



Meeting Minutes

November 18, 2016 9:00 am – Noon

Opening Comments: 9:10 Chief Ticer

Quorum 18 of 21 members

Introductions

Legislator Remarks: None in attendance

Public Comments: None

Minutes of Previous Meeting:

- Correction Mitchell: MIP numbers from last month were from an 18 month window and not fiscal year. MIP FY16 figures are 1st 55, 266 2nd, 60 for 3rd or more. Total 381.
- Motion to accept corrected minutes by Mitchell, second by Casias. Motion passes.

Statistics

State Fatality Numbers (CDOT) – Carol Gould

- 541 so far in 2016 verses 505 fatalities from 2015
- Alcohol is involved in 31% of fatalities.
- Unrestrained fatalities in 2015 accounted for 54% of total fatalities
 - As of 10/31 there were 156 fatalities so Colorado is trending about the same as last year.
 - National average for secondary states is between 50-55%. Primary states trends below 50%. 35 states have a primary seat belt law.
 - Seatbelt usage: Statewide observed 84%, national observed 86%. Colorado is down from last year.

Maroney: What might cause this?

Gould: Lower gas prices, more people on the road and traveling longer distances.

Anderson: Heard a national news story indicating that distracted driving is contributing to fatalities

Ticer: We have work to do on seatbelt and alcohol and drug impairment. State-wide usage of seatbelts is declining and that is concerning as well.

Media Relations & Significant Upcoming Events – Sam Cole, CDOT

- Thanksgiving Enforcement period begins today through the 28th. Last year 283 DUIs, expect more this year since it is twice as long. Reached out to media last year.
- Holiday enforcement 12/2 to 12/12 Another one later over Christmas.

Ticer: Law enforcement and CDOT are doing a great job. How much energy is being put into marketing to encouraging all people to contact law enforcement?

Gould: Can we emphasize this through electronic bill boards?

Ticer: When the public calls in it is very likely the person they are reporting is impaired. People should not feel sorry for calling in. I encourage an emphasis on this.

Task Force Business & Presentations

Program Management & Strategic Planning – Carol Gould presented for Glenn Davis

Gould: The work group has four recommendations

First recommendation: Address the gaps in statutes

Ticer: Currently suspensions related to .08 or greater but nothing for illicit drugs in blood stream.

Whitney: Baby DUI vs DUI. Baby DUI just above .02 for those under 21. You don't have the same tools for treatment etc.

Casias: Law enforcement is writing citations but plea bargained down. State Statute allows courts to order the same treatment options etc. for baby DUI. This is a judge education piece. CDAC should be encouraged to not to plea down to a baby DUI and judges' education should emphasize using all options available.

Ticer-If someone is convicted under a baby DUI can it be counted if there are other DUIs?

Casias: No.

Second recommendation: Encourage Colorado law enforcement to develop and convene regional impaired driving task forces.

Ticer: This requires no legislative change but action on the part of the Task Force. Gore Range DUI Task Force in Eagle County is a good example. All participating agencies are funding through one lead agency. Works very well for coordination and media.

Gould: This model might be used for CIOT as well.

Third recommendation: Encourage Judicial Districts to consider implementing a 24/7 Sobriety Project. Sobriety grants are a possible funding stream. The Task Force would need to analyze grant funding announcements.

Wood: Started with alcohol but has been expanded to drugs as well. Offered to help with this

Ticer: Would you recommend that we articulate it as alcohol/drug?

Wood: Absolutely.

Timken. I agree with Wood want to be assured that there is a solid evaluation plan built in.

Evaluation is usually the last thing added and first to go.

Flavia: It is primarily monitoring from her knowledge. While on probation not much of a focus on treatment. Strongly encourage that we include some aspect of treatment.

Casias: Treatment cannot be included because of 5th Amendment rights. We have a lot of counties that don't have the capacity to monitor. Especially in rural areas.

Ticer: We are not recommending statewide implementation but more endorsing the model.

Packard: In Arapahoe County they are having trouble finding a testing location.

Casias: That is where interlock is awesome.

Gould: Based on IFR, testing should occur at least twice a day through various methods.

Fourth recommendation KEY RECOMMENDATION: Support primary seatbelt law.

Gould: Last time this was introduced is 2009. A flyer was passed out with marketing info/fact sheets that are being developed so CDOT is prepared should primary be introduced.

Cole: Tenuous whether or not it is going forward but CDOT is ready.

Packard: Do we have alcohol and unrestrained figures?

Gould: We can get that info for members.

Cole: Many people think seat belts are not a big deal. We need to create a sense of crisis.

Tracy: Let her know if there is anything she or amber can do to help. Amber has a very powerful story.

