Penalties for Persistent Drunk drivers

HB 13-1240 – By Senator King

1. **Lowers the Persistent Drunk Driver threshold from 0.17 to 0.15 BAC.** This bill conforms Colorado's high BAC threshold to nationally recognized standards, bringing increased intervention, education and treatment and mandatory interlock to more high risk offenders.

   - 0.15 BAC offenders pose a significantly greater public safety risk with greater recidivism rates, and increased likelihood of injury and fatal and accident involvement
   - 0.15 BAC offenders who complete Level II alcohol education and treatment programs show significantly improved recidivism rates.
   - Various studies show recidivism is reduced by as much as 65% while ignition interlocks are installed.

2. **Includes those who refuse chemical testing in the population of individuals required to complete Level II alcohol education and therapy and ignition interlock.**

   - Currently, those who refuse testing avoid the mandatory remediation and countermeasures as a condition of driver licensing.
   - This change acknowledges data that indicates that those who refuse testing have clinical assessments and recidivism rates similar to repeat and high BAC offenders.

3. **Reduce the mandatory interlock waiting period for repeat offenders from one year to one month and allow those who refuse testing to reinstate driving privileges with the ignition interlock after two months.**

   - Introduces the effective interlock intervention technology to high risk offenders quickly.
   - Promotes early legal, insured and interlock protected driving for those revoked as high risk offenders.
   - Aligns with Interlock Enhancement Counseling developed as a part of Level II Alcohol Education and Therapy.
   - Aligns with recent statutory encouragements for judges to impose ignition interlock as a condition of bond or probation.
   - Conforms to recent changes in Federal Law.

4. **Removes mandatory revocation stacking for those who refuse testing.**

   - Allows the compliance based aspects of Colorado's ignition interlock program to determine the length of the interlock requirement.
   - Those who refuse testing can demonstrate compliance through two years of good interlock performance. Poor performance will extend the interlock requirement.

5. **Opens up interlock financial assistance to repeat offenders.**

   - Encourages greater interlock participation and compliance for a high risk offender population.

6. **Maintains Colorado's Zero Tolerance stance for underage drinking drivers.**

Interagency
TASK FORCE
ON Drunk Driving

Dear Representative Dave Young,

I am writing to you as chair of the Interagency Task Force on Drunk Driving (ITFDD). As you know, the Task Force was established by the General Assembly in 2006 and is made up of individuals representing all the stakeholder organizations interested in reducing incidents of drunk and impaired driving, from law enforcement, to alcoholic beverage producers and retailers, to victims' families and their advocates, and all the players in the criminal justice and driver's license systems. You made us aware of your interest in sponsoring a bill in the current legislative session that will enhance the government services, education programs and intervention techniques that prevent drunk and impaired driving. As you know, it is the ITFDD's mission to make recommendations to the State to accomplish those very goals.

To that end, at its regular monthly meeting on January 18, 2013, the ITFDD voted to endorse a legislative effort for 2013 that:

1. Lowers the blood or breath alcohol level triggering classification as a "persistent drunk driver" from .17 to .15, thereby increasing the number of first offenders who are required to partake in enhanced intervention measures such as longer counseling and ignition interlock use.
2. Includes in the classification of "persistent drunk driver" drivers whose licenses are revoked for refusing a blood or breath test, thereby requiring them to participate in similar enhanced intervention measures.
3. Allows offenders serving license revocations for refusing to be tested to have their licenses reinstated early if they agree to have an ignition interlock restricted license after serving two months of no driving.
4. Allows offenders serving alcohol related revocations of more than one year to begin a mandatory minimum period of two years on an ignition interlock restricted license after serving one month of no driving at all.
5. Encourages greater interlock participation by expanding use of existing interlock financial assistance funds beyond first offenders.
6. Eliminates the requirement that any license revocation for refusing a test run consecutive to any other driver's license restraint.

The ITFDD discussed many reasons for endorsing this legislation. Based on that discussion, all of the ITFDD members who cast votes at the January 18, 2013 meeting voted in favor of this endorsement. There were no votes cast against it. Our members' reasons for supporting these measures include all of the following:

1. The public safety risks associated with high BAC offenders,

2. The Colorado-specific data and the national data that demonstrate a higher risk of recidivism and crash severity for offenders at or above 0.15 BAC,

Interagency
TASK FORCE
ON Drunk Driving

3. The demonstrated reduced recidivism rates for offenders who successfully complete Level II Alcohol Education and Treatment,

4. The dramatically reduced recidivism rates for offenders who are restricted to operating vehicles equipped with ignition interlock devices.

