



## *Meeting Agenda*

April 21, 2017 9:00 am – Noon

**Opening Comments:** 9:06 am Chief Ticer

**Quorum:** 17 of 21 members

### **Introductions**

**Legislator Remarks:** none present

**Public Comments:** none

### **Minutes of Previous Meeting**

Motion to accept minutes by Maroney, second by Alymer. Motion Passes

### **TDOT/Texas A & M site visit** - Glenn Davis, CDOT

Final report will be distributed to CTFDID members. Colorado recommendations included taking the time to focus on legislation and policies so you don't rush through that process. Data is crucial especially baseline data and the challenges data presents. Important to build relationship with the marijuana industry. Have your budget ready to go if there will be funds available. Train more than DRE. Media and outreach to the public. Crash data, FARS data, and marijuana lit review. Final report will be completed in October 2017. This was a great opportunity to impact change.

Anderson: She saw a lengthy story on the national news about drive through pot shop in Parachute, CO.

Flavia: Will TX be able to differentiate between active THC and metabolites?

Davis: They will do the best they can do with the data they are given. A lot depends on what is provided to the state by the coroner.

### **Statistics: State Fatality Numbers** – Glenn Davis, CDOT

117 total last year, this year the total is 116. We are trending towards 606 Adams County has the highest number of fatalities.

Maroney: It seems as if there are a lot of multiple deaths as reported by the media.

### **Legislation** – Fran Lanzer, MADD/ Glenn Davis, CDOT

Lanzer:

SB 43 stalled out in house

SB 213 automated vehicles - worked out things in conference committees heading to the governor

HB 1123 to extend bar hours stalled in Senate. On calendar today but expects it to be delayed again.

HB 1288 mandatory min for felony dui/ Level II passed house 62-0

HB 1315 Reporting of DUI data assigned to house judiciary and is scheduled to be heard on April 27.

SB 184 marijuana clubs passed the house on the way to the governor HB67 license marijuana clubs failed

Davis:

HB 1296 Auditing state vehicles defines how cars are assigned to an agency. This legislation resulted from an audit.

Casias: The bill imposing enhanced texting penalties will create a lot more activity in courts. He urged that law enforcement make good notes so there are records when the case goes to hearing.

Chief Ticer recognized Fran Lanzer for his work with the legislature

## **Media Relations & Significant Upcoming Events – Sam Cole, CDOT**

In middle of Spring Events Enforcement with 108 agencies participating. It was one of the largest enforcement periods last year with over 1500 arrests.

420 Media – The marketing was called the 320 Movement encouraging people to plan ahead. Went on Lyft rides where they picked up marijuana users and feedback from those users was marijuana wasn't a problem. The number of respondents that say marijuana isn't dangerous is frightening. Tuesday Lyft sweep team gave discounts and a gigantic crashed edible was also on display. Took the display to the Method Man concert on Wednesday. Also provided 420 mile markers on the back with a lot of messaging on back. Method man concert. Thursday the same information was provided at 420 on the Block. Within Civic Center Park they had PSAs running. Glad to present to the task force in the future. Reached out to dispensaries to help promote the drive high get a DUI message. Provided videos, rack cards as well as information for their own websites.

Sonderup, L: In the most recent media campaign they really emphasized earned media. MIG helped to identify a Spanish language dispensary owner. Between the two Spanish-language stations they got five minutes of coverage on the two major Spanish language.

Casias: Any plans for Cinco de Mayo?

Sonderup, L: Telemundo is working hard to put together a week's work of segments on DUIs that will run prior to Cinco de Mayo. Interviewed offenders currently incarcerated for multiple DUIs, mother of a child lost to a DUI, etc.

Cole: Aurora Police Department and Laura worked on a handout on sobriety check points. It talks about legal and personal consequences of getting a DUI. Aurora PD wanted something to thank sober drivers. English on one side Spanish on the other.

Cole: Of 1000 Colorado drivers, 100 admitted to using marijuana then driving, 50% admitted to driving within two hours of using. Data is staying pretty consistent. The cultural norm that it is ok to drive high and is safer than alcohol.

Ticer: We need to work on and turn that perspective around.

Alymer: This is much the same view as people had about alcohol 20 years ago.

Giron: What was the reaction at dispensaries?

Sam: Dispensaries understand the bigger picture and that is that we need to be responsible.

Ticer: Perception is that pot is not as dangerous as alcohol. His point is that it is dangerous. Making comparisons is a perception we need to change.

## **Task Force Business & Presentations**

### **Work Group Updates**

#### **Program Management & Strategic Planning – Glenn Davis**

Dominico- Drug impairment types are down 8.7%. Marijuana citations are up by 8.3% over last year. The three metro districts have been focusing on DUI enforcement.

Davis: The recent article in the paper is only a three month snap shot. Glenn shares articles with Rebecca who shares with task force.

Davis: The work group met once by phone and helped to orient the group's new members. Davis and Lanzer met yesterday to discuss legislation. Could July be a meeting with the legislators? His group is going to do planning around this meeting. The work group will meet in June to plan for July meeting. Glenn would like to have CSP photographer take photos so we have some additional photos for the annual report.