Cole: CDOT will be in touch because personal stories are powerful.

Maroney: How many municipalities have primary? Stats?

Ticer: Avon is the only one. But we can look at that data. 5-10% boost in compliance.

Wood: Who is audience for info and how does it get into people's hands?

Gould: Media to targeted groups.

Gould summarized recommendations.

Gould: Motion to accept the recommendations. Seconded by Amend. Motion passed.

Groff: Could part of the recommendation include funding for instrumentation? Account has been established but no revenue going into it.

Ticer: We would be willing to add this as a 5th recommendation. CDPHE is going to draft "to include a revenue source..."

Criminal Justice – Deputy Chief Steve Johnson

First recommendation: Identify Best Practices to Reduce Refusals

- Reach out to district attorney groups
- Reduce 31% rate
 - Setting target goal to reduce to 25% in 12 month period of time
 - What make up of repeat offenders are in the 31% rate?
- Develop Express Consent card for Officers
 - Make sure consistent on message.
- Provide Briefing Training utilizing POST
 - Provide information to law enforcement across the state as to what refusal rate is and best practices.

Whitney: We looked at what we can do as a task force to get information out that doesn't require a legislative fix- February 17, 2017, decimation of cards and April 18, 2017, training based on work already started by Knudson.

Wood: Are you looking at what other states are doing?

Whitney: We looked more statewide at law enforcement agencies but haven't looked out of state.

Casias: We are waiting on a ruling from the State Supreme Court on search warrants etc. It will address how a refusal ties into the 4th Amendment. Expecting ruling soon.

Second recommendation: Best Practices – Reimbursement Costs for Testing Expenses.

- Benefit for smaller agencies
- Provide Form Standardization
- Best practice helping law enforcement become consistent in reimbursement costs for testing. Big benefit to the smaller agencies. Expenses across the state are consistent. Ask for restitution in this matter. The offender upon conviction is then told they have the reimbursement responsibility for that.

What are other states doing and can this be part of restitution? Could other agencies that are doing this provide template that could be shared?

Groff: Costs depend on lab used. Breath alcohol test run between \$12-15. CDPHE knows who is getting the testing but then law enforcement has to collect.

Packard: CSP has historically submitted the costs for testing. He could help provide info.

Casias: This is standard practice in his county. Covered under costs of prosecution. When testing costs are submitted he approves those.

Reed: A bill allowing courts to collect cost of DUI tests signed by governor in August. That law may cover the recommendation.

Whitney: We need to make sure law enforcement DAs and judges are consistently implementing. Does everyone know what is out there?

Ticer: The annual report is a great document that can be promoted to law enforcement. Cory Amend will work to ensure the 13,500 law enforcement officers get the info.

Third recommendation: Develop/Determine Best Practices for the Five Nano Grams Issue.

- Training
- What are best practices? There needs to be a standardized approach.

Fourth recommendation: Outreach on Felony Blood Draw.

- Position Statement from CDAC once the court has ruled
- Longer term goal.

Casias: Judges are seeing major problems with how blood testing is labeled. Instead of over vile they place on the side.

Garcia: This is a statewide issue and CSP is working with CBI to roll out by mid-January a video on how to do evidence collection. Video will be distributed via CDAC. Training: could use POST funds to produce the video that could help.

Timken- Labs must provide instructions with kits. It was unclear whether CBI test kits were missing the labeling name but they are rectifying that. Must be collected in presence of law enforcement.

Casias: Current chain of custody is creating reasonable doubt if not sealed the proper way.

Garcia: A script will be part of the training video.

Prevention – Ellen Anderson

Recommendation: Recommend extra emphasis be added to the Dedicated ID Checking training for companies authorized to provide Responsible Vendor Training.

Maroney: DOR has to certify trainers. There are approximately 20 different companies.

Lemly: Motion to accept the recommendation. Seconded by Aylmer. Motion passed.

Impaired Driver Intervention & Treatment – Christine Flavia

Recommendation: Requested Task Force ongoing support of enhanced DUI education and treatment.

Flavia: Rule changes going to State Advisory Committee. She is hoping it will become effective in April or May. Most of the work has been on the OBH and probation side. Goal in 2017 is to guide the implementation of rule changes. Funding will become an issue when implementation begins. Working internally to increase spending authority.

Flavia: Motion to support the implementation of Level II Four Plus. Seconded by Casias. Motion passed.

Communication – Sam Cole

First recommendation: Develop a relevant impaired driving public awareness campaign based on alcohol consumption

Second recommendation: Moving ahead on a campaign re: legal consequences of DUI. Includes administrative and legal consequences.

Groff: Will you be addressing the legal consequences of refusal?

Tracy: Would like to have a conversation re: approaching DUI from an emotional angle. She would be willing to help if needed.

Cole: Looking for information on what people think. Do people know how bad it can really get?

Motion by Cole to make both recommendations key. Seconded by Flavia. Motion Passed.

Program Evaluation & Data – Jack Reed

Recommendation: Support the creation of a statistical tracking system to properly document the number of impaired driving arrests categorized by alcohol involved, drug involved, and alcohol and

drug involved; including the ability to distinguish different types of drug categories in impaired driving arrests where drugs are a contributing factor to the impairment.

- This should be accomplished by obtaining toxicology results, then matching them with arrest, court filings, probation assessment and probation outcome data.
- Added benefit of measuring court and probation outcomes for cases involving alcohol, drugs or a combination of the two.

Seat Belt Discussion – Carol Gould, CDOT

Information was presenter earlier.

Lightning Round Update

Three new DUI courts have opened. There are now 16 courts statewide.

L. Sonderup: Rock band PSA has half million shares and views of English version on law enforcement social media.

Ticer: When we have good media we need to share with the task force members.

Reed: Four new states have legalized marijuana - 20% of population will have access to legal marijuana.

Three more states approved medical marijuana – now 60% of population will have access. 24/7 in

Arapahoe County started two weeks ago. Research built into plan.

Wood: Looking forward to Michigan study on road side drug testing programs.

Casias: The 5th Circuit is going to have discussion on sentencing inconsistencies on felony DUI in district courts. Finding that sentences are much lighter so are trying to implement consistency between county and district courts.

Flavia: News yesterday, the USHHS released the Facing Addiction in America-The Surgeon General's Report on Alcohol, Drugs, and Health. Nothing like this has been done before. Also, the cost of a DUI is up from \$10,270 to \$13,530. New materials will come out next year.

Tracy: Smokey Hill High School presentation with Amber and CSP. CSP presentation gave personal side of what it is like to come up on an accident scene. Focus is to impact kids that this is not a game.

Decisions impact many people. A personal PTSD workshop has been developed- *Call for Backup*. She asked for support and was willing to answer questions.

Packard: Provided most recent arrest data. When you look at October data it looks as if there is a decrease in arrests. He attributes the decrease to the enforcement strategies that have changed.

Ticer: No meeting in December. Wish everyone a happy and healthy 2017.

Maroney: Initiative 300 passed. Proposed a rule that consumption of pot could not be done on establishments where alcohol is being served. Should hear soon whether it will be adopted. If so it will become effective 12/30.

Aylmer: No restaurant that he knows of is interested in the consumption of marijuana on their premises

Chief Ticer recognized Brenda Hahn for her four years of service with the CTFDID.

Adjourn: 11:25 am

Next Meeting: Friday, January 20, 2017

Colorado State Patrol Academy

15055 S. Golden Road

Carrell Hall, Building 100

Golden, CO

In attendance:

Chief Bob Ticer, Avon Police Department, Chair
Major Matthew Packard, Colorado State Patrol, Vice Chair
Carol Gould, Colorado Department of Transportation
Brenda Hahn, Colorado State Patrol, Secretary
Rebecca Novak, Colorado State Patrol, Secretary
Sam Cole, CDOT
Major Steve Garcia, Colorado State Patrol
Steve Johnson, Douglas County Sherriff's Office, Colorado Sherriff's of Colorado
Ed Casias, SCAO, Judicial
Benjamin Mitchell, Department of Revenue, DMV
Joyce Smith, CTD and CAAP
Cory Amend, POST
Dave Timken, CIDRE
Jennifer Tracy, Victim
Patrick Maroney, Colorado Department of Revenue, Liquor Enforcement
Jeff Groff, Colorado Department of Public Health and Environment
Christine Flavia, Colorado Department of Human Services, Office of Behavioral Health
Webster Hendricks, Colorado Department of Human Services, Office of Behavioral Health
Curtis Hanock, Colorado Department of Human Services, Office of Behavioral Health
Paul Aylmer, Colorado Restaurant Association
Ben Whitney, Weld County District Attorney's Office, Colorado District Attorneys Council
Andrew Lemley, New Belgium Brewing
Laura Sonderup, Hispanidad
Matt Sonderup, Heinrich Marketing
Ed Wood, DUID Victim Voice
Gene Giron, Miller Coors
Amy Kingery, State Judicial-SCAO
Tom Kissler, Smart Start
Ellen Anderson, Retired Pitkin County Sheriff's Office
Eric Parman, Lifesafer/Guardian
Barry Burwell, Mountain View Fire