5. The behavioral data which suggest that those who refuse chemical testing at the time of arrest may have recidivism rates and behavioral assessments similar to repeat and high BAC offenders,

6. The testing incentive created by both the threat of license revocation and the subsequent requirement for ignition interlock,

7. The data showing that a high percentage of revoked drivers continue to drive during revocation without the public safety protections of insurance, enhanced counseling and ignition interlock devices,

8. The social benefits of providing a legal method for repeat and High BAC offenders to regain driving privileges sooner with the appropriate public safety measures in place,

9. The benefits associated with quickly providing existing Enhanced Interlock Counseling to interlock restricted drivers as a part of the Level II Alcohol Education and Treatment program,

10. The federal government's recent acknowledgment of these benefits by its elimination of long mandatory waiting periods for interlock restricted driving privileges for repeat and High BAC offenders,

11. The increased ignition interlock participation and public safety that will result from increased financial assistance availability for the highest risk drivers,

12. The public safety benefits that will result from shifting administrative sanctions from purely punitive measures to quantifiable remedial measures,

13. The efficacy of Colorado's ignition interlock program that rewards demonstrated compliance with early reinstatement and sanctions demonstrated noncompliance with extension of driving restriction,

14. The benefits to the driving public, the legal community, law enforcement agencies and the motor vehicle division, of reducing the complexity of the license restraints and driving records associated with repeat and High BAC offenders.

15. The measures will not change the driver's license consequences for minor drivers (those under 21 years old) which are considered more serious than for adults, based on Colorado law prohibiting any possession or consumption of alcohol by anyone less than 21 years of age.

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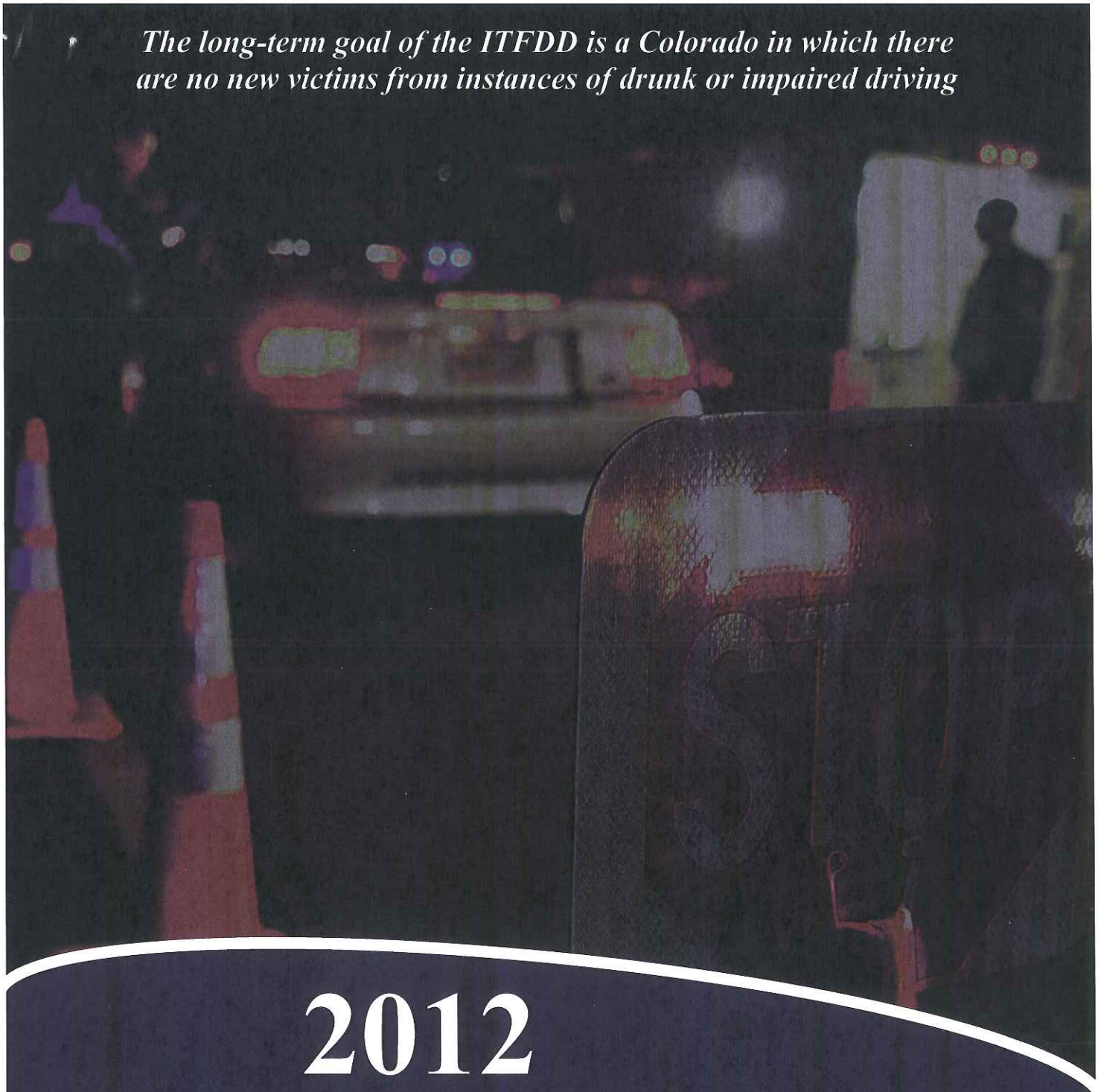
The ITFDD is hopeful that you will sponsor and carry forward a Bill to accomplish these important measures, and wholeheartedly endorses your efforts to have it passed and signed into law by the Governor. We stand ready to assist you in any way we can. Thank you very much for your commitment to this critical issue.

