

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

Meeting Minutes September 16, 2011

Col. Wolfinbarger (Chair) called the meeting to order.

Attendees:

- James Wolfinbarger
- Glenn Davis
- Fred Rodgers
- Bill Young
- Patrick Maroney
- C. Stephen Hooper
- Paul Aylmer
- Robert Ticer
- Paul Wood
- Jennifer Gray
- Steve Wrenn
- Cynthia Burbach
- Christine Flavia
- Heather Garwood
- Heather Halpape
- Bear Kay
- Kris Johnson
- Samantha Bloodworth
- Ed Casias
- Abe Hutt
- Ellen Anderson
- Heather Skrypek
- Michael Elliott
- Julie Vardiman
- Matthew Mitchell
- Lisa Finch
- Tom Kissler
- Judy Eaton
- Nonie Rispin
- Jill Hart

Introductions and Initial Comments:

All present introduced themselves. There were no legislative or public comments. Chief Wolfinbarger mentioned that the Transportation Legislative Review Committee (TLRC) met this week, but there was nothing significant related to drugs or alcohol.

Approval of Minutes from Last Meeting:

Steve Hooper moved to approve the minutes, and Christine Flavia seconded. Minutes from the July 15th, 2011 meeting were approved unanimously.

Summary of Key Performance Indicators:

Information was presented regarding the number of CSP-investigated DUI/DUID-caused crashes (January through June, 2011) and DUI/DUID arrests during the months of January through August in 2011 and 2010. A summary is attached. The Patrol is seeing an overall decrease in the number of alcohol-related DUI arrests and an increase in drug-related DUID arrests. Chief Wolfinbarger attributed the increase in DUID arrests to the proliferation of medical marijuana cards as well as increased awareness and training of law enforcement officers.

Media Relations & Significant Upcoming Events (Heather Halpape and Bear Kay)

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This is the beginning of the National DUI Crackdown and the drugged driving campaign. CDOT recently partnered with the Medical Marijuana Industry Group (MMIG) to do a mailing of posters to all medical marijuana dispensaries. Posters were also sent to pharmacies, but many (especially large chains) were resistant.

There are two designated driver promotion programs going on right now. One is a partnership with the Rockies and Coors that offers great prizes. (The CSP has challenged the Arizona Highway Patrol to compete.)

Fall Festival enforcement goes through October 23rd for extra DUI enforcement. There were almost 1500 DUI arrests during the Labor Day enforcement period (approx. 3 weeks).

In partnership with the Broncos, CDOT has an outreach booth and high school game of the week in order to promote safe driving. There is also a competition with other AFC West teams, and you can “like” the designated driver program on the Broncos’ Facebook page.

Designated Driver of Colorado Springs Update Presentation (Nonie Rispin)

Electronic copy of the PowerPoint presentation is attached.

Colorado Department of Public Health and Environment (CDPHE) Presentation (Cynthia Burbach)

Ms. Burbach has been named the official representative of CDPHE to the ITFDD. A PDF copy of her presentation is attached.

Marijuana DUID Working Group Update (Christine Flavia)

Christine Flavia distributed the document (attached) from the Marijuana *Per Se* working group which went to the Drug Policy Task Force. (Letters referenced in the document are also attached.) Research from a variety of groups was used, including some that was driving-specific. There was a range of opinion regarding impairment and measurement methods. The group was not able to come to consensus on a recommendation for *per se* legislation, but did agree on issues such as a need for more Drug Recognition Experts (DREs), more awareness of impairment effects, and more information regarding interaction of marijuana with other drugs or alcohol. There was also discussion of possible unintended consequences and impacts of passing legislation. This issue may go to a vote at the next meeting, but nothing is set yet.

Michael Elliott added that the Medical Marijuana Industry Group (MMIG) had concerns about whether a new law with a nanogram limit is going to be superior to the current law. He has provided a copy of the his recommendations to the task force (attached.) He also expressed how happy his group is to be partnering with CDOT on public information campaigns.

Judge Rodgers emphasized that juries can infer guilt from a *per se* level, but are not required to, so he doesn’t agree that innocent people are necessarily going to be convicted based on a *per se* law. Also, remember

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European studies may be misleading because European courts may be more inquisitorial rather than accusatorial in these cases.

Heather Halpape mentioned that the ITFDD might want to look at what data is currently gathered. If we could capture differences between alcohol and drugs, then we could look at sanctions that are appropriate (for instance, interlock is useless with drugs). Discussion continued about the nuances involved in how and when the cause of the impairment is determined.

