



Meeting Minutes

Colorado State Patrol Academy
15055 S. Golden Road
Carrell Hall, Building 100
Golden, CO
February 16, 2018 9:00 am – Noon

Call to order: 9:08 by Chief Ticer

Quorum: 16 of 21 members

Introductions

Chief Ticer welcomed Michael Steppet as the new representative for the Alcohol Beverage Distributors.

Legislative Remarks: none

Public Comments

Presentation by Frank Hutfless on Interlock testing and the potential for distracted driving. See information attached. Mitchell: When people are coming up in their alcohol levels the information still needs to be shared with Interlock. Hutfless: There is a time limited for the task to be completed, anywhere from two to four minutes, which can cause a distraction when they are driving.

Minutes of Previous Meeting

Motion to accept Mitchell, Kelly

Guest Internet-Rebecca Novak, CSP

Guest internet is now available however, everyone must complete a User Agreement in order to gain access.

Statistics

State Fatality Numbers – Carol Gould, CDOT

2018 statewide data as of 2/15/18, 51 fatalities statewide. Last year this figure was 57.

CDOT continues to get data for 2017, currently fatalities for the year are 645. The total for 2016 was 608.

Legislation – Fran Lanzer, MADD/ Carol Gould, CDOT

SB18-059

Public Safety Information-sharing System

Concerning creation of a public safety information-sharing system.

LAST ACTION: 02/14/2018 | Senate Committee on Judiciary Lay Over Unamended - Amendment(s) Failed

SPONSORS: [Sen. R. Fields](#) | [Rep. D. Pabon](#)

SB18-140

Motor Vehicle And Vulnerable Road User Penalties

Concerning the penalties imposed on the driver of a motor vehicle who causes at least serious physical injuries to a vulnerable road user.

LAST ACTION: 02/14/2018 | Senate Committee on Judiciary Postpone Indefinitely

SPONSORS: [Sen. M. Merrifield](#)

HB18-1092

Marijuana Delivery Pilot Project

Concerning a pilot program for marijuana delivery.

LAST ACTION: 02/14/2018 | House Committee on Finance Refer Amended to Appropriations

SPONSORS: [Rep. J. Melton](#) | [Rep. J. Singer](#) | [Sen. T. Neville](#)

Marijuana delivery bill – Kristi Kelly shared a pilot program initiative that allows a memorandum between three Colorado municipalities and the State to test a marijuana delivery service. The original bill would allow up to 15 licenses but a proposed amendment will allow flexibility for municipalities to determine number of licenses. The bill limits amount of marijuana and cash the delivery person can carry. In California this has already been tested. Sales are made through an existing dispensary and requires the same verifications to purchase as if in person.

Berry: Does the bill specify medical or recreational?

Kelly: No. Geofencing will be used to limit deliveries to the municipality.

Smith: Does it have to be delivered to home?

Kelly: There are limitations to where it can be delivered-for example, no places of business and no parking lots. This would be an additional license to already licensed businesses.

HB18-1204

Financial Responsibility Drivers Motor Vehicles

Concerning measures to reduce the number of people who drive a vehicle without providing for financial responsibility.

LAST ACTION: 02/5/2018 | Introduced In House - Assigned to Judiciary + Finance

SPONSORS: [Rep. S. Beckman](#)

SB18-059

Public Safety Information-sharing System

Concerning creation of a public safety information-sharing system.

LAST ACTION: 03/5/2018 | Senate Committee on Judiciary Refer Amended to Appropriations

SPONSORS: Sen. R. Fields | Rep. D. Pabon

Ticer: A number of Task Force members testified in support of the primary seat belt law sponsored by Senator Cort and Representative Young. Please thank the sponsors for their efforts. Ultimately the bill died along party lines.

On Monday Kristi Kelly and Chief Ticer presented before the Denver City Council. Chief Ticer talked about the Task Force, the work that is done and the diversified membership. Members of the City Council mentioned multiple times that they were supportive of the primary seat belt law.

Gould: Seat Belt Task Force will continue. There are several law enforcement agencies looking at local ordinances in their municipalities.

Aylmer: How do opponents counter the stats?

Gould: Those opposed ignored the stats.

Task Force Business & Presentations

Program Management & Strategic Planning – Carol Gould
Meeting will be held prior to the March meeting.