Sincerely,

Chief Robert L. Ticer, Avon Police Department

Chairman of the Interagency Task Force on Drunk Driving (ITFDD)

The long-term goal of the ITFDD is a Colorado in which there are no new victims from instances of drunk or impaired driving



2012 Annual Report

Interagency
TASK FORCE
ON Drunk Driving

Interagency

TASK FORCE

ON Drunk Driving

Executive Summary

Prevention of impaired driving is considered the most important priority for the ITFDD. The ITFDD continues its implementation of its strategic plan and work groups to include members with expertise in various areas in order to identify the best practices and strategize solutions for Colorado.

Members representing alcohol beverage manufacturers, distributors and retailers have worked together to identify best practices in the sale and delivery of beverages with the goal of reducing the prevalence of drunk driving. "TiPS," a training program of Health Communications, Inc., continues to be the most heavily trained program in Colorado with 14,641 persons trained from 2011 to 2012, an increase of more than 4,600 people.

Public campaign efforts continued at Western State University and expanded to Colorado State University – Pueblo. These efforts have reduced the rate of recidivism, as it relates to on-campus drinking violations, by 17% over a three-year period and reduced student binge drinking rates by 12% over a three-year period.

The ITFDD is committed to finding multi-disciplined solutions which ensure a reduction in the number of fatalities and injuries in impaired driving related crashes. ITFDD members have made a significant investment of time and effort in forming a cohesive group which can leverage resources and promote change. Partnerships are established and functioning in a way that enables the members to broaden perspectives and develop a common view of the problem.

Mitigation of impaired driving related crashes is another priority for the ITFDD. The Colorado Department of Transportation (CDOT) and the law enforcement agencies on the ITFDD are actively supporting the expansion of Standard Field Sobriety Testing (SFST) training. Advanced Roadside Impaired Driving Enforcement (ARIDE) training, and the Drug Recognition Expert (DRE) program in order to make enforcement of impaired driving laws and identification, apprehension, and prosecution of drug-impaired drivers more effective. The ITFDD stands in support of the effort to establish a THC whole blood concentration level at which operating a motor vehicle constitutes a violation of law.

The ITFDD is also working to promote programs that promote responsible options; including providing feedback to the Persistent Drunk Driving (PDD) Committee on its new NoDUIColorado website and promoting designated driver programs at sporting events. Within the 10 months since the launch of the NoDUIColorado website (http://noduicolorado.org/), statistics show it is being used and frequently revisited by many members of the community. The ITFDD is also working with the PDD Committee to support redefining the PDD designation to lower the PDD blood alcohol content (BAC) level from 0.17% to 0.15%.

Several ITFDD members have been actively involved in promoting the expansion of effective DUI courts in Colorado. Supporting DUI courts is one of the main goals of the ITFDD strategic plan. The ITFDD continues to work with the Judicial Branch to establish, train, and support these problem-solving courts throughout Colorado. There are thirteen operational DUI courts throughout the state with two additional courts starting by the end of 2012.

