

Interagency **TASK FORCE** ON Drunk Driving

Meeting Minutes

February 14, 2014 9:00 am – Noon

Opening Comments – 9:03 – Chief Ticer

Introductions

16 of 21 member in attendance, therefore we have a quorum

Legislation Sponsors' Remarks (if in attendance)

Former Senator Hagedorn – Would like to single out Dr. Timken whom he collaborated with for the Persistent Drunk Driver Act in 1999 using his research. Very pleased at how it has been emulated across the country. Hopefully it has saved a lot of lives nationally as well in Colorado. Concerns about co-occur use of alcohol and cannabis.

Public Comments

Elliott – happy to be a resource for the marijuana industry.

Minutes of Previous Meeting

Motion for approval made by – Lemley, second by Trujillo, all in favor, motion passes.

Statistics

Summary of Key Performance Indicators (CSP) &

January – CSP statistics only, increase in number of people charged, increase in impaired drivers not classified as 0.08 or higher. Slight increase 813 DUID drugs alone

State Fatality Numbers (CDOT)

32 fatalities, 15 alcohol related 46%, in January 2013

22 fatalities, 7 alcohol related in January 2014

Data on Impaired Driver Evaluations Conducted by Probation – Christine Flavia (OBH)

- Pulled last few years of data. Collected by probation offers that evaluate impaired driving offenders following offense. Usually pre sentence, but sometimes post sentence.

- Snapshot of the impaired driving offender at the time they are doing the alcohol evaluation.
- In light of felony bill in front of us
- Not reflective of all arrests
- Based on state FY (July 1– June 30)
- Refusals have gone up, consistent with revenue figures presented by Hooper (DOR) six months ago
- Celeste – does this include Denver
- Flavia – Denver is included, all state
- Second set of numbers for marijuana
- Code 777 is for drugs, drop down for different types of drugs
- Drug involved – could be officers written report that indicates marijuana involved, could be a test involved, or offenders self report
- Not exactly black and white, subject to gray area
- Marijuana BAC – alcohol taken and marijuana was also noted
- Sometimes tests are taken, sometimes not. That is what the last 3 boxes are
- Crept up over the last fiscal years
- Celeste – article that came out, hard to determine how many cases or related to marijuana, this gives you some of that information does it not.
- Flavia – that is the closest number we have, we cannot say that it is completely accurate, but it is the closest we have.

Media Relations & Significant Upcoming Events - Liz Viscardi (CIG)

- Upcoming press conference – anti drugged driving campaign begins March 10
- Press conference March 6th - 2:30 – 3:00pm
- Inviting media to take part in 15 minutes of the role playing exercise
- DRE graduation
- First time ever that there has been more than one DRE school in a year, and also the first time ever that it is agency specific (CSP)
- Another DRE school in June in Aurora, opened up to other agencies in the state
- Goal – 300 DREs in the state eventually
- Expert in 7 different drug categories
- Great opportunity to highlight the program to the media
- Great if you could attend that press conference.

Task Force Business & Presentations –

Colorado Roadside Survey – John Lacey, PIRE

- Joint endeavor with NHTSA and would like the state of Colorado being a partner as well.
- Outline of what the survey is like
- Bumps in the road
- Propose doing the basics of the size and organization of the survey
- Colorado is of great interest with being one of the first states to marijuana
- Random sample of drivers primarily on weekend nights and one week day night

- Rationale – gather information on what is happening on the roadways in terms of exposure. How many drivers with THC on board
- Adjusting to the law and making sure everything is working efficiently
- CO & WA are the trailblazers moving forward on how to implement laws for guiding policy development and implementation
- Get biological specimens, breath and oral fluid – analyze for alcohol & MJ
- Of the people who test positive, the vast majority do not admit to using drugs ever
- Also surveying motorcycles operators, dramatic results. Very high alcohol and drug use rates.
- Survey is anonymous and voluntary. Go to extra pains to let participants know it is voluntary and can leave at any time.
- \$50 – phlebotomist draws blood
- If surveyor thinks the driver may be impaired, manager comes over to observe. If at all worried about potential impairment. Vast majority when approached in concerns of safety. If 0.05 or above, invoke procedures to try and get them a safe ride home or putting up in a hotel if necessary. If an officer is involved at that stage, never have had a driver drive off.
- If they do drive off, officer has the discretion to deal with as they see fit. Officer cannot use PIRE data to file a case.
- Denver, Arapahoe, Boulder, Pueblo, Garfield, La Plata counties would like to visit
- March-April 2014 early implementation survey
- Follow up survey – approximately six months after first round of the survey
- Flexible in working with law enforcement agencies as how to working with them.
- Don't want people to be intimidated by presence of law enforcement
- Not asking law enforcement to recruit but assisting in traffic control or just a presence and not directing traffic.
- Varying levels of law enforcement involvement depending on what involvement law enforcement wants
- Would like it to be a partnership, still up in the air on if can get the support of the state

Flavia – positive, what level for alcohol – Lacey – positive is considered 0.02 and above for alcohol

Celeste – test for ng for marijuana –
Lacey – yes Ng reading from oral fluid. If recently smoked MJ higher concentration in mouth

Celeste – studies on testing of reliability

Lacey – Dr Logan can better remark on this later in his presentation. Cannot translate blood to oral fluid as well as you can translate breath to blood for alcohol.

Ticer – if this goes through, would be very exciting to see outcome of Colorado data. What support are you looking from for the task force.

Lacey – some sort of formal endorsement that you would think this would be a good thing for Colorado. It would be helpful as we move forward to get the support from the state of Colorado

Ticer – state Chief's, up to each jurisdiction, encourage PIRE to work with the local areas, would be happy to help with that efforts.

Ticer – open up for discussion is this something the ITFDD would like to endorse

Flavia – yes

Davis – acting as designee for CDOT. CDOT has been working on this for awhile. It has been elevated to the level of the executive director. The executive director's position is to take no position.

Lacey – clarification – CDOT position neutral, positive, or negative

Davis – position is neutral, CDOT cannot coordinate or support, but cannot speak in favor or against.

Ticer – motion to support this. Hearing none, challenge each to do – discuss with leadership in organizations. Look at politics and be ready to have a more robust discussion on this issue. This is data we are going to need and it is relevant. Consider over next month & will talk about in March.

Flavia – helpful to have an e-mail or one page summary to help garner support with leadership in different state agencies.

Lacey – will run it by stakeholders and get back to us

Gagarin – it seems the surveys is in line with our mission. If it comes down to a matter that state agencies cannot express specific support. Perhaps make the recommendation for collecting data, but not specifically this program to avoid the political hang up.

Ticer – that goes towards the mission

Moreau – support the collection of this data. From a treatment point of view, this would be very helpful data to have. Would like to see this go forward.

Timken – would support this effort whole heartedly

Gray – money paid to the volunteers, where does the money come from.

Lacey - Comes primarily from NHTSA, not the state. The cost to the state would be minimal. Indicator of state buy in, i.e. media event – that would be the match that takes place.

Flavia – generalized motion to collecting data.

Celeste – has this body ever passed resolutions?

Ticer – I do not believe we have passed resolutions. Maybe we need another month to see about our support from our agencies.

Gagarin - Motion to support data collection not specific to agency involved with the data collection regarding impaired driving data collection. ITFDD recognizes the importance on having complete and accurate data on intoxicated drivers, support data collection efforts to determine the presence of alcohol /drugs in their systems.

Fisher – not prepared to come out and support and warrants more discussion. Need to know more about the expectations from PIRE, how do we go about doing that at a time. Going to take some time and need for further discussion.

Lacey – I welcome that. Already past the point when data prior to the legislation enacting. Delaying not a deal breaker but have to check with NHTSA.

Ticer – will help out with Chiefs of Police in the agencies

Lacey – don't want to raise expectations, as long as they understand it is still in negotiation.

