



## **Meeting Minutes**

January 30, 2015

**Opening Comments** - 9:00 – Chief Ticer

### **Introductions**

19 of 24 members in attendance, therefore we have a quorum.

### **Legislation Sponsors' Remarks** (if in attendance)

None in attendance

### **Public Comments**

None

### **Minutes of Previous Meeting**

Corrections: None

Motion to approve made by Flavia, second by Casias – all in favor, motion passes.

### **Statistics**

#### State Fatality Numbers (CDOT) - Davis

- Data through 1/26/15
  - 34 Fatalities in 2015 through 1/26/15
  - 24 Fatalities in 2014 through 1/26/14
  - Last weekend, 10 fatalities – Weld County is leading in fatalities
- 151 alcohol related fatalities 2014
- 142 alcohol related fatalities in 2013
- Down in overall fatalities, but up in impaired driving fatalities
- 30.5% fatalities are alcohol related over last three years

### **Media Relations & Significant Upcoming Events** - Sam Cole

- Continue to work with Amelie, CIG, and Hispanidad
- Continue with enforcement campaigns
- Currently Super Bowl enforcement wave
- Continue outreach to the media
- Planning to launch summer campaign around Memorial Day. Continue to use “Drink & Don’t Drive” moniker
- April – launch campaign around marijuana to complement CDPHE campaign
- Drive High Get a DUI slogan will be used
- Same public service announcements as last year
- Towards Zero Death campaign – hoping to create a unified vision of all the groups that work on traffic safety. CDOT will be rolling out more details in the next couple of months.

- Overall, continue to work on with partners and raise a lot of awareness.

Ticer – Drive High Get a DUI – will CDOT be using the television and media previously used?

Cole – Will continue to use.

Ticer – It does grab people’s attention and humorous.

Cole – Launching the Super Bowl high visibility enforcement campaign press release today. Next wave St Patrick ’s Day and will be a ramped up effort.

Flavia – as you work on the unifying messaging, let’s talk more about the social norms campaigns and see how that fits into it.

Gray – Drink Don’t Drive campaign - is that targeted at a certain age group. Have you seen any statistics come back on it?

Cole – That slogan doesn’t target any one demographic. The feedback that we have received is very positive. Still a fairly new campaign and it takes time to measure.

Davis – To expand on that campaign, CDOT does 12 enforcement waves.

## **Task Force Business & Presentations**

### **Election of Officers**

- **Chair** - Ticer nominated by Davis, second by Flavia, all in favor. Chief Ticer will continue as Chair.
- **Vice Chair** – Davis nominated by Ticer, second by Flavia all in favor. Davis will continue as Vice Chair.
- **Secretary** – Hahn nominated by Fisher, second Close all in favor. Hahn will continue as Secretary.

### **Annual Report**

Ticer – Report submitted.

Davis – Legislators receive a lot of annual reports each year.

Casias – The stories of the victims are nicely placed. It is important to remember.

Ticer – I think we get support when we remind them that these are real live people, not numbers.

Maybe we work on this throughout the year instead of waiting until the end of the year. As we start moving, through this year. Keep good notes and bring forth recommendations.

Flavia – Would like to get feedback from some of the other legislators to see what they like, what they don’t like.

Ticer – can we see if CSP can help?

Fisher – I am sure we can. I will work with Glenn.

### **Awards**

Ticer – Would like to formally acknowledge and recognize the following members leaving the task force for their participation and great work toward our goal of reducing the loss of lives due to impaired driving:

- Kris Johnson
- Bud Bright
- Anthony Perea
- Emily Wilfong
- Nikayla Mattison

### **Vacant Positions**

**Alcoholic Beverage Distributor** – Bryan Zearth

Zebrath - Excited to be a part of the task force. Thank you for having me.

**Statewide Organization of County Sheriff's** – Steve Johnson, Douglas County Sheriff's Office  
Johnson - Honor to be a part of this group. 31 years of law enforcement experience in municipal, state, and county level. Look forward to helping with this group. Thank you for having me.

**Student under 24** – James Hanson

Hanson – Student at Front Range Community College – eventually CSU. Happy to bring a young voice to this group.

**Statewide Organization of District Attorneys** – Ben Whitney CDAC

Whitney – Took over county court unit in Weld County in January. Excited to be part of the task force.

