



## **Meeting Minutes**

July 15, 2016

**Opening Comments** – 9:03 Chief Ticer

**Quorum** – 20 out of 21 members

**Legislation Sponsors' Remarks**- None in attendance

**Introductions**

**Public Comments**

None

**Minutes of Previous Meeting** – Motion to accept minutes by Dr. Timkin, second by Aylmer. All in favor, motion passes.

**Statistics**

**State Fatality Numbers (CDOT) – Sam Cole**

- Currently 266 fatalities versus 272 from 2015
- 33% of these fatal crashes are due to impairment
- County break down
  - Adams- 12
  - El Paso- 11
  - Jefferson- 11
  - Denver- 7
  - Arapahoe- 7
  - Weld- 6

**Media Relations & Significant Upcoming Events - Sam Cole** (please see attached presentation)

- **2016 Drive High get a DUI Campaign**
  - Rolled out in May and June
  - Tactics- Paid Media, Traffic Radio, Billboards, Online Banner Ads, Movie Theaters, POS Tear Off Pads, and Earned Media
  - Measuring Impact- Fatality Rate, DUI arrest data, November Driver Behavior Survey, and tagline recognition

Ticer- Thank you- I like these ads. Not having people in the video eliminates stereo typing concern. Are you still using the “Drive High Get a DUI” videos?

Cole- No

Ticer- I always play those video in other states and they love them. This is additional information to share with outside agencies and partners.

Cole- This is not being done anywhere else in the country. We are on the leading cusp of this initiative.

Aylmer- Are the stats really a result of these tactics?

Ticer- There are a lot of factors that go into that number.

Aylmer- Could it be more than 20%?

Ticer- When an officer makes a DUI arrest, if both alcohol and marijuana are presumed, and it is over .08, the case is wrapped up as the blood test is not needed and can't confirm drug results. This can cause under reporting

Hendricks- We have struggled for a long time in getting people to understand that the impairment isn't necessarily about the substance. We are trying to move the mindset into the impairment world.

### **Task Force Business & Presentations – (Please see handout for full presentation)**

- **Research Proposal for a Roadside driving Competency Assessment Tool, Stephen Schmitz, The Brain and Behavior Clinic**
- Schmitz- Thank you and thank Dr. Timkin for bringing Drive Able on board.
- The early inception of this program began with utilizing drive assessments/evaluations to determine ability in dementia patients.
- Evidence based tools are used to determine if someone was able to drive or not.
  - Are they cognitively competent to drive a car?
- Real time evaluations
- Granley- Focus will be on the CARE Mobile assessment program.
- It will provide risk assessments on medically at risk drivers.
  - Established at what point a cognitively impaired driver becomes unsafe
  - DORE- Drivable On-Road Evaluation.
    - Designed to identify only the errors that cognitively impaired drivers make.
    - Bad habit type errors, common among experienced drivers, are not counted.
    - This approach protects experienced competent drivers.
  - DCAT- Drivable Cognitive Assessment Tool.
    - Identify high risk drivers before administering the DORE.
    - 6 touchscreen presented tasks.
    - Cognitively loads multiple domains.
    - Age-normed scoring algorithm.
    - Highly predicative of DORE results.
  - CARE- Cognitive Ability Real-Time Evaluation Development.
- Three phase Study
  - Phase 1- Validation of algorithm efficacy and sensitivity.
    - 50 people – test each person three times.
      - 1st time- sober
      - 2<sup>nd</sup> time- high and using the DORE test
      - 3<sup>rd</sup> time- high using the DCAT test
  - Phase 2- Improve reliability, validity, and power of algorithm.
    - Phase 3- Operational pilot with law enforcement agencies- this be a two year process.
- Challenges
  - Cannot take impaired parties on the road.
    - Will have to use drive simulators or closed road courses.
  - Working with the State to help address the research challenges.

