

Interagency **TASK FORCE** ON Drunk Driving

Meeting Minutes

July 18, 2014 9:00 am – Noon

Opening Comments - 9:05 – Chief Ticer

Introductions

X of 21 members in attendance, therefore we have a quorum.

Legislation Sponsors' Remarks

Senator Nancy Todd – District 28, Chairperson of the Senate Transportation Committee

- Traffic safety piece is extremely important
- Camera red light bill
 - A lot of Chiefs came forward and felt that it was effective and was working and did not want a statewide ban. We have seen a deterrent in very severe accidents.
- DUI bill did pass out of the house & died in Senate appropriations.
 - Difficult vote and difficult conversation, main reason the bill died was because we did not have money. Looking at the cost of felonies, the budget did not stretch that far. – She voted a no vote
- Her background, she was a teacher, how do we focus on the prevention piece.
- Transportation Legislative Review, maybe have a report out from this task force.
- Collaboration with the state of Washington is alive and well.

McEvoy – helpful to do another round of introductions

Davis – the task force does an annual report, if you would need any of the expertise from this group ahead of time, we would be happy to offer assistance. Partnership from NHTSA helps fund such things as name plates, banners

Ticer – we would be happy to be a part of the Transportation Legislative Review. We have worked very well with Senator Young on prior legislation. Some priorities are seat belt primary legislation. Felony DUI has been a strong topic of conversation in the task force. A need to focus on those repeat offenders. When we bring things to you, it is going to be well thought out due to the collaboration of the task force members.

Wilfong – add on to topic of seat belt usage, CDOT is kicking off an enforcement campaign, Nighttime Click It or Ticket.

Public Comments

None

Minutes of Previous Meeting

No corrections

Motion made to accept made by Davis, second by Flavia- all in favor, motion passes.

Statistics

Summary of Key Performance Indicators (CSP) –Captain Paul Matzke

See handout

Hahn – CSP also provided additional funds geared towards DUI overtime enforcement in May and June. Troopers worked an additional 3,300 hours of overtime DUI enforcement in May and June.

Flavia – What percentage of whole DUI arrests for the entire state relates to CSP?

Matzke – CSP as a whole is usually up towards the top or close to it.

Hahn – Will check with the CSP statistician if this is information we can obtain.

Ticer – Comparing 2013 to 2014 numbers are significantly increased from prior year.

Matzke – Emphasis from the Chief – focused on DUI enforcement

Numbers are good, but don't tell you the whole story. When you add in the advertising from CDOT along with educational programs, it may be because we are doing a good job. That needs to be considered

Ticer – commend CSP on the increase in DUI, please pass on to the chief. Outstanding work. In his region (Avon) the numbers have increased – DUIs up 50% this year.

Variety of reasons, funding, motivation of leadership & giving the officers the right tools.

State Fatality Numbers (CDOT) – Glenn Davis

Fatalities are down 8%

Still on target to be a low fatality state with NHTSA.

Fatalities, seat belts and impaired driving and motorcycle drivers males age 45 and above
Locations of fatalities – we are seeing fatalities in counties that have not had fatalities in a long time – Prowers, Baca, Phillips

Weld county, there will be challenges – a lot of multiples and young people

STRAC will get a traffic records coordinator funded through CDOT, would like to do more of an analysis

Perea - 23 in Weld county since beginning of January

Ticer – Of those 23, how many are alcohol related?

Perea – Does not know actual number, many are inexperienced drivers.

Ticer – Going to be looking at seat belts and how it relates to fatalities with impaired drivers. Ask each of you to be talking about it daily along with impaired driving to influence public and community leaders on how important it is to buckle up.