Criminal Justice – Deputy Chief Steve Johnson - NR

Prevention – Paul Aylmer presented for Ellen Anderson

Aylmer: Discussion at the Work Group meeting in February moved more to binge drinking. Work Group discussed whether they are tasked with preventing people from drinking or prevent people from driving while drunk. Referred back to the Mission of the Task Force. And whether this fits in with the Task Force.

Giron: Patrick Maroney thought it was over reaching.

Gould: To Kacy Crawford: Based on data what do we see? Are binge drinkers committing DUIs?

Crawford: Data shows a correlation.

Jones: State BAC average is about .16. The question is not about decreasing drinking but decreasing binge drinking. Data shared was evidence based.

Hannok - Prevention Specialist with OBH: This isn't about abstaining from alcohol but about binge drinking.

Ticer: A lot of the focus has come from underage drinking. Happy to hear there was a robust discussion. The direction for the working group is to work through this with a focus on the mission of the Task Force. The year is just starting for the Task Force so the Work Group has a lot of time for discussion.

Media Relations & Significant Upcoming Events – Sam Cole, CDOT

Thank you to Jack Reed for providing the computer for Sam to present.

Cannabis Conversation Project-see attachment

Ticer: 92% of Coloradans are aware you can get a DUI for driving high. When initial ads ran it was only at about 50%.

Cole: CDOT has reached out to public education entities but mostly higher ed. Katie Wells will provide some suggestions for high schools. CDOT is looking for suggestions and other partners. Survey link is ColoradoCannabisConvo.com

Gould: There might be issues sharing the survey with high school students. It is a great source of information.
Cole: He will work with the health department.

Berry: Have we changed the reporting requirement from coroners to become mandated?

Gould: No.

Wood: Is data broken out by deceased and survived?

Cole: Only fatalities. Only about 15% of living drivers are tested, about 90% of dead drivers are tested.

Anderson, D: Not 100% of coroners even test for marijuana. And levels in a dead person will be higher based on science.

Sonderup, L: To provide outreach to multicultural populations the survey has been translated into Spanish and uses the same link. “Let’s Hash It Out” is impossible to translate. There are partners in the Latino community that have taken a very active role in promoting the survey.

Flavia: There is still a perception that marijuana doesn’t kill. Will there be some evidence based messages that counter that argument?

Cole: We have found that when the message is heavy in stats the population we want to reach tunes out. That is why the messaging has been kept lighter.

Wood: Just because someone tests positive for the Delt 9 THC many think you aren’t impaired. Most of the data is coming from coroners and the only data in FARS is toxicology reports. It is true that none of the dead drivers were charged with DUI.

Kelly: Hoping that the survey results in people really thinking about when the line of consumption and impairment occurs.

Berry: Part of the Green Lab training includes five individuals meeting with the class prior to dosing then interacting with law enforcement after dosing.

Ticer: We have made a lot of progress on education and messaging.

Impaired Driver Intervention & Treatment – Christine Flavia

Work group met two weeks ago and meeting again next week in order to finish drafting competencies. The group is hoping to be close to complete next week. Also focusing on Communities of Practice to help with problem solving. First Community of Practice is Feb 23, 2018, in Greeley. Three others scheduled before the end of February, beginning of March.

Communication – Sam Cole

Meeting planned in the next couple of weeks

Program Evaluation & Data – Jack Reed

Committee met last week. New analyst Becky Bui has started doing exploratory data. Bringing together multiple data sources. Kacy Crawford presented alcohol data to the group. Also discussed the work group goals for the year. This discussion will be continued at the next meeting.

Wood: There will be a legislative committee studying DUID data. The Work Group discussed how they can provide data for the committee’s work.

Break 10:45

Lightning Round Update

Stepet: He serves as the lobbyist for the Wine and Spirit Wholesalers of CO and is happy to be representing Alcohol Beverage Distributors on the Task Force.

Kelly: It is helpful for the Task Force to understand that there is an interdisciplinary and interagency collaboration on CDOT's survey. The Cole Memorandum and AG Sessions response to the memorandum have been in the news. One of the tenets is the prevention of drugged driving and other adverse actions.

Lanzer: MADD is seeking nominations for Law Enforcement awards. The nomination link will be shared again. Anyone can make a nomination.