Interagency Task Force on Drunk Driving Recommendations

1) In recognition of the compelling scientific evidence of the impairing effects of Tetrahydrocannabinol (THC), the ITFDD recommends and endorses the effort the establish a blood concentration threshold which, combined with evidence of impairment, would constitute a violation of Colorado law.

2) In Colorado's continuing efforts to reduce DUI recidivism, the ITFDD recommends that Colorado take advantage of recent changes in Federal law by reducing the mandatory interlock waiting period for repeat DUI offenders from the current one-year wait to one-month.

3) Persistent drunk driving in Colorado (PDD), by today's definition, includes those individuals who have had one or more prior drinking driving offenses or someone with a first offense with a very high blood alcohol content (BAC) at or above .17%. The ITFDD supports a reduction in the statutorily defined BAC level for PDD offenders from .17 to .15% to reduce recidivism.

4) The ITFDD discussed the issue of primary safety restraint enforcement and endorses the passage of a primary safety restraint law. Over 70% of occupants killed in DUI related traffic crashes investigated by Colorado law enforcement in 2009 were not wearing safety restraints and crashes involving unrestrained occupants who are injured or killed are a significant economic impact to Colorado's economy. Increasing the use of safety restraints on Colorado's roadways as a means of reducing the severity of DUI related fatal and injury crashes.

5) The ITFDD supports statutory changes that would allow for Colorado law enforcement officers to utilize additional preliminary testing of drug involvement by suspected DUID drivers. This technology would be great asset to the detection and reduction of DUID drivers in Colorado.

6) Both locally and nationally, problem-solving courts (including DUI Courts) are an effective strategy to intervene into a substance abusing offender's life to improve outcomes and reduce recidivism. The ITFDD supports the efforts of establishing additional DUI Courts in Colorado counties. The ITFDD will work with Judicial's Problem-Solving Court Advisory Committee to:

    a. sustain the current DUI courts,
    b. evaluate the DUI courts,
    c. train current and future DUI court teams to include a focus on the underage offender, and
    d. expand to more clients including the underage offender, in existing courts and add DUI courts in more counties.

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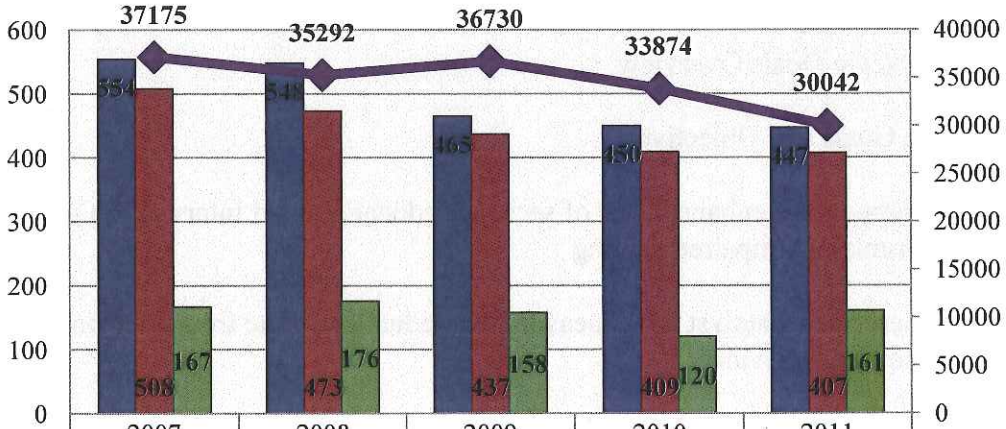
Impaired Driving in Colorado

Although the situation has improved over the past five years, there is still much work to be done as drunk and impaired driving remains a significant public safety issue in Colorado. The Interagency Task Force on Drunk (ITFDD) brings people together, creating a forum for victims and advocates to access many experts and resources in one place. It provides a formal mechanism to leverage resources in order to create a multi-faceted approach to solving a problem which is often minimized and understated in our community. The ITFDD acts as a multi-disciplinary resource group for the legislature, enabling it to consider more cohesive, well-thought-out proposals.