Media Relations & Significant Upcoming Events - Emily Wilfong (CDOT)

Parking lot take overs

- Distributing a package of information
- People from MADD, CSP, and Denver PD

- Distributing coupons for cab ride home and money for cab ride to get back
- Leading up to Labor Day Crackdown
- Taxi Cab confessional DUI videos, actors acting impaired.
- Releasing virally over social media
- Paid advertising, movie theaters trailers and targeted online
- Gorilla marketing tactic
- First one is 8/15/14, 8/22 & 8/29/14
- Purchased 30 spots

Pint glass proverbs, impaired driving messages etched on the bottom

- Distributing into a lot of areas in Colorado (i.e. Durango)
- Perfect thing to give to breweries

Late night snack stickers – provide alternative modes of transportation – distributed to 19 restaurants in Denver and Boulder. Will look into distributing to more areas in Colorado

Checkpoint cards – law enforcement participating in Checkpoint Colorado

Paid media – reusing radio from last year.

Sonderup (Hispanidad) – Geo-target neighborhoods for propensity of Spanish speaking. Several rural areas are benefiting from that, especially Weld County.

- Focus groups as well as general market. One of the interesting things that came out of it is an older population of Latino males are abusing prescription medications and driving. Going forward with 21-34 Latino men and also mid 30 – mid 50s prescription medication drug abuse. Seeing a lot of seasonal workers getting injured on the job, not able to seek medical care, taking too many muscle relaxers and not realizing the English message to operate machinery. Trying to open conversation between that individual and the doctor or pharmacy that prescribed those, encourage to speak to their doctor about it.
- Eagle county event

Viscardi - CIG – press release coming out soon – Judge Celeste provided information on the effects of THC and how it varies on consumption. Created a myth or fact sheet to raise awareness to consumers.

Wilfong – We are at the end of our budget for the Marijuana campaign, trying to keep it as a topic of conversation

Davis – Taxi cab confessionals, there is an enforcement message attached. NHTSA funds the message.

McEvoy – Applaud CDOT for the message to make safer choices. Question when it comes to marijuana, if the majority of sales are still at the medical dispensary, are we still accessing that as a point of distribution?

Wilfong – MIG has been a great partner in working with the dispensaries to distribute information. Dispensaries want more so we need to get more printed. They have been stapling to packages.

Elliott – To clarify – 500 medical marijuana centers, 100 retail marijuana stores. Mostly Denver but in some mountain communities.

Ticer – Of the 100, are some medical and recreational?

Elliott – Most of them are, approximately 95% are doing both.

Ticer – Thank you for thinking outside of the box as always and being creative with you and your team in a humorous way that engages them. Thank you to Laura Sonderup as well for focusing on prescription drug abuse as well. Talking points are leading into why we changed the name of this task force. Keep it in mind that it is not just about alcohol.

Viscardi (CIG) – Since Washington is also using the marijuana ads, we have gotten a lot of additional attention. It has breathed a little more life into the campaign from the attention.

Elliott – Marijuana tax money that has been coming in, supposed to be available for education purposes. My understanding that part of it was supposed to go towards impaired driving campaigns and that hasn't happened. Disappointed that tax revenues were not directed this year.

Davis – Proposition A money that was supposed to be set aside – CDOT is in negotiation on getting some of that money from another state agency.

Wilfong – Working with the JBC and Governor's office proposal for FY15-16 to cover statewide education.

Elliott – If I can be helpful, let me know.

Parker – She treats clients how to be social drinkers, what is appropriate and inappropriate. Concerns in regards to the campaigns for those that don't know how to be social drinkers.

Gray – When you lump all people together and you truly have someone that doesn't have a drinking problem and those that do. She has a hard time with those with drinking problem. It seems the campaign implies permission to go ahead and drink. Those people are likely going to drink anyways regardless of the campaign.

Wilfong – The campaign is targeting social drinkers.

Gray – How do we separate out those with a problem?

Wilfong – The struggle is with reaching those that do have a problem through advertising, it will take more than advertising to not get them to drive.

Matzke – For this target population, when you come out with a strict message, they turn it off.

Johnson – Agrees shaking finger not the way to do it. Nothing is going to reach those folks who are in need of it until they are ready.