Smith: Yearly training program in June. Her office is celebrating its 20th year providing treatment.

Flavia: There are now 80 clients enrolled and receiving services. Believe there are another 80 that just haven't been entered in the correct modality, etc. There are another four providers who are in the licensing process. One is in an area that currently has no services. A reminder that persistent drunk driver media services can be found at the *Noduicolorado* website. A state-wide survey is being conducted both online and by phone to help guide the messaging. They have coordinated with CDOT to make sure there aren't any duplicative messages. She will share the info when it becomes available.

Gould: The way that the Highway Safety Office is funded will change. The 2017 data may move Colorado from a low range qualification to mid-range state. CDOT will announce a new three year funding cycle the first week in March. The webinar will be a joint production of CDPHE and CDOT.

Mitchell: The number of interlocks have risen from 24K to 31K on the road. Since the implementation of the new system, a training unit has been formed to help train probation, parole, and others to provide training on not only basic DMV but also other issues specific to DUI.

Gagarin: There are many studies on alcohol and impaired driving. We need scientifically study marijuana.

Knudsen: A new 1700 square foot training room is available to host trainings. She also has a lot of videos and webinars that are used by law enforcement, judges etc.

Ticer: Request that POST and CDAC put together a presentation on the ways that law enforcement are being trained around marijuana.

Berry: Anschutz is putting together a driving lab to study the impact of driving while high.

Wood: On Monday he presented a drugged driving education program at Pueblo West High School. He received positive feedback from teachers and students. He now plans to reach out to high schools in Jefferson County.

Crawford: She will provide links to two studies to Rebecca to share with the group: Colorado State Epidemiological Outcomes Workgroup: "Reduce Excessive Drinking to Build Healthier Communities" and The National Academies of Science, Medicine, and Engineering: "Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem (2018)".

Graham: NHTSA's updated DRE curriculum have been mailed. They will be going out to state and regional offices to provide education. NHTSA's Acting Administrator recently testified in DC on drugged and impaired driving.

Knudsen: March 12 and 13, 2018, NHTSA and NACP are holding a class on expert testimony. The course is being offered to the entire Region 8.

Melander: He ran across an app for his cell phone, "Druid 4" uses tests to measures balance, eye hand coordination plus two others. Only \$1. Creator claims to have a pretty good correlation between test results and BAC levels.

Ticer: When the SFST tests were validated they were not validated for older people.

Cole: HVE periods so far this year have resulted in 860 arrests. Each had about 100 law enforcement agencies. Stats or close to last year numbers. Next HVE is St. Patrick's Day.

Bui: Happy to be at DCJ and looking forward to working with Jack.

Carter: She is Benjamin Mitchell's mom and is very impressed with the work of the Task Force.

Hutfless: He knows he will get some push back on the issue of distracted driving and interlock systems. However, he sees some apparent conflict between laws.

Meeting adjourned. 11:17 am

Next Meeting: March 16, 2018
Next Meeting Time: 9:00-12:00pm
Next Meeting Location: Colorado State Patrol Academy
15055 S. Golden Road Carrell Hall, Building 100, Golden, CO

In attendance:

Chief Bob Ticer, Loveland Police Department, Chair

Rebecca Novak, Colorado State Patrol, Secretary

Kristi Kelly, MIG

Benjamin Mitchell, DOR-DMV

Paul Aylmer, CO Restaurant Asso.

Daniel Gagarin, Public Defender

Fran Lanzer, MADD Colorado

Christine Flavia, OBH

Katie Wells, OBH

Susan Colling, Judicial and Probation Services

Joyce Smith, CAAP, CTO

Carolyn Berry, Attorney General – POST

Michael Steppat, Wine & Spirit Wholesalers of CO

Gene Giron, Miller Coors

Frank Hutfless, Citizen/Former County Attorney

Curtis Hanock, OBH

Gordon Coombes, Team Wellness and Prevention

Becky Bui, DCJ

Jack Reed, DCJ

Laura Sonderup, Hispanidad

Matt Sonderup, Hispanidad

Sam Cole, CDOT

Al Graham, NHTSA Region 8

Jill DeRoehn, Denver Co. Court Probation

Sam Aspnes, CIG Public Relations

Mike Fabian, Creative Treatment Options

Ginna Jones, CDPHE

Kacy Crawford, CDPHE

Dan Anderson, CBI-Toxicology

Katie Hecker, SCAO, Problem Solving Courts

Ed Wood, DUID Victims Voices

Wes Melander, Citizen

Tuesday Black, Denver Drug Court

Liz Owens, OBH

Jen Knudsen, CDAC

Stephanie Hicks, Tavern League of CO



The Cannabis Conversation

Let's hash it out. Together we can find solutions to driving high.

