



Upcoming CTFDID Meeting Dates

March 19, 2021
April 16, 2021
May 21, 2021
June 18, 2021
July – no meeting

Meeting Notes

February 19, 2021

Virtual Meeting via Zoom
9:00 am – 12:00 pm

Mission

The mission of the Colorado Task Force on Drunk and Impaired Driving (CTFDID) is to support the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado through strong partnerships with public, private and non-profit organizations.

The CTFDID brings people together, creating a forum for victims and advocates to access many experts and resources in one place. It provides a formal mechanism to leverage resources in order to create a multi-faceted approach to solving a problem which is often minimized and understated in our community. The CTFDID acts as a resource for the legislature, enabling it to consider more cohesive, well-thought-out proposals.

- Welcome, Introductions and Mission Statement:
 - Self-Introductions: Name; Agency, Entity or Interest Represented
 - Chief Bob Ticer, Loveland Police Department, CTFDID Chair
 - Attendees introduced themselves and the organization they represent.
- Minutes of Previous Meeting:
 - Chief Ticer
 - January meeting minutes were approved.
- Statistics, State Fatality Numbers:
 - Glenn Davis, Colorado Department of Transportation (CDOT)
 - Christine Demont, Colorado Department of Public Health and Environment (CDPHE)
 - *Data are appended to these notes.*
 - Fatality rates determine how CDOT applies for funds. Colorado is a mid-range state, meaning we have an impaired driving fatality rate of over 30% over the past three years. Because we are mid-range, we must have an Impaired Driving Plan to apply for funds, which we have.

- In 2020, Colorado had the highest rate of motorcyclist fatalities ever – 134. Motorcyclists are only 3% of the vehicle population and only 1% of commuter population. CDOT is planning an aggressive advertising and awareness for motorcycles in 2021.
 - The 2020 fatality data are still be analyzed, but right now we are showing 611 fatalities, up from 597 last year even though the Vehicle Miles Traveled (VMT) is much lower in 2020 than in previous years because of COVID.
- Legislation:
 - Glenn Davis, CDOT
 - Fran Lanzer: Executive Director of MADD Colorado
 - Mike Honn, Colorado State Patrol
 - *HB21-1027 Continue Alcohol Beverage Takeout And Delivery.* Concerning the authorization for certain alcohol license holders to offer alcohol beverages for consumption off the licensed premises. A summary is available here: <https://leg.colorado.gov/bills/hb21-1027>.
 - *HB21-1039 Careless Driving Serious Bodily Injury.* Concerning the penalties imposed on the driver of a motor vehicle who causes serious bodily injury to another person. A summary is available here: <https://leg.colorado.gov/bills/hb21-1039>.
 - *SB21-062 Jail Population Management Tools.* Concerning measures to reduce jail populations. A summary is available here: <https://leg.colorado.gov/bills/sb21-062>.
 - *SB21-074 Expunge Nonviolent Convictions After Three Years.* Concerning expungement of conviction records for nonviolent offenses. A summary is available here: <https://leg.colorado.gov/bills/sb21-074>.
 - CSP is working with DOR on a bill related to drivers' license suspension – focused on non-driving related suspensions. Removes suspension options for non-driving offenses (e.g. not registering a motor vehicle), removes reinstatement fee, but keeps points on license. There is a potential negative fiscal consequence for DOR.
 - The Commission on Criminal and Juvenile Justice (CCJJ) has a Sentencing Reform Task Force that is looking at the sentencing structure for Colorado, it is currently leaving the DUI sentencing alone. Details are available here: <https://ccjj.colorado.gov/ccjj-srtf>.
 - Colorado Distract Attorneys' Council (CDAC) would like Task Force to focus on *SB21-062* (above) and work being done by Commission on Criminal and Juvenile Justice (CCJJ), specifically four changes that impact DUI:
 - Allow a person sentenced to DUI to participate in work-release, but could not work from home for their own home business.
 - For DUI 3rd, work release possible but not with COVID restrictions so may replace this with community corrections placement.
 - Revision that allows individuals sentenced to DUI to be placed in residential placement in lieu of county placement.

