

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

Meeting Minutes April 15, 2011

Chief Wolfenbarger (Chair) called the meeting to order.

Attendees:

- Scott DeMuro
- Raymond Fisher
- Jeanne McEvoy
- Christine Flavia
- David Timken
- Glenn Davis
- Tom Quinn
- Hannah Seigel
- Patrick Maroney
- Paul Wood
- James Wolfenbarger
- Bill Young
- Heather Halpape
- Bear Kay
- Steve Wrenn
- Jill Hart
- Lisa Finch
- Christine Adams
- Ed Casias

Introductions and Initial Comments:

All present introduced themselves. There were no legislative or public comments.

Approval of Minutes from Last Meeting:

Christine Flavia moved to approve the minutes, and Bill Young seconded. Minutes from the March 18th, 2011 meeting were approved unanimously.

Summary of Key Performance Indicators:

Information was presented regarding the number of CSP covered DUI/DUID-caused crashes and DUI/DUID arrests during the months of January, February and March in 2011 and 2010. A summary is attached.

Media Relations & Significant Upcoming Events: (Heather Halpape, CDOT & Bear Kay, CSP)

CSP, CDOT, MillerCoors, Colorado Rockies, Arizona Diamondbacks, and Arizona State Patrol have set up a challenge to see which state can sign up more designated drivers.

Bill Young provided more information about the Team Coalition and its efforts to promote designated driving programs at sports venues by training all stadium/district/team employees.

CDOT will do a media event that coincides with Memorial Day and the summer "Heat is On" campaign kickoff. A van on the western slope to be highlighted.

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noDUIcolorado .org website:

Christine Flavia presented background on the website. One of the statutory directives of the Persistent Drunk Driver (PDD) fund is to support programs designed to deter persistent drunk driving, but also to educate the public (particularly young drivers) on the dangers of drunk driving. Media campaigns were started in 2003 and areas with higher than average PDD levels were targeted for 3 year campaign. The goal of the campaign was to educate the public on the real costs and consequences of this behavior. As part of last campaign in Montrose, website was created (*playitsafeandcheap.com*), and it was so successful that CDHS wanted to keep the concept and use it as a general tool and statewide resource.

Shadia Lemus presented an overview of the *noDUIcolorado.org* website which is in development. (Presentation attached.) The following comments and suggestions were made during the presentation:

- Interactive features are important to keeping people coming back.
- Surveys can be rotated.
- Could we use this website as a taskforce website and/or to meet the workplan issues? We could easily add the ITFDD logo with others to the website. Could also add CSP logo (prefer CSP logo if space is an issue) and more information related to law enforcement.
- There should also be a social media (Facebook, Twitter, etc.) aspect to go along with it.
- In regards to prevention, we should mention that you do not need to be driving to get a DUI. Issues with being arrested while moving car to avoid being towed.
- County-level data is where the offender resides rather than where the DUI was received. Judicial could probably give the location of the arrest by county.
- Judge Casias suggested that you use the legal definitions so that people understand what is actually the law rather than perception.
- Jeanne McEvoy suggested that DBH check with responsible retailer programs for more visuals.
- Heather Halpape suggested that more drug information might also be included (especially mixing alcohol with prescription drugs).
- Judge Casias suggested that marijuana use in public (or in car) also be addressed.
- There will be Google analytics to determine where people are coming from. Bill Young suggested that you use tags to see which information is being used most.
- Tom Quinn suggested that resources be added for victims.
- Jeanne also suggested that you reach out to the Century Council.
- Steve Wrenn suggested that information on ignition interlock also be included. We could really build in the fact that it is an incentive, not a punishment.

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- Judge Casias suggested that the local resources be listed on the county profile page. (Cost may be prohibitive.) Bill Young reminded us that 1-800-Taxicab has every cab company anywhere in the state.

The website will most likely roll out in May or June. As long as the JBC continues to authorize PDD spending, it will continue to be in place with maintenance of content. Chief Wolfinbarger suggested that the BAC calculator be removed from the page designed to address people who have already gotten a DUI.

Workplan Finalization & Assignments:

Dr. Timken discussed Task 3 B 1 a: He suggested having a listing of best practices for law enforcement, prosecution, courts, etc. The next step will be to send emails to all who have expertise so that we can compile information. Once the information is compiled, we can analyze our strengths and weaknesses.

Lightning Round Updates:

Judge Casias – There will be a judicial training conference and it might be beneficial to do some training on DRE/ARIDE.

Jeanne McEvoy – Still working on defeating some dangerous legislation. Excited to work on retail training this summer.

Tom Quinn – Winding down National Crime Victims Week.

Lisa Finch – PDD training is finally approved and taking place on May 4 & 5 in Breckenridge.

Christine Flavia – DBH website has changed colorado.gov/cdhs/dbh. The main treatment directory is still not very user friendly, but they are working on making it a better site. If anyone is interested in the rules that are established for substance abuse treatment providers, they are on that site.

Scott DeMuro – The SACC is having its annual conference and would welcome participation.

Heather Halpape – Rural Click It Or Ticket enforcement just ended. May Mobilization (seatbelts) and 100 Days of Heat (DUI) will be coming up soon.

Christine Shea Adams – CCJJ is no longer backing the THC bill because of administrative sanctions being removed. If they are replaced, the CCJJ will support it again.

Chief Wolfinbarger opened a discussion on the THC Per Se bill. It is strictly a criminal bill now. CSP has concerns about the bill as it is now. Presumptive levels are in addition to the current law which is based solely on impairment.

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Judge Casias explained that the evidence will generate a conviction if it warrants one, and the presumptive inference can interfere. He stated a preference that the science be completely developed and accepted before there is a law based on it.

Steve Wrenn imparted some recent examples of prosecutions involving THC impairment. There is the potential for a negative inference if levels are below 5 nanograms.

Dr. Timken stated that he thinks that the 5 nanogram level may be too high, but the science is sufficient.

Our Annual Report stated that: *The ITFDD supports the establishment of DUI Per Se evidentiary threshold of 5 nanograms THC per milliliter of whole blood, and the establishment of an associated administrative driver license revocation.*

Christine Flavia made a motion to withdraw support for HB 1261 based on it being incomplete in regard to no longer having both administrative and criminal portions.

Jeanne McEvoy asked about whether we have discussed the sanctions with the sponsors. Trooper Juchem stated that we have had the conversation, and the sponsors are not ready to add the sanctions with fiscal consequences.

Christine Adams clarified that the withdrawal of support by the CCJJ was not an indication of a lack of support for the concept, merely a lack of support for the incomplete nature of the bill as it stands.

The motion passed by a majority with one "nay" vote.

Glenn Davis – There will be a Drug Recognition Expert (DRE) school in Loveland in June. An invitation was issued to Judge Casias and any others who are interested in observing.

Jill Hart – We will be ordering new name plates for the task force. A list of proposed wording for the name plates is attached. Please let Jill know if you would like to change anything.

Chief Wolfenbarger – The CSP's logos, symbols, names, etc. have been trademarked, and we have fought to now have ColoradoStatePatrol.org/net/com being redirected to our page. We are also getting heavily into social media. Foursquare will allow people to look at focused enforcement information. We want people to make good choices and this gives them more information. The Intelligence Lead Policing model is in place, and we are using things like predictive analytics. After the legislative session, we would like to bring in a presentation on this information and get some feedback.

Jeanne McEvoy informed the group about an issue with *DUI not working when she tried to call it. Chief Wolfenbarger has forwarded the specifics to the Verizon representatives, but it will be difficult to address in isolation.

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Legislative Update: (Trooper Juchem, CSP)

THC bill covered in lightning round. Steve Wrenn asked for Trooper Juchem's sense of whether it is going to pass in its current form. He believes that it will pass.

Medical Marijuana debate on 1043 – clean up of medical marijuana law. Right now, the financial and investment portions have been stripped off, but they will likely be put back on. Although medical marijuana is legal in Colorado, it is still illegal Federally. The worry is that if the Federal government clamped down on the financial aspects of the industry and its regulation, then the RICO statutes might apply.

1024 (Vehill's drivers license bill) is going to hit the Senate and then is probably going to die. This bill would allow 14.5 year olds to drive a commercial vehicle with an adult in front seat. Advocates from the San Luis Valley said that "everyone is breaking the current law, so it should just be changed."

The off-highway vehicle bill is in Senate Appropriations committee. These vehicles did not want to pay "faster" fees. DNR & DOW are going to continue watching & may engage because of the impact of ATVs.

1189 – Signed by Governor. (Bond conditions on 3rd DUI)

Insurance companies are pushing a bill which eliminates caps on non-economic DUI damages.

1268 (cleanup bill on DUI penalties) – 2nd reading on Senate today.

Meeting Adjourned at 11:09 a.m.