

Interagency

TASK FORCE

ON Drunk Driving

2010



The Interagency Task Force on Drunk Driving is committed to finding multi-disciplined solutions which ensure a reduction in the number of people injured and killed by impaired driving.

ITFDD Annual Report to the Colorado Legislature

Introduction

Drunk and impaired driving remains a significant public safety issue in Colorado. Although the situation has improved since the creation of the Interagency Task Force on Drunk Driving (ITFDD), there is still much work to be done. Task force members have made a significant investment of time and effort in forming a cohesive group which can leverage resources and promote change. Partnerships are established and functioning in a way that enables the members to broaden perspectives and develop a common view of the problem.

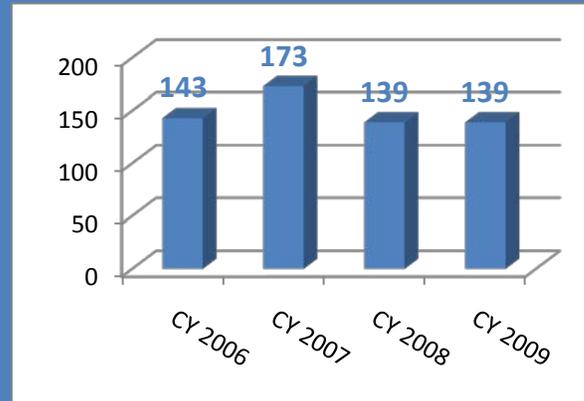
The ITFDD brings people together, creating a forum for victims and advocates to access many experts and resources in one place. It provides a formal mechanism to leverage resources in order to create a multi-faceted approach to solving a problem which is often minimized and understated in our community.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

In the past year, the task force has increased its commitment to solving the problem, and a strategic plan for the next five years is already being finalized. The group now stands ready to expand its impact by taking a more active role in promoting solutions.

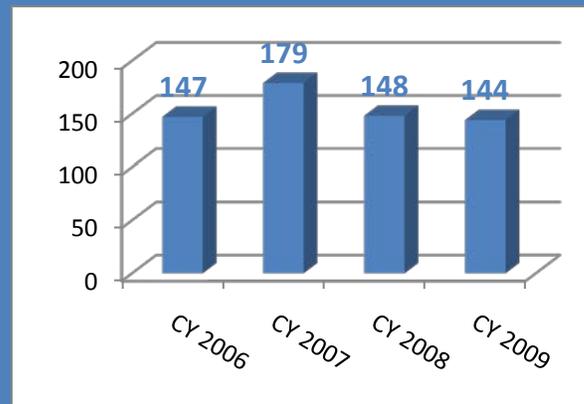
2010 Recommendations:

- Reduction of Persistent Drunk Driver Blood Alcohol Content Level from 0.17% to 0.15%
- Support for DUI Courts
- Support for Primary Seatbelt Legislation
- Support for establishment of Marijuana *Per Se* levels

Number of DUI/DUID involved crashes in Colorado with at least one fatality:



Number of people killed in Colorado DUI/DUID involved crashes:



Data Source: FARS Encyclopedia 12/8/2010

2010 Initiatives and Results

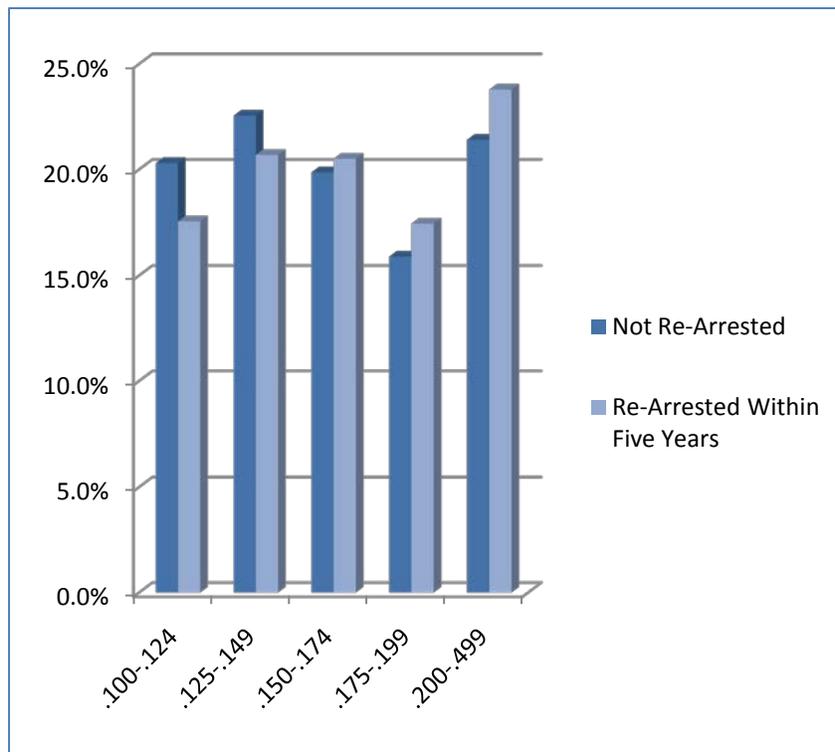
The ITFDD has researched issues, made recommendations, and supported legislative and regulatory changes in the following areas:

