

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

Meeting Minutes May 20, 2011

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

Attendees:

- Scott DeMuro
- Raymond Fisher
- Robert Ticer
- Christine Flavia
- David Timken
- Glenn Davis
- Brenidy Rice
- Hannah Seigel
- Patrick Maroney
- Paul Wood
- James Wolfenbarger
- Bill Young
- Wesley Knox
- Bear Kay
- Steve Wrenn
- Jill Hart
- Stephen Hooper
- Christine Adams
- Ed Casias
- Michael Elliott
- Emily Tompkins
- Robert Weltzer
- Paul Aylmer
- Suzanne Klingbeil
- Bobby Juchem

Introductions and Initial Comments:

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

Approval of Minutes from Last Meeting:

Ed Casias moved to approve the minutes, and Bill Young seconded. Minutes from the April 15th, 2011 meeting were approved unanimously.

Summary of Key Performance Indicators:

Information was presented regarding the number of CSP-investigated DUI/DUID-caused crashes and DUI/DUID arrests during the months of January through April in 2011 and 2010. A summary is attached.

Although not noted here, CDPHE has indicated a large increase in drug testing. Christine Flavia asked if Minor in Possession data could be added. Judge Casias noted that delays in chemical testing are becoming a due process issue. Steve Hooper noted that it also causes issues with the administrative revocation process. CDOT completed annual report for IACP regarding DREs. There was a 22% increase in drug evaluations over 2 years (THC was 53% increase). CDOT is doing a DRE school in June. It is often more effective to send people to Arizona for training than to do the training here. Chief Ticer discussed the certification nights in Phoenix, and part of the efficiency may be that they are using urine tests for training purposes rather than blood.

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

Next event is Tuesday, 5/24/11 with Rockies Fans Challenge. Sports writers invited to “put heat on the ball” to advertise “100 days of heat.” CDOT, CSP, MillerCoors, Team Coalition, Rockies, etc. involved. On May 26, there will be a press conference on DUI. A Colorado Springs event will be done with the SkySocks, and a Grand Junction event will showcase the new DUI van.

There is a press conference today for Click It Or Ticket.

Checkpoint Colorado will start on Memorial Day weekend. The “slim Jims” will be going away and new materials will be distributed.

Legislative Update: (Trooper Juchem, CSP)

The DUI Per Se for Excess THC in Blood (HB 1261) did not pass.

The following bills passed:

Medical Marijuana HB 1043 passed effective July 1, 2011.

DNA Expungement Clarification (HB 1051)

Parole Resumption Certain Drug Offender (HB 1064)

Bail Bond for 3rd DUI (HB 1189)

No Medical Marijuana Ingestible Products (HB 1250)

DUI Penalty Revisions (HB 1268)

Habitual Offender Drug Convictions (SB 96)

Crude Oil Exemption

Booster Seat Clean-Up (SB 277)

Super Load Permitting (HB 1163)

Window Tinting for Law Enforcement (HB 1251)

I-70 Corridor

Blue Alert for Injured Police Officers (HB 1036)

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DNA Expungement

Synthetic Cannabinoids?

Issues that may be back next year (but did not pass this year)

Youth Agricultural Drivers License (HB 1024)

DUID (HB 1261)

Strengthening Illegal Alien Laws (HB 1140)

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Restrict Local Government Accident Fees (HB 1059)

Authority to arrest Unlawful aliens (SB 54)

Ban on use of Prone Restraints (SB 49)

Commercial Vehicle Equipment Rules (SB 99)

State Illegal Immigration Enforcement (HB 1107)

Concealed Handgun Exemption (HB 1205)

Commercial Vehicle Equipment Rules (SB 99)

Ephedrine/Pseudo-ephedrine Classification

Signature of Traffic Tickets (SB 246)

PERA Contribution Rates

PERA additional 2% Contribution

Illegally Present Bail Bond (HB 1088)

Off Highway Vehicle Title and Registration (HB 1264)

Steve Hooper complimented CSP and CDOT for testimony on agricultural licensing bill. The efforts were very well coordinated with GDL & safety issues.