## 2015 Meeting Schedule

- Please note changes in our normally scheduled meeting dates for September, October, and November. We will not be meeting on the third Friday as usual.

**Break:** 9:36

**Reconvene:** 9:55

## Legislative Update – Felony DUI Bill – Sergeant Hall (CSP)

- Contact information: Cell 303-945-1495 e-mail: david.hall@state.co.us
- Beginning of the session is a little slow, only dropping 1-3 bills a day
- One major bill, felony DUI –
- Disclaimer, I represent the view of the CSP.
- 1043 – Felony DUI
- Scheduled for house judiciary, Thursday, 2/6/15, Room 112 (basement on east side), Time: 1:30pm
- Quick overview – content of bill as introduced. Make a felony for four DUIs or three within a seven year period. Or aggravating circumstances, for example a child in the car.
- Timeline – as far as CSP goes – CSP is a member of the executive branch, works for the Governor. Governor addressed this topic in state of the union. Meeting scheduled for Tuesday, 2/2/15 with Governors' policy & legislative staff to determine what the governor's position is on this issue. What I can offer you is if you have specific questions or concerns you can ask those of me today & I am happy to bring those up in the meeting.
- What questions or concerns do you have?

Wood – Can you describe the process on how amendments are approved?

Hall – An amendment can only be introduced by a member of legislature. It will go to member of judiciary committee. Talk to a member of that committee to introduce that amendment. That is at the committee level. You can get any member of the house to introduce an amendment at the next level.

Davis – If passed as written, it does not penalize or provide incentive to CDOT. There is no fiscal impact to CDOT. There is a gap, I don't know if they will fix. On page 5, - "state has definition for impairment by alcohol 0.08 or 5 ng marijuana." If 5 ng, there is no revocation. It may come up.

Gray – Will there be people testifying?

Hall – There are a lot of stake holders involved. I am not coordinating that effort on testimony. Can find out who is and can get that back to you. Would that be helpful? Please e-mail me & I can get you in touch with them.

Fisher – CSP likes any bill that removes any impaired driver off the road. All the state agencies cannot take a position until the governor takes a position. Officially, unofficially – we cannot take an official position until next week.

Elliot – Fourth DUI a felony, basically.

Hall – Or three within seven years with the aggravators.

Elliot – Does it distinguish between DUI / DWAI?

Hall – It does not distinguish between DUI/DWAI.

Elliot – Our group (Marijuana Industries Group) has no intention being involved in this.

Timken – Reservations about the bill. Little mention of treatment. Treatment requirements for level two treatment should remain. Chronic hard core offenders, that should be the screening / assessment process needs to be improved to determine if there is a co-occurring mental health disorder involved. Jumped out at him, leaves as an option to have the person evaluated – it needs to be a shall. Two years ago, we worked very hard to get the definition of Persistent Drunk Driver (PDD.) Does not address that a refusal puts the person as a PDD. The interlock, the way it is written now can cause a lot of confusion. Would like to see standards as to who would be required to have interlock for the full five years. Since we know interlocks have a tremendous impact on recidivism. In addition to completing their regular treatment, would also have to complete interlock enhancement counseling. A lot of reservations. There are some inconsistencies, really needs to be cleaned up. Balance what is best for the individual and what is best for public safety. With some additions, it would be a much more workable solution.

Close – DOR did file a technical for clarification.

Ticer – Questioned daily on what our position is on this bill. Be prepared to vote on it at the next meeting.

Casias – Couple of things that jump out. The use of “must” and “shall”. I think shall is more powerful. There are definitions in statute. When you look at the redactions & pulling language from current statute. Took out language where court can sentence to a portion of it. Anyone who violates probation will face one year jail. There is no ability to modify. That will make county sheriffs a little anxious as it relates to cost and jail time. Currently no allowance for community corrections. The language as written, is not the same language that makes it a felony offense. Language needs to be harmonious if you are going to use it. District Attorney has to file it as a felony, if they do not file it is not. They may have priors in other states. If the District Attorney drops the ball, the court cannot sentence them that way. Someone is being sentenced to an incarceration sentence. In lieu of mandatory jail time, if someone goes into long term in-patient rehabilitation. If you can get them to take that step, which might be more beneficial than them doing 60 days and then starting level 2 therapy. That is an option that is not available right now. It doesn't negate all the jail, but could be used towards their jail time. This bill is better for starting the conversation, but it needs to be tweaked for languages. It is going to cause more trials if it goes into effect as written currently. If they go in Department of Corrections, they are at the back of the line. Page 11, line 24 – court may impose all or part...  
- nothing in here that says when probation revoked

Clouser (MADD) – In regards to shall and must – sponsors are aware of the concerns and are working with CDAC to clean up. Clarify about the community corrections. Intent is to make community corrections available.

