

# News From The States

# EVENING WRAP

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By [Kate Queram](#)

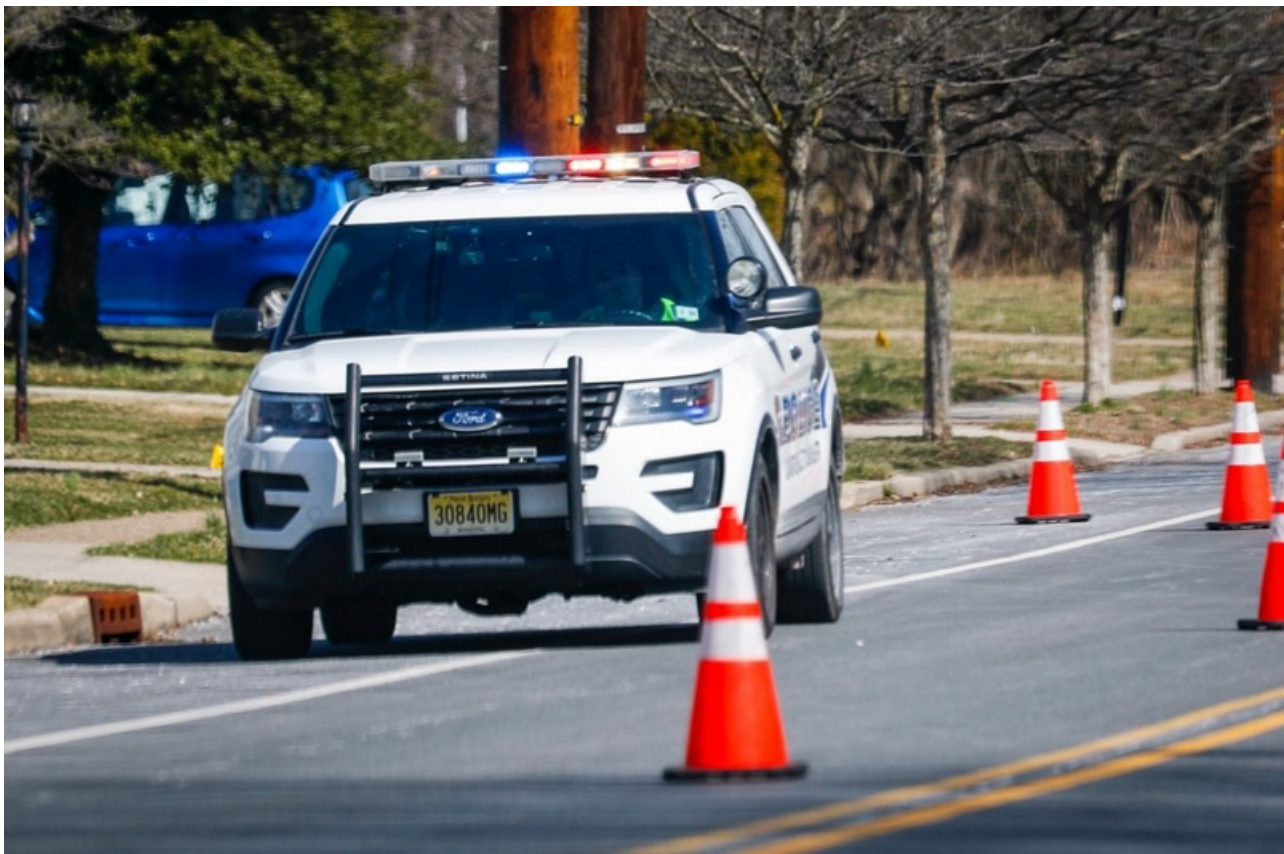
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Let's get right to the news!



## The Big Takeaway

Testimony from [drug recognition experts](#) — law enforcement officers trained to determine whether a driver is under the influence of drugs — is “reliable enough” to be used as evidence, the New Jersey Supreme Court ruled Wednesday. The 5-2 decision affirms [a 2022 report](#) from a court-appointed special master but limits how the testimony can be used, creating a framework for enforcing impairment laws in a state where marijuana is legal, [the New Jersey Monitor reported](#).



*A police car and an alarming number of cones.  
(Photo by the New Jersey Monitor)*

“Although it has its imperfections,” Superior Court Judge Jack Sabatino [wrote for the majority](#), “the protocol has stood the test of time in its widespread acceptance.”

Drug recognition experts, or DREs, use a 12-step process to determine whether a driver is currently high. The protocol was developed in 1979 as a stand-in for blood and urine tests, which can detect the presence of marijuana long after its effects have worn off, resulting in false positives. Studies have shown that the process is generally accurate, both [nationwide](#) and in New Jersey, where the [special master concluded](#) that DREs “correctly identified true positive cases between 85.3% and 92.3% of the time.”

**Those numbers did not fully appease the state Supreme Court**, which said it presumed “that researchers will continue to study the efficacy of the DRE methodology.” The majority’s decision, Sabatino wrote, does not rule out “future litigation with appropriate testimony to re-examine it.”



*May we place you on a brief hold?"  
(Photo by Seth Tupper/South Dakota Searchlight)*

**The Department of Veterans Affairs said Wednesday it would cooperate** with [an investigation](#) into its veterans crisis line following allegations that the agency was transferring emergency mental health calls to a small unit “severely understaffed by an untrained workforce,” [our D.C. bureau reported](#).

“VA takes any allegations of insufficient care or service very seriously and will investigate thoroughly,” Denis McDonough, the department’s secretary, wrote in [a letter Wednesday](#). “We look forward to receiving the forthcoming report from the Government Accountability Office and considering any recommendations.”