Five-Year DUI/DUID Situation in Colorado



	2007	2008	2009	2010	2011
Fatalities	554	548	465	450	447
Fatal Crashes	508	473	437	409	407
DUI/D Fatalities	167	176	158	120	161
DUI/D Arrests	37175	35292	36730	33874	30042

Data Sources: Fatalities, Fatal Crashes, and DUI/D Fatalities - FARS 2007 – 2011
Charges of DUI/D - Judicial Filing Data

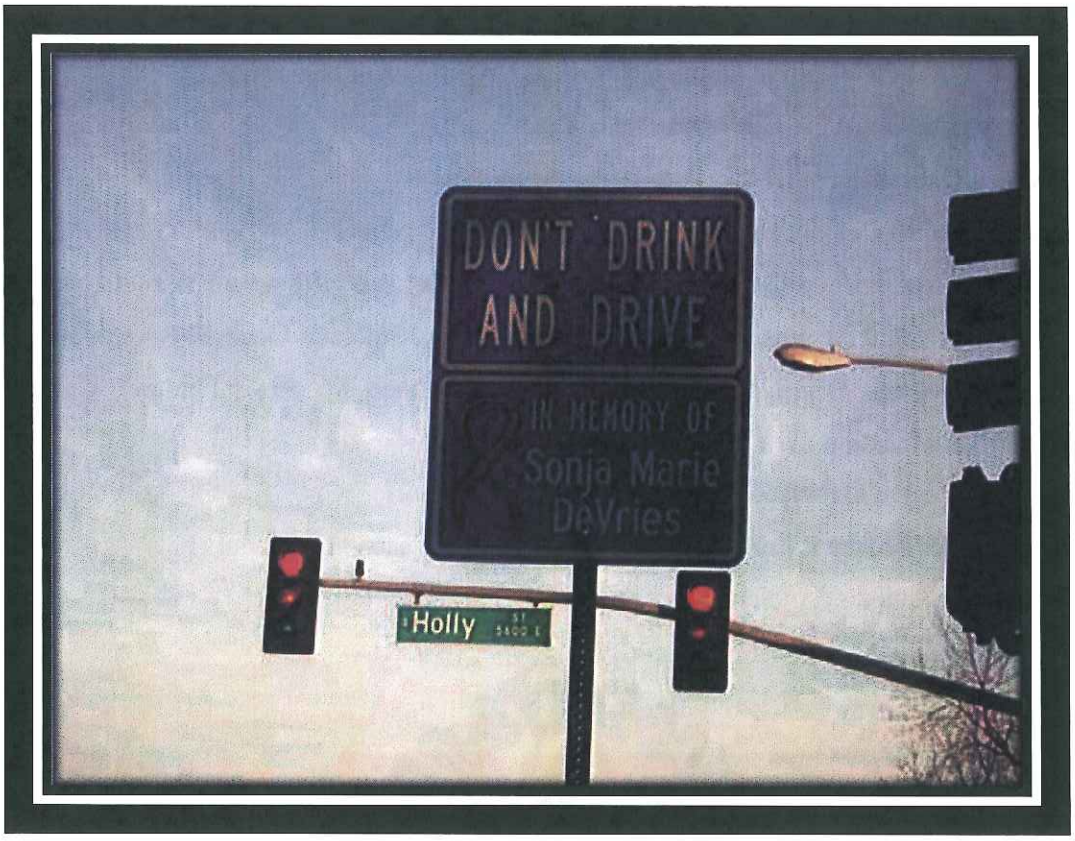
ITFDD members have made a significant investment of time and effort in forming a cohesive group which can leverage resources and promote change. Partnerships are established and functioning in a way that enables the members to broaden perspectives and develop a common view of the problem.

Mission

The mission *of the Interagency Task Force on Drunk Driving is to support the prevention, awareness, enforcement and treatment of drunk and impaired driving in Colorado through strong partnerships with public, private and non-profit organizations.*

Vision

The vision *of the Interagency Task Force on Drunk Driving is a Colorado in which key stakeholders work in partnership to achieve a fully integrated solution to the problem of impaired driving.*



Membership and Representatives

- Colorado State Patrol – Chief James Wolfinbarger (Chair)
- Colorado Department of Transportation – Glenn Davis (Vice-Chair)
- Colorado Department of Revenue, Driver's License Sanctioning – Stephen Hooper
- Colorado Department of Revenue, Liquor Enforcement – Patrick Maroney
- State Court Administrator's Office – Judge Edward Casias
- State Public Defender's Office – Samantha Bloodworth
- Colorado Department of Human Services, Division of Behavioral Health – Christine Flavia
- Division of Probation Services – Susan Colling
- Colorado Department of Public Health and Environment – Cynthia Burbach
- Statewide Association of Chiefs of Police – Chief Robert Ticer, Avon Police Department
- Statewide Organization of County Sheriffs – Commander Bud Bright, Teller County Sheriff's Office (designee for Sheriff Mike Ensminger)
- Family Member of a Victim of Drunk or Impaired Driving – Jennifer Gray
- Mothers Against Drunk Driving – Fran Lanzer
- Statewide Organization of District Attorneys – Steve Wrenn
- Colorado Criminal Defense Bar – Abe Hutt
- On-Premise Alcohol Beverage Retailers – Paul Aylmer, Colorado Restaurant Association
- Off-Premise Alcohol Beverage Retailers – Jeanne McEvoy, Colorado Licensed Beverage Association
- Alcoholic Beverage Distributors – Kris Johnson (designee for Steve Findley), Colorado Beer Distributors Association
- Alcoholic Beverage Manufacturers – Bill Young, MillerCoors
- A Person Under 24 who is Enrolled in a Secondary or Postsecondary School
- Colorado Association of Addiction Professionals – Sue Parker