Flavia – Persistent Drunk Driver campaign conducted focus group and market research. Messages that resonated were not “don't drink.” They preferred alternatives presented and consequences of drinking and driving.

Groff - How many percentage wise are not a disease state or an issue of alcohol abuse? Can we take that information to target that group?

Hutt – Approximately 80% of people who get a DUI don't get a repeat offense. Often see offenders that get pulled over going to get food while impaired.

Perea – Focus on purpose of advertising.

Gagarin – Narrow focus effecting decision to drive. If we can change that decision, it is a win for public safety. Get to the decision point. Are you going to reach for your keys or reach for your phone to call a cab?

Senator Todd – There is no one message. Another piece in regards to car keys, if you don't feel quite right, figure out where to park your keys.

Parker – Only 10% get addicted. Majority of her clients are not addicted. Problem area of twenty something year olds who never learned how to be social drinkers.

Groff – Most difficult is outreach and ongoing outreach limited by funding for ongoing messaging. Make recommendations for ongoing mechanism for a certain percentage of advertising for public service announcements.

McEvoy – Ability to reach at access point. Stand ready to assist to get those messages out. “Drink responsibly, drive responsibly” is the Colorado Liquor Beverage Association's campaign.

Hutt: Motion to endorse funding.

Davis: Second
All in favor, motion passes.

Task Force Business & Presentations –

Blood Draw & Expedited Warrants Discussion

Celeste – Attended MADD No Refusal Workshop. One of four in the country, hosted in Denver.

- Law enforcement initiatives in regards to expedited warrants.
- This has been around much longer than we have been discussing it.
- McNeely case – exigent circumstances.
- Case law currently at the appeal level.
- Challenges to implied consent law causing concern
 - North Dakota (State vs Brenny) – challenging 4th amendment search and seizure without a warrant.
 - Could have cascading effect across the country
- Group discussion amongst Workshop
 - Dissipation of THC in the body
 - How do you conduct No Refusals?
 - How do you implement in Colorado?
 - Who is going to draw the blood?
 - Law enforcement phlebotomist? Currently done in Arizona, Utah, and Idaho.
 - Would we be violating 4th amendment rights for search and seizure?
 - Do we need to revise implied consent statute?
 - Colorado in middle ground, allows swearing in over the phone and use of technology.
 - What happens when you do get a warrant and they still refuse?
 - Do you have to restrain?
 - Examples of expedited warrants in Utah and Michigan.
 - Media strategies related to that.
 - What are the effects of expedited warrants?
 - Increase in convictions?
 - Decrease in refusals?
 - Can this be considered coercion?
 - Law enforcement keeps records on no refusal weekends?
 - Does that relate to more safety on the highway or roads? No data to tie together is currently available.

Hutt –

- How different the law is state to state and how that impacts what we do in Colorado.
- It doesn't make a whole lot of sense. The idea is to ultimately stop people from drinking and driving impaired.
- Are you going to change behavior by using this program?

- There is as good of a chance that it would have a negative effect as a positive effect.
- HB1240, refusals now require two year interlock
- Will it do away with refusals?
- How does that change people's driving behavior?
- Society of limited resources, what is the best way to do this?

Lanzer – There is a value that case study has shown. High visibility enforcement has a demonstrated effect on impaired driving.

Davis – I would like to hear from DOR

Close – We would have to go back and re-evaluate. They have a request in to get data to see if there is any change. Since the new requirement was recently implemented, not enough data yet to compare.

Ticer – Legality of this? Arrest, probable cause, refusal – is it lawful to get blood by warrant?

Hutt – Under current law, yes, but quagmire for refusal consequences.

Celeste – Test results; juries like to see test results. CSI effect, people like numbers and data.

Perea – Jurors understand what the numbers mean. Refusal can be a different case depending on the officer's documentation. Inference of refusal must have been something wrong if they refused.

Celeste – Less costly to prosecute the case because of the test results. Increase high visibility, increase number of ARIDE and DRE to get the same effect.