Workplan Updates:

Discussion of sponsoring recodification of interlock law (Steve Hooper)

Steve Hooper distributed current language as well as an example of what these changes might look like if we move forward. This only addresses trying to make the law more easily readable. We may want to wait to make substantive changes. This is a simple structural recodification. Christine Flavia asked if eventual substantive changes would be helped by this clean-up. Abe Hutt stated that it definitely will help. Judge Casias asked if this statute could be changed in relation to separation of drugs versus alcohol. Steve Hooper stated that we don't have the ability to determine whether a conviction is based on alcohol or drugs. Judge Casias suggested that maybe this should be the one that is changed.

Abe Hutt moved that we should find a legislative sponsor in order to move forward with this. (To say that the ITFDD has endorsed and is requesting sponsorship of recodification of this.) Christine Flavia seconded the motion. The motion passed unanimously on voice vote.

Discussion of refusals (Chief Ticer and Christine Flavia)

Christine Flavia pulled some data from CDHS and has seen rise in the number of refusals. Chief Ticer suggested that we place this on the agenda for October's meeting, and he will do a presentation. Judge Rodgers did a presentation for Wyoming in April, and their culture is very different.

NoDUIColorado website update (Christine Flavia)

Progress has been a little slower than anticipated, but we will hopefully have more to show at the October meeting.

Workplan assignments will be sent out prior to the next meeting.

Lightning Round Updates:

Judge Rodgers wrote an article on electronic search warrants and would be happy to share it with the group.

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Bill Young –The group working on Task A1a has met and are active. The group is trying to assemble best practices in communities around liquor licensees’ activities, so it needs to solicit anecdotal input from the group. Please send any information you have to Bill.

Patrick Maroney – DOR did award 4 grants to law enforcement agencies this week. He is also looking at granting 5 smaller awards to other small agencies. Tomorrow is the Rocky Mountain Showdown, and there will be a large presence of MIP patrols. Schools are doing text messages, etc. Jill Hart added that the Patrol has 4 troops working together for enforcement. Heather Halpape mentioned that extra enforcement messages are going out through social media. Kris Johnson added that fraternities and sororities are doing a lot at C.U. Bill Young said that it would be interesting to know how many of the arrestees are actually not students. Alumni may be a bigger problem because the student generation is better at using designated drivers.

Steve Hooper – DOR has now made it possible to change addresses on Colorado.gov rather than having to do it in person. Chief Wolfenbarger mentioned that it would be good to have cards that troopers could hand out during traffic stops where the information on licenses or registrations is found to be incorrect.

Paul Wood – One observation from recent checkpoints is an increase in designated drivers. That may be why arrest numbers are down. Bill Young noted that this is generational (the DARE generation are now adults). Kris Johnson stated that the education is working.

Christine Flavia – Dr. Timken just got back from 2 weeks abroad working on interlock enhancement counseling. Next week in California is an interlock symposium where she and Dr. Timken will present on what has become the leading protocol for linking interlock with treatment. In 2 weeks, several stakeholders are being interviewed for NHTSA research.

Glenn Davis – Wyoming gets twice as much money as Colorado in DUI (410) funds (it is a high fatality state) even though it has 1/10 of the population. Checkpoints are unconstitutional in Wyoming.

CDOT and MADD did Law Enforcement recognition event recently. The Gore Range DUI Task Force, Weld County School Resource Officer, and several troopers were among those honored. The drugged driving campaign is underway, and Colorado is the first state in the nation to do a campaign specifically for drugs.

Bear Kay – Rocky Mountain Women in Law Enforcement (a group mostly representing southern Colorado) is working with CSP to do a “Ladies Night Out” DUI message. (“Don’t let us be your last call.”) MADD did awards for prosecutors & judges this time too.

Kris Johnson – “Beer responsible day,” sponsored by Anheuser Busch is taking place on September 23.

Ed Casias – The 5th Judicial District has meeting on 10/21, so Glenn Davis will present on ARIDE & DRE programs for county courts.

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Meeting Dates for 2012

The schedule of meeting dates for 2012 will follow the same format as 2011: every third Friday except for June, August, and November. A list is attached.

Next Meeting: October 21, 2011 in Building 100 at the CSP Academy

Meeting Adjourned at 12:02 pm by Glenn Davis, Vice Chair