



Meeting Minutes

October 20, 2017

Call to order: 9:05 by Glenn Davis, Acting Chair

Quorum: 12 of 21 members

Introductions

Legislative Remarks: None

Public Comments: None

Minutes of Previous Meeting

Motion to accept minutes by Flavia, second Johnson. Motion passes.

Statistics

State Fatality Numbers – Glenn Davis, CDOT

To date there have been 486 traffic fatalities. Last year at this time there were 510 fatalities. This is a decline of 5%. The feeling at State Traffic Advisory Committee was that 486 is low because a lot of fatalities have not been reported through the system. Law enforcement reports to CDOT. Investigation time on a local level sometimes takes time. This data is not surprising for a state without a primary seatbelt law, no helmet law and weakest texting law in the nation. Last three years Colorado has set records in motorcycle fatalities. Number one counter measure is a helmet law but there is caution on introducing legislation.

Johnson: How can we improve timeliness of reporting?

Davis: Law enforcement has 15 days from the time the investigation is complete to submit their info to CDOT. It often comes down to local law enforcement agencies. If CDOT LE liaisons could get into Sherriff Asso. and Police Chiefs' Asso. there might be the opportunity to education and inform on the issue.

Mitchell: Timeliness of submitted Expressed Consent packets to the DMV is also important due to statutorily defined timelines.

Johnson: He is going to work to see about spreading the message to his association.

Aylmer: Does the coroner's office have any responsibility?

Davis: Death notification and toxicology reports must be submitted to CDOT. Most provide the information but CDOT sometimes has to chase it down. There are also challenges on what is tested. There are a lot of data gaps in the system. Glenn is working on getting FARS data to be more current.

Legislation – Fran Lanzer, MADD/ Glenn Davis, CDOT

We need to get ready for annual report. We are changing the format a lot this year. Glenn would like to try to get some time with the legislative liaisons so they are more informed when we submit it to the legislature. Rebecca is going to champion the revisions.

Johnson: Do they see results of prior years' accomplishments such as after hours operation?

Davis: At the legislative meeting next year we should present our annual report and show where we had success and what didn't go through. Glenn is also on the CO Teen Driving Alliance. There was talk about the group disbanding but it was determined that there needs to be an organization to represent this constituency. CTFDID is in a position to champion issues. Two legislators had concerns about amount of distracted driving they have witnessed on roadways. Glenn: The number one factor that shows up in crash analysis is speed. However distracted driving is probably under reported as law enforcement investigating crashes usually depend on self-reporting from people involved in the event. Recent changes to distracted Colorado's distracted driving laws increase penalties for violations but, make it more difficult for law enforcement to enforce as simply using a device is not enough for

contact. Compared to other states Colorado DUI laws are pretty tight, however there is room for improvement. It is difficult to pass legislation if it has a significant fiscal not or there is not a dedicated funding source in place.

Wood: It will be interesting to look at the results of the DCJ report that will come out in March.

Mitchell: It is difficult to enforce the interlock requirement.

Aylmer: He sat next to legislator who was big on distracted. How do we make the same link with seat belts reducing deaths just as reducing distracted driving will reduce deaths?

Davis: We need to change the culture of drivers. A seat belt is your best protection if being hit by a drunk driver, distracted driver. 85% seat belt usage rate. Use rate usually goes up 5% over time with a primary seat belt law.

Wood: Four legislators have agreed to request of the legislative council that it establish a Legislative Interim Study Committee on DUI/DUID laws that will convene between the 2018 and 2019 legislative sessions.

Anderson: CU has gotten permission to do studies on marijuana's use for pain. Does this mean the feds are allowing study on marijuana?

Groff: Is it state funding or NIH funding? It is probably funding from the state.

Graham: CU is moving forward on the study. The lead researcher was looking for feedback from NHTSA on what information would be valuable. Lack of validated FSST. Federal studies have to get marijuana from the marijuana farm in Mississippi which has very different THC levels than Colorado's marijuana.

Groff: He was part of a news study "too high to drive". Volunteers came with their own marijuana and drove on a master drive course. Model of study drew blood upon arrival. Did a couple of runs on course and evaluated success. Then they dosed and waited 15 minutes. All smoked the same amount. Blood drawn again. Went out on the course. One hour later repeated.

Media Relations & Significant Upcoming Events – Sam Cole, CDOT

Sam is presenting in NY for NHTSA Region 2. Halloween enforcement begins on October 27 and runs through November 1.

Break: 10:12 am

Task Force Business & Presentations

Work Groups need to report their recommendations for the 2017 Annual Report at the November meeting. Annual Report timeline:

Work Group Updates and Recommendations - 11/17/2017

Photos: 12/1/2017

Victims' stories: 12/1/2017

Meet with Executive Committee: 12/6 or 12/7

Rough Draft to Task Force members: 12/8/2017

Comments due by: 12/29/2017

Final Draft: 1/5/2018

To printer: 1/8/2018

Davis: Biggest success last year was HB1315. It will have a significant impact.

Do not recycle recommendations from prior years but work to make them fresher. If there are things that still have value use them but freshen them up.

Work Group Updates

Program Management & Strategic Planning – Glenn Davis

Met in September to discuss Annual Report. Thinking that they will really want to push primary seatbelt.

Criminal Justice – Deputy Chief Steve Johnson

Not a lot of change. They will bring recommendations to the November meeting which look at best practices and training costs including best practices to reduce refusal rate. Refusal for testing under expressed consent is between 25% and 30%. Making sure that expressed consent card is current and looking at utilization of POST and others.

Whitney: CO Supreme Court dealt with the issue. Defense argued that law enforcement told the plaintiff the consequences of his decision making it no longer a choice. The Supreme Court ruling expressed that just by driving you have given expressed consent. Court stated that it is ok to state the consequences of not consenting to testing.

Davis: There is merit in best practices in law enforcement. Victories: more task force type enforcement. Maybe there has been some improvement.

Prevention – Ellen Anderson

Second item the work group undertook was to look to see if there is a correlation between MIPs and subsequent DUIs. This involves a lot more work so this item has been tabled. First recommendation was read again. A new California law mandates that by 2020 all bartenders and servers to receive training on how to responsibly sell and serve alcoholic beverages. Oregon has a similar law. The work group will dig a little deeper with both bills. The recommendation with change the language from mandate to requires.

Impaired Driver Intervention & Treatment – Christine Flavia

Working on the implementation of Level II Four Plus. In the final stages of coming up with the clinical competencies for the program. Feels strongly that the work group needs to come up with distinct phases to break down the 18 month mandated treatment. Helps both client and provider. More likely to complete with a greater likelihood for success.

Communication – Sam Cole

Davis: CDOT continues to work on impaired driving awareness for HVE events. Sam will present next month.

Program Evaluation & Data – Jack Reed

Groff: Mechanisms to collect data are in place. DCJ Director was meeting with legislators on standardizing costs across the toxicology labs. He has been provided DUI testing data. He is not sure what direction the committee will be taking.

Lightning Round Update

Whitney: Weld Co. DUI Task Force has reformed. Trooper Nate Grimm has taken the lead and has good involvement of local enforcement.

Groff: The Colorado Board of Health Rules Pertaining to the Testing of Alcohol and Other Drugs (5CCR 1005-2) is currently being revised in order to align the rule with current statutes. The rule will undergo a more comprehensive revision in the summer of 2018.

Wood: Michigan State Police will be initiating oral fluid testing by the end of this year. Use oral fluid testing will take place after a DRE evaluation. Taking oral fluid at the stop and taking an additional sample for offsite testing.

Johns Hopkins paper testing the level of THC in blood from people who had been taking oral marijuana.

Standard dosage never got above 1 ng, participants took five times the normal dose never got above 2.5 ng.

Canada plans to legalize recreational use by July 1, 2018. Putting in standards for up to nine impairing drugs.

Looking at both 2 and 5 ng. Report was issued last week and they will be using both 2 and 5. At 5 they may be charged with a crime. At two it is a fine only regardless of outcome.

Anderson: In Aspen public transportation buses does not have seat belts. There is a lot of resistance to the idea yet no seat belts poses so much risk. Groff: School buses are the same way.

Hecker: November 8th the Informed Responsibility tour is coming to Denver. To present cutting edge tech in fighting impaired driving. She and Amy are both going and will bring updates back to the group.

Graham: There is a pilot underway to capture distracted driving called a text-a-lizor. It won't read the data in the phone it only gives the officer a timestamp of the data transmission. New York is trying to get a pilot. Also does checkpoints by vehicle type. This has the potential to drastically impact the quality of law enforcement stops.

Same methodology used in seat belt surveys could be applied here. 24/7 - there are initial start-up costs but NHTSA could help support if there is legislation. Once started it is offender funded. Davis: It would also be cost savings to the state. Has the potential to reduce felony DUI population.

Sonderup, L: All of the CDOT communications partners have task orders in place for FFY2018. Sam should be in a better position next month to share the info.

Calabrese: His Company wants to look at who is in what venues. Looking at ways to engage particular audiences.

Tracy: Person that killed her husband will be paroled on November 7th. Presented Daring to Move last Monday and was able to share full circle.

Flavia: 18th Judicial District was doing a pilot on 24/7. What were the results from that? Davis: At the time he went they had only one person in it. It wasn't mandated so people could opt out. Graham: NHTSA is looking at educating judges on the ability to mandate. They also would like to take out the driving piece and make it

available for any offense involving alcohol. Timkin: He has looked at studies and fully endorses a statewide implementation vs. piecemeal. Flavia: Monitoring with treatment has the potential to create long-term results.

Colling: Got approval for funding to help treatment providers become licensed to provide Level II Four Plus.

Wood: Last month he was in Amsterdam he saw two people texting while biking. You don't have to be in a car to be distracted.

Davis: He will be presenting at the Cordoaria Nacional Lisbon, Portugal.

Meeting adjourned. 11:05 am, Aylmer, Johnson

Next Meeting: November 17, 2017, 9:00-12:00pm
Colorado State Patrol Academy
15055 S. Golden Road Carrell Hall, Building 100

In attendance:

Glenn Davis, Colorado Department of Transportation, Vice Chair
Rebecca Novak, Colorado State Patrol, Secretary
Josh Downing, Major, Colorado State Patrol
Benjamin Mitchell, DOR-DMV
Dave Timken, CIDRE
Ben Whitney, Weld DA/CDAC
Patrick Maroney, DOR-Liquor Enforcement Division
Steve Johnson, County Sheriff's Association
Ellen Anderson, Topsy Taxi
Jeff Groff, CDPHE
Christine Flavia, CDHS-OBH
Susan Colling, Judicial/Probation Services
Paul Aylmer, CO Restaurant Asso.
Jennifer Tracy, Victim
Jackie Urioste, OBH
Gene Giron, MillerCoors
Matt Sanderup, Heinrich Marketing
Laura Sonderup, Heinrich Marketing
Katie Hecker, SCAO/Prob. Solving Courts
Al Graham, Region 8-NHTSA