Ashby – Running into double refusal to get out of DUI. If habitual traffic offender (HTO) already, refuse anyway to get out of felony charge.

Celeste – Encourage focus on HTO. Start out slow with a no refusal weakened.

Ticer – Thank you for time in attending. Thank you Fran for bringing this together. We have been talking about this since November 2011. We are missing data. Suggest capturing what has been discussed and putting into a white paper and put in our annual report.

Changes to ITFDD through HB 14-1321 – Chief Ticer & Glenn Davis

Name Change

- Goes into effect 8/6/14
- New name is Colorado Task Force on Drunk and Impaired Driving (CTFDID)

New Members

- Adds two positions
 - Representative appointed by the Executive Director of the Department of Human Services Behavioral Health with expertise in providing minors, adolescents, and juvenile offenders with substance abuse treatment and related services.
 - CDHS will select and then send letter to the chair
 - Representative of a statewide organization that represents persons licensed to sell retail marijuana for consumption off premises
 - Letter from marijuana industry supporting representative

- Member designated by CDOT
- The Director of the Peace Officers Standards and Training Board (POST) or the Director's designee
 - The Director of POST, Pete Dunbar, will fill this position.
- Researcher appointed by majority vote of the task force members and who specializes in drunk and impaired driving research.
 - Will vote at September's meeting.

Plans to Change Bylaws

- Current bylaws are out of sync. Bylaws currently read that task force votes members on or off, contradicts statute which reads Executive Director of CDOT selects.

Challenge Coins, Names Plates, Brochures, and Banners

- We will need new materials to reflect the new name and a new logo.
- Motion made that is reasonable and necessary for task force business to obtain design for new name, name plates, brochures, challenge coins, and banner – motion made by Ashby, second by Bright. All in favor, motion passes.
- Emily Wilfong can help with the design and creation of a brochure that hits who we are and what we represent. Perhaps a subcommittee to work on this.

Legislative Update – Trooper Dave Hall (CSP)

Not in attendance.

Lightning Round Update

Flavia – Interlock research next year. Marijuana research around driving and marijuana testing devices. Not solid, open up to group if other areas to be considered let her or Glenn Davis know.

Parker – September is recovery month. CAAP is hosting events at college campuses. Auraria campus is one of them.

Maroney – Licensed distilleries has tripled in Colorado. There are currently 53 distilleries, which is a lot. Sending investigators to events to look for minors. At Country Jam in Grand Junction, record number of arrests this year at 227. Prior year's event was 180. They will be at Global Dance Festival.

Johnson – Would like to invite everyone to Georgetown to Idaho Springs half marathon on 8/9/14, expecting 3500 people. She will be handing out O'Douls non-alcoholic beer. You can register online.

Lanzer – Walk Like MADD event at Sloans Lake on 8/2/14. Everyone is welcome to attend/participate. www.walklikemadd.org

Gray – 8/11/14 marks the ten year anniversary of Brittany and Brian's death. She has filed for non-profit status. She asks that you please go to the website. www.dareyoutomove.us Any size donation will help as they move forward with the non-profit status. We have come a long way in ten years and appreciate the support.

Matzke – CDOT, CSP, and Ford are partnering together for the Ford Skills for Life, messaging to include distracted, occupant protection, and impaired driving. Expecting 400 teens to attend. Takes place July 22-23 at Dick's Sporting Goods Park.

Chase – The night time Click It or Ticket enforcement wave is coming up 7/21/14-7/27/14.

Rocke – The second DRE class finished up in June in Aurora. 24 students successfully completed the class. Currently 237 certified DREs in the state.

Ticer – There is significant funding for DRE training forthcoming.

Close – Significant investment to allow DMV to re-engineer their systems. This will enable better reporting. It is 18-24 months out.

