

Interagency **TASK FORCE** ON **Drunk Driving**

Meeting Minutes October 21, 2011

Glenn Davis (Vice-Chair) called the meeting to order.

Attendees:

- Dave Timken
- Glenn Davis
- Fred Rodgers
- Bill Young
- Christine Adams
- Stephen Hooper
- Paul Aylmer
- Laura Spicer
- Paul Wood
- Jennifer Gray
- Steve Wrenn
- Cynthia Burbach
- Christine Flavia
- Cassandra Rocha
- Heather Halpape
- Brenidy Rice
- Kris Johnson
- Samantha Bloodworth
- Bob Weltzer
- Jeanne McEvoy
- Dave Young
- Michael Elliott
- Julie Vardiman
- Michael Nittler
- Jill Hart
- Tom Kissler
- Judy Eaton

Introductions and Initial Comments:

All present introduced themselves. Rep. Dave Young became active after Frank Bingham's family was killed, and was unable to be involved for a while, but is happy to be involved again. There were no public comments.

Approval of Minutes from Last Meeting:

Christine Flavia moved to approve the minutes, and Kris Johnson seconded. Minutes from the September 16th, 2011 meeting were approved unanimously.

Media Relations & Significant Upcoming Events (Heather Halpape and Bear Kay):

The Fall Festival DUI enforcement period is ongoing. CDOT has been doing outreach for that at corn mazes and festivals around the state. The zombie crawl is on the 16th St. Mall on Saturday, and there will be a "choose your ride" display. Halloween enforcement starts on October 29th and runs through November 1st. As plans are made for the holiday enforcement period, CDOT is looking at some creative campaigns in Texas. CDOT is still doing outreach at Broncos games. There were record numbers of designated drivers signing up at recent games. There will be one more game in November and another in December with the MADD/Heat is On tent.

Workplan Updates:

- Objective A1, Tasks a-c (Bill Young) Kris Johnson, Jeanne McEvoy, Paul Aylmer, Patrick Maroney
 - Model responsibility guidelines for special event permit applicants and ways to implement statewide

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- Promotional piece that encourages independent retail owners to do server training, possibly distributed by all of the state's beer wholesalers

A1a: One challenge has been to get an assessment of who is doing best practices out of thousands of retailers. Wholesalers have been a source of some help. Steve Finley (Co. Beer Wholesalers Assn. reports a giant underage effort. Server training is the biggest thing to prevent drunk driving. Serve safe & TIPS (national chains may have their own) have trained over 14,000. Keeping someone from getting intoxicated is really their role (restaurants), so we don't want to underestimate server training importance. Designated driver programs are pretty standard, but nothing "over the top" is going on now. Server training is going to be held up as a thing we need to do more to encourage. CO Rockies go beyond the training with concessionaires to recognize and know what to do with intoxicated fans. Broncos, Avalanche & Nuggets have done it in past. Encourage doing it on an annual basis. Team trainings at non-professional events (college) are still needed. The NCAA views team training as the #1 solution for preventing drunk driving. The NCAA team training is helping security people identify alcohol coming into stadiums. There are a number of things that retail accounts participate in on a regular basis. (Topsy taxis, etc.) Responsible retailing associations are developing their own guiding principles. DOR's responsible vendor program is doing good things, and we need to bolster it. There are also good things from suppliers.

A1c: We have just begun to dig in to this area. Server training – how do we encourage more? Responsible retailer associations – how do we get more going? Colorado beer wholesalers have a touch point to every liquor licensee in the state. We need to put the information in a form that they will look at when it hits their counter. We've got retail associations that we can use to disseminate information.

A1b: We have lots of training going on – how do we encourage more? Oregon Liquor Commission reported last week on the fact that they are doing a study (secret shopper type) where actors are going in to watch servers serve people. They are going to video & observe use of those skills that they've learned in training. Do we need to define "visibly intoxicated"? This study will dig in on that debate.

