

Interagency Task Force on Drunk Driving

Task Force Meeting Minutes August 20, 2010

Chief Wolfinbarger (Chair) called the meeting to order.

Attendees:

- Jim Wolfinbarger
- Raymond Fisher
- Heather Coogan
- Bill Young
- Sharon Liu
- Robin Rocke
- Christine Flavia
- Ellen Anderson
- David Timken
- Paul Hofmann
- Tom Quinn
- Kris Johnson
- Stephen Hooper
- Steve Wrenn
- Tom Kissler
- Laura Spicer
- Jennifer Gray
- Bear Kay
- Heather Halpape
- Ed Casias
- Karen Moreau
- Paul Wood
- Maya Thomas-Wachterman
- Jill Hart

Introductions:

Attendees introduced themselves. No legislators were present.

Laura Spicer was invited (with Cindy Burbach) by MADD to begin a discussion on Marijuana “per se” levels. She would like to put together a meeting to see if we can put together a proposal in order to introduce something for this winter’s legislative session. 17 other states have “per se” levels in place. There is a letter from the President requesting information. We have ample scientific evidence, but the conversation needs to be carried out at an expert, executive level. The issue was tabled until the end of meeting in case Ms. Burbach was able to join. Since she was not able to be there, this discussion will be added to the agenda for the September 17th meeting.

Heather Halpape said that CDOT’s research office has been putting together information regarding drug-impaired driving, and ¼ of all impairment cases are involving drugs. Channel 9 is doing a ride along with a CSP DRE next week.

Bear Kay announced that CDOT and CSP will be working with the Denver Broncos to promote designated drivers from Bronco games. Officers will be signing people up to be designated drivers and awarding prizes. Heather also added that Broncos are working to promote designated drivers this weekend through Labor Day as well.

Review of PDD BAC lowering from 0.17% to 0.15%:

Christine Flavia followed-up on a white paper that was presented at the April 16th meeting. The material had been discussed, but the task force did not take action on a recommendation at that time. CDHS believes that there is sufficient Colorado-specific data to support the position of lowering the level. Part of the reason for changing the level would be to meet additional NHTSA criteria for 410 funding. The data seems to suggest that there is a significant event at 0.15 as opposed to 0.17. Steve Hooper outlined that this recommendation would change the Level 2 treatment and 2 year interlock requirement to 0.15. It would also greatly increase the size of the population affected. (The “typical”

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amount is about 0.16) There is also a much higher likelihood of recidivism at 0.15%. The other study from CDHS seemed to indicate that there is a strong correlation between completing Level 2 education and lowering recidivism. Chief Coogan asked about the resources available to handle the increased population. Steve Hooper said that there needs to be a discussion about whether this would decrease the number of 1st time offenders whose lives are devastated by repeat offenses by reducing and preventing recidivism. Chief Wolfinbarger added that these costs might be able to be paid by the offender. Paul Hofmann noted that most of the offenders at 0.15 are getting treatment right now, but we need to acknowledge that there were 7000 who did not re-offend and 1500 who did. So, we should be aware of the successes we are having, and the majority that are not re-offending. However, we often make laws to address the minority. Judge Casias added that we need to look at the accidents being caused by these drivers at these levels. We are trying to talk about a mechanism to reduce the impact rather than to catch the unique circumstance offenders. If we can get the information about crashes being caused by these, it would help. Steve Hooper added that we're looking at recidivism data, so that we look at who at 1st offense was at 0.15 and had a subsequent event that caused a fatality. Judge Casias noted that however, if we push the public information about the consequences at 0.15, then we may prevent the 1st time offense. Chief Wolfinbarger said that talking about added value outside of prevention, we would now be monitoring at least 500/year, so we could be preventing them from the opportunity to reoffend. Christine Flavia noted that they would have more therapy (raising 42 to 52 and 58 to 86), typically at the offenders expense, and the interlock sanction. It wouldn't affect the criminal penalties like the jail requirement at 0.2%. Revenue could support the increase, treatment could support the increase, and the capacity is there. There is also a growing availability of funds for indigent offenders, so these are not barriers. Steve Hooper noted that the fiscal impact would be minimal and initial. The PDD cash fund could cover these costs. Paul Hoffman added that there wouldn't be a court impact, only an administrative one. Steve Wrenn said that there could be an impact because of more refusals going to trial. Judge Casias said that his cases aren't usually refusals. MADD has data about forced blood draws after refusals. Captain Fisher related that his troop had an interlock device come through a checkpoint, and the driver stated that he never drinks now. Dr. Timken said that we've had discussion for many years about this, and having experience with international data and Colorado's systems, he is in favor of this. Steve Hooper moved that ITFDD submit recommendation to legislature in this year's annual report supporting the increased penalties at the defined PDD BAC level from 0.15 to 0.17%. Christine Flavia seconded the motion. The motion carried unanimously.