- Asking the Task force to review their packets and ultimately endorse the project.
- Wood- Congratulations- Caution- we are finding that the drug impairment in the state is Poly- Drug- Alcohol and marijuana.
- Granley- we are trying to cover as many bases as we can- we can't do the THC portion in Canada.
- Wood- Speak with Jeff Michael at NHTSA for funding.
- Hendricks- I didn't hear in your presentation how you are going to address the variable amount of THC in the system.
- Schmitz- It will be based on that person's ability to drive impaired at the time of stop. The assessment would look at actual competence to drive a car.
- Casias- The most important component is Phase 2 because this is the blood draws. This is what the state needs to determine a presumptive state of impairment. I would be helpful if you can do the blood draws at the same time of the simulation so that we can continue with the administrative processes of revocation. Then it depends on if you can get Phase 3 down to ten minutes as to not intrude on custodial issues. Maybe NHTSA has someone on board who could be the primary PI for this experiment.
- Schmitz- We have has some partnerships with people on the federal level. They have not been as forthcoming with looking at these studies as Colorado has.
- Gagarin- Is the roadside assessment going to differentiate between organic vs drug impairment?
- Granley- It will get a thumb print of the different types of impairment. It's too early to say whether this will tell us.-The data will have to tell us. If you have enough data, you can start identifying trends for certain groups.-There are a lot of stakeholders that need to be provided in this process.
- Schmitz- The test can also eliminate other causes, such as, is it medical.
- Goodwin- Law Enforcement doesn't always say enough. The Standard Field Sobriety Tests (SFST) do work for marijuana impairment. We combine very simple tasks with the test and we make a decision on your interaction with us. Diabetics have a very similar presentation of DUI, but, they don't exhibit some functions. They often have a fruity smell of breath and no nystagmus. I want you know that the sobriety tests work very well for us. Budgetary constraints can affect poly-drug tests as they cost \$400-\$600 per person. Alcohol tests are much cheaper. We still succeeded in getting the impaired person off the road and maintained traffic safety. My 25 years of experience has helped me give you this information. We do have (Drug Recognition Experts (DRE's) that can assist us in the impairment investigation.
- Schmitz- I agree about the sobriety test being very reliable.
- Melander- Have you had a chance to measure the sensitivity with alcohol?
- Granley- There are already robust tests and methods for alcohol.
- Melander- It seems like you could do a validation with 50 subjects and alcohol.
- Ticer- Technology- Law Enforcement has Toughbook's in their vehicles and are moving into tablets. With this technology, can your software be put on our systems?
- Granley- We can if the system requirements are there. We can develop solutions if not.
- Ticer- What is the timeline for each phase?
- Schmitz-Phase one is three months, phase two will be 12 months, and phase three will be two years.
- Ticer- If you are not getting help already, get DRE's in the Law Enforcement community to assist in the SFST and DRE tests. Ten minutes is long. This would have to be incorporated into the SFST. It could take the stop up to 20 minutes, cause traffic issues, officer safety issues, and custodial issues.
- Granley- We are currently working with DRE's to discuss the work being done with the green labs.
- Ticer- I will help you with anything that my experience can help with. We are more concerned with impairment issues at the time of stop. The impairment cause will come with tests.
- Tracy- A gentleman came in a couple of years ago and presented a phone app. You personally went into the phone and set a baseline. Then, when you were impaired you could run another test and compare to the baseline.

Granley- There are a lot of apps like that. Ours is for actual behind the wheel ability.

**Break:** 10:28 am

**Reconvene:** 10:48 am

### **Lightning Round Update**

Mitchell- New interfaces are being built and more information is forthcoming. Next week we have a hearing on interlock.

Logan- Colorado Alcohol Beverage Symposium is August 2-3, 2016.

The prevention work group reviewed research about the most effective laws to combat DUI in all 50 states. One law is requiring fake ID training for all agencies. We want to see if we can get a rule that a licensee must get fake ID training. I think it would be helpful for the stakeholders to get an endorsement from this committee for this.

Maroney- The rule defines the content of what curriculum is given to licensees. The licensee then becomes a responsible vendor. When talking about under 21 fatalities, this would be beneficial. We can add this to the curriculum. I am willing to be the Champion to help change this rule.