- Revision to allow a judge to find exceptional circumstances that would make incarceration unsafe or a risk to a person’s health so the court would make alternative sentences including home detention.
 - Adam Musielewicz. Delivery bills – SB21-086. Is MADD looking at requirements for proper ID’ing or other training to ensure underage access is not happening?
 - MADD hasn’t yet focused on this; generally, do not take a stand on delivery.
 - Adam feels we need to get in front of alcohol delivery as a point of danger for underage access.
 - Glenn Davis.
 - There is a house bill for lane splitting. CDOT hasn’t taken position on it. Keep in mind we are a no helmet state and have high motorcycle fatalities.
 - CTFDID is legislatively mandated. Positions currently included statutorily are appended to these notes. If anyone wants to add any seats on the Task Force, now is the time to talk to legislators.
- Otorize, scientifically proven app to reduce impaired driving:
 - Andres Kukawka, Founder and CEO/CTO
 - Taylor Schollmaier
 - *Presentation is appended to these notes.*
- ONUS: Colorado Restaurants, Bars and Tasting Rooms Support Recovery Questionnaire:
 - W. Vito Montone, Chief Operating Officer
 - ONUS is partnering with Responsibility.org, Distilled Spirits Council of the United States, local craft associations, Uber and Lyft to create the Colorado version of the national “Save the Restaurants’ initiatives underway. ONUS wants to engage state, county, city, and nonprofits, as well as restaurant and bar suppliers, technology suppliers, insurance companies, medical businesses and more in the effort. Please share your input: <http://bit.ly/IBIP-2021>
 - *ONUS information is appended to these notes.*
- Limitations on Toxicological Breath Testing – A discussion:
 - Lieutenant Lance Lazoff and Sergeant Glenn Thomas, Colorado Springs Police
 - Sergeant Alan Ma, Denver Police
 - Adrienne Greene, Denver District Attorney’s Office
 - Jeff Groff, CDPHE Evidentiary Breath Alcohol Testing Manager
 - Sgt Thomas:
 - Breath testing was suspended in March of 2020 due to COVID. Every month this is retested/revisited. Decline in COVID numbers in their counties has led to decision to resume breath-testing. If person refuses to remove mask and take test, they will be required

to have a blood test. They will continue to watch COVID numbers to determine future action.

- All intoxilyzers are in booking areas. They are cleaned but not in sterile areas. If the area gets contaminated, it is closed down along with all other connected areas – maybe the entire sub-station.
- Sgt. Ma:
 - Guidance by CDPHE regarding use of Intoxilyzer defined time, contact, and distance for testing.
 - Testing procedure does not comply with guidance or statutes.
 - Intoxilyzer is in a confined space. Use of Intoxilyzer requires sustained expulsion of breath into tube. When officer is holding the instrument he/she is less than 2 ft from the subject.
 - Unable to clean inside of instrument, only the outside.
 - Denver PD conducts blood test rather than breath test.
 - Comment from Glenn Thomas: El Paso County Sheriff's Office will begin performing breath tests, but will not be using Intoxilyzers. Those are located inside the El Paso County Criminal Justice Center and COVID testing must be completed prior to entry into the facility. There have been repeated outbreaks at that facility.
 - DPD has modified procedures to be in compliance with guidance and for safety of officers and detainees:
 - Use blood tests, rather than breath testing
 - Issue court summons instead of jailing
 - Booking on a later date
 - In-home detention instead of jail
- Adrienne Greene:
 - Evaluated situation to determine what should be done to protect officers and detainees. They consulted with a doctor from Denver Health Medical Center (Division of Occupational Medicine). She highlighted that medical procedures that involve aerosol producing procedures are currently limited. There are four risk factors:
 - Procedure requires forced air expulsion, both into the machine then into the environment when the machine is purged.
 - Individuals being tested were likely in a social setting and risk of potential infection is high.
 - Distance between officer and detainee is small.
 - Time of exposure; this requires prolonged exposure in confined space during observation period.
 - Legal and Medical communities have both altered requirements and processes due to the extraordinary circumstances brought about by COVID-19.
- Jeff Groff
 - Guidance issued by CDPHE was intended for all law enforcement agencies. They do not have authority to mandate discontinuation of

breath testing. They look at risk factors of when potential for contamination was at its highest and issued guidance. Highest risk was during breath test.