Tibbitts-Knudsen (CDAC) – The concern was very much so that treatment wasn't taken off the table. Sponsors are trying to keep treatment separate from the felony issue. Second offense, community corrections available. That being said, on the third, with the aggravators – the felony. In regards to the interlock piece, Senator Johnston, that was his part. Originally put

- two to five, he had envisioned a complicated scheme. I think they put two to five in hopes they could get the bill out fast & hopefully come back with what they meant.
- Casias – Community corrections only mentions district court. County court by statutes cannot impose community corrections. Creates conflict. You never know how judges are going to interpret that conflict.
- Gray – One of the issues, when people reach this level of continuing to make this choice. Judges don't have the options for punishment. I don't understand what the impact a felony offense would make.
- Casias – Perception is, if you are going to do something to cause a felony conviction, you might think about not doing it. At what point does repeated criminal behavior need to be punishable by a felony. One thing that has come up, DUI plates. Once you get a DUI, you have to have a license plate that indicates
- Hutt – Co-existing mental health problems, research more & more data – there is often this dual diagnosis. With a felony conviction, more trouble getting resources for root cause. We are supposed to be analyzing, how do we get less people to choose to drive impaired? Focus on making it a felony, not only. We ought to be talking about it in terms of a bill, make assessment / screening better, co-existing conditions screening, treatment.
- Gray – How could we have helped them a lot sooner?
- Whitney – Not a new invention, addressing it in a different way.
- Gray – In her situation, the individual was driving without a license, had it taken away before. By being more punitive, we were not helping him. He shouldn't have even been in a car.
- Whitney – For some individuals, treatment may be the right choice. DUI court, focus on the treatment. Rejected an offender from DUI court, his 5<sup>th</sup> DUI, doesn't have an alcohol problem, he gets through treatment just fine. He has a criminality problem. We need to address those. Only so much you can do and we need to be able to do more. It would provide us with additional tools that we currently don't have. If treatment doesn't matter, at some point it is about taking the offender off the street for as long as we can. Judge will consider exhaustion of remedies.
- Groff – If this passes, practically speaking, when a person is pulled over and there are aggravated circumstances, would law enforcement see prior DUIs?
- Ticer – Law enforcement would run their driver history and see prior DUIs.
- Casias – Would need to change the felony blood draw statute, not currently in there.
- Fisher – We are talking about removal of people from society who cannot function. We do have to take a step to get the message to those who aren't responding to treatment and endangering public safety. My interest is in protecting the innocent people. We have to take a step and move forward.
- Johnson – Remind us, in February, we need to come back with a position and ready to vote. There are quite a few edits needed on this bill. We need to be kept current on the modifications of this bill prior to this meeting. Ask the group to consider, Colorado being one of the few remaining states that does not have this type of legislation, we have to get there.
- Groff – Our state not having this, by incorporating this legislation, what impact would this have overall?
- Davis – It's really hard to tell. If they are off the road, how many fatalities would this prevent? We haven't done any analysis on this.
- Casias – Jail time is up to 6 years. With probation it could be 3-4 years jail time.
- Davis – When that recent crash happened in Weld County, that is news. You are going to see more in the media to raise awareness of events that are happening on a regular basis. The people for it are gaining ground.

Ticer – Was recently at Denver County working with DRE evaluations for new DREs. Officers routinely arrest offenders with 8 or 9 DUI prior convictions.

### **Lightning Round Update**

Flavia – Previously reported that OBH and PDD initiating a request for proposal related to marijuana and driving. That fell through and not pursuing. Redirecting money to current PDD projects. Larger portion to PDD offender funding, funds level 2 services education & treatment for DUI offenders. Increased marketing efforts for noduicolorado.com website.

Wells – Drop age to – transitional youth – brain still fully developing

Groff – CDPHE launched comprehensive campaign “Good To Know.” Encourage you to look at website, presented in a fair and unbiased manner. Law enforcement, not keeping up on intoxilizer certifications – proud to say dropped to 3% that did not recertify timely. Want to thank law enforcement for their efforts.

