

Interagency
TASK FORCE
ON **Drunk Driving**

Colorado Department of Transportation
Main Auditorium, Second Floor
June 6, 2008 - 9:00am – Noon

Interagency Task Force on Drunk Driving created by enactment of Senate Bill 06-192 whose mission is to:

Investigate methods of reducing the incidence of drunk and impaired driving and to develop recommendations for the State of Colorado regarding the enhancement of government services, education and intervention to prevent drunk and impaired driving.

I. **Introductions**

Members

- Pam Hutton, Chair
- Colonel Mark Trostel, Vice Chair (Absent)
- Christine Byars
- Steve Hooper
- Thomas Quinn
- Honorable Ed Casias
- Scott Schultz (Absent)

Representatives

- Bill Young
- Emily Tompkins
- Carolyn DeVries
- Jeanne McEvoy
- Abe Hutt, (Absent)
- Ana Richter (Absent)
- Paul Wood (Absent)
- Chief Russell Van Houten
- Steve Findley (Absent)
- Steve Wrenn

Others in attendance

- John Muscatell
- Glenn Davis
- Robin Rocke
- Melissa Nelson
- Tom Lorz
- Dr. David Timken
- Dr. William Marine
- Gene Giron
- Kristen House
- Sgt. Dave Knoth, DPD

- Technician Dan Dunn, DPD
- Carole Walker
- Officer Dan Swint, DPD
- Sgt. Rich Coisman, DPD
- Bear Kay
- Senator Brandon Shaffer – via telephone
- Representative Randy Fischer
- Karen Abrahamson
- Pat Blakey
- Maya Thomas-Wachterman
- Toni Gatzen

II. **Public Comments**

- Pat Blakey and Representative Fischer – Update/Senator Shaffer participated via telephone

Blakey's brother was killed in a traffic crash. The individual involved in the crash was offered a toxicology test but did not provide one. .

Blakey, Fischer and Schaffer worked on SB-140. Alcohol Drug Tests After Accidents. Shaffer/Fischer. The bill would have required a law enforcement officer to request and direct that a person involved in a traffic accident that results in the death or serious bodily injury of another person take a test or tests to determine the alcohol or drug content by the person's breath, blood, saliva, or urine. Provides that at a trial for a criminal offense, the results of the test or tests are admissible only if the court finds probable cause, independent of the test results, to believe that the person was driving a motor vehicle while under the influence of alcohol or drugs.

Status: Did not pass.

Blakey asked how she should go forward with the bill for next year and what assistance the Task Force can give to her?

Pam Hutton stated that the Task Force focuses on drinking and driving. Drinking and driving is an impaired condition as is drugged driving. Hutton is willing to ask the Task Force if they would like to consider the bill. A new draft bill would need to be created, and the Task Force would add it as an addendum to their primary work and include it the report to the Legislature, depending on whether or not the committee would like to take a position on the bill.

The bill should be re-written and ready for the September 2008 Task Force meeting, for the task force to decide to take a position on the bill.

The Victim's Right and Intervention sub-committee have been given the task of reviewing SB 140.

Steve Hooper stated that the Department of Revenue has no sanction for a person who refuses to give a urine or blood sample after a traffic accident.

Christine Byars stated that ADAD is the lead state agency along with DOR and CDOT that PDD fund. That fund does not have a mechanism at this point to allocate money for separate items. There is no way possible the fund is currently structured to put an extra amount will go for testing. A separate surcharge needs to be developed for the testing purpose.

III. **CDOT Legislation Report and Update**

Melissa Nelson, CDOT Legislative Liaison gave an overview of DUI Legislation. Also, a list of bills, which were tracked by the CDOT Legislative Office were handed out to Task Force members.

Two bills that were recommended by the Task Force were:

HB08-1166. DUI Offense Administrative Revocation. JUDD/HAGEDORN. Repeals and reenacts, with amendments, the statute authorizing the department of revenue to revoke a person's driver's license due to the presence of alcohol or drugs in the person's system or the person's refusal to take a test to determine whether there is alcohol or drugs in the person's system. Relocates definitions relating to the drug and alcohol-related offenses. Makes conforming amendments. This bill was recommended by the Task Force in the Legislative report.

Status: Governor Ritter signed on March 31, 2008

HB08-1194. Increasing Penalties for Drunk Driving. JUDD / VEIGA. Extends the length of time that a person's driver's license is revoked or suspended due to certain alcohol- or drug-related offenses. Authorizes a person whose driver's license has been revoked for a first-time alcohol-related offense: To seek a restricted license requiring the use of an ignition interlock device after the person's license has been revoked for a specified period; and

To be eligible for an unrestricted license if no possible violations are identified for a specified period. Increases the reinstatement fee following a revocation or suspension due to an alcohol- or drug-related offense. Specifies that a portion of the increased fee be transferred to the first time drunk driving offender account in the highway users tax fund to be used to pay for an ignition interlock device for a person who cannot afford the device. Requires the department of transportation to include as a priority within the strategic transportation project investment program increased episodes of high-visibility drunk driving law enforcement. Specifies that the episodes shall be independent of the drunk driving prevention and law enforcement program.

Status: Governor Ritter signed May 14, 2008

IV. **House Bill 1194 – Additional DUI Enforcement Episodes**

Glenn Davis gave an overview of the DUI Enforcement Episodes required by bill, which are partnered with the Law Assistance Enforcement Fund agencies (LEAF) and Colorado State Patrol.

There are currently eight enforcement episodes. HB 1194 requires CDOT to increase episodes to twelve. The eight episodes are:

- New Year's Day weekend
- St. Patrick's Day
- Memorial Day
- Checkpoint Colorado (from Memorial Day through Labor Day)
- July 4th
- Labor Day Crackdown (18 day enforcement period)
- Halloween weekend
- Office Party weekend (one weekend designated in December)

Additional possible episodes:

- Superbowl Sunday (first Sunday in February)
- March specialized enforcement – March is frequently the number one month for alcohol-related fatalities
- Cinco de Mayo
- June specialized enforcement – June is frequently the number two month for alcohol-related fatalities
- CSU/CU Football game

The following episodes have been suggested by Task Force members:

- Thanksgiving Weekend
- President's Day
- Martin Luther King Day

CDOT will receive two million dollars from the first time drunk driving offender funds. The money may not arrive until people have conviction after July 1, 2008, but they still have to go through the court system. These funds will come out of re-instatement fees from Department of Revenue and does not start until September 1st. Those fees go up to \$95 starting September 1st. Funds will take a while to generate two million dollars.

V. **Victim's Sub-Committee**

- Davis reported for Dalia Hargrave, CDOT
Hargrave has developed a "Welcome" letter to be reviewed by Hutton. This letter will be sent to new members of the DUI Task Force. The contents of this letter will have an explanation of what the Task Force is, what the requirements are and also will be able to give you By-Laws and last report to the Legislature.

VI. **Raising the LEAF Fines**

-Technician Dan Dunn, Sgt. Rich Coisman, Officer Dan Swint, Denver Police Department

Denver PD representatives discussed a proposal on raising the \$90 LEAF fine. The Denver DUI unit has doubled in the past couple of years.

Sergeant Rich Coisman has been invited and agreed, to attend a Victim's Right sub-committee meeting to propose the LEAF fine increase. The Victim's Right Sub-committee has this initiative under review.

VII. **Memorandum on Underage Drinking from Chief Beckner, Boulder Police Department**

- Chief Russell Van Houten, Northglenn Police Department

The Task Force was given Chief Beckner's letter for review.

Chief Van Houten stated that Chief Beckner has not requested any assistance from the Colorado Chiefs of Police.

VIII. **Proposal for a New Sub-Committee**

- Bear Kay, CSP

Bear Kay, Chair of the Prevention Sub-Committee suggested that DUI Task Force add another Sub-Committee. The sub-committee in discussion was the Public Affairs Committee. The Public Affairs sub-committee would assist the Prevention and Victim's Sub-committee, which are currently in place. This committee if approved would consist of Bear Kay and Carole Walker as Co-Chairs, Emily Tompkins and Heather Halpape as members.

Outcome of Discussion:

Hutton suggested to, before the task force can take position and decide whether or not this committee is truly needed the following must be addressed:

1. What is purpose of this committee and what are their goals?
2. Write a formal proposal with clear outcomes
3. The Task Force members would review proposal
4. Is this Sub-Committee identified in the Act (SB06-192)
5. Whether or not the task force wants or needs this sort of communication
6. Agenda item for next meeting.

IX. **Sub-Committee Updates**

By Laws Sub-Committee

- No report – By-Laws finalized

Prevention Sub-Committee

As some members – Bear Kay, Carole Walker, Emily Tompkins and Tammy Lovejoy, all have extensive media, public and community relations experience, and are not research based, underage drinking and alcohol education directed members, the thinking of the sub-committee was to ask the Task Force to create a Public Affairs sub-committee that could support the goals and programs of the Task Force and its individual sub-committees to educate opinion leaders, the media, DUI community groups and advocates across the state. Additionally, the Public Affairs sub-committee could assist with providing items for the DUI Task Force web site.

It was the recommendation of the Prevention Sub-Committee members that Karen Abrahamson of ADAD could then take over as Chair of the Prevention sub-committee. And the current research committee members Summer Wright and Tiffany Hanson could recruit additional committee members as needed.

If approved, Bear Kay and Carole Walker would Co-chair the newly formed Public Affairs Sub-Committee.

Intervention Sub-Committee

- No report

Victim Rights and Roles Sub-Committee

Sub-Committee Name Changed to ***Victim's Rights and Services Sub Committee***

A request for victim attendance at the DUI Task Force meetings and for victims to be part of each sub committee (or as many as possible).

A new member orientation for the Task Force. A minimum requirement could be to read the annual report and go to the new member orientation to learn about the history and

background of the Task Force. Could be the role of a volunteer to facilitate. (On the agenda for the next Sub Committee meeting to discuss further).

National Crime Victims' Rights Week Events Wrap Up- Ms. Thomas-Wachterman will work on putting it all together to summarize everything and make sure it's ready for the Task Force annual report.

- Press Event (Press who attended (9News, Channel 4 and 2)
- 9News Line (Advocates from MADD, VOI, and Adams County answered 54 calls from victims of crime between 5:30AM-7:30AM!)
- Letter to the Editor (MADD volunteers wrote letters to the editors of their local papers. (At least one was published.)
- Post Coverage (Denver Post had two stories run.)
- All details will be put in a binder(to be done and looked at in the next Sub. Committee meeting) and kept and will be able to be submitted in the annual report.

CDOT's Impaired Driving Unit Assessment (was tabled for next meeting, Carol Gould was unable to attend meeting).

Training ideas for DA's and Judges (Mrs. DeVries and Ms. Thomas-Wachterman). Possibly using the Fatal Vision goggles to train DA's and Judges (separately) on BAC, prosecuting and sentencing case. Finding DA's and Judges who are doing positive things, and having them give ideas on who needs training, how to train, etc. Thomas-Wachterman will work on this with the DA's and Judges who she already has good working relationships with. Also, work with Ms. Hargrave about objectives, evaluations, etc. We'll use information Mrs. Tompkins got at Lifesavers about DUI Courts and "What Role Judges Play in Reducing Amount of Impaired Driving Crashes" (Agenda Item for next Sub. Com. Meeting)

Ignition Interlock Sub-Committee

- No report. HB-1194 has been signed by the Governor.

System Improvements Sub-Committee

- No report.

Persistent Drunk Driver Sub-Committee

Meeting Date: May 30, 2008

What was accomplished:

Status of passed legislation impacting DUI offenders. Passage of HB 1194 and implementation issues. Discussed the effort to reduce barriers to offender populations released and attempting to reinstate their driver's license. Provision for Level II Education and therapy in public and eventually private DOC institutions.

Status of reducing the state's defined PDD level from .17 to .15%.

- If this subcommittee recommends reducing the BAC level we will need to gain support from the Task Force and then find a sponsor in the legislature.
- The subcommittee will prepare a 2-3-page paper to build a case for .15%. Pull together info for a paper over the next two subcommittee meetings. Shoot for 9/26/08 to present to the Task Force.
- The penalties would be to move more offenders from Level II Therapy Track A to Track B (+10 hours), and from Track C to Track D (+18 hours).

Action items:

1. ADAD and Judicial to work with DOR on implementation issues for HB 1194.
2. Additional data from ADAD.

3. Additional data from CDOT.
4. Bring additional data in support of .15 BAC to the next subcommittee meeting.

Next subcommittee meeting date: July 18, 2008

Task Force action items:

Follow-up with individual who agree to Chair the Legislative Sub-Committee.

- Judge Casias is listed in the March 25, 2008 notes as the Chairman of the Legislative Sub-Committee.

Agenda item for next meeting:

- Review proposal of a new Sub-Committee

Next meeting: July 25, 2008, 9:00am – Noon in the CDOT Auditorium