- Deprivation period does not need to be conducted in the room.
- There are alternatives for where tests could be performed – where the instrument is located.
- The inside of the instrument is heated to 47C. May kill the virus within the instrument. We don't know how long virus can stay alive within instrument.
- It is still an agency decision to offer or not offer breath tests; the CDPHE guidance was designed to address risk factors.
- Peter Davis, CDPHE BIO Safety Officer was conferred with prior to CDPHE issuing the guidance.
- *Memo on Expressed consent and Breath Tests from Office of the District Attorney, 4th Judicial District is appended to these notes.*
- National Highway Traffic Safety Administration (NHTSA) Update:
 - Joe Livingston, NHTSA Region 8, February Impaired Driving Update
 - Update to Special Reports on Traffic Safety During the COVID-19 Public Health Emergency Third Quarter Data - https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/traffic_safety_during_covid19_01062021_0.pdf.
 - Increases in sales and reported consumption of alcohol and other drugs. Compared to 2019, 2020 retail alcohol sales were 19.5% higher in July, 21.5% higher in August, and 20.6% higher in September.
 - DOR reported a 38% increase in year-over-year marijuana sales tax revenue for Q3;
 - Opioids and Stimulants: Showcasing Region 8 State Responses, Challenges and Opportunities: Mountain Plains Addiction Technology Transfer Center (ATTC)
 - 27.5% increase in marijuana use among 12 and older for years 2017-2019 compared to 2002-2004
 - 11.7% of population in CO had a substance use disorder between 2017-2019, compared to 9.4% regionally or 7.4% nationally
 - 120% increase use in Meth between 2001 and 2019, rates continue to climb steadily
 - The E-470 Transportation Safety Foundation (TSF) is now accepting applications for their 2021 grant program. The Foundation will award up to eight \$2,500 grants to nonprofit organizations and tax-exempt government entities. Deadline Thursday, March 18, 2021. See: <https://www.e-470.com/our-commitment/in-the-community/transportation-safety-foundation-grant-application/>.
 - Events

- Why Should Law Enforcement Leaders Care About Impaired Driving Enforcement, 2/23/2021
 - Developing Traffic Safety Champions, 2/24/2021
 - The Problem of Driving Under the Influence of Drugs - The Views of Four Former "Drug Czars", 2/24/2021
 - Wednesday, March 17th (12-1 MT) - Substance Use Cost Calculator for Employer, 3/17/2021. Join the National Safety Council and NORC at the University of Chicago on for a webinar to learn about the new "Substance Use Cost Calculator for Employers." Access the calculator at www.nsc.org/DrugsAtWork and register for the webinar at <https://lnkd.in/e2Wc5Rz>.
 - SAMSA (Substance Abuse and Mental Health Services Administration) has put out three brochures – Talk, they hear you. Information is available here: <https://www.samhsa.gov/underage-drinking>.
- Impaired Driving Assessment Tool:
 - Allison Rosenthal, Colorado Department of Public Safety (CDPS), Team Leader
 - Ginna Jones, Colorado Department of Health and Environment
 - Jack Reed, CDPS
 - Glenn Davis and Sam Cole: CDOT
 - Bonnie Holladay and Webster Hendricks, Colorado Department of Human Services
 - EMS
 - Toxicology
 - Probation
 - *Presentation is appended to these notes.*
- Media Relations & Significant Upcoming Events:
 - Sam Cole, CDOT
 - 175 arrests during Superbowl enforcement period. Down 100 from last year.
 - 18% increase in number of fatalities that involved an impaired driver last year; media has latched onto this.
- Public Comment/Lightning Round Update:
 - Bob Ticer, CTFDID Chair
 - Limited due to lack of time.
 - Kerry Ferguson. Register for Quick-Click Challenge here: https://docs.google.com/forms/d/e/1FAIpQLSfKkOP_bAWAma3wZqQX7x0W0MCfiC2iqj5gPQgJ-ESj79ltlQ/viewform.

Meeting adjourned at 11:55

Next Meeting: March 19, 2021