The ITFDD has focused on the following strategic goals in 2012:

Support the enhancement of services, education, and intervention to prevent drunk and impaired driving.

- ***Assist the responsible agencies and businesses in the development of strategies to improve methods by which alcohol beverages are bought, sold, distributed and delivered to the consumer in order to prevent incidents of impaired driving.***

- ***Research, develop, and support the implementation of programs that will promote responsible options for drivers.***

- ***Promote technological improvements that will help prevent impaired driving.***

Serve as a catalyst for a measureable reduction in the frequency and severity of impaired driving.

- ***Provide support for the efforts to reduce the number and severity of impaired driving crashes in Colorado by reviewing, prioritizing, and communicating existing research on best practices in the reduction of impaired driving.***

- ***Provide support for efforts to reduce the number and severity of impaired driving crashes in Colorado by addressing the issue of drug usage (legally or illegally obtained) and driving.***

- ***Provide support for efforts to reduce the number and severity of impaired driving crashes in Colorado by supporting the expansion of law enforcement programs which detect drug impairment in all Colorado counties.***

Support efforts to reduce recidivism rates for drivers convicted of impaired driving.

- ***Redefine the persistent drunk driver designation.***

- ***Promote the expansion of effective DUI courts in Colorado.***

Ensure the long-term effectiveness of the ITFDD in addressing impaired driving in Colorado.

- ***Act as a resource for the exchange of information regarding impaired driving.***

Strategic Goal: Support the enhancement of services, education, and intervention to prevent drunk and impaired driving.

Objective: Assist the responsible agencies and businesses in the development of strategies to improve methods by which alcohol beverages are bought, sold, distributed and delivered to the consumer in order to prevent incidents of impaired driving.

Helping to ensure the responsible distribution, sales and service of alcohol beverages is a year-to-year priority for the Interagency Task Force on Drunk (ITFDD). The work team assigned to fulfilling this objective in the work plan reports meaningful progress for 2012, especially in the number of servers and sellers trained in responsible vendor training programs that meet the standards set by the Colorado Liquor Enforcement Division.

TiPS, a training program of Health Communications, Inc., continues to be the most heavily trained program in Colorado with 14,641 persons trained from 2011 to 2012, an increase of more than 4,600 people. In addition to the TiPS training program, ServSafe, offered by the Colorado Restaurant Association to its members, has trained an average of 4,546 persons per year since 2008 and through September of 2012 had trained 2,601 persons. Prevalence of TiPS and ServSafe training are the top two indicators tracked by the ITFDD but added to the dashboard of measures for 2012 is the program trained by the members of the Colorado Licensed Beverage Association. The CLBA trains CAST (Colorado Alcohol Sells Training) and since 2010 it has trained 4,524 persons, including 2,854 from September of 2011 to the same time in 2012.

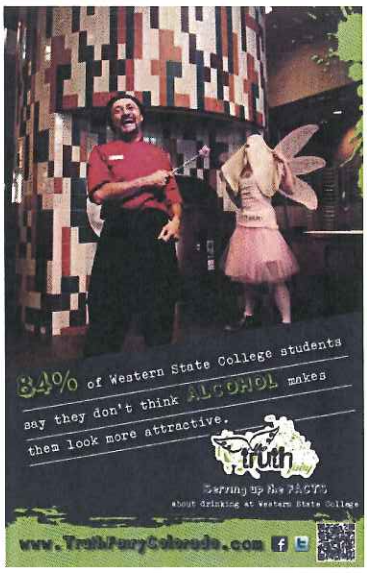
The Colorado General Assembly and the citizens of the state should also realize that in addition to these training programs, many of the nation's family restaurant chains have their own training programs and completion of the programs is a condition of employment.