Gagarin – withdraw motion, need more time to look into

Break 10:19

Reconvene: 10:30

Oral Fluid Technology Presentation – Dr. Barry Logan – see attached hand out

Device Demonstrations

- Alere – Christine Moore, PhD
 - Not FDA cleared & not intended to be submitted, not to be used for clinical only for forensic
 - Ticer – help us understand how relates to 5ng blood
 - Moore - If smoking, will be higher levels. 5ng in saliva is not the same as 5ng in blood
 - Ticer – if someone is smoking mj 2 hours ago, is it going to register
 - Moore –Yes
 - Edible higher than smoking – yes
 - Would the swab leave residual for the next test
 - No, she will show
 - Would not show historical use only current usage
 - Davis Cost per unit? – list price is \$3000
 - Made in United Kingdom
 - Davis question for NHTSA – does NHTSA have a list of conforming device?
 - Nelson-Taullie – not that she is aware of, would have to check
 - Davis – can we buy before a list exists
 - Wood – doing an evaluation to establish an approved device, but it is still over a year out.
 - Nelson-Taullie –NHTSA -Can you download data?
 - Moore - Yes
- Draeger – Brian Shaffer
 - Price \$4500, assembled in Germany
 - Any case law out there yet?
 - That is what LA county is working towards
 - Currently not allowed
 - Ask it to be on a somewhat level service. Works for 10 tests battery life, then recommend connect to battery source (i.e. cigarette charger)
 - Can collect sample with cassette & hold onto for 4 hours to test. Chain of custody needs to be observed.
 - Checks meth and amphetamine
 - Has relevant cutoff for ng
 - Wireless connection for print function
 - Can you download?
 - Yes, software program & USB cable
- Drug Wipe – Sherry Bender
 - Been in use for 20 years
 - Started with surface testing before expanding into oral fluids
 - Six panel oral fluid device
 - Very quick sample
 - Only requires a small sample, helpful if dry mouth
 - Davis – how much & where is it manufactured?

- Produced in Germany
- \$125 per test
- Reader optional \$3000

Fisher – what about extreme temperatures?

- Drug Wipe – rain difficult, want to protect against rain
- if cold, recommend warming device with hand
- studies in Miami in heat
- don't want to keep in direct heat, i.e. dashboard
- Draeger-
- Avoid extremes, don't keep in the car
- Alere
- Tested regular temperatures, but not extremes

Legislative Update – Trooper Dave Hall (CSP)

Lightning Round Update

Ticer – Davis with CDOT has cards that you can fill out participate in state highway plan, fill out card if you are interested in participating.

Hernandez (CSP) – Continuing to work on impaired driving this year. CSP is participating in a national program, working towards zero & zero fatalities. In Colorado we are focusing on impaired drivers.

Kurtzig (MADD) – releasing nomination form for LE recognition event in June. Link coming out, submit online. Nominations will be closing out at the end of March. New awards this year in addition to usual are as follows:

- Investigating & reconstruction of crash scene
- Probation award
- Victim advocate award
- Judge award
- Prosecutor award

Maroney (DOR-LE)- went to X Games in Aspen, 52 citations for underage drinking. They experienced great cooperation with local law enforcement. They will continue on with the charge for underage drinking enforcement.

Perea – Update on Intoxilyzer, working with CDPHE on learning curve with new Intoxilyzer. Upcoming case March 4th challenge new device.

Timken – piece of legislation of great concern – HB1132 would allow bars to stay open until 04:30am. Legislative sponsor only cited one study. He has found 50 studies that refute that.

Urge you to contact your senators to express your concern. Recommends looking into an

article from the Traffic Research Injury Foundation – risk assessment for DUI offenders, The article is "Impaired Driving Risk Assessment: A Primer for Practitioners" www.tirf.ca

Gillim-Ross (CDPHE) – releasing training available online. Looking into testing laboratory data, how will it be made available? Working with partners to gather testing information data so that it is available.

Trujillo (DOR) – They have seen a significant increase in call center action since new legislation. Call times have increased. A lot more reinstatement calls. DOR anticipated that there would be an increase, finally getting to see that play out. There have also seen an increase of

installations of interlock in the state. We are already seeing that we are moving in the direction that the legislation intended of getting drivers back on the road legally.