Aylmer- This would be intense training for the organizations that teach the vendors.

Maroney- It will be included in the set curriculum that has to be taught to be a responsible vendor.

Logan- The responsible vendor curriculum helps in instances of violations.

Maroney- It encourages training for those who are held liable criminally and for the company that can held liable administratively.

Aylmer- From an establishment point of view- you want your people trained.

Casias- It's a good program. Recently I was present in a Violence Protection Team meeting. Is there any way that training can be provided for date rape drugs?

Tracy- Are you going to propose that this be a part of the rule making?

Wells- We are looking closer at the "Use Alcohol- Lose Your License" program for minors.

Maroney- We need to get an endorsement from this group because the next meeting will be too late.

Ticer- Ellen sent an email – an 11.9% decrease in youth DUI fatalities is due to checking fake ID's.

Maroney- We desire a collaborative effort. We know that there are a lot burdens put on retailers, but if this body can support it, it would give us a greater ability to move forward.

Abott- Current rules state that they are supposed to have training in spotting fake identification. What is the difference?

Maroney- It would be more specific training.

Aylmer- I don't see it as a burden. It's just part of the curriculum.

Ticer- Andrew- please put this in the form of a motion.

Logan- I move that this group supports this initiative. Casias seconds. All in favor, motion passes.

Whitney- I have been reviewing new bills and new case law. There is not a lot that this group would be interested in. They are mostly just traffic laws and traffic safety initiatives.

Ticer- Can you present the number of felony DUI's at the next meeting?

Susan- I have dispositions in 290 cases.

Contreras- We successfully began our Pregnant and Breast Feeding and Tourists campaigns and have new campaigns ready to begin. "Protect What's Next" will target youth.

Research- Our retail public health advisory committee is working on burns and pulmonary issues due to the use of marijuana and proficiency testing of marijuana. We did request a RFA for Marijuana Public Health research to address contamination, risk of use, potency, mental health, and a cannabis user's survey. More information on drug use patterns, general health effects, methods, and frequency of use will be gathered through October.

- Casias- Legislative issues to watch involve the statutes coming into effect on August 10, 2016. They include the medicinal use by probation clients. Early recommendations are that it not be used as a condition of probation. A finding by court will be what denies the use for probation clients.
- The Texas A&M University study– we will be having a discussion on a study that they are involved in. The study relates to how alcohol indicators affect drug use indicators. The meeting is July 26, 2016. I will report back at August meeting.
- Tracy-I launched my business. You can visit: [jennifertracy-inspire.com](http://jennifertracy-inspire.com). Anyone can find information on facing denial and grief, the acceptance phase, etc. I will gladly sit with anyone and go through it with them. The top keynote is called Buried Alive. Presentation folders are available for those who want them. You can also find a link to the site on Facebook. Search: Jennifer Tracy-Inspire.
- Hendricks- We have been successful in providing four impaired driver trainings with the help of many outside agencies. Thank you to State Patrol, Aurora PD, Fountain DP, Parachute PD, and CDOT for helping make the Annual OBH Regional Impaired Driver Treatment Training a success. We are working on Interlock research and are moving toward the contract piece. It will look at the impact of the device for treatment.
- Statistic presentation: Handouts provided for BAC levels and statewide/county comparisons.
    - Casias- Is the BAC listed the average?
    - Hendricks- Yes.-We are still working on getting better data out of the system.
    - Wood- The marijuana numbers are by interviews and not tests, correct?
    - Colling- They are usually through interviews. Court data can put in “777” which is marijuana but there were only five of these.
    - Melander- Does this mean that the total DUI infractions have declined by 25% since 2010?
    - Hendricks- The numbers will flow and fluctuate.
    - Ticer- What is surprising is that the average BAC is .164.
    - Hendricks- If you look across the board, some counties are starting to drop while others are increasing.
    - Ticer- Please go back to your specific areas and share this information. This is a significant problem in our communities. A .16 is consistent since 2012.
    - Hendricks- We are still working on moving the process to put the treatment structure into place for those that are entering the system. We don’t have the way to order them into the structure. We have to get through the rule making process.
- Colling- I pulled DUI numbers and they didn’t look right. From August, 2015 through June 30, 2016, there were 290 sentences for felony DUI; 169 were sentenced to probation, 64 went to corrections, and 49 went to community corrections.
- Casias- I would like to know the number of priors.
  - Colling- We can’t get that information.
  - Casias- The DOC candidates are five, six, seven, eight, nine.
  - Colling- We need to try to investigate this a bit more.
- Goodwin- We have seen an uptake of motorcycle fatalities. There is a nexus of some of those being drug or alcohol related, but we are also seeing inexperience as cause.
- Nelson-Taullie: NHTSA- We are gearing up for our August crack down to run from August 19, 2016 through Sept 5, 2016. CDOT is gearing up to do a lot of messaging. Region 8 which encompasses Colorado, the Dakotas, Utah, and Nevada has seen a 19% increase in Motorcycle fatalities since 2014. Of this, 16% occur during the week before and the week after Sturgis. Region 8 states are participating in the “Live to Ride, Ride to Live- Safe to Sturgis” campaign and will be posting this message on VMS boards across the states.
- Tracy- Regarding the last statistic, how much was related to impaired driving?
  - Nelson-Taullie- I don’t know, but 34% involved another vehicle.

Goodwin- CSP's Metro District which is Larimer to El Paso and Elbert to the tunnel is at a 30% increase for Motorcycle crashes so far this year.

Reed- Reporting for the Data and Evaluation Sub-committee: We are researching ways to improve data entry. We are doing a business process survey of probations officers to figure out a way to work with toxicology labs and probations to funnel the toxicology lab results through probations.

Ticer- Aug13-15, 2016 is the 22nd Annual DRE Conference. I will report back in September.

Motion to adjourn made by Aylmer. Second by Logan. All in favor, motion passes.

**Adjourn:** 11:38 am

**Next Meeting:** Friday, September 16, 2016 – 9:00-12:00pm

Location: Colorado State Patrol Academy, Building 100

**In attendance:**

Chief Bob Ticer, Loveland Police Department  
Major Matt Packard, Colorado State Patrol  
Sam Cole, Colorado Department of Transportation  
Jeff Goodwin, Colorado State Patrol  
Steve Johnson, Douglas County Sherriff's Office  
Elyse Contreras, Colorado Department of Public Health and Environment  
Daniel Gagarin, Public Defender  
Benjamin Mitchell, Colorado Department of Revenue- DMV  
Dr. Dave Timken, CIDRE  
Webster Hendricks, Colorado Department of Human Services, Office of Behavioral Health  
Kim Abbott, Anheuser Busch  
Partrick Maroney, Colorado Department of Revenue Liquor Enforcement  
Jack Reed, Colorado Department of Public Safety, Division of Criminal Justice  
Wes Melander, Public  
Tom Kissler, Smart Start  
Andrew Lemley, New Belgium Brewing Company  
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  
Jennifer Tracy (Gray), Jennifer Tracy-Inspire  
Susan Colling, State Judicial Department, Probation Services  
Chelsey Hall, Colorado Department of Human Services, Office of Behavioral Health  
Ryan Jacoby, LGM Holdings  
Eric Parman, LGM Holdings  
Judge Ed Casias, SCAO Courts  
Carolyn Berry, Colorado Peace Officer Standards and Training  
Den Whitney, Weld County District Attorney's Office, CDAC  
Mikayla Martz, Driveable Research Assistant  
Doctor George Rossi, Driveable  
Doctor Stephen Schmitz, Driveable  
Chad Smith, Driveable  
Granley, Driveable  
Ed Wood, DUID Victim Voices  
Leslie Nelson-Taullie, National Highway and Traffic Safety Administration

Laura Sonderup, Hispanidad  
Kevin Reza, Hispanidad  
Mackie Clents, Amelie Company  
Kate Hinson, Amelie Company