Clouse – Effective 1/1/15, MADD has officially included drug impaired driving as a part of our mission. Accepting nominations for awards ceremony – can be found on website. MADD is pairing with Uber on Super Bowl Sunday. A donation will be made to MADD for those that use “Think & Ride.”

Ticer – There were 500 people that attended the Marijuana conference and a waiting list. Attendees from 38-39 different states. Representatives from agencies in Canada, Nigeria, and France were also in attendance. Met president of MADD, thank you for the opportunity, great that MADD has made the policy changes

Gray – Would like to make it clear to everybody, there is not a single second that does not go by that I don’t think about my husband or daughter. My life’s mission is to work in communities to prevent people from having to live with what I live with every single day. I cannot sit here with a clean conscience and tell you that I don’t care what happens to the people who killed my husband and daughter. Because it could have easily, easily been me. I come from a family with addiction. That person you throw in jail tomorrow, could easily be me. So please do not ever forget on the other side of that, you have a victim and a criminal and that criminal could have been me. Because maybe I chose to drink and drink because I lost my husband and daughter. You don’t know that when you arrest them. By means, believe me, I want to prevent. That we work hard and we care about every person in our community.

Elliot- Conversation about felony DUI, thought crossed my mind about Ebola. Seemed obvious that we should stop those flights, and then Ebola wouldn’t be transmitted to United States. CDC said we should know about these people and where they are coming from. I don’t see our group (Marijuana Industry Group) getting involved in this at the capitol. By next month, I would hope that we could see some evidence from other states that this has made an impact. On 2/1/15, new edibles packaging and labeling rules will take effect. Huge change in industry. Cookies with 10 doses, those are going away. Going to single serving will be the norm. Allowance for i.e. Kit Kat, easily separated. This is a pretty dramatic improvement. Manufacturers and stores have to update their equipment to comply. It is a big change and should go a long way to solving problem with edibles.

Fisher –Upcoming DUI enforcement waves – Super Bowl this weekend and St Patrick ’s Day. We have Satchapoints that we are partnering with multiple agencies. Identify geographical area, central processing group, BAT (blood alcohol testing) van, EMT/paramedic to draw blood, jail processing. Goal is to reduce processing time for a DUI. The faster we can get officers back on the street to find impaired drivers. Prior event resulted in 26 offenders in one night, another night arrested 44.

Davis – Combining two state funding DUI sources – Leslie will be taking over LEAF. Would like to work on a DUI data project.

Chase – Statewide DUI enforcement for Super Bowl – 85 agencies plus CSP. CDOT is coordinating a law enforcement recognition event -5/20/15 Grand Junction and 5/22/15 in Denver.

Rocke – DRE Instructor school in Weld County, South Dakota is also attending. Larimer County Sheriff’s Office DRE school, 16 students – in March. One DRE conference update 3/26/15 – Arapahoe Community College – all day

Whitney – Hot topic recent Weld County crash.

Johnson – Marijuana Summit, as an attendee, the information was incredible. For Colorado to take the opportunity to educate 500 of us was invaluable. Thanks to Michael Elliott for his ability to get up there. It is a topic that brings nerves to the surface, and Michael did a great job. Give snapshots of the industry that we have among us. Saturation patrols that participating on St Patrick’s Day. Honored to be on this task force.

Gagarin – Thank you to Jennifer Gray for sharing with us. Thank you for your openness and compassion. In regards to felony DUI, I think there are a lot of gaps in treatment offered. I think it is far more available to Abe Hutt’s clients than mine. I would like to see data if this approach makes us safer.

Close – Possibly one of the reasons for differences, DOR just has filings, CDPHE has all testing. Effective 2/1/15, we will start requiring all new installations to have cameras. It doesn’t solve all problems, but will help. There will be evidence that the hearing officer can use if they use someone else to start the car. In regards to individuals driving without a license, with HB1240, it is allowing people to drive legally with the interlock device.

Timken – Assessment – Instrument that will soon be available that will do a nice job to determine if the offender has a co-occurring mental health disorder. As to if a felony DUI makes a difference, difficult thing to answer. A number of states that have done this, enacted other statutory changes. It would be very challenging to determine by data due to the other changes.