Rocke (CDOT) – 10 days away from CSP DRE school. In the process of the applications for the June DRE school. They are currently in the process of selecting the instructors. LEAF applications going out the end of March, coming back in March

Chase (CDOT) – Reporting on recent Super Bowl DUI enforcement wave. 94 agencies, 321 arrests, 149 were made on Super Bowl Sunday. Top producers were Denver (40 arrests), Aurora (32 arrests), Colorado Springs (21 arrests), and Colorado State Patrol (65 arrests.)

Sarah – Chematox – Would be happy to make herself available to answer any questions on testing. sarah@chematox.com

Adjourn: 12:09

Next Meeting: Friday, March 21, 2014

In Attendance:

Chief Robert Ticer, Chair, Avon Police Department
Glenn Davis, Vice Chair, Colorado Department of Transportation, Office of Transportation Safety
Chief Scott Hernandez, Colorado State Patrol
Captain Ray Fisher, Colorado State Patrol
Brenda Hahn, Secretary, Colorado State Patrol
Leslie Chase, Colorado Department of Transportation, Office of Transportation Safety
Robin Rocke, Colorado Department of Transportation, Office of Transportation Safety
Ted Trujillo, Colorado Department of Revenue, Division of Motor Vehicles
Daniel Gagarin, Public Defender
Laura Gillim-Ross, Colorado Department of Public Health & Environment
Dr. Dave Timken, CIDRE
Christine Flavia, Colorado Department of Human Services, Office of Behavioral Health
Mike Elliot, Medical Marijuana Industry Group
Anthony Perea, District Attorney
Nikayla Mattison, Metropolitan State University
Dr. Karen Moreau, Colorado Association of Addiction Professionals
Brian Shaffer, Draeger (Dräger)
Marilyn Coker, Draeger (Dräger)
Ed Wood, DUID Victim Voices
Leslie Nelson-Taullie, NHTSA
Lisa Finch, Colorado Department of Human Services, Office of Behavioral Health
Ellen Anderson, Retired Pitkin County Sheriff's Office, Director of Topsy Taxi
Katie Wells, Colorado Department of Human Services, Office of Behavioral Health
Jack Chen, Colorado Springs Police Department
J.R. Hall, Pueblo County Sheriff's Office
Mark Ashby, Thornton Police Department
Dante Carbone, Thornton Police Department
Linda Gott, NMS Labs
Sherry Bender, Affiniton
Dr. Bob Weltzer, Colorado P.O.S.T.
Paul Adams, Community Member

Jan Hart, Colorado Department of Public Health and Environment
Sara Hurfer, Chematox
Wes Melander
Kat Foo, Colorado Department of Human Services, Office of Behavioral Health
Bill Watada, NHTSA
Sue Parker, New Journey to Wellness
Jill DeRoehn, Denver County Probation / Sobriety Court
Jessica Johnston, SCAO – Problem Solving Courts
Julie Vardiman, Alcohol Monitoring Systems
Jennifer Gray, Victim – Victim’s Family
Jennifer Clouse, Mothers Against Drunk Driving (MADD)
Illana Kurtzig, Mothers Against Drunk Driving (MADD)
Andrew Lemley, Colorado Brewers Guild
Patrick Maroney, Colorado Department of Revenue, Liquor Enforcement
Jeff Sanchez, County Sheriffs of Colorado
Judge Mary Celeste, Denver County Court, NHTSA Judicial Outreach Liaison
Christine Moore, Immunalysis / Alere
Paige, Alcoholics Anonymous
Liz Viscardi, CIG
Jesse Jensen, Colorado Association of Chiefs of Police
Ali Maffey, Colorado Department of Public Health and Environment
Joe Roberts, Fort Carson Police Department
Bob Hagedorn
Kevin Deichsel, Aurora Police Department
Marco Vasquez, Erie Police Department
Tom Kissler, Smart Start, Inc.
Tom Anthony, Smartox
Brad Lavance, Alcohol Monitoring System
Laura Sonderup, Hispanidad
Rebecca Virtue, Smart Start, Inc.
Chris Stoddard, Draeger (Dräger)