University in Halifax, Nova Scotia. In 2016, she earned her Master of Science degree in Forensic Toxicology at the University of Florida, College of Veterinary Medicine in Gainesville, Florida. Bridget is a member of the Society of Forensic Toxicologists (SOFT), the Northeastern Association of Forensic Scientists (NEAFS), and the New Jersey Association of Forensic Scientists (NJAFS).

### *CLE Credit*

**NJ CLE Credit:** This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 6.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 6.0 qualify as hours of credit toward certification in criminal trial law.

**NY CLE Credit:** 6.0 Substantive Credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 5.0 Substantive Credits (\$7.50 mandatory registration fee required).

### **How Do I Register?**

#### **State Employees**

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

#### **Non-State Employees or State Employees not Connected to the Garden State Network**

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: [njagai@njoag.gov](mailto:njagai@njoag.gov) for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

**If you have already been issued an authorization code in the past you do not need to**

**request another one.** You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

## **Prosecuting the Drug Impaired Driver**

June 11, 2018

R.J. Hughes Justice Complex

**4<sup>th</sup> Floor Conference Room A**

25 Market Street

Trenton, New Jersey

### **AGENDA**

- 8:30 a.m. – 9:00 a.m.                      Registration
- 9:00 a.m. – 12:00 p.m.  
(10 min. break given)                      The Drug Recognition Expert (DRE) Program: This program will take an in-depth look at the DRE program, including how it was developed, validation studies, the training required for police officers to become a DRE, the 12-step Drug Influence Evaluation, the 7 drug categories, signs and symptoms of the 7 drug categories, types of drugs commonly associated with each of the 7 drug categories, and the scope of testimony a DRE can provide.
- 12:00p.m. – 1:00 p.m.                      Lunch
- 1:00 p.m. – 2:00 p.m.                      Forensic Toxicology: This program will discuss how the biological Samples that are obtained during the Drug Influence Evaluation are tested by the Office of Forensic Science, with topics to include what substances are tested for, how the test results are reported, and the scope of testimony a forensic toxicologist can provide.
- 2:00 p.m. – 2:10 p.m.                      Break
- 2:10 p.m. – 4:00 p.m.                      Legal Considerations of Prosecuting the Drug-Impaired Driver: This program will discuss the legal and practical issues involving the prosecution of the drug-impaired driver, with a focus on witnesses to call, questions to ask these witnesses, arguments to make, and case law to rely upon.