



## **Meeting Minutes**

May 20, 2016

**Opening Comments** – 9:00 Chief Ticer

**Quorum** – 18 out of 21 members

### **Legislation Sponsors' Remarks** (if in attendance)

Representative Dave Young, House District 50 (Greeley/Evans area)

- Approaching another campaign, in a targeted seat.
- Hope to be back in November.
- Term limited out if successful in November, that will be my last term if I am successful
- Served on Joint Budget Committee, would be happy to do so again if given the opportunity.
- My heart is here. Have been attending task force even prior to years in the legislation.
- Stand ready to carry legislation for you.
- One of the issues that have been lingering is the primary seat belt law. Stand ready to carry. We know it is somewhat contentious, but willing to try.

Davis – Carol Gould at CDOT has a seat belt task force. Try to move the meetings around so they don't conflict with schedules. Trying to prepare for what messaging and what tone can work. Trying to back with data and attitudes. Utah took grass roots efforts.

### **Introductions**

Gina Espinosa-Salcedo, Regional Administrator NHTSA.

Ticer - Very proud and happy to have you as the new Regional Administrator for NHTSA, we think you are going to do a great job.

Espinosa-Salcedo – Look forward to supporting task forces such as these.

Joyce Smith – newly appointed to represent statewide organization of addiction professionals.

Smith is the clinical director of Creative Treatment Options in Arvada, Lakewood, and Westminster.

Smith – The clinic had a recent fire and lost one of their employees. They were able to relocate within a day or two and back up and running three weeks. Staff is masters level. Lots of mental health and dual diagnosis treatment.

Ticer – This is a holistic approach in dealing with the problem of impaired driving.

### **Public Comments**

None

### **Minutes of Previous Meeting**

Motion to approve made by Aylmer, second by Maroney. All in favor, motion passes.

## Statistics

### State Fatality Numbers (CDOT) – Glenn Davis

- 139 total fatalities as of 5/10/16
- 151 last year at that time
- Decline in 19% from last year as of 4/30/16
- Trending low, good news that we are going down.
- Coming up on summer months, we will see what happens.
  - Elliott – Where fatality numbers from last year were higher? Are we trending back to lower numbers in the past
  - Davis - Last year 545, increased for the last three years.
  - Elliott – Are we in any danger of losing our low fatality state.
  - Davis – Based on 3 year average. Based on where we are at now, it is likely we will stay low.
  - Packard – CSP was trending low in the metro area, however last week we had 6 people killed in 4 days.
  - Anderson – 21 year old male from Aspen, killed in a motorcycle crash in Denver. Memorial is June 5, the whole town will likely turn out. These are not just statistics, these are real people.
  - Davis – of fatalities 34.2% this year, are alcohol related.
  - Flavia – Is that higher than the national
  - Davis – I don't think we are.
  - Wells - Do you have those broken down by age?
  - Davis – Only by county, by the end of the year will have broken down by age.

Elliott – AAA put out the study, legal limits are arbitrary and unsupported by science. It seems that we are too focused on blood when it comes to marijuana impaired driving. Stuck in the mind frame of applying alcohol standards on marijuana impaired driving. It seems we haven't fixed this problem. Marijuana perspective seems that an assumption is there that isn't true. Perhaps time to think a little differently about this problem.

Anderson – Jim Fell used to be with PIRE, now with University of Chicago is in the process of putting a study to develop marijuana impaired driving cues. Visual cues that officer can use other than a blood or saliva test. One of the aims is to develop a visual detection guide, similar to existing. Identify behaviors. Determine pre stop vehicle maneuvers and post stop behaviors. Three police departments committed. Looking for a police department in Colorado to be a part of this study.

Davis – Who is funding this?

Anderson – I think NHTSA is funding it, but not certain.

Richmond – As a result of training received by Chris Halsor with Understanding 420, learned that because it is still a federal class drug, we cannot do any research to determine a controlled situation. Control dosage, sample size.

Anderson – Jim is willing to come and give our group a talk if the group is so inclined.

Rep. Young – New institute setting up at CSU Pueblo going to do similar research?

Reed – Spoke with CSU Pueblo, right now, not on their plan, but potentially could be.

Timken – Comment about AAA study. Needs to be a lot more done. Interesting work coming from some colleagues that may make a significant contribution to work towards resolving the problem. It is too early to say a certain level doesn't mean much. Better ways of measuring behavior will give us better answers. Can't forget some of the earlier work that is still very meaningful that was done in Europe. Things change and science evolves. Certainly we look much differently today at a number of medical disorders than what we did 5-10 years ago. Have to continue to keep looking at things and challenging things.

Elliott – A lot of research showing ng levels and blood does not equate to impairment. Seems like sole focus has been on finding an impairment level in the blood. This in my mind is one more study showing that way of thinking is backwards. Marijuana does not react the same way as alcohol in the body.

### **Media Relations & Significant Upcoming Events - Sam Cole, CDOT**

- Launched drugged driving marijuana campaign, has gone phenomenally well.
- Developed a direct targeting campaign
- Paid advertising campaign, billboards
- Males 21-34
- Movie theater ads playing before R rated movies
- Hits lead to hits billboards
- Launch this week and go until June. Funded by the state
- Slow speed chase at 420 rally
- 5 Points Jazz festival this weekend
- Marijuana rally will be there as well
- Get that notion inside peoples head if you do drive high, you could be endangering yourself and others
- Committee together in June
- Enforcement periods, thee coming up. Memorial day DUI enforcement wave. Will be doing a media and press release. Checkpoint Colorado also launches through the summer. Seat belt related May Mobilization. Media event, father of Mackensie Forest, the 17 year old that was killed in a crash. Take the Level Mack pledge to buckle up. 40 agencies across the state will be passing out the card – Take the Mack challenge.
- Spring events enforcement wave just finished
- 1451 DUI arrests during spring events
- Drugged driving related to prescription – Matt from Heinrich Marketing has posters available if you would like.

### **Task Force Business & Presentations**

- Program Management & Strategic Planning – Glenn Davis
  - Can send the update through Brenda to distribute
  - Will send something out to the work group.
  - Strategic planning, program management, and data
  - Look at last year's report and where we want to go with funding
- Criminal Justice – Deputy Chief Steve Johnson
  - Plan for the group to roll over and into the new year a lot of what we started. Some were fairly lofty and large. Roll those over and look and see how they fit. A lot are continuing issues that we face in the criminal justice arena.
  - Any one that would like to participate let him know.
  - Will look at conference calling options.
  - Davis – Would ask that TSRP serve on this work group
- Prevention – Ellen Anderson
  - Met yesterday

- Study distributed to the entire task force. Assessing the Impact of 20 underage drinking laws.
  - Principal Investigator was Jim Fell
  - Defined to the 9 most effective in reducing underage drinking fatalities.
  - Improving situation under current laws we have
  - Sponsor legislation to beef up the laws
  - Maroney – have laws in place. Looked at a couple of things. Low hanging fruit in that realm. DOR-Liquor Enforcement Division (LED) is well known for compliance checks. That is focused on testing the retailer. Looking at taking a little bit of those resources and re-focus to looking for kids doing this. Currently do at big events (i.e. Country Jam.) We also have a program Cops in Shops, partner with retailer or bar. With cooperation, pose as a customer or employee onsite and looking for signs of underage consumer. Fake IDs are getting really good. The kids are getting fake IDs from other states. DOR-LED can run to see if ID is valid. Look at his staff to see if can add focus on this program.
    - Seller/server training is not mandatory in Colorado. Generally you don't have to do it. Most companies do to reduce liability.
    - Could possibly look at rule making process this year to add fake ID training to the curriculum of seller/server training for Responsible Vendor training.
  - Lemley – Thinks it is something that the industry can get on board with.
  - Wells –When kids are picked up, how often are their licenses taken away?
  - Maroney – As far as I know, there is a provision if an adult buys or gives alcohol to a minor, but there is not for a MIP.
    - Last year arrested for 230 kids at Country Jam. Some jurisdictions are stronger than others. Some take a harder stance and others a lesser. It is hit or miss for any kind of consequences.
  - Crystal - DOR – suspends on the second violation, courts can suspend on first violation
- Impaired Driver Intervention & Treatment – Christine Flavia
    - Developing new treatment model for offenders with felony DUI treatment
    - Presented proposed rules, in process of getting approved in the department
    - Implementation issues. A lot of changes in the administrative and data side as well as probation, let alone the treatment providers.
    - A lot of work still to do.
    - Will send out notice to others interested in participating.
    - Eager to launch into that work.
  - Communication – Sam Cole
    - Updated during the Media update.
  - Program Evaluation & Data – Jack Reed
    - Taking over as Chair along with Jeff Groff's assistance. Thanks to Nicole Richmond for her leadership over the last year.
    - Working with Probation and Office of Behavioral Health to see what we can improve upon.

- Good place to capture additional information about the offender and the nature of the offense.
- Looking at toxicology labs and results they get. While not be all end all, it is still important information to collect .
- Privacy – what can be shared
- Still working to determine who would own this database.
- Currently no one place where toxicology results reside..
- What are ways to carrot or stick toxicology labs to provide us this information.
- Looking to meet prior to the July meeting.
- Groff – Administrative rule that administers toxicology program in the state. Can make as a requirement for certification. About 11 of them, 9 in Colorado. The trick is if labs are willing to provide the information (academic interest).
- CBI, Chematox, CSU – those are the primary testing facilities
- Biggest concern that the labs have, clients are law enforcement as well as defense attorneys. Defense attorneys have said you cannot provide the agency case number as that can potentially be used to track to the client. Labs are reluctant. That piece of information is important so we can tie it together, but how will that be protected?
- Testing, record is not a public document, recent legislation.
- Need opinion from AG so that labs will have confidence that privacy will be protected

**Break:** 10:55am

**Reconvene:** 11:05am

### **Lightning Round Update**

Packard – Focus is removing impaired drivers from the roadway and whatever that means. Please remember that as we are moving forward. It means a lot, it truly is people. On prescription impaired driving, showed dash cam video of woman narrowly missing barriers on road. 11:00 am, women in her 30s on a Tuesday. Impaired driving is inclusive. LTC Eldridge was asked to speak in Edmonton, Canada to speak on impaired driving. Marijuana will be federally legal in Canada. It will be interesting to see how it impacts our country from a legalization standpoint in our country. Canada is actively looking at our state to see how we have handled it. Age limit in Canada is 18. We will continue to do a lot of multi-agency impaired driving campaigns. Month to month impaired driving campaigns are starting in May.

Maroney –Senate Bill 197 – how alcohol is sold in Colorado is going to change. If the ballot measure passes. Watching closely.

Ticer – Update on powdered alcohol

Maroney – Senate bill was introduced that would ban powdered alcohol in Colorado. Failed 5-4 in the senate committee. That will be another topic on this summer’s rule make hearing to address industry’s concern. 30+ states have banned it.

Smith (CAAP) – Interested in working on the prescription drug issue and felony DUI. Happy to be here, thank you for having me.

Flavia – Pending legislation that would impair OBH’s ability to collect data. Happy to report the bill was killed. For now, can continue to do business as usual. Last week was the start of a series of four regional impaired driving treatment trainings that OBH does every year. Had almost 400 people register for those trainings. Two trainings complete, very successful. Thanks to CDOT, Glenn and

Carol for getting DREs to present at the training. It was phenomenal. Law enforcement is used to those conversations, treatment providers have little to no contact so this has been fabulous. Would like to find ways to continue that level of collaboration in the future in getting us to work together on all sides. Very positive and productive experience.

Packard – CSP would be happy to provide assistance for DREs.

Kurtzig – Thank CSP, hosted Power of Parents workshop for troopers at the end of April. Provided information about parents talking to kids about alcohol. Will be working with troopers on getting educational outreach to the community. Update on Impact Panels, there will be a cost increase. Moving to an online registration for those panels. Not sure when the fee increase will go into effect logistically. Will keep you posted when that will happen. Online registration rolled out in Denver first, roll out to Front Range, and then Western Slope. Law Enforcement Recognition event is Wednesday, 5/25/16. Thank you for participating.

Lemley – Alcohol industry, restaurants, brewers, hosting 2<sup>nd</sup> Annual Alcohol Beverage Symposium. Will pass on link to Brenda Hahn for distribution. Compliance information, what you should do, what you can't do. Industry education on where we see the industry going.

Espinosa-Salcedo – Thank you to CDOT for inviting us. The CA drug device study, the WA roadside survey and the IA inhaled cannabis dosing study (using the driving simulator) are all under Agency review, and are close to being released this summer. NHTSA is testing roadside drug screening devices, as are many states. We are reviewing our existing Standardized Field Sobriety Tests and physical indicators (cues) that officers can use to identify and document impairment. NHTSA has renewed its efforts in toxicology, testing, and training in order to improve identification of drug impairment signs (cues) for officers in the field. The onus of proving drug impairment falls back on the initial officer's observation, and his/her ability to capture/document what he/she sees. Some of the drug impairment signs dissipate so rapidly that DREs responding to and evaluating the subjects (after some time has passed) is diminishing the value of the case. As a result, we are working with Traffic Safety Resource Prosecutors in the synchronization of the Drug Evaluation and Classification (DEC) curricula in mid-June. Also, NHTSA will be bringing key stakeholders together to establish a standard panel for drug testing, and agreeing to the minimum level of presence to confirm a positive test. AAA just released two reports; both add support and credibility to the DRE and ARIDE programs, and the need to increase the ability of the officers to recognize drug impairment.

The 22<sup>nd</sup> annual IACP DRE Training Conference will be held in Denver, Colorado, August 13-15, 2016, at the Hyatt Regency Denver. Nationally, there are approximately 7,400 credentialed DRE's. In 2014, there were over 26,000 enforcement evaluations. 2015 evaluation data is still coming in; however, nationally there have been significant drop-offs in the number of DRE evaluations between 2014 and 2015 according to the results of DREs entering data into the national DRE database, which is supported by NHTSA. All states in Region 8 saw declines, and Colorado sits at 33.39%.

NHTSA's Interim Final Rule is available for review and public comment, and can be found on NHTSA's website:

<http://www.nhtsa.gov/staticfiles/nti/pdf/FAST-Act-NHTSA-grants-IFR.pdf>.

Matt (Heinrich Marketing) – Posters available for prescription impaired driving messages. One side is in English, the other side is in Spanish. If anyone is interested, he has posters available. Spanish only poster available. North side of Alameda and Federal, driving south bound to see it.

Melander – Thanks to Major Garcia for sending the CSP data from 2015 and the first quarter of 2016. This is a wealth of information. Encourage CSP to make this available at least quarterly. Recommend that we add to the minutes for today's meeting.

Kingery – Wrapped up annual conference, brought together 800 individuals in the criminal justice field. A lot of positive feedback from conference. Adopted minimum and best practices under Problem

Solving Courts and Advisory on Judicial's website. Pulling data from judicial databases, great opportunity to partner with OBH to bring in data that we didn't have before.

Anderson – When talking about people behind the statistics, one of the toughest things an officer has to do to give a death notification. Remember that one of the tough parts is the officer that gives the notification. My hats off to all officers that continue to do a great job. Shout out to Brenda Hahn, reiterate my appreciation for her.

Reed – First report that summarized marijuana data about a month and a half ago. Summarizes traffic data as well. Not enough information to start to form conclusions. Spreadsheet with all the underlying data. Will forward to Brenda for distribution. Health Canada has reached out to gather information related to marijuana impaired driving. CSP has done a great job at being at the forefront of trying to gather data.

Timken – Interlock state administrators had national meeting in Denver. Somewhat dismayed that no one from DOR was present. Really interesting things said there. Really good presentations made. Hopefully in the future if this meeting comes back, there can be better representation from state agencies. Traffic Industry Research Foundation prevalence of interlock usage in this country. Unfortunately, no Colorado data. Major data system changes at revenue. Would have been nice to see latest Colorado information. Ranked second next to the state of Texas of interlock devices. Surprised that North Dakota came in last place. According to that data, North Dakota had one device. Colorado places towards the top. Marijuana, latest issue of Journal Studies of Alcohol and Drugs, one of the leading journals of substance. A number of articles related to marijuana. Recommend getting ahold of him and he can provide link. Keep in mind.

Lamson – Last meeting as member of the task force. Leaving the alcohol industry, pursuing graduate school. Enjoyed listening to how much incredible work is done. Amazing amount of expertise and experience in this group. Thank you for letting me be a part of this.

Contreras – Retail marijuana from CDPHE perspective. Department was funded with a little over \$2 million to provide research. Still to be determined what the focus of these grants will be. RFA will be opened up by July 1. Administering a marijuana user survey, will launch soon and run through the end of October. Targeting marijuana users. Why using, frequency, and quantity of use. Will fulfill statutory obligation to monitor usage. Question about simultaneous and multiple drug use with marijuana. Attending community events that will administer the survey in person. Retail marijuana, meeting June 27, 1pm at CDPHE. On the agenda is Dr. Ashley Brooks Russell. New web page for Good to Know campaign. Education messaging on law. Goodtoknowcolorado.com

Johnson – Legitimate industry. Home grows, butane explosions, edibles. If they want to have the respect of industry, they need to act like one. Challenge is to conduct yourself like a legitimate industry.

Motion to adjourn made by Johnson, second by Packard. All in favor, motion passes.

**Adjourn:** 11:53 am

**Next Meeting:** Friday, July 15 – 9:00-12:00pm  
Location: TBD

**In attendance:**

Chief Bob Ticer, Avon Police Department  
Major Matt Packard, Colorado State Patrol  
Glenn Davis, Colorado Department of Transportation  
Jeff Goodwin, Colorado State Patrol  
Steve Johnson, Douglas County Sheriff's Office

Jeff Groff, Colorado Department of Public Health and Environment  
Elyse Contreras, Colorado Department of Public Health and Environment  
Mike Elliott, Marijuana Industry Group  
Daniel Gagarin, Public Defender  
Crystal Soderman, Colorado Department of Revenue  
Dr. Dave Timken, CIDRE  
Christine Flavia, Colorado Department of Human Services, Office of Behavioral Health  
Chris Lamson, Superior Liquor  
Kim Abbott, Anheuser Busch  
Partrick Maroney, Colorado Department of Revenue Liquor Enforcement  
Ellen Anderson, Retired Pitkin County Sheriff's Office/Tipsy Taxi  
Representative Dave Young, Colorado General Assembly  
Jack Reed, Colorado Department of Public Safety, Division of Criminal Justice  
Amy Kingery, State Court Administrators Office  
Mora Fiedler, Colorado State Patrol  
Dr. Bob Weltzer  
Nicole Richmond, Colorado Department of Public Health and Environment  
Ilana Kurtzig, MADD  
Sam Cole, Colorado Department of Transportation  
Wes Melander, Public  
Tom Kissler, Smart Start  
Joe Sanfilippo, Uber  
Andrew Lemley, New Belgium Brewing Company  
Chelsey Hall, Colorado Department of Human Services, Office of Behavioral Health  
Katie Wells, Colorado Department of Human Services, Office of Behavioral Health  
Paul Aylmer, Colorado Restaurant Association  
Patrick Maroney, Colorado Department of Revenue, Liquor Enforcement Division  
Joyce Smith, Colorado Association of Addiction Professionals