U.S. Sen. Jerry Moran (R-Kansas) asked the Government Accountability Office to investigate the VA after multiple whistleblowers contacted his office with reports of “gross mismanagement” that allows veterans in crisis to slip through the cracks of a system designed specifically to help them. Callers with “complex needs” — including those who swear, exhibit “disruptive behavior” or are generally difficult to deal with — are regularly transferred to a short-staffed unit, where they’re placed on hold until a responder is available. Callers who hang up or are disconnected do not receive follow-up calls, because no one collects their

contact information before they're transferred, aides told reporters on Tuesday.

**McDonough disputed some of those claims in his letter.** Callers with complex needs — those who display “inappropriately abusive behavior,” “sexual behavior,” or “high-frequency calling for a purpose other than crisis support” — are transferred to a specific unit with staffers who have been trained in “behavior-shaping, boundary-setting and coaching.” When the unit is overwhelmed, “we will add staff to that shift, using overtime and other tools,” he said.



*Press 1 for behavior shaping.  
(Photo by Getty Images)*

Callers who end up on hold are sometimes placed there deliberately to pause “their engagement with a responder” so they might “modify their behavior,” McDonough said.

“While engaged in a delay, the caller hears a caring message about why they are waiting for a response, how to shape their behavior to be removed from a hold, and what to do if in crisis,” McDonough wrote. “Crucially, there is always an option for these callers to connect to support immediately if they are experiencing an urgent crisis, and these callers are neither placed on indefinite holds nor involuntarily disconnected.”



**The allegations come two months after** a separate investigation concluded that the crisis line had failed to help a veteran who died by suicide minutes after concluding a text conversation with a responder. That employee “did not complete an adequate assessment of the patient’s suicide risk factors” and “failed to adequately pursue actions to address the patient’s suicidal preparatory behavior, including reducing access to immediate lethal means,” according to a [95-page report](#) released by the VA inspector general in September.

**Responders:** [Alaska’s domestic violence council explores restorative justice methods in court sentencing](#) ... [More questions than answers on school vouchers as Arizona legislative oversight committee wraps up](#) ... [Michigan Department of Civil Rights issues discriminatory charge to Traverse City salon for anti-trans posts](#) ... [Minnesota lawmakers changed felony murder laws, which could mean the release of prisoners](#) ... [Nevada settles lawsuits with injured inmate firefighters, stripsearched woman](#) ... [Parental rights case divides New Hampshire Supreme Court](#) ... [Another judge hammers former Ohio utility regulator Randazzo in FirstEnergy case](#) ... [Biden nominates Oregon judge for the federal bench](#) ... [Prosecutors want changes in how the South Carolina Legislature selects judges](#) ... [Texas inmate Syed Rabbani taken off death row after original appeal was left pending for decades](#)



## State of Our Democracy

South Carolina lawmakers on Tuesday approved a proposal to relocate state employees to new offices on a 100-acre property owned by a major Republican donor. The move would shift four state agencies to two office campuses at a cost of \$496 million over 20 years, roughly \$335 million more than it would cost to simply maintain the current facilities, [per the SC Daily Gazette](#).



*These old buildings are basically falling down!!  
(Photo by Jessica Holdman/ SC Daily Gazette)*

About 60% of that money would go toward rent, paid to a real estate firm owned by megadonor Bill Stern, who mostly gives to the state's ruling Republicans but also to Democratic incumbents. Stern, who chairs the state Ports Authority board and led Gov. Henry McMaster's [inaugural committee](#), has scored similar deals with the state in the past, including a \$133 million contract to build two office facilities and then lease them to the state. That deal, and the proposed relocation, require taxpayers to cover any maintenance projects under \$100,000. (Stern did not respond to requests for comment.)

Republicans said they had to procure new office space ahead of next summer, when the Department of Health and Environmental Control will split into two separate agencies. Six other property owners submitted bids for the contract but were dismissed, either for inadequate square footage or a lack of accessibility for people with disabilities, lawmakers said.

Democrats questioned the logic of selling property in favor of renting other property, which Republicans said was silly. The existing buildings are *decrepit*, and when the *new* buildings eventually become decrepit, everyone will be glad the state doesn't own *those*, too.

The office campuses are “very good and appropriate places for us to go,” concluded state Rep. Bruce Bannister.

The deal won't be final until the legislature approves a state budget that includes funding for the move. But that likely won't be a problem. The proposal garnered unanimous support Tuesday from the legislature's fiscal oversight board, a panel that includes the chief budget writers from both the Senate and the House.

**Cha-ching:** [Arkansas filing period ends with all congressional seats contested, four-way race for chief justice ... Colorado judge to hear closing arguments in case seeking to bar Trump from ballot ... Louisiana voters have stark contrast in state treasurer candidates on the ballot ... Michigan judge says only Congress can keep Trump off of the 2024 ballot ... New Jersey first lady Tammy Murphy launches U.S. Senate campaign ... Pumping the brakes: Ohio House Speaker dismisses effort to limit court jurisdiction on Issue 1 ... Winthrop Poll shows Nikki Haley in 2nd place in South Carolina, but still way behind Trump](#)



## From The Newsrooms

- [Nebraska abortion rights petition language aims for viability standard](#)
- [Alabama commission looks at further grocery tax cuts, potential revenue replacement](#)
- [University of South Carolina expanding civil rights research hub on former campus of historic Black school](#)
- [Federal lawsuit reveals behind-the-scenes saga of failed Missouri marijuana testing lab](#)
- [\(Georgia\) Fulton prosecutors ask for protective order after leaked videos in 2020 election racketeering case](#)



## One Last Thing

Prince Harry and Prince William's relationship is "[beyond repair,](#)" according to the author of a new book about the survival (or demise?) of the monarchy.

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