Groff – Certified labs engaged to develop best processes to get data on drugs. Colorado is the host state for users group conference for breath alcohol testing. It is the 30th annual conference and is hosted in Breckenridge, Colorado. Many other states are modeling CDPHE's intoxilyzer program. In regards to earlier question on what percentage of arrests does the Colorado State Patrol (CSP) handle compared to the state, based on information from testing alone from 5/1/2013 – 6/30/2014 CSP comprises 25% of testing.

Perea – One machine had an issue in Weld County. Of the 33 tests conducted on this machine, only one has been dismissed so far. This ties back to the strength of law enforcement documentation on impairment.

Groff – In regards to the machine, it was due to human error, not the machine. Nothing to do with accuracy of machine.

Elliott – What does low fatality rate mean?

Davis – Less than one per every 100 million vehicle miles traveled. The vehicle miles traveled is determined by the engineering office.

Elliott – Does that mean it is getting better?

Davis – Fatalities are decreasing. Low range status ties to NHTSA funding.

Wilfong – Rockies partnership – Steve Hooper was honored on the field on 7/3/14 for his work on impaired driving. Chief Ticer will be honored on the field 8/22/14.

Kurtzig – Law enforcement recognition event was in June, thank you to those who came. Dr. Timken and Chief Ticer were recognized. Nominations for next year's event will go out in February. The event will be in June next year.

Adjourned: 12:15pm

Next Meeting: Friday, September 19, 2014

In Attendance:

Chief Robert Ticer, Colorado Association of Chiefs of Police

Glenn Davis, Colorado Department of Transportation

Captain Paul Matzke, Colorado State Patrol

Brenda Hahn, Colorado State Patrol

Leslie Chase, Colorado Department of Transportation

Robin Rocke, Colorado Department of Transportation

Brett Close, Colorado Department of Revenue, Driver Control

Bud Bright, Teller County Sheriff's Office / County Sheriffs of Colorado

Laura Gillim-Ross, Colorado Department of Public Health and Environment

Jeff Groff, Colorado Department of Public Health and Environment

Anthony Perea, Weld County District's Attorney Office

Daniel Gagarin, Public Defender

David Timken, CIDRE

Abe Hutt, Colorado Criminal Defense Bar

Ellen Anderson, Aspen's Topsy Taxi
Jill DeRoehn, Denver County Probation / Sobriety Court
Emily Wilfong, Colorado Department of Transportation
Pete Dunbar, Colorado P.O.S.T.
Ilana Kurtzig, Mothers Against Drunk Driving
Liz Viscardi, CIG
Brenna Hersey, Amelie Company
Mark Ashby, Thornton Police Department
Wes Melander, Public
Jan Hart, Colorado Department of Public Health and Environment
Jessica Johnston, Colorado Judicial Branch
Rita Dieolonyte, New Journey to Wellness
Pat Schneider, Smart Start, Inc.
Mike Sack, Standard Sales Co
Laura Sonderup, Hispanidad
Crystal Murillo, Hispanidad
Kevin Reza, Hispanidad
Shannon Westhoff, Hispanidad
Christine Flavia, Colorado Department of Human Services, Office of Behavioral Health
Susan Colling, Judicial / Probation
Sue Parker, Colorado Association of Addiction Professionals
Jeanne McEvoy, Colorado Liquor Beverage Association
Patrick Maroney, Colorado Department of Revenue, Liquor Enforcement
Kris Johnson, Alcohol Distributors / Standard Sales
Fran Lanzer, Mothers Against Drunk Drivers
Jennifer Gray, Victim