Another issue that this group wants to study is the number of DUI arrests after special events (special permit licenses). Kris Johnson's group (Summit County Prevention Alliance) is working on a set of responsible guidelines for events / local ordinances requiring a responsibility plan before permit is issued. The forms have a column for the liquor board to recommend things and another to show follow-up on the recommendations. This could be replicated to all Liquor Licensing Authorities around state for special events. There is also a survey for event attendees (with incentive like free food at the event) to see if they noticed rules, extra security, a beer garden, etc. Officials in municipalities can use this as a resource to add

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to their efforts. Replicating these local efforts will show local event planners that this is coming from a local group, and they can solve their own problems without a State group coming down on them. There is some frustration with a lack of consistency between special permit holders and restaurants/retailers.

We would like to develop a social norming piece that tells businesses what's going on and encourages them to access server training. Jeanne McEvoy reminded the group that a lot of special event permits are small, so maybe there could be a "mini-model" for really small ones. Kris Johnson responded that the smaller groups are the basis for using the term "staff," because they can't necessarily employ security. These are recommendations only, not requirements. When liquor boards hand this stuff out, the event planners will realize that they're going to have to keep going to this board and it will be good to comply/cooperate. Discussion ensued about the challenges of planning for events (especially small ones) when the permit process may be delayed until right before the event.

Jeanne McEvoy mentioned that mixed martial arts events have an absolute need to hear this. The majority usually have alcohol (usually beer) served at events. Colorado has more shows than any other state.

- Recodification of Interlock Law (Steve Hooper)

Thanks for endorsing the recodification effort - Rep. Dave Young has agreed to sponsor. Drafter Michael Door is assigned. Judge Casias & Abe Hutt are involved. The effort is to make it easier to understand. Title may include "clarify," but it should be relatively non-controversial bill. This should end up making for a more facile law and much more accurate interpretation. If anyone is interested in being involved in the re-draft, please let Steve know. The law was written in 2000, and this is needed because it's been "tinkered with" so many times. Judge Rodgers added that new judges always ask "where is the reference?" and it is a little hard to find it. He would be happy to help. Steve Wrenn added that we may need to look at the criminal sanctions related to evading the requirement. The certified DMV history could be improved, but we also need to outline the scope of the requirement in a way that is useable in court and not subject to hearsay rules. It is easier when it is a condition of probation because that is signed. Bill Young asked if judges are open to non-traditional education from the industry. Judge Rodgers stated that the Century Council materials are accepted & used regularly by the National Judicial Council. There will always be some cynicism, but they are recognized and have a large acceptance. Alcohol Monitoring Systems and SmartStart have also done trainings with national groups. Titles 18, 42, 16 could be affected by a recodification, but right now, the DUI statute is very convoluted.

Discussion continued around requirements, situations where offenders do not own cars, monitoring drivers rather than cars, etc. New Mexico and South Dakota are each working toward a version of an enhanced "24/7" monitoring program and the potential for using SCRAM or interlock samples for real-time

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transmissions. Costs of the programs are being handled differently in different places. Although it is sometimes a huge burden on the offender, they were already supporting the habit. Christine Flavia reminded the group that we have to look at the long-term recidivism rather than just for the short-term.

Glenn – people will be looking into motorcycle interlock soon. Steve Hooper said that this is problematic because it is:

- Not an effective interruption,
- Not good being out in elements,
- Not easy to hear/see signals that would trigger sample, and there are
- Lots of complicated things going on in motorcycle driving.

The law says every motor vehicle. At first, the vendors said it wasn't possible, but now that's changed.

- Discussion of refusals (Chief Ticer - postponed to November)
South Dakota has no refusal issues, and they don't have to deal with intoxilyzers since everyone has to do a blood test. Steve Hooper brought up the subject of getting warrants to require testing, and cautioned against using administrative revocations for refusals because it could be counter-productive once there is no more coercive effect.
- NoDUIColorado website update (Christine Flavia)

The website should be ready for November. Christine updated the group on the PDD social norms campaigns. DBH is finishing up its campaign at Western State that launched with truth fairy and is launching a campaign at CSU Pueblo. She just got [preliminary data on 454 surveys](#) (8.7%), and students beliefs seemed to be different than reality:

Students believed that they drank 9 drinks/week. Reality was 4.5 drinks/week.

Other students driving after drinking – believed 35% / reality was 18%.

Information related to marijuana use also showed a difference:

perception believed 13% had Medical Marijuana card / reality was 3%

perception was that 48% use marijuana / 27% is reality

72% indicated that marijuana use had a slight or significant impact on the ability to drive, 15% indicated that it has no impact, and 13% believed that it has a positive impact.

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Planning for Annual Report (Jill Hart):

Format will be similar to last year. Dedication page could be moved to the inside of the front cover rather than on the outside of the back cover.

Members who were responsible for individual sections of the work plan or the report will need to update the language. Please have updates to Jill Hart by 11/11/11.

- Glenn Davis will update SFST/ARIDE/DRE section.
- Christine Flavia (with significant help) will update Marijuana Per Se section.
- Steve Hooper will add a section on restructuring the ignition interlock law.

Jeanne McEvoy strongly suggested a one-page Executive Summary. While the first page may have served that purpose, it should be titled as such.

Every member organization should have the electronic copy for its website. We could request that Legislative Council send the file directly to all Legislators, and we should send it directly to the Judiciary Committee (and perhaps the TLRC). It was also suggested that the ITFDD could create a Facebook page and/or host an event. The ITFDD could also request to make a presentation to the committees during the first two weeks of the session.

A suggestion was also made that the ITFDD find an intern to work on communication throughout the year and especially during this reporting season. The Secretary's duties also need to be clarified in relation to communications.

CDOT and CSP will work on the statistics for the report. Anyone with photos to include should also send them to Jill Hart soon.

Members indicated that they did not want paper copies for their distribution.

Membership:

It was asked that Chief Wolfenbarger reach out to the "Under 24" member since we have not had any representation for several months.

Lightning Round Updates:

Glenn – CDOT finally got its federal 410 funds on October 12th, a month past its expected date. They are working to get it programmed as quickly as possible. An officer in Thornton was working a speed event and was hit by drunk/drugged driver. CDOT's thoughts are with Joe. CSPD has a \$250K checkpoint van that may be available for other law enforcement agencies as it is not going to do any more checkpoints.

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Jennifer Gray re-introduced herself, thanked the group for its efforts, and reminded the group that she and her family are available as a resource to speak. She's now doing this weekly and recently spoke to a DUI court.

Jeanne McEvoy – CLBA has just re-done its website, and everything is based on safe & responsible sales and service. They just had their 1000th attendee at TIPS training. Talking about Jennifer's family makes it "hit home."

Christine Flavia and Dr. Timken spoke at the International Ignition Interlock Symposium in California. They are still working on integrating treatment and interlock and continue to push launching it statewide.

Brenidy Rice – 1st DUI court enhanced training in Nov 3-4. Many jurisdictions have DUI courts, we just don't know about all of them yet. National speakers coming in to discuss treatment and drug testing. Taking on (contracting with Northwestern Professional Consortium) research to do a 9-month evaluation of DUI and Drug courts. We can't do a complete outcome study, but will do some.

Dave Timken was one of two Americans who got to go to Germany to speak on interlock enhancement counseling, and several in attendance were interested in starting a program there. By the end of June, 2012, we will have significant group trained.

Kris Johnson – Standard Sales has hired a young man to develop a curriculum to speak on impaired driving. Cassandra Rocha – Denver County Sobriety Court is five months into the program and has served about 72. It is an 8-9 hour day of treatment. Things are going well. Reviews are done on Tuesdays and Fridays at 1:30 in Courtroom 3C.

Mike Elliott – The Drug Policy Task Force did not come to a consensus, so he believes that there is strong evidence on why this group should reconsider its support of a Marijuana Per Se bill. The DUI law in place has 90% conviction rate. Mike attended a NHTSA Region 8 meeting where he spoke about MMIG's relationship with CDOT in public education. Steve Hooper added that while there isn't a consensus and agreement about establishing a THC per se level, one thing we achieved was working together to address proper messaging and education. (MMIG & CDOT working together) One of our biggest successes is how we change our own processes based on our discussions with each other.

Laura Spicer asked to clarify MMIG's membership (75 businesses out of 1000). Perhaps there could be some effort to bring together the entire industry rather than claiming success based on limited industry participation. Bill Young stated that we won't over-represent our participation, but we need to highly encourage what MMIG is trying to do on an educational standpoint.

Next Meeting: November 18, 2011 in Building 100 at the CSP Academy