Lanzer: He will put together a presentation on what legislators need to know on DUI. He gets a lot of questions on marijuana laws which he expects but alcohol enforcement surprises him.

Davis: Because the Task Force is funded by NHTSA we cannot use any funding for food. Andrew Lemley volunteered to bring coffee and bagels.

#### **Criminal Justice – Deputy Chief Steve Johnson**

Whitney: The group had an email exchange and decided on two areas of focus. They are focusing on goals from the annual report. Jen Knudsen is leveraging her resources to look into identifying best practices to reduce refusal rate. Last year they looked at the cost associated with tests. It is an important issue but may not fit within task force since it is more of local issue. They felt it was better to push forward with drug driving and the new methods for officers on the street to identify drug use.

## **Prevention – Ellen Anderson**

Seven people attended the April work group meeting. The work Group has been focusing on Jim Fell's research and looking at server seller laws. Since data about this issue is lacking the work group developed the following draft statement:

*CTFDID recognizes promising results from research suggesting that responsible beverage service training could reduce drunk and impaired driving through improved service policies and practices. We recommend that the State of Colorado commission a study to further evaluate its effectiveness to specifically address drunk and impaired driving. Furthermore, the Task Force strongly encourages establishments to consider responsible beverage service training and become Responsible Alcohol Beverage Vendors (as described in the Responsible Alcohol Beverage Vendor Act, C.R.S 12-47-1002).*

Maroney: No mandatory server seller training except under limited circumstances. Some localities do have mandates, some states do as well.

Ticer: If we got valid data to show server/seller training works it may make the mandate easier to accept.

Davis: TX and OR require training.

Alymer: Don't have the bandwidth to do those studies. Not sure there is a lot of data.

Reed: Alcohol policy is something his team could look at.

Hendricks: There may be a number of trainings out there. It could be difficult to analyze standards.

Maroney: Standards are established by DOR. Other training out there like TIPS. Online TIPS training is not accepted by DOR. DOR doesn't have the ability to do QA on what is submitted.

Lemley: If this recommendation goes somewhere and we find evidence that server/seller is effective he believes that there won't be much pushback from the industry. Really standardizes cost across the industry.

Maroney: Previously there would have to be a fiscal note. DOR is working to make a web-based submission process. This will reduce the fiscal impact.

Alymer: Natl restaurant Asso did a study. He will approach to see if they have any evidence they can share.

Casias: Summit County TIPS training is working to educate servers on indicators of date rape drugs. Won't solve the problem but will help to reduce the occurrence. It would be good to have this as a part of all server training.

Alymer: In his business he has bartenders with a lot of training and others without that level of education. It is evident that the knowledge is valuable.

Wells: Her push is minor possession of alcohol. In 2104 MIP fines were reduced to \$100 fine for 1<sup>st</sup> or 2<sup>nd</sup> offense. City Attorneys and DA are reluctant to fight because of the volume. Kids are getting two or three before they actually get a conviction.

Timkin: He is Vice Chair of Beverage Licensing Commission in Boulder. The vast majority of cases are for serving minors. Many servers/sellers have been trained and have establishments have policies. Trying to accurately id where the last place served is a challenge.

Hendricks: Data on young drivers- many are not driving. Will that impact MIPs? Kids in rural areas are much more dependent on cars.

Maroney: Place of Last Drink (POLD) is not required to be collected here. Other divisions across the country are beginning to collect this data to determine if there are establishments that are chronic offenders. No methodology here to collect this information. He recently met with a company that is a ride home system where they take both you and your car home. It started up two months ago.

Smith: As a provider she knows the bars that overserve because she hears it from clients.

Maroney: There are three ways to make a complaint phone, online and etc. Sometimes it takes a while to get to the complaint but it will be addressed. Over service is really difficult to prove.

## **Break: until 10:45**

## **Impaired Driver Intervention & Treatment – Christine Flavia**

Work group meet earlier this week with strong task force representation as well as members from outside of the task force. Primary task is the implementation of Level II Four Plus. Had DHS first reading- passed unanimously. Second reading on May 5<sup>th</sup>. Expecting July 1 start date. There are many moving parts in addition to the rules including coordination with probation, DMV, education stakeholders, legal counsel, public defenders, DAs and the bench. Changes to data systems and establishing research designs now. Big task and we're working on it a piece at a time. Need some help from members on how to educate stakeholders.

Knudsen: She has a 24/7 group with all the DAs in the Denver area and she could share.

### **Communication – Sam Cole**

He is continuing to vet materials through subcommittee and will meet with them next week.

### **Program Evaluation & Data – Jack Reed**

Reed: The work group met last week focused on DUID data collection bill. Perception is that it will put more work on law enforcement. That isn't correct since the data will come from multiple sources that already collect the data.

Timkin: There is a meeting on May 16<sup>th</sup> to discuss data elements that need to be captured on the Level II Four Plus. Time needs to be put in now to make sure the data is being collected correctly.