Dr. Timken shared information about an international symposium on drugs and driving in July.

Chief Ticer asked about the ITFDD's plans to address the THC Per Se issue. The issue came up at the CCJJ Drug Task Force meeting last week, and the task force is still interested in the issue.

Senate Bill 273 creates "Common Consumption Areas" which will have special event permits for 100 acre areas will permission to have open containers within the areas. There will be MIP patrols as usual.

Mike Elliott (Medical Marijuana Industry Group) – HB 1261 demonstrated a lack of trust between the medical marijuana community and law enforcement. Going forward, it would be nice to see more explanation & statistics before we go forward with this issue again. Christine Flavia stated the task force's greatest concern is public safety, and it is more about separating the use from the driving behaviors. Dr. Timken reiterated that there is sufficient research to justify this legislation. Chief Ticer reiterated that drug-involved crashes are going up. From the DRE perspective, we need to know what happens to impairment level over time because a DRE evaluation can take hours to complete after the stop. Judge Casias added that the users who cause concern to him are not the ones who are using it within the parameters set by the law. It is the ones who seem to have an attitude of entitlement and disregard the rules. The abuses are the issues. Mike Elliott responded that his group is willing to do the public education. Anecdotal stories were also causing perception that there is ambiguity and

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lack of research. Capt. Fisher related stories of regular occurrences of officers who are having to release medical marijuana back to users who may or may not be transporting it properly. Steve Hooper stated that he would like to know what kind of branding and messaging is endorsed by the community, as well as what kind of guidance is given related to the impairment potential. Emily Tompkins added that from MADD's perspective, it is vital that the industry learn to work with its opponents, and the involvement of the MMIG is most welcome. Glenn reminded Mr. Elliott that time on the agenda would be available any time for the MMIG to present on its messaging. Bill Young reminded the group that the discussion today is evidence that we need to have this group as a part of the conversation, but the industry group must take a stand on what is right. The MMIG can do consumer education because it has only licensed users (as opposed to drinkers). In the alcohol industry, what is lacking is a consistent set of codes regarding what responsible retailing is. Now is the opportunity to set the standards. Chief Ticer stated that public education component is huge. If we focus on research and science, we can eliminate much of the emotion. Captain Fisher stated that there is a perception of acceptability about alcohol in our society. There seems to be a lack of this in regards to medical marijuana. The legislative process seemed to be more about creating a distraction that points to conflicting science in order to keep anything from being done than about creating rules for responsible use. Is this a social interaction or is it a medicine? There isn't anything being distributed with the product that addresses impairment.

Workplan Finalization & Assignments:

Dr. Timken discussed Task B1a: 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.

Dr. Timken heard back from several people on this issue. He would like to add Paul Wood to the work group. He would like to get something significant by 10/1/11 so that it could be completed by 12/31/11.

Bill Young discussed *Objective A1* – Bill will pull together Jeanne McEvoy and Paul Aylmer with Patrick Maroney to put this together by end of June.

Task A1d – We still need to put together a group to work on this. Bill Young will work with Patrick Maroney & Kris Johnson. Capt. Fisher will help as well.

Obejective A2 – We will add to the schedule for the July meeting to begin discussion.

Steve Hooper discussed *Task A3a* – We are working on something to allow us to get numbers about 1st offenders vs. repeat offenders. Judge Casias – from bench perspective, it seems that 1st time user interlock is going up because of incentive (approx. 80% of 1st offenders he talks to are using interlock). Christine Flavia – as part of

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the task on this workplan, could we recommend using interlock in DUI courts to make it an incentive? Steve Hooper asked that this group have a discussion of sponsoring recodification of the interlock law in July. Steve Wrenn – if we could tie to DUI court participation, it will move us ahead. DUI courts are becoming the leaders in how to address recidivism. This reduces the wait period and gives the ability to track information later.

Task A3b – Emily Tompkins will get us a timeline when it is available.

Bob Weltzer – SafetyLU expired 2009, and reauthorization could be as early as FY 2012. As we branch out on federal program options, expect a broadening of this area to open up new technologies such as SCRAM and the 24/7 program in South Dakota. However we are reauthorized for 410, we would like it to include more than just interlock. NHTSA would also like to make it user friendly to control behavior. Glenn Davis will be on top of the new legislation.

Captain Fisher suggested that the ITFDD create a document with recommendations that support other options (other than interlock). Bill Young suggested that, in order to keep from adding too much to the workplan, we wait until it the legislation starts to move. Chief Wolfenbarger said that the Patrol will put together a document for internal use, and then it can be expanded for the ITFDD.

Task B1b – Glenn Davis discussed the upcoming course for DREs, and noted that CDOT and CSP are getting aggressive on ARIDE. Making ARIDE a part of POST is not really appropriate right now. Christine Flavia suggested that since Checkpoint Colorado addresses all impaired driving, the re-design of “slim Jims” could include information on drugs & not just alcohol. Glenn clarified that a DRE has to be at the checkpoint and enforcement activities have to be SFST certified.

Task B2a – Chief Wolfenbarger mentioned that we don’t have any direction from the Governor’s office on primary seatbelt legislation. The Patrol and CDOT will work on getting direction from the Governor’s office. Captain Fisher will be putting together white paper on this.

Task B2b – Glenn is reviewing information and trying to establish the correlation between the two.

Objective C1 – Brenidy Rice reported that there was a preliminary report drafted, and the next step is to see what the ITFDD wants out of that report. Captain Fisher stated that one thing we need from the problem solving courts is to see where partnerships should be made and how the task force can support them. Brenidy will bring that request to the next advisory committee meeting.

Objective C2- Interim committees (TLRC) will probably be meeting. We need to convene a small work group and meet with a legislative drafter or find a sponsor. Chief Wolfenbarger stated that it may be easier for a non-state employee to move forward. This will probably not be a “hard sell” unless there is fiscal impact. Christine Flavia

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suggested that we could model this after the legislation from 2006 (dropping from 0.20 to 0.17). Steve Hooper stated that if this becomes a TLRC bill, then we do not need a sponsor. Emily Tompkins will seek approval from MADD's public policy group to spearhead it if the TLRC does not take it.

The workgroup will include Emily Tompkins, Christine Flavia, Steve Hooper, and Dr. Timken. CSP will convene the first meeting.

Objective C3 – Christine Flavia said that the group hasn't really taken it on yet, but they will tackle it this summer.

Task D1f – Changes to the bylaws will be discussed in July.

Objective D3 – Chief Wolfinbarger noted that several legislators had read and seemed to like Annual Report.

Objective D4 – CSP will be submitting another CDOT grant application for planning, administrative and reporting support for the ITFDD.

Objective D5 - Christine Flavia reported on progress on the *noDUIcolorado.org*, and CDHS has "tweaked" some of the content after the last meeting. It should be complete before the July meeting. Judge Casias asked to let him know when it is up, and the Summit Prevention Alliance may be able to help publicize it. Christine could use help in getting word out through links from member websites.

MADD Colorado Update: (Emily Tompkins)

MADD's new logo was launched in April. Wednesday, Sept 14th is the annual law enforcement recognition event, and there will be a judge and a prosecutor added this year. MADD has been getting the word out through agencies to get more nominations. Volunteers and a committee (not MADD staff) do these nominations, and we want lots of nominations (due July 1st). Tickets are available for the event (about \$30), and we invite all to come. When we send out the information, MADD would like to send out information through the ITFDD distribution list too. "Walk like MADD" will take place on August 6th, and the top team will get a table at the law enforcement event.

Lightning Round Updates:

Glenn Davis – CDOT traffic safety grant applications are out and are due on June 1st. CDOT has to apply for 410 (DUI) funds, and Glenn believes that Colorado will still be a "low fatality state." Pam Hutton is retiring on May 27th, so CDOT will get a new Chief Engineer.

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Steve Hoper – DOR has seen a little surge in DUI citations recently.

Patrick Maroney – The Enforcement of Underage Drinking Laws (EUDL) grant is expanding to rural agencies, and applications will be available by the middle of June. EUDL (Enforcing Underage Drinking Laws) grants are designed for those agencies enforcing underage liquor laws. In addition to the usual grants provided to local law enforcement agencies of approximately \$40,000 each, the Division will offer smaller grants to rural agencies. Unlike the larger grants, the smaller rural grants do not have a co-sponsorship requirement and are designed for \$6,000 - \$10,000 towards enforcement or equipment.

In the 2010-2012 funding, there were funds for a website. DOR has met with state portal staff and is planning a website to share information on compliance checks and MIPs. Any law enforcement agency can input stats. Chief Wolfinbarger mentioned that there may be some problem getting the information put in unless there is a good reason for local law enforcement agencies to have to enter it. Patrick responded that they will get the ability to have reports and the ability to download. DOR does not want to mandate input, but we think that most agencies will want to do it. It will be required for EUDL recipients. Chief Wolfinbarger mentioned e-citations and Steve Hooper added that there is a problem with collecting local MIPs which are municipal violations.

Bill Young – Bear Kay covered our “big deal.” Bill made a request of CSP that someone find the V.P. of the Rockies and thank him. Chief Wolfinbarger will handle that.

Paul Wood – Weld County is gearing up for Checkpoint Colorado, and there will be a State Representative at one of the next checkpoints.

Steve Wrenn – Steve has been named as the DA representative on the problem solving courts committee. At a conference a few weeks ago, there was a feeling that DUI courts were the “step child” to drug courts, but DUI courts have risen in the public eye. Good things are happening, and Weld County will have its first graduates next month. Jurors say that we need to talk about the felony DUI statute (12th DUI is still misdemeanor), because the current scheme just doesn’t work.

Chief Ticer – He is glad to be here representing Chiefs of Police (replacing Chief Heather Coogan), and looking forward to working on these issues with everyone here.

Hannah Seigel and Christine Flavia – They are getting ready to start DUI court in denver on May 31st. (Arrests start on 5/21) The first court will target 3rd offenders and high BAC 2nd offenders.

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Scott DeMuro - Looking forward to working research and information dissemination with the task force.

Dr. Timken – Continue to do training on interlock enhancement and final product will be delivered to state in July. Dr. Herb Simpson, one of champions of DUI arena died recently.

Chief Wolfinbarger – Presented an update on Intoxilyzers. A letter from Jeff Groff (CDPHE) went out to the law enforcement agencies, and most are not in good shape to purchase new units. There are currently about 200 machines, and CDPHE thinks that we could do about with 150-160. Dr. Urbina met with Chief Wolfinbarger last week to discuss funding. Attempt to have it cash funded through fines would be the Chief's suggestion. We will be working on details and timing. The 5000EN models fail at about 10%/month.

We have new CSP webpage that will be more able to promote our efforts. The Patrol is doing more social media things too. Webinars have been done, and the Chief just recorded the 1st podcast. We will be reaching out to ITFDD members to see about doing interviews to educate CSP members about your organization.

In the future, we might consider forming a 501(c)3 so that the task force could find other funding sources and be able to promote things that the State cannot.

Dr. Urbina is making his appointment to the task force, and he is happy to be involved. We would like to have him present in July.

Paul Aylmer – It is great for the Colorado Restaurant Association to be involved. Need to be involved in Objectives A1 & A2.

Ray Fisher - Multi agency DUI task force events are coming up this summer. The task force might want to examine the need for blood tests on all drivers involved in fatal accidents.

Judge Casias – Breckenridge is looking at creating overnight parking lots. They see lots of DUIs where people are moving cars to avoid being towed, so these lots may cut down on that. If they do cause an improvement, he hopes that this could be a model for other communities

Christine Adams – The CCJJ has been working on a lot of education items.

Michael Elliott – He will pass out business cards and would like to have others educate him on DUI/DUID. He also would be happy to arrange tours of member businesses.

Jill Hart - The next meeting will be on July 15, 2011. New name plates will be ready by then.

Meeting Adjourned at 12:00 p.m.