WHAT IS THE CANNABIS CONVERSATION?

Overview

First-of-its-kind "campaign" to understand beliefs, attitudes and behaviors on driving high

Two parts:

1. Research — broad sample, scientifically valid
2. Public engagement — working with cannabis industry, government, advocacy groups, universities and law enforcement

Goal 1: Guide future message development and campaigns

Goal 2: Create partnerships to continue outreach

Addressing Drugged Driving Through:

1. Education
2. Awareness
3. Building empathy and a sense of moral obligation



WHY WE ARE DOING THIS?

Why:

In 2016, there were 77 fatalities involving Delta 9 positive drivers

We want public education to be more impactful

- 92 percent of Coloradans are aware you can get a DUI for driving high
- 55 percent of marijuana users said they believed it was safe to drive under the influence of marijuana and 57 percent reported driving high in the past year



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EXPECTED OUTCOMES

Goal: Learn WHY people drive high and WHAT would change their minds

Outcome: Inform future messaging and awareness efforts

Goal: Collect stories about being personally affected by drugged driving

Outcome: Content for PSAs

Goal: Learn more about WHO drives under the influence of marijuana

Outcome: Learn which messages will resonate with certain demographics

Goal: Learn more about the opinions of everyone (both users and not) and understand norms

Outcome: Knowledge so we can influence those norms

Goal: Build a network of lasting coalition groups

Outcome: Continued communication between stakeholder groups to influence culture change



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TACTICS

Campaign Tactics

- Ad campaign
- Online survey & Virtual focus-groups
- Public meetings and events

Outcome

Comprehensive report on what learned



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CAMPAIGN SUPPORTERS



Supporters Include:

- ❖ Cannabis Industry
- ❖ Law Enforcement
- ❖ Statewide Municipalities
- ❖ Universities
- ❖ Advocacy Groups



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TIMELINE

Phase 1 – February through April 2018

- Research and public engagement
- Take to the streets at events
- Paid media buy – Take the survey! Join the conversation!

Phase 2 – May/June 2018

- Paid media buy – Here's what we've heard!
- Encourage survey participation
- Stakeholder meetings and panels
- Public meeting or telephone town hall



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HOW YOU CAN HELP

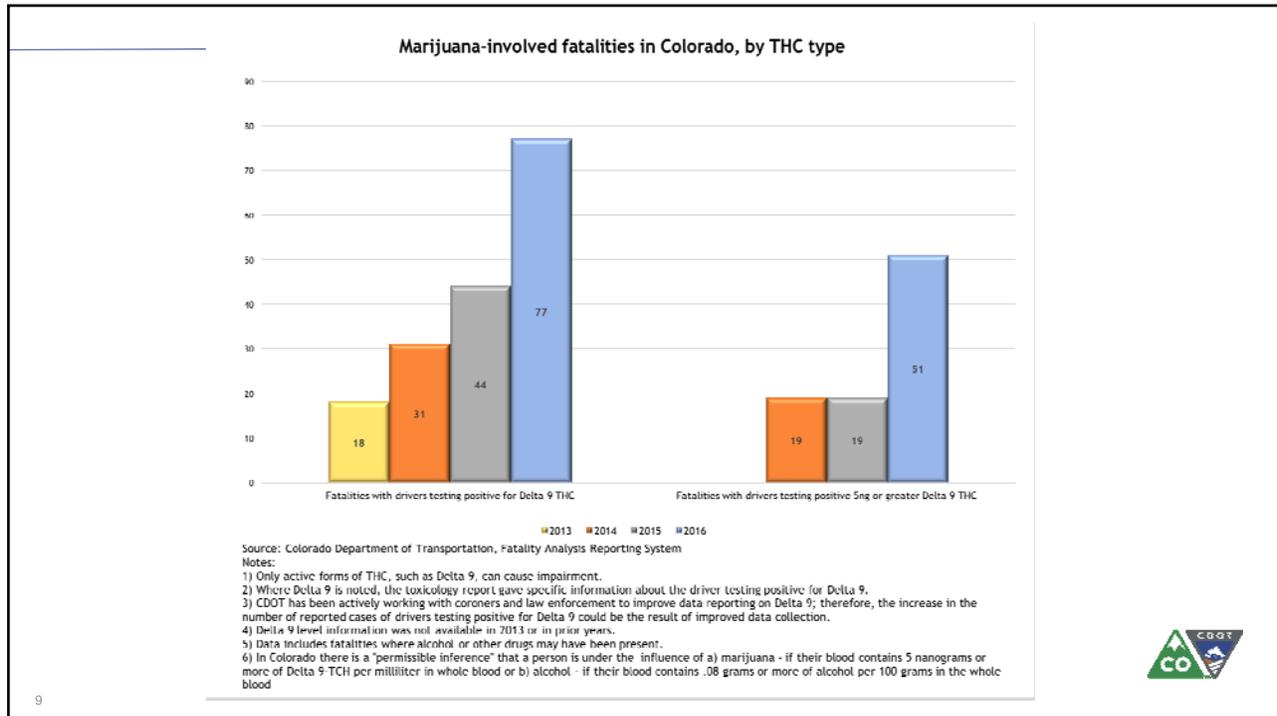
What We're Asking:

- Help us reach as many Coloradans as possible
- Share the survey online and social media
- Attend meetings – join the convo!
- Join our list of partners
- How can CDOT help you reach out?

Visit ColoradoCannabisConvo.com



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Thank You



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The definition of “approved interlock device” (CRS 42-2-132.5) must be amended in the best interest of public safety to eliminate the requirement for “additional breath samples during vehicle operation.”

The reasons supporting the foregoing amendment are:

1. The devices required to be used in Colorado employ a video screen similar to a cellular phone to display various text instructions to be followed by drivers while driving their vehicle.

2. The text instructions are sent to the driver at random times and may include commands to: blow, blow harder, blow softer, hum louder, verifying, analyzing, pass, fail, and some may be repeated until the analysis is completed according to device specifications.

3. The devices require very specific procedures to operate according to device specifications, and they must be performed within a limited time (for example, 3 minutes).

4. While attempting to comply with device instructions, the driver’s attention is diverted away from the road, other vehicles, and additional matters that may relate to safe vehicle operation.

5. The driver may not be able to pull off the road and stop within the device-allotted time, so stress may impact the driver’s choice of action, increasing the chance of accident (for example, slowing and being struck from behind, impacting a vehicle in front or straying from the driver’s lane, reentry from a roadside into fast traffic, etc.).

6. Perhaps contrary to popular relief, failure to comply with the device directions within a reasonable time does not shut off the vehicle’s motor (which, in itself, is potentially very dangerous – even power steering is adversely impacted when the motor is shut off).

There is no valid reason for concluding the interlock video text instructions to a driver while driving are safer than text communications on cellular devices. In fact, they are more dangerous because they command the driver to perform actions within a limited time while driving.

Significantly, on June 1, 2017, Governor Hickenlooper signed Senate Bill 17-027 (codified at CRS 42-4-239) that increased the penalties for “engaging in text messaging [which includes sending and receiving texts]...while operating a motor vehicle.” The seriousness of the texting problem, which is declared by the legislation to be a matter of statewide concern, is reflected in the classification of the offense: a Class 1 or Class 2 Misdemeanor.

In addition, it is not clear whether use of the interlock device violates the texting prohibitions of 42-4-239, which could then be asserted as a defense justifying the driver ignoring the device commands during vehicle operation. Laughable? We have seen court time and expense wasted on less meritorious defenses advanced by desperate defendants.

42-2-132.5. Mandatory and voluntary restricted licenses following alcohol convictions – rules

(9) Approved ignition interlock device definition - rules. (a) For the purposes of this section, "approved ignition interlock device" means a device approved by the department of public health and environment that is installed in a motor vehicle and that measures the breath alcohol content of the driver **ONLY** before a vehicle is started. ~~and that periodically requires additional breath samples during vehicle operation.~~ The device may not allow a motor vehicle to be started ~~or to continue normal operation~~ if the device measures an alcohol level above the level established by the department of public health and environment.