### **Lightning Round Update**

Davis: State revising crash record form. Interesting in alcohol and marijuana. Jen is looking at the impairment form to make sure law enforcement the form can be used in the future as toxicology advances are made. Also, CDOT is getting a lot of calls from Canada on marijuana legalization. Canada is going to set a nation-wide policy.

Whitney: Weld County case involving vehicular homicide – sentencing was two weeks ago. The case involved a 25 year old driving the wrong way on I25 who crashed head on and killed a 19 year old and injured a 16 year old from Windsor. Sentenced to the maximum.

Casias: CO Supreme Court recently released three decisions. Two of the cases relate to expressed consent. In both cases the argument was they didn't consent to a blood draw. Supreme Court opinion stated that expressed consent is given by the act of driving and they did not revoke that consent. The 3<sup>rd</sup> case brought up last year that a blood draw is a 4<sup>th</sup> amendment search. Can the right to refuse be protected under the 4<sup>th</sup> Amendment? Supreme Court said this was expressed consent you gave consent by driving so it is not protected Footnote in one case: Supreme Court makes it very clear that law enforcement cannot physically restrain someone to draw blood. Even a warrant will not protect you should you restrain someone to draw blood. Another issue working its way through the courts pertaining to intoxilyzer certifications that were being done and signed by a person who was no longer at the agency. How does this impact the results that are used in court? Not sure if it will get to the Supreme Court.

Ticer introduced Col. Trotzel. Col. Trotzel made mention of the May 5<sup>th</sup> Fallen Officer Memorial Ceremony.

Lanzer: MADD is looking at doing an awareness campaign for 420. Uber also involved with dispensary. Law enforcement recognition will be held on 5/31 will send out info to the group via Rebecca. Christine Flavia is an award recipient. There are 20 award winners and the event will be held at the Denver police protective event center.

Rosemore: MIG is partnering with grass roots groups and lyft to continue message through the summer months to promote safe consumption.

Flavia: Presented to OBH with Webster Hendricks. They played a game: Guess how many drinks it would take to reach a .15? There is still a lot of work to do in educating people on how much it takes to be intoxicated. Avg state BAC is over .16

Alymer: Researcher from DU presented at a Workers Comp workshop. He was commissioned to do a three year study on marijuana and driving. He will provide the information to Rebecca to share.

Anderson: She was impressed with move over law signage on her drive from Aspen to Denver. She believes it is making a difference.

Cole: Three move over law enforcement days. Other enforcement period (Click It or Ticket) just ended resulting in 1500 arrests. Nice to see lyft and Uber fighting over the marijuana market

Ticer: Loveland held an Every 15 Minutes Demonstration at Loveland High School with over 1690 kids present. The presentation showed the impact of two cars involved in a head on crash. One person was deceased, two were seriously injured and the driver was impaired. Police, fire and paramedics worked on the scene. Jaws of life were used and Life Flight air lifted one person. Officers processed the impaired driver and made an arrest. Mortuary removed deceased. As you interact with local law enforcement there are opportunities to share with peers.

Wells: Do SROs still go through training on how to deal with multiple scenarios?

Ticer: Yes but it is up to each municipality to send officers to training.

Motion to adjourn: Maroney/Alymer Meeting adjourned at 11:28

Next Meeting:

May 19, 2017 9:00-12:00pm

Location: Colorado State Patrol Academy

15055 S. Golden Road Carrell Hall, Building 100

Golden, CO

**In attendance:**

Chief Bob Ticer, Loveland Police Department, Chair  
Glenn Davis, Colorado Department of Transportation , Vice Chair  
Rebecca Novak, Colorado State Patrol, Secretary  
Paul Alymer, CO Restaurant Asso.  
Andrew Lemley, New Belgium Brewing Co.  
Susan Colling, Judicial/Probation Services  
Katie Wells, OBH  
Christine Flavia, OBH  
Joyce Smith CTO and CAAP  
Stacy Rosemore, MIG  
Fran Lanzer, MADD  
Christine Demont, CDPHE  
Gene Giron, Miller Coors  
Curtis Hanock, OBH  
Eric Parman, Guardian/Lifesaver Interlock  
Webster Hendricks, OBH  
Laura Sonderup, Hispanidad  
Leslie Nelson Taullie, NHTSA  
Abe Hutt, Defense Attorneys  
Patrick Maroney, DOR-Liquor Enforcement Division  
Benjamin Mitchell, DOR-Division of Motor Vehicles  
Ben Whitney, Weld Co. DA/CDAC  
Ed Casias, Summit Co. Court, SCAO  
Dave Timkin, CIDRE  
Rocco Domenico, CSP  
Sam Cole, CDOT  
Ellen Anderson, Retired-Pitkin Co Sheriff/Tipsy Taxi  
Jill DeRoehn, Denver Co. Court Probation  
Jack Reed, CDPS  
Jennifer Knudsen, CDAC  
Gina Espinosa-Salcedo, NHTSA Region 8