The core purpose of responsible vendor training programs is to give employees the skills they need to deny service to people under the legal drinking age; help customers control their impairment levels; and identify and refuse service to visibly intoxicated customers. Provision of training was identified by the ITFDD work team in 2011 as the most widely used effort by retail businesses in Colorado to ensure alcohol beverage consumers are not driving impaired. While there is strong evidence for the prevalence of responsible vendor training programs in Colorado, the ITFDD believes more training is needed.

The work team will draft and review a strategy with the ITFDD before March 1, 2013 that seeks to further expand the use of responsible vendor training in Colorado, and a component of the strategy will explore how alcohol beverage retail businesses can make training more effective. To learn what might make training more effective the ITFDD has been monitoring a joint study conducted by liquor enforcement divisions from two states, Oregon and Maryland, and the Responsible Retailing Forum. The findings of the study were released in September of 2012 and the ITFDD work team will review the results and consider making a recommendation for a similar study to be conducted in Colorado.

Focusing on these tasks for the ITFDD are Jeanne McEvoy from the Colorado License Beverage Association (CLBA), Patrick Maroney from the Colorado Liquor Enforcement Division, Paul Aylmer from Epicurean Catering, Kris Johnson from Standard Sales, and Bill Young from MillerCoors.

Objective: Research, develop, and support the implementation of programs that will promote responsible options for drivers.



The Truth Fairy Campaign Serves Up Change at Western State University of Colorado

After a three-year social norms pilot campaign was conducted at Western State University of Colorado in Gunnison, Colorado, significant positive shifts in attitudes about alcohol consumption, and drinking and driving behaviors occurred with students attending the school. The goal of the social norms campaign, branded as the Truth Fairy campaign, was to correct common misperceptions about alcohol consumption among students, encouraging students to align with actual alcohol behaviors.

Educational programming was conducted through a variety of tactics, including late-night alcohol-free events, campus and community ads, social media engagement and website outreach. The campaign also integrated Safe Ride, a "no questions asked ride" option to help deter drunk driving in Gunnison.

Campaign result highlights include the following:

- During the course of the campaign, **11 social norms messages** were communicated to students through multiple communications tactics
- The Truth Fairy campaign was able to support a total of **62 alcohol free events through Western's Responsible Alcohol Partnership** with **7,922 students in attendance** at events on campus

- **Pandora online radio advertising generated nearly 1.2 million impressions** in the Gunnison County area. In addition, it generated 451 clicks on the online radio banner ad and 272 clicks on the 15 second audio tile for a total of 723 clicks through Pandora.

- **The overall campaign media buy generated an estimated 4.3 million impressions** over the course of two years through radio ads, Pandora ads, restaurant and bar posters, gas pump toppers, window clings at convenience and liquor stores, ski shuttle ads, theatre ticket stub ads, theatre ads, on-campus newspaper ads, banners at the local ice rink and mobile billboard ads.

- The **rate of recidivism**, as it relates to on-campus drinking violations, was **reduced by 17% over a three-year period**

- Student **binge drinking rates** were also **reduced by 12%** over a three-year period

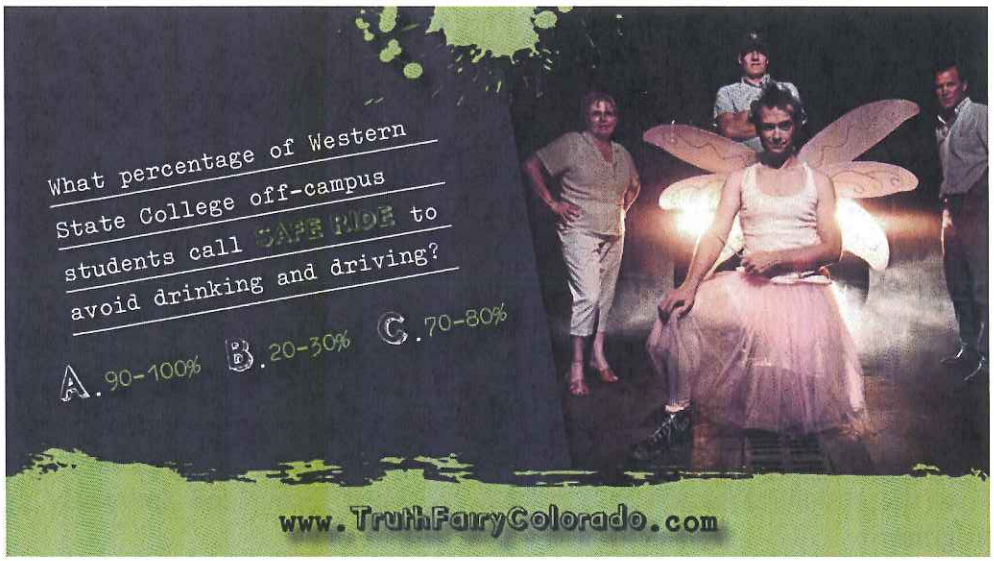
- **Campus awareness** as it relates to alcohol and other drug programming also **went up drastically from 10% in 2009 to 88% in 2012**, which generated a **78% increase in campus awareness**. This level of awareness also exceeds typical campaign awareness on college campuses of 47.1%.

Students also reported they were more likely to make plans to get home safe prior to drinking to avoid drinking and driving by:

PLANNING ACTION	PERCENT INCREASE FROM BASELINE SURVEY
Choosing a location close to home to walk home	4%
Making sure to have the number for Safe Ride	15%
Arranging for a place to sleep	1%
Selecting a designated driver	9%
Arranging for a friend to pick them up, just in case	5%

When students were asked to recall their actions over the last year to avoid drinking and driving, several actions students were taking after they began drinking also improved significantly:

ACTUAL ACTION	PERCENT INCREASE FROM BASELINE SURVEY
Walked home	6%
Called Safe Ride	12%
Left your car overnight and found another way home	8%
Asked a non-drinking person for a ride who wasn't your designated driver	8%
Used public transportation	10%
Called a cab	3%



Social Norms Campaign Moves to CSU-Pueblo

After the social norms campaign at Western State University of Colorado had significant success, the campaign leapfrogged to the Colorado State University-Pueblo (CSU-Pueblo) campus to also help create change on their campus. The campaign aims to not only impact drinking and driving behaviors among college students, but will also address drug impairment and driving. The research-based campaign branded as *Even Zombies Know* officially launched on the CSU-Pueblo campus in the fall of 2012. The campaign includes one year of research, which has already been completed, and two years of implementation.

The campaign will provide normative messages to students through the use of zombie-infested posters, as well as the campaign's website (www.EvenZombiesKnow.com). Additional information about the dangers and consequences of alcohol and drug abuse are available on the website. Short zombie videos, a Facebook page, banners on buildings, and outreach at campus events will also engage students with information, while online advertisements, student-produced radio spots on the college radio station, and ads at gas stations near campus will extend the sober driving message into the Pueblo community.

Objective: Promote technological improvements that will help prevent impaired driving.

Colorado's current Ignition Interlock Law was enacted pursuant to legislation passed in the 2000 legislative session. Since then, Colorado has added and then lengthened the requirements for Persistent Drunk Drivers. This has recodified the Administrative License Revocation Law to enacted interlock incentives for first offenders and has encourages interlock devices as a condition for bond and for probation.

As a result, the statutory language has become increasing difficult to understand and to administer properly. This has developed inconsistencies with existing legislation. The ITFDD recognizes that clarity and convenience in the law itself will assist with educational efforts and with interlock compliance. Consequently, the ITFDD endorses an effort to re-draft the current interlock law to remove inconsistencies, enhance clarity, and convenience in its use.

In 2012, the legislature joined the ITFDD in recognizing the need to re-write the law. With the passage of HB12-1168, Colorado now has a consolidated, clear and understandable interlock law that serves as the structural backbone for what has been recognized nationally as a model interlock program.

Nationally, normalized statistics indicate that ignition interlock monitoring reduces DUI recidivism by 65%. With the passage of the new highway funds authorization bill, ''Moving Ahead for Progress in the 21st Century Act'' or ''MAP–21'', Congress recognized the effectiveness of interlock monitoring for repeat offenders by removing the requirement that repeat offenders suffer a minimum one-year deprivation of all driving privileges, provided the driver is restricted to operating interlock equipped vehicles.

Colorado's is well-positioned to take advantage of this change in Federal requirements for highway funds. Reducing Colorado's minimum waiting period for repeat offenders from one year to one month would allow more repeat offenders to participate in Enhanced Interlock Counseling administered through the Division of Behavioral Health, to stay insured as drivers, to have interlock restricted driving privileges, to show compliance with any court ordered interlock requirements and ultimately to participate in a solution that serves public safety through reduced recidivism.

Strategic Goal: Serve as a catalyst for a measureable reduction in the frequency and severity of impