

Interagency Task Force on Drunk Driving

Task Force Meeting Minutes January 21, 2011

Chief Wolfinbarger (Chair) called the meeting to order.

Attendees:

- Emily Tompkins
- Raymond Fisher
- Heather Coogan
- Bill Young
- Lindsey Federle
- Robin Rocke
- Christine Flavia
- David Timken
- Glenn Davis
- Tom Quinn
- Stephen Hooper
- Steve Wrenn
- Paul Wood
- James Wolfinbarger
- Hannah Seigel
- Heather Halpape
- Tom Kissler
- Tammy Lovejoy
- Jill Hart
- Jeanne McEvoy
- Scott DeMuro
- Cassandra Rocha
- Ed Casias
- Kris Johnson

Introductions and Initial Comments:

No legislative or public comments.

Heather Halpape reported that Super Bowl weekend (Feb. 6th) enforcement will take place in selected counties. There is a mailing to liquor stores with NHTSA/NFL posters. Seventy-five thousand napkins are being sent to 25 of the largest liquor stores for super bowl parties. New Year's Eve arrests were down; the weather may have been an issue.

Elections:

Chief's comments – I'm excited about the coming year and the progress we've made in putting together a strategic plan. We're proud of the Annual Report and it gives great information to the legislature. Rep. Claire Levy is interested in some of our legislative issues. Every legislator has a copy of the annual report and all state agency legislative liaisons will be getting a copy as well. The CSP legislative liaison also has a copy of the strategic plan with him.

Membership (non-state agency representatives) shall serve two-year terms and can serve additional terms. We'll get back onto a January of every other year schedule. The positions required by statute are Chair or Vice Chair.

Nominations for Chair – Emily Tompkins nominated Chief James Wolfinbarger. Tom Quinn, Steve Hooper, and Christine Flavia seconded the motion. There were no additional nominations. The vote carried unanimously. Chief Wolfinbarger said that he was honored & proud to serve as the Chair.

Nominations for Vice-Chair – Emily Tompkins stated that it was a great honor to serve as vice-chair (even though she was nominated in absentia originally). She feels that she can speak for task force in a different way than the state employees. However, she thinks that it is best that she not continue on as

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Vice-Chair. Her commitment to the ITFDD will not change. The Chief stated that he appreciates and enjoys working with Emily.

Emily Tompkins nominated Glenn Davis, and Chief Coogan seconded the nomination. There were no other nominations. Glenn Davis accepted the nomination. There was no discussion and the vote was unanimous.

Nominations for Secretary – Robin Rocke has done a tremendous amount of work and has taken on new duties, so she would like to step down. Glenn Davis nominated Jill Hart, and Tom Quinn seconded the nomination. There were no other nominations and the motion carried unanimously.

Other Membership: The bylaws state that non-state representatives should be elected to two-year terms. Chief Coogan moved that all current members/representatives continue. Judge Casias seconded the motion. A vote will be tabled until next month in order to give each representative a chance to consider continuing.

There was a discussion about the need for a new representative of persons under 24 years old enrolled in a post-secondary school:

MADD has been looking for a person and has been unable to find someone. Task force members were asked to pursue any other ideas for the next meeting. Captain Fisher mentioned that as we move forward with reauthorization, may need to ask for consideration of a different way to get that representation since it has been traditionally difficult to fill this spot.

There was discussion around SADD programs, criminal justice programs, BACCHUS, and the CDHS PARC committee. Suggestions were also made to investigate providing course credit for assistance in implementing the work plan.

Please e-mail additional names to Jill Hart (jill.hart@cdps.state.co.us) and/or bring potential nominees to the next meeting, and then the task force will vote on nominations in March.

2011 Meetings:

Schedule: We went through a period where we were meeting too infrequently, so last year it was important (with the strategic plan and sunset review) that we met more often. During the legislative session, it is important to meet monthly, but throughout the summer, it is difficult and maybe not necessary. Monthly meetings keep us engaged and moving forward, but the group saw benefits in selecting 2 or 3 months to skip. In order to meet the statutory requirement of meeting bimonthly, we could continue to meet in July, but skip June and August. We could also skip December, but will need to start on next year's annual report in September.

Steve Hooper made a motion to meet monthly except for June, August and December. Christine Flavia seconded the motion. The motion carried unanimously.

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Location of meetings: The majority of the group preferred meeting at the CSP Academy, so all 2011 meetings will be in Golden. The February meeting will be at the Academy, but not in Building 100. The room location will be sent out before the meeting.

Length of meetings: We will try to keep them as brief as possible. Placing timeframe on agenda might help, but it also might limit or extend discussions unnecessarily. 2011 meetings will still be scheduled to last from 9 a.m. to 12 noon, but they may end earlier.

PDD Re-definition:

Captain Fisher started the discussion with the fact that the task force needs to designate a couple of people to help work with legislature. Steve Hooper asked about what to endorse in enhanced criminal sanctions. Going from 0.17% to 0.15% should not require a significant fiscal note. Christine Flavia added that we have never had the dialogue about the penalty aspects. Dr. Timken mentioned that when it was lowered before, the arguments all centered around the penalties, and once that was removed, so was the opposition. There would be some increase in costs with longer periods of interlock being required. The increase in number of persons involved was under three thousand per year

Steve Wren confirmed that this is not going to change sentencing as long as the 0.2 level stays in place. He also noted that we do not need to address the .20 since it has never been a part of the discussion. We need to broaden the interlocks and treatment, not worry about the penalties. With increased penalties for multi-offenders, there isn't a need for it anyway.

The purpose and philosophy of re-defining the PDD was to capture (for interlock and treatment) those in between the levels for prevention and intervention, including increased therapy time. The extension was self-funded by offenders with options for financial help.

Chief Wolfenbarger has asked Trooper Juchem to get in touch with the Governor's office to see if we have support. Rep. Levy seemed very interested in this and is perfect one to lead this. Steve Hooper stated that this has real potential depending on how it is supported by the sponsor. One point of contention is that it will wake up the defense bar.

Judge Casias reminded the group that this could have an unintended benefit. Enhanced penalties come from convictions, not levels, and if you can get them the first time and put them through the increased treatment, they may be less likely to reoffend. We may ultimately cut down on re-offenders without having to threaten them with increased penalties, actually cutting down the number brought into the persistent designation overall.

It is important to make sure that the legislators know why we came up with that number. Chief Coogan suggested that talking points for legislators should be developed and shared with entire group so that the message can be consistent. Make sure that they are objective and fact-driven, not opinion papers.

There isn't really a need for draft language, just a change in the number from 0.17 to 0.15 (and make sure that .2 is not replaced). Steve Hooper and Christine Flavia will work on identifying the specific changes that are needed.

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For each of the primary areas of support (PDD, Seatbelts, Marijuana, DUI Courts, etc.) the task force needs to develop a simple “elevator speech” with recaps of the primary points (and a web address for more information). Anyone with talking points can forward them to Jill Hart, and Chief Wolfenbarger will work on them too.

Sunset Review Hearing - Monday, 1/24 at 1:30 – Senate Judiciary Committee

We have the opportunity to provide testimony in favor of continuing the task force. Anyone interested could be there. State employees may be restricted in their participation, but Emily Tompkins and Jeanne McEvoy will be there and can testify in favor of continuing the task force. If we want to make any changes to the legislation before it goes forward, they need to be made now. We will provide copies of the strategic plan to the committee.

There was a brief discussion on including members of the marijuana community on the task force. The group found it important to solicit input, but the members were divided on the issue of providing a more formal inclusion method. There are political issues involved with legitimizing a group which may not be formally established, but it may also be wise to stay ahead of the issue by seeking involvement now. It was also mentioned that other drugs are an issue, and limiting inclusion to marijuana may hurt our efforts to address the larger picture. There is a prescription drug committee that could be invited to be included as well. Although formally involving the industry (in a voting capacity) may complicate the reauthorization process, the offer of inclusion could be made now.

Bill Young made a motion to create a subcommittee to focus on drugged driving (to include marijuana) effective immediately with representatives from various industries and disciplines to assist and act as subject matter experts. Christine Flavia seconded the motion. The vote passed unanimously. The task force will work on the subcommittee’s charge and staffing later.

There had been discussion in the past of changing name or adding term “impaired” to the title of the task force. The statute doesn’t actually designate the name. We could ask the Legislative Council for an opinion, but may not want to introduce the thought if it is something we can do ourselves. We can move forward with name change discussion next month.

Heather Halpape mentioned that this might be a time when the ITFDD should have some notification or posters in dispensaries that say that thc impairs the ability to drive, and that driving under the influence of marijuana is illegal.

A summary of the sunset review hearing is attached.

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Lightning Round:

Steve Hooper - There has been good movement, with the sole remaining interlock vendor using semiconductor technology which was giving false positives now willing to change. If we keep to that vendor pool, then we won't have that troublesome technology here, even without regulatory changes.

Jeanne McEvoy - There are at least three pieces of legislation that are attempting to change liquor laws in Colorado. Please look at information on what happens when alcohol density triples in a state.

Tom Quinn – The staff liaison to the Judicial Department's problem solving courts committee will be willing to come to the next meeting.

Heather Halpape – Channel 9 did a ride-along and is still working on a story on drugged driving.

Christine Flavia – Thank you to the Society of Addiction Counselors of Colorado for joining us in advance of legislation that formally adds them.

Bill Young – MillerCoors went into this year with a goal of taking at least one million drunk drivers off the road each year, and we went into New Year's Eve with just over one million. The company has a ten year goal for ten million drivers.

Chris Johnson – At the Drug Free Community Coalition in Summit County, they have asked several times for someone from the Medical Marijuana provider community to join, and no one has shown up. They have focused on 21-28 year-olds who come to work during ski season, so they have developed a website/facebook page and it has been successful.

Dr. Timken – There will be three more counseling sessions by the end of June, and they are making revisions to manuals.

Tammy Lovejoy – This year is the 17th anniversary of her daughter's crash, and she expressed her appreciation for the time and efforts of this group.

Hannah Seigel – The State Public Defender has had trouble getting people here, but she will be attending now.

Emily Tompkins – The year-end statistics for how many victim survivors have been served show an increase for 2010. There is more demand than MADD can meet. On April 12, MADD (national) is revealing a new brand.

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Senate Judiciary Committee (SJC) – Interagency Task Force on Drunk Driving (ITFDD) Sunset Review
Hearing – 1/24/11, 1:30 pm

Senators Present:

Lucia Guzman, Vice Chair
Angela Giron
Kevin Lundberg
Linda Newell
Jeanne Nicholson
Ellen Roberts
Steve King

Sens. Morgan Carroll (Chair) and Mark Scheffel were excused

Brian Tobias from the Colorado Department of Regulatory Agencies (DORA) presented a summary of the information that was provided to DORA by the ITFDD and answered questions from the SJC. There were some questions about the crossover and duplication between the ITFDD and Commission on Criminal and Juvenile Justice (CCJJ) and there were also some inquiries about additional representation and membership on the ITFDD.

Emily Tompkins, Executive Director of Colorado Mothers Against Drunk Driving (MADD) testified in favor of continuing the ITFDD, addressing the fact that the ITFDD is a group committed to the specific but complex problem of impaired driving. SJC committee members were provided the ITFDD strategic plan and annual report.

Jennifer Gray who represents victims of drunk driving on the ITFDD testified, giving a personal account of how an impaired driving episode has affected her family. Gray also emphasized that participating in the ITFDD gives her and other victims a voice and a way to work toward preventing more unnecessary injuries and deaths.

Jeanne McEvoy from the Colorado Licensed Beverage Association and who represents alcoholic beverage retailers on the ITFDD testified, providing the retailers' point of view. She also emphasized that the ITFDD has representation from the private sector and offers opportunities to work together on a variety of projects (such as posters & napkins promoting responsible consumption during super bowl parties.)

Pete Meersman of the Colorado Restaurant Association testified in favor of continuing the ITFDD and stated a willingness to participate representing "on-premise" consumption retailers.

Senator King offered a motion to continue the ITFDD and agreed to sponsor the bill. Senators Nicholson, Newell and Giron will co-sponsor the bill. There will be a "safety clause" attached to the legislation. The motion passed 7 to 0.

ITFDD members present but not testifying during the hearing were;

- Colorado State Patrol – Chief James Wolfenbarger (Chair)
- Colorado Department of Transportation – Glenn Davis (Vice-chair)
- Colorado Department of Revenue – Steven Hooper

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- Division of Probation Services – Thomas Quinn