

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

In Attendance: Leslie Chase, Paul Aylmer, Abe Hutt, Steve Hooper, Cynthia Burbach, Kris Johnson, Christine Flavia, David Timken, Ray Fisher, Steve Wrenn, Anthony Perea, Stephen Darcy, Laura Sonderup, Ellen Anderson, Jennifer Gray, Bear Kay, Jen Clouse, Sue Parker, Susan Colling, Christine Adams, John Rimblas, Tom Kissler, Matthew Mitchell, Robin Rocke, Brett Close, Patrick Maroney, Julie Vardiman, Charles Keep, Jerry Stanton, Rahim Marandi, Brian, Brown, Katie Wells, Paul Hoffman, Dr. Bob Weltzer, Guy Patterson, Jon, Erica.

Opening Statement: 09:11 Captain Ray Fisher

- Update on information needed on sign in sheet.
- Introductions.
- Representative Dave Young is interested in the outcome of the meeting today.

Public Comments: None

The previous meetings minutes are not ready as we were more concerned about the submission of the Annual Report. We will review the minutes next month.

KPI's: Most of this information was included in the Annual Report and can be found on page two.

- Filing data is not included.

Bear: We wrapped up the Bronco season with our Designate Driver program being 5th overall in the nation and we signed up 12 thousand participants.

Chase: February 1st-4th is the Super Bowl enforcement period.

Fisher: Please review the Annual and let me know if you find any discrepancies.

Hooper: Rep. Young attended the last meeting and wanted to attend this meeting.

- Decided on the recommendations for the Annual Report.
- Put together a bill that help move in the direction of and that would hit upon a couple of our Task Force initiatives, but would also hold strength and move forward.
 - o "Penalties For Persistent Drunk Driver's"
 - Moving forward with the recommendation of Task Force to reduce the BAC from .17 to .15
 - Two years of ignition interlock and monitored driving
 - Level two alcohol education and therapy
 - This would bring the administrative line more closely in alignment with the clinical aspects
 - o The ignition interlock is the second portion
 - A large population of BAC will be brought into this course of the interlock
 - This is a purposeful approach
- Rep. Young has included stakeholders that have the potential to endorse this
 - o He has involved the Defense Bar

- Will deal with refusals in that people who refuse become enveloped in this process
 - Refusals will be required to follow the same process as a persistent drunk driver
 - We need those of you who have Express Consent and Roadside experience to step in and speak of this.
 - The 22% of all overall stops that were refusals has increased to 27%
 - Total overall number of stops have decreased
 - Dick Roth stated that research indicates that the coercive effect is telling someone that they will have the interlock device for two years
- I can think of no reason to continue stacking charges. This would make a huge step in making our law easier to read and understand.

Hutt: There are a couple of further points:

- The fund for First Offenders Interlock Requirements will now fund the persistent driver measure- the money was initially restricted to first offenders.
 - This bill would open that fund to persistent drivers
- The bill gives people the incentive to not refuse
 - People don't know what the law is and don't know where to turn to have their questions answered.
 - This bill raises the refusal penalty

Fisher: Having the members of the Legislature come to this Task Force and ask us for recommendations on this bill answers the question "Why are we here".

Timken: This makes a lot of sense from both research and clinical standpoints.

Gray: If a person refuses and three months later are caught driving; what happens to them vs. the person who is on the interlock and are caught driving drunk?

- Hutt: Under current law the refusal would get prosecuted for DUI and DUR which carries mandatory minimum jail sentences and automatically extends revocation to two years and they are ineligible for interlock.
- The person who refuses under this new bill and takes the interlock and then drives drunk is circumventing the situation- this will be less likely of an occurrence under this new bill-if they are enrolled in level two education and therapy groups

Gray: What shows up on their record?

- Hutt: The record that will show up is most likely from DOR and it will show up as a revocation for refusal or revocation for over the limit test.
 - They will still have a notation on their record that they refused or were charged with DUI.

Fisher: The arrest goes on your criminal record

- We (L.E.) don't provide legal advice, but we do try to steer them in the right direction
 - We can be challenged by the Defense during the trial
 - If they are intoxicated they are not thinking clearly and this makes the situation even more difficult
 - If the party has more than two active restraints they go to jail
 - For those who drive with more than that we are not making a difference anyway

Hutt: You can have three charges on one single citation. It can be a mess.

Mitchell: Based on the recommendation for lowering the BAC, would you see the bill as mutually inclusive or exclusive?

- Is this going to raise more questions or concerns or does the complexity of the interlock cause concern for it to be killed?

Hooper: This does increase the interlock population.

- Time will tell, but I believe if Rep. Young does as good a job as he has; he will get it passed but we need to look at fiscal impact.
- It can further complicate the bill.
- The real issue is; is this an appropriate approach or remedy?

Wrenn: I think that the fiscal impact will be discussed. The second question will regard the impact that this bill will have.

- What if we make the DUR Alcohol for 30 days and Invading Interlock penalties into alignment
 - o This is just an alternative

Hooper: Tampering is a Class 1 Misdemeanor.

Hutt: There is a very harsh extension of the revocation for invading the interlock device.

Hooper: Recidivism is very hard to look at. You usually need at least five years of information.

- Further discussion on statistics and underage issues
 - o This new bill will not apply to the underage DUI offenders
- DUID is not addressed and will be a problem that will lead to further Legislative change.

Hutt: I move that the Task Force endorse Rep. Young's bill and the non-stacking scenario.

Fisher: We as L.E. are interested and would support this bill.

Hutt: The full motion is that; "That the Task Force endorse "Penalties For Persistent Drunk Drivers" in a form that includes reducing the BAC from .17 to .15, includes refusals in the definition of persistent drunk drivers, waiting period of two months before interlock eligibility, expands the financial eligibility for interlock assistance to all persistent drunk drivers and eliminates the requirement of refusals."

Wrenn: I think I would need some extra time to look over the bill and run it through my appropriate chains. I will have to abstain.

Hutt: I think that we move forward. Steve and I know this bill very intimately.

Hooper: We have a motion on the floor.

12 in favor/ Wrenn and Clouse abstain- the motion passes.

10:51- Break

11:10 Re-convene

Fisher: Paul Thank you for being back here.

Paul: The American Parole and Probation Board

- At the recent conference the Task Force Strategic Plan was handed out

Fisher: As we move forward; if you recall when we put the Strategic Plan together, this is an opportunity to review the plan and create our work plans.

- We may want to look at the end of the year not being when we develop the work plan for the next year.
- This year's Annual Report is the best that we have produced.
- We need to figure out what we are going to address within this next year and stick with it.
 - o Let's discuss the key issues
 - Between now and the February meeting we can develop work groups/plans.

****Current version of the Strategic Plan will be distributed again****

Flavia: I'm interested in what/what not to do for this upcoming year. What do others think or have to say?

Gray: Should we try to accomplish setting a THC level?

Adams: Senator Heeton has picked up the 5 Nano-gram level initiative.

Hooper: The JBC will be looking at these issues and the thresholds.

Wells: The meeting and sub-committee dates are on the DOR website.

Mitchell: Is the committee going to change its name?

Fisher: No. Legislature created and named this task force.

Flavia: We need to stay on the cutting edge and one of our standing issues would be to stay apprised of all the current stats and research data.

Maroney: We will review a strategy before March. The group consists of Paul, Kris and I and Gene if he is going to take Bill's position. If anyone wants to join this committee please let me know.

Timken: The group needs to consider Best Practices again.

- Evaluating the State and providing a report card.

Weltzer: NHTSA has a tool for statewide Best Practices and where the state stood when the last alcohol assessment was done.

Rocke: The last one was completed in 2005.

Flavia: We can look at the recommendations and see where we stand now.

Fisher: Use the 2005 as the starting point.

Timken: Yes.

Parker: Would there be any interest in hearing from convicted DUI offenders and how things have changed?

Gray: I think hearing what works vs. analyzing it may work, but seeing the statistical data would also help.

Fisher: I think this would be one of the areas of the assessment process.

Fisher: We need to look at scheduling a work group meeting before our next meeting in February.

- We were looking at having some regulated server training.
 - o Defining what visibly intoxicated is and there are no job protections for refusing service
 - o There are too many establishments that are more worried about the money.

Johnson: The folks that teach the alcohol serving classes know very little about the law.

- The majority of the folks that serve alcohol are young partiers themselves and are worried about getting big tips.
- I think that the training needs to encompass the state's laws.
 - o Cost is always a concern, but the insurance companies are requiring it now.
 - o An education of some sort through our law enforcement agencies is important.

Maroney: The content that said classes need to have has been set and is regulated through my department.

Johnson: The servers need to understand the urgency that is behind this training.

- We vaguely discuss the law aspect and the reality of what could happen for over serving is not discussed as it should be.
 - o The trainer's don't know the law well enough.

Hutt: Who is responsible for training the trainers?

Maroney: We are responsible for the curriculum that is taught.

- Part of the curriculum addresses over serving and civil liability.

Hooper: It is key that BAC equivalents and thresholds be taught.

Anderson: This Task Force should be supporting a statewide educational program for those applying for a Liquor License and over serving.

Maroney: I would be reluctant to let the individual jurisdictions create their own training. It needs to be statewide.

Fisher: We can add this subject to our work plan.

- Are there any further questions or comments on our upcoming work plan?

Flavia: I think we need to re-fresh and re-introduce the work groups and goals for those that are new.

Fisher: We can do it by email and then new members can sign up for the work group that they are interested in.

- By February's meeting we want a more definitive list of the tasks and work plans that we want to accomplish in the New Year.
- We have Plaques that we would like to present to members that are no longer with us.
- The Annual Report has a lot of good information. We want to put that graph on a pocket guide for quick reference

Maroney: Next month I will be able to highlight the website that we have launched.

- We have over 1800 records of compliance checks and whether they passed or failed.

Flavia: Our name change to the Office of Behavioral Health integrates the two groups.

Timken: A proposed paper that I submitted has been accepted and I will present it next summer in Brisbane.

Wrenn: Thank you for allowing me to be a part of this group.

Johnson: Our Company along with Anheuser Busch will be doing a designated driver campaign for the Super Bowl.

Weltzer: The Life Savers Conference is here in Denver in April.

Hoffman: Early registration ends on the 25th.

Meeting Adjourned: 12:06