Anderson – Headline in Aspen paper – Aspen woman gets 90 day jail sentence for fifth DUI. Personally knows the person, good person, but cannot stop drinking and driving. We have a legal system that everyone has. Irony, defense attorney’s wife was killed by a drunk driver 5 weeks ago. This is my passion, the prevention of drinking and driving. I just wish the person who killed, had chosen to take Topsy Taxi or that the individual she knows had chosen to take Topsy Taxi instead of getting a fifth DUI. Working on for three decades, I think we have made progress. How do you get a person at the critical point to make the decision to get a ride instead of driving. Purely anecdotal, and providing from a small town perspective.

Kissler - Smart Start – Cameras installed on new devices and anyone updating devices. By 10/31/15, all interlocks will be required to have cameras.

Public – Even if effectively going through treatment, if you are unresponsive – suggest non responsiveness

Hoffman – Community corrections – seems to me enabling legislation, condition of probation, not sure if still used. DUI offender, misdemeanor is currently on probation. It might get them to community corrections. Might be a work around.

Public – Intervention has contracts with five facilities, we are a non-profit. We believe we provide a very high quality product.

Richmond – It is possible to do an analysis on other states that have enacted legislation. Interested to talk more on that.

Cole – Politics and the law aside, I have great hope in prevention efforts.

Ticer – MADD Recognition event – MADD does a wonderful job recognizing those folks that are working diligently on this. Homework assignment: as you go through the next few weeks, take a look at the subcommittees from the annual report. Take a look at that, especially for the

folks that are new to the task force. Pick at least one to get involved in and we will start that dialogue up in the February meeting. Reminder the chairs are,  
Glenn Davis– Program Management and Strategic Planning  
Ellen Anderson – Prevention  
Criminal Justice - checking with Judge Celeste to see if she is interested in that  
Alcohol & Other Drug Misuse – if anyone interested in chairing that  
Communications – Sam Cole  
Program & Data Evaluation – Dr. Timken would like to have Nicole jump in there with you.

**Adjourn:** 11:45

**Next Meeting:** Friday, February 20, 2015

**In Attendance:**

Chief Robert Ticer, Colorado Association of Chiefs of Police  
Glenn Davis, Colorado Department of Transportation  
Leslie Chase, Colorado Department of Transportation  
Robin Rocke, Colorado Department of Transportation  
Captain Ray Fisher, Colorado State Patrol  
Sgt John Ehmsen, Colorado State Patrol  
Brenda Hahn, Colorado State Patrol  
Dezarae Hill, Colorado State Patrol  
Michael Elliott, Marijuana Industry Group  
Jennifer Gray, Victim  
Amber Gray  
James Hanson, Student Under 24  
Jennifer Clouse, MADD  
Judge Ed Casias, SCAO  
Jeff Groff, Colorado Department of Public Health and Environment  
Caroyln Berry, POST  
Katie Wells, Office of Behavioral Health  
Christine Flavia, Office of Behavioral Health  
Steve Johnson, Douglas County Sheriff's Office  
Brett Close – Colorado Department of Revenue  
Abe Hutt, Colorado Criminal Defense Bar  
Ben Whitney, Colorado District Attorneys' Council, Weld County District Attorney's Office  
Bryan Zebrath, Standard Sales Company  
Daniel Gagarin, Public Defenders Office  
Dr. Dave Timken, CIDRE  
Tom Kissler, Smart Start  
Paul Hoffman  
Laura Sonderup, Hispanidad  
Judy Eaton, Intervention, Inc.  
Nicole Richmond, Colorado Department of Public Health and Environment  
Mackie Clonts, Amelie Company  
Amy Kingery, State Court Administrators Office  
Mark Ashby, Thornton Police Department  
Dante Carbone, Thornton Police Department  
Laura Altobelu, iComply  
Ron Nixon, iComply

Rebecca Hebner, Colorado Department of Public Health and Environment  
Jennifer Tibbitts-Knudsen – Colorado District Attorneys Council  
Bob Batchelor – Elix  
Nikayla Mattison – Metropolitan State University, Student  
Sam Cole – Colorado Department of Transportation  
Wes Melander, Public  
Joyce, Smith – Colorado Association of Addiction Professionals  
Mary Patrick – Drug Policy Alliance  
Ellen Anderson, Retired Pitkin County Sheriff's Office/Tipsy Taxi  
Ed Wood, DUID Victim Voices