Reduction of Persistent Drunk Driver Blood Alcohol Content Levels

The ITFDD recommends reducing the PDD BAC level from 0.17% to 0.15%

The ITFDD formed a subcommittee specifically to address the area of persistent drunk driving. Persistent drunk driving in Colorado (PDD), by today's definition, includes those individuals who have had one or more prior drinking driving offenses or someone with a first offense with a very high blood alcohol content (BAC) at or above .17%.

Research was conducted to determine what relationship there is between BAC and recidivism in impaired driving offenders, and to gather data to support a reduction in the



statutorily defined BAC level for PDD offenders from .17 to .15%.

This analysis used Colorado-specific data and analyzed over 43,000 individual records. Recidivism was captured up to five years from the date of the original DUI arrest.

The research concluded that with a BAC of .15% or greater, offenders are more likely to produce recidivism. As the initial BAC level of first time offenders increases

above .15%, re-arrests continue to be more associated with these offenders than for those not re-arrested. Therefore, it was recommended that additional resources be considered for DUI offenders producing BAC values of .15% and above, rather than specifically at .17% and above.

Data provided by the Persistent Drunk Driving Committee from its white paper "First Offender BACs as a Predictor of DUI Recidivism", February 2010.

DUI Courts

The ITFDD Supports the establishment of DUI Courts

Both locally and nationally, problem-solving courts (including DUI Courts) are an effective strategy to intervene into a substance abusing offender's life to improve outcomes and reduce recidivism.

The ITFDD supports the efforts of the Colorado Department of Transportation and the Judicial Department in establishing DUI Courts in Colorado counties.

Currently there are eight operational DUI courts throughout the state. Supporting DUI courts is one of the main goals of the ITFDD long-range plan. The Task Force will work with Judicial's Problem-Solving Court Advisory Committee to:

- sustain the current DUI courts,
- evaluate the DUI courts,
- train current and future DUI court teams, and
- expand to more clients in existing courts and add DUI courts in more counties.

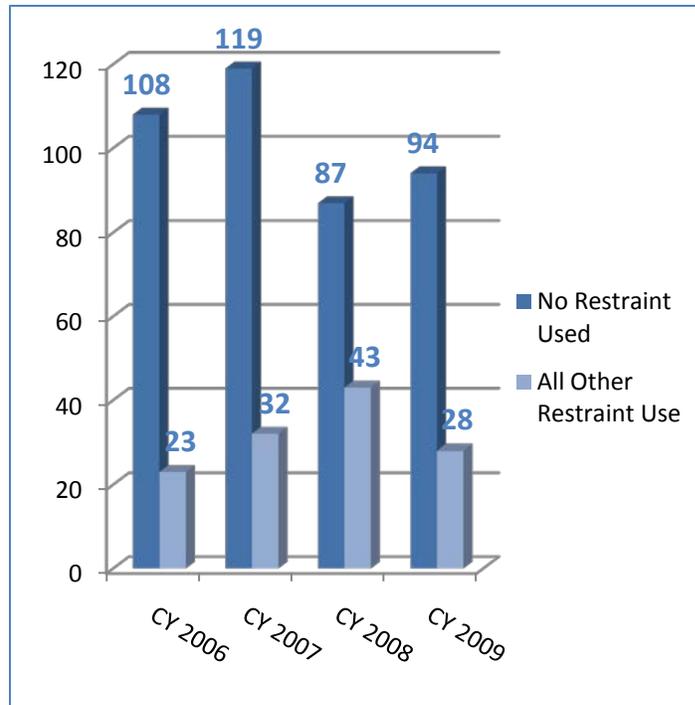
Primary Seat Belt Enforcement

The ITFDD supports the passing of a primary seatbelt law in Colorado

The ITFDD discussed the issue of primary safety restraint enforcement. During this discussion, the members of the task force were provided with information regarding the status of Colorado's safety restraint laws, traffic crashes involving unrestrained occupants, and the current status of safety restraint law compliance in Colorado. Information was also presented to correlate impaired drivers and safety restraint use. The information presented, clearly demonstrated a nexus between Colorado's DUI and unrestrained fatalities.

- Occupants killed in traffic crashes where a driver was DUI is a significant problem in Colorado.
- Occupants killed in traffic crashes that did not use safety restraints are more likely to be killed during nighttime hours.

- Although traffic crashes involving an impaired driver can occur during any time of the day, a significantly higher number of DUI related traffic crashes occur during nighttime hours.
- Over 70% of occupants killed in DUI related traffic crashes investigated by Colorado law enforcement in 2009 were not wearing safety restraints.
- DUI related crashes involving unrestrained occupants who are injured or killed are a significant economic impact to Colorado's economy and can have lasting effects.



Restraint use by individuals killed in motor vehicle accidents testing positive for alcohol (BAC of .01 or more). NHTSA FARS Encyclopedia, 12/8/2010.

Having examined this issue and considered key information,

the members of the task force found it necessary to support increasing the use of safety restraints on Colorado's roadways as a means of reducing the severity of DUI related fatal and injury crashes.

It is also recognized that many DUI drivers do not wear seat belts or use safety restraints, however, raising the compliance rate in Colorado can aid in ensuring those occupants riding with DUI drivers or those in other vehicles are less likely to sustain injury or be killed if they are using safety restraints.

Law enforcement's ability to stop a vehicle based solely on a violation of Colorado's safety restraint law is necessary to further prevent and reduce the severity of injuries sustained in DUI related crashes.

Results of Additional Task Force Initiatives

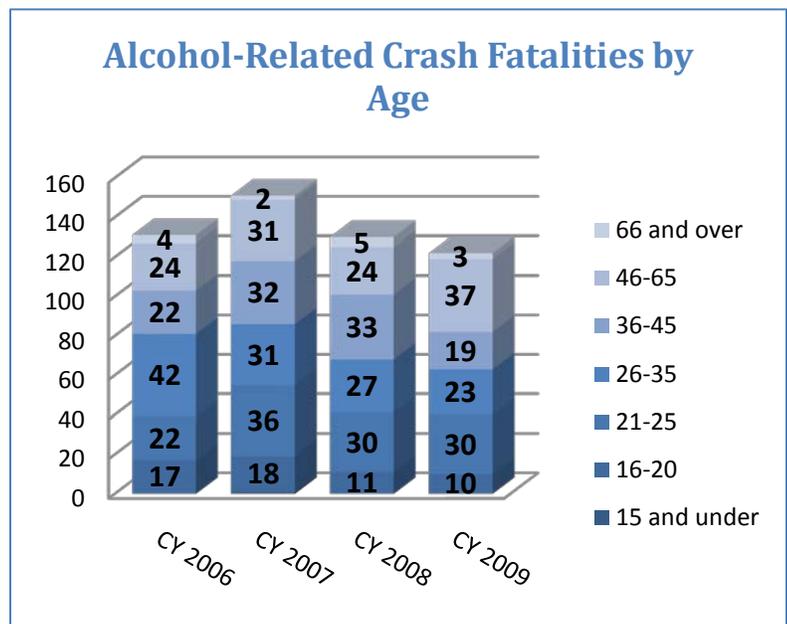
Additionally, the ITFDD has made progress in the following areas:

Creation and Implementation of a Strategic Plan

The ITFDD conducted an extensive planning process during the summer of 2010.

Highlights of the resulting plan are listed here:

- The mission of the Interagency Task Force on Drunk Driving (ITFDD) 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 vision of the ITFDD is a Colorado in which key stakeholders work in partnership to achieve a fully integrated solution to the problem of impaired driving.
- The long-term goal of the ITFDD is a Colorado in which there are no new victims from instances of drunk or impaired driving.



Age of individuals killed in motor vehicle accidents testing positive for alcohol (BAC of .01 or more). NHTSA FARS Encyclopedia, 12/8/2010.

The strategic goals and objectives of the ITFDD are to:

Support the enhancement of services, education, and intervention to prevent drunk and impaired driving.

- Assist the responsible agencies and businesses in the development of strategies to improve methods by which alcohol beverages are bought, sold, distributed and delivered to the consumer in order to prevent incidents of impaired driving.
- Research, develop, and support the implementation of programs that will promote responsible options for drivers.
- Promote technological improvements that will help prevent impaired driving.

Serve as a catalyst for a measurable reduction in the frequency and severity of impaired driving.

- Provide support for efforts to reduce the number and severity of impaired driving crashes in Colorado.
- Review, analyze, and support legal, regulatory, and industry efforts to increase auto safety.

Support efforts to reduce recidivism rates for drivers convicted of impaired driving.

- Promote the expansion of effective DUI courts in Colorado.
- Redefine the persistent drunk driver designation.
- Enhance and ensure the provision of effective treatment options that further reduce recidivism.



Ensure the long-term effectiveness of the task force in addressing impaired driving in Colorado.

- Re-authorize the ITFDD, including additional membership that ensures appropriate representation from all groups able to impact the problem.
- Complete and implement a strategic plan.
- Fulfill the statutory charge of the task force by making recommendations and reporting on activities in an annual report.



- Explore and develop fiscal sustainability for the ITFDD.
- Act as a resource for the exchange of information regarding impaired driving.

Reauthorization of the ITFDD

The sunset review was completed by the Department of Regulatory Affairs Office of Policy, Research and Regulatory Reform on October 15, 2010. The office recommended that the ITFDD be continued with additional representation from:

- the Colorado Department of Public Health and Environment (CDPHE)
- the Department of Revenue's (DOR) liquor license staff,
- people who sell alcoholic beverages for consumption on premises, and
- a statewide organization that represents alcohol and drug addiction counselors.

DUI Detection and Standardized Field Sobriety Testing (SFST)

The ITFDD supports the expansion of law enforcement training to help detect impaired drivers.

DUI Detection and Standardized Field Sobriety Testing (SFST) is a 24 hour training curriculum that sets forth the fundamental tasks in impaired driving enforcement, identifying the knowledge, skills and attitudes a Peace Officer must have to be able to effectively investigate impaired driving events.



The actual SFST battery is covered in the pre-arrest screening part of the curriculum. The SFST battery consists of horizontal gaze nystagmus, vertical nystagmus, walk and turn, and the one leg stand. Current Colorado Peace Officer Standard Training (POST) requires 12 hours of impaired driving enforcement in the basic POST academies, but because of the time

requirement, the DUI Detection and Standardized Field Sobriety Testing curriculum has not been universally taught in all POST academies. The ITFDD supports the Colorado POST Board's endorsement of a requirement that the impaired driving enforcement in POST academies be raised to 24 hours and DUI Detection and SFST be made a mandatory training course.

Advanced Roadside Impaired Driving Enforcement (ARIDE)

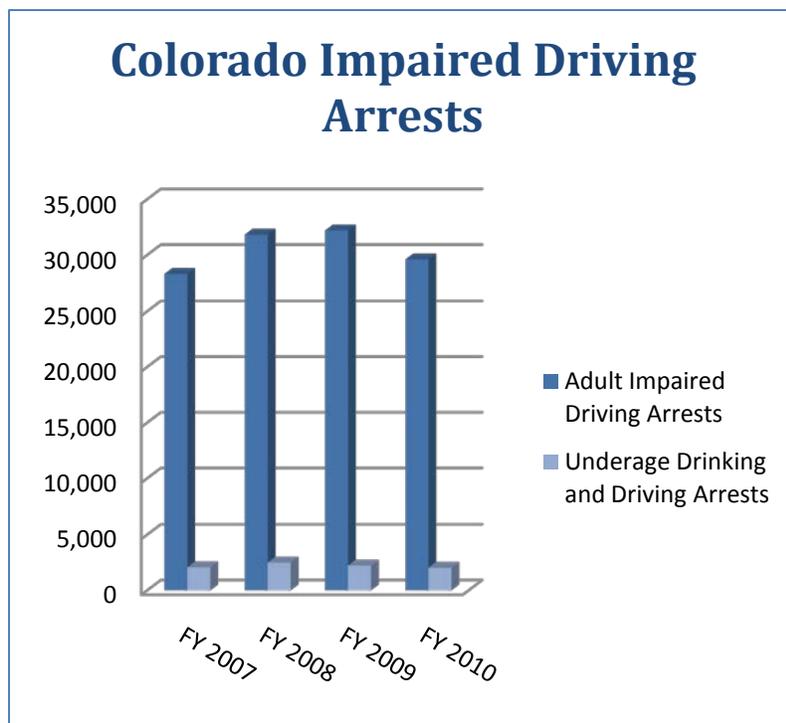
The ITFDD supports the expansion of ARIDE training to Colorado law enforcement agencies

The ARIDE program was developed by the National Highway Traffic Safety Administration (NHTSA) with input from the International Association of Chiefs of Police (IACP) Technical Advisory Panel (TAP). ARIDE addresses the gap in training between the Standardized Field Sobriety Testing (SFST) and the Drug Evaluation and Classification (DEC) Program.

ARIDE is intended to bridge the gap between these two programs by providing Peace Officers with general knowledge related to drug impairment and by promoting the use of Drug Recognition Experts.

**Every Arrest is a
Potential Death
Avoided**

One of the more significant aspects of ARIDE is its review of and required student demonstration of the SFST proficiency requirements. The ARIDE program also stresses the importance of securing the most appropriate biological sample in order to identify substances likely causing impairment.



Data provided by the Colorado Department of Revenue.

The ITFDD supports CDOT's plans to continue to expand the DUI Detection and Standardized Field Sobriety Testing and ARIDE to Colorado Law Enforcement Agencies.

Support of Marijuana *Per Se* Law in Colorado

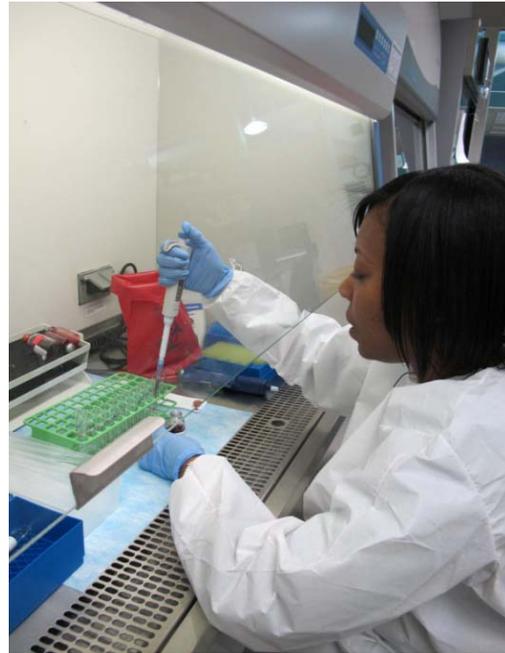
The ITFDD supports the establishment of DUI Per Se evidentiary threshold of 5 nanograms THC per milliliter of whole blood, and the establishment of an associated administrative driver license revocation.

The Colorado Department of Public Health and Environment (CDPHE) toxicology laboratory has seen an increase in blood testing positive for THC, and there is a significant increase in the levels seen in the blood samples of suspected impaired drivers.

THC has been shown to affect driving performance, and a determination of a legal limit can be achieved in a scientific manner.

The ITFDD has worked with the Colorado Commission on Criminal & Juvenile Justice (CCJJ) in relation to the establishment of presumptive levels of impairment and influence of THC and supports the principles expressed in the CCJJ's recommendations to the Colorado Legislature.

The ITFDD continues to provide advice and support to the Legislature regarding the Marijuana *Per Se* issue, particularly in the areas of driver's license revocation issues, testing requirements, and treatment requirements.



2011 Plans

ITFDD tasks for 2011 include the following:

Review, prioritize, and communicate existing research on best practices in the service or sales of alcohol with the goal of reducing the prevalence of drunk driving.

Through partnerships with key organizations and communities improve access to educational opportunities, social incentives, and alternatives to impaired driving.

Develop strategies to support expansion of seller and server education and awareness.

Identify and promote successful programs for communities that can be replicated across Colorado.

Investigate and support efforts that result in a cultural shift in which impaired driving is viewed as socially unacceptable.

Recognize organizations and businesses which provide alternative transportation programs to consumers.

Enhance the effectiveness and promote the use of the ignition interlock program.

Document and support the need for primary seatbelt legislation.

Address the issue of drug usage (legally or illegally obtained) and driving.



Supply language for and support proposed legislation to the Colorado legislature that will effectively lower the current Persistent Drunk Driver Blood Alcohol Content level from 0.17% to 0.15%.

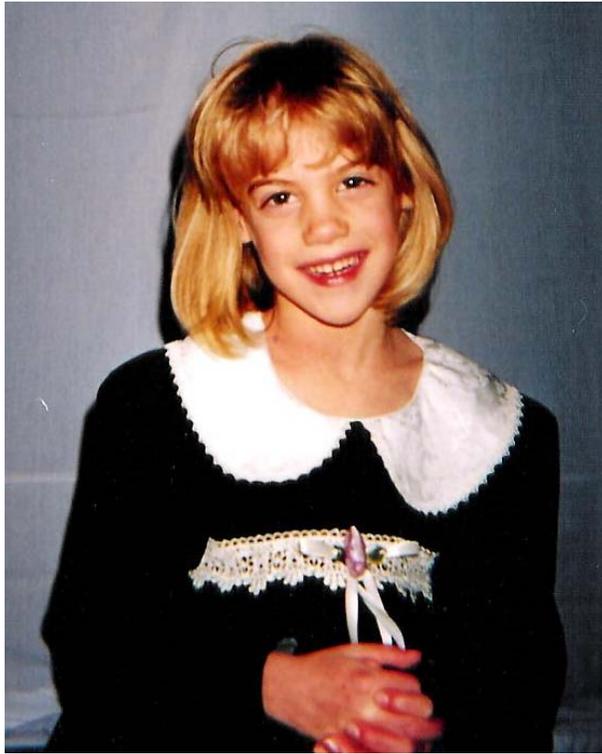
Analyze research regarding the current level of effectiveness of Colorado's DUI courts.

Membership and Representatives

- Colorado State Patrol – Chief James Wolfinbarger (Chair)
- Mothers Against Drunk Driving – Emily Tompkins (Vice-Chair)
- Colorado Department of Transportation – Pamela Hutton
- Colorado Department of Revenue – Steven Hooper
- State Court Administrator’s Office – Judge Edward Casias
- State Public Defender’s Office – Scott Schultz
- Colorado Department of Human Services, Division of Behavioral Health – Christine Flavia
- Division of Probation Services – Thomas Quinn
- Statewide Association of Chiefs of Police – Chief Heather Coogan, Littleton Police Department
- Statewide Organization of County Sheriffs – Commander Paul Wood, Weld County Sheriff’s Office, Traffic Division (designee for Sheriff John Cooke)
- Family Member of a Victim of Drunk or Impaired Driving – Jennifer Gray
- Statewide Organization of District Attorneys – Steve Wrenn
- Colorado Criminal Defense Bar – Abe Hutt
- Alcoholic Beverage Retailers – Jeanne McEvoy, Colorado Licensed Beverage Association
- Alcoholic Beverage Distributors – Kris Johnson (designee for Steve Findley), Colorado Beer Distributors Association
- Alcoholic Beverage Manufacturers – Bill Young, MillerCoors
- A Person Under 24 who is Enrolled in a Secondary or Postsecondary School – Vacant

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Brittany Burnett

Aug. 22, 1994 – Aug. 11, 2004

This annual report is dedicated to Brittany Burnett. She is a reminder that behind every statistic on impaired driving fatalities is a person who was loved and is terribly missed.

Brittany was killed shortly before her 10th birthday by a drunk driver who ran a stop sign and slammed into her family's car. She and her father were killed instantly. Brittany's two sisters were seriously injured, including her twin who now lives with partial paralysis of her face and hearing loss. Brittany's mother, Jennifer Gray, is now a member of the Interagency Task Force on Drunk Driving and works every day to eliminate drunk driving so that families do not have to go through the horrifying events that she and her family continue to struggle with daily. The impact of Brittany's needless death, and countless others like her, motivates the Task Force to persevere in its work to find solutions to the problem of impaired driving in Colorado.