Colorado State Patrol

Common Codes	January			February			March			April			May			June			July			August			September			October			November			December			
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	
800	325	306	330	302	280	292	354	332	403	360	272	372	400	355	490	379	331	436	482	456	373	490	369	410	459	353	396	375	276	321	324	274	375	369	296	350	
801	29	18	19	39	30	31	36	34	43	33	21	57	39	29	45	46	36	51	54	51	32	63	43	57	40	38	44	29	31	36	40	0	36	41	26	29	
802	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
803	3	2	1	4	4	5	5	1	2	6	1	6	7	1	0	1	5	7	10	2	12	11	6	21	4	1	8	2	2	1	4	24	0	7	1	3	
804	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
806	0	0	0	0	0	0	3	1	0	1	0	0	2	1	0	0	0	2	1	0	1	0	1	0	1	5	1	2	0	3	0	0	0	0	1	1	
807	3	3	4	3	3	2	5	7	6	3	2	0	4	4	0	6	1	2	7	2	6	1	3	3	5	4	4	4	3	0	2	2	6	4	3	4	
810	4	4	4	1	2	0	0	2	3	4	2	4	2	5	8	2	2	3	3	2	3	4	1	5	2	2	3	4	2	0	3	2	0	4	3	3	
811	4	3	3	1	6	0	7	13	5	1	4	10	3	4	2	0	2	2	5	2	8	3	1	8	5	5	6	1	0	8	1	1	11	6	5	10	
812	163	129	143	156	118	104	157	147	149	183	111	166	196	162	199	174	125	160	231	204	123	242	176	160	194	175	153	159	119	122	154	109	151	175	133	148	
813	29	17	19	22	22	0	21	30	0	27	35	0	35	33	0	15	14	0	27	24	13	24	28	20	28	16	17	20	16	14	24	22	14	15	15	15	
814	1	0	0	0	1	0	0	2	0	0	0	0	0	1	0	2	0	0	1	0	0	0	1	1	0	0	0	0	1	0	1	0	1	2	0	2	1
815	0	1	1	1	1	0	3	1	0	0	1	0	2	1	0	0	0	0	0	1	0	1	4	0	1	0	0	1	0	0	0	1	0	0	0	0	
816	1	0	0	1	3	0	1	1	0	0	0	0	3	0	1	0	0	0	2	0	2	0	1	1	1	0	2	0	1	0	0	1	0	1	0	1	0
817	0	0	0	0	0	0			0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
818	6	7	7	9	6	11	15	9	13	11	10	19	13	10	16	15	14	18	15	6	15	15	11	12	17	9	8	8	10	10	8	12	7	12	8	13	
TOTALS	568	490	531	539	476	445	607	580	624	629	459	634	707	606	765	640	530	681	838	750	589	854	645	698	757	608	642	605	459	517	560	448	607	634	494	577	
Total Minus Complimentary Charges	358	328	353	342	312	323	390	368	449	397	295	433	441	389	547	427	369	490	539	509	408	557	413	472	501	393	443	408	309	357	367	276	414	414	325	382	

800	Drove Vehicle While Under the Influence of Alcohol or Drugs or Both
801	Drove Vehicle While Ability Impaired by Alcohol or Drugs or Both
802	Animal Rider on Highway Under the Influence of (Alcohol/Controlled Substance)
803	Pedestrian on Highway Under the Influence of (Alcohol/Controlled Substance)
804	Habitual User of Controlled Substance Drove Vehicle
806	Vehicular Homicide - While Driving Under the Influence of Alcohol or One or More Drugs or Both, Such Conduct was the Proximate Cause of a Death to Another Person
807	Vehicular Assault - While Driving Under the Influence of Alcohol or One or More Drugs or Both, Such Conduct was the Proximate Cause of Serious Bodily Injury to Another Person
810	Person Under 21 Drove Vehicle With BAC of 0.02 but Less Than 0.05 (First Offense)
811	Minor/Provisional Driver Possessed 1 oz or Less of Marijuana
812	Drove Vehicle With Blood Alcohol Content of 0.08 or More
813	Drove Vehicle While Under the Influence of Drugs
814	Drove Vehicle While Ability Impaired by Drugs
815	Drove Vehicle With Excessive Alcohol Content in (Blood/Breath)
816	Drove Vehicle Knowingly With Ignition Interlock Device (intercepted/Bypassed/interfered With)
817	Tampered With Ignition Interlock Device
818	Drove Vehicle Other Than Vehicle Equipped With Approved Ignition Interlock Device