Steve Hooper will do a quick draft of talking points and begin looking for a legislative sponsor.

Strategic Plan Update – The following section was updated and approved:

Who we are:

The Interagency Task Force on Drunk Driving (ITFDD) was created in 2006 through Senate Bill 06-192, in response to the tragic death of Sonja Marie DeVries who was killed in 2004 by a drunk driver who had been convicted of impaired driving on six previous occasions. The ITFDD brings together executive leaders from government and other organizations who are committed to reducing drunk and impaired driving in Colorado.

Currently, members and representatives from the following organizations serve on the task force:

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- Colorado Department of Transportation
- Colorado Department of Revenue
- State Court Administrator's Office
- Colorado State Patrol
- State Public Defender's Office
- Colorado Department of Human Services, Division of Behavioral Health
- Division of Probation Services
- Statewide Association of Chiefs of Police
- Statewide Organization of County Sheriffs
- Family Member of a Victim of Drunk or Impaired Driving
- Mothers Against Drunk Driving
- Statewide Organization of District Attorneys
- Colorado Criminal Defense Bar
- Colorado Licensed Beverage Association
- Colorado Beer Distributors Association
- MillerCoors
- A Person Under 24 who is Enrolled in a Secondary or Postsecondary School

Goals, Objectives, and Tasks Review – Approved language is in the attached document.

There was an extensive discussion on the advisability of changing “drunk driving” to “impaired driving” or some combination term. Chief Wolfinbarger suggested that we make changing the name part of the 5 year plan.

In a discussion about membership, it was noted that we have “off premise” sellers represented, but we do not have “on premise” sellers at the table. It was suggested that we ask for an expansion of retail representation to include the Colorado Restaurant Association (CRA). Other groups to be added include CDPHE, Revenue Licensing, and the Alcohol and Drug Treatment Provider Community.

Steve Hooper provided the following information on the sunset review process:

Below is the information that Mark Couch received from Chris Lines at DORA regarding sunset review and bill sponsorship for continuing the ITFDD.

"The Research folk at DORA produce 15 or 16 Sunset reports each year. This year the Sunset bills will begin in the Senate.

The Senate President will assign each Sunset to a committee, then the committee Chair will select a bill sponsor after the DORA technician reviews the report with the committee. The bill that is introduced will mirror the recommendations in the Sunset report. Enhancements to the bill can begin thereafter, with DORA weighing in on proposed changes."

Mark and I also discussed the proper committee placement for ITFDD report. At this point, he agrees with me that it would be better placed with the TLRC; but, our conversation was very brief and did not consider all aspects of the issue. My guess is that our sunset will be assigned to

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Senate Judiciary, which could complicate the discussion regarding any change since our report is to the House and Senate Judiciary Committees.

Future Progress – working groups should look at each task and figure out how long each will take in order to prioritize and plan for the next year.

Lightning Round:

Chief Wolfinbarger recognized Paul Hofmann who is retiring soon. Congratulations to Paul! Paul says that he has been working with offenders for 28 years and has served on the ITFDD for 4 years. This has been energizing and fascinating. We talk about behavioral change, and it is an exciting thing to do. He hopes to continue to be involved with the ITFDD.

Christine Flavia asked about progress on contacting Carolyn DrVries. Several members have tried, and no one is reaching her.

Steve Hooper informed the group about an interlock symposium coming up. DOR has been invited to be on panel to show best practices for 1st offender programs. There was also an article talking about it. Colorado's program is incentive and performance based, and technology is built around it.

Steve Wrenn is working on DRE training.

Bill Young announced that MillerCoors has embarked on a huge undertaking to address employee individual alcohol consumption. The company has stiffer sanctions for DUI arrests than the law. They are doing comprehensive training.

Ed Casias discussed that Eagle County Judge Katie Sullivan has implemented DUI court without any new resources. Judge Casias is hoping to create his own in (about) January.

Tom Quinn stated that "anything I've contributed to this group, I got from Paul Hofmann."

Dr. Timken announced that there are more trainings being planned on the new interlock enhancement approach.

Chris Johnson shared that Summit County is working hard on a document for event licensees and a MIP (minor in possession) course. Christine Flavia added that CDHS has some MIP service information.

Jennifer Gray shared that last week (8/11) was the 6th anniversary of losing Brian and Brittany, and Sunday (8/22) is Brittany's and McKayla's birthday. McKayla, Amber, and Jennifer spoke to 175 offenders recently, and they are scheduled to speak at two more events in September.

MADD raised \$97,856 during its "Walk like MADD" event. (The goal was \$125K) The website for Col. Wolfinbarger and Bear is still up and able to accept further donations.

Capt. Fisher stated that there will be 2 DUI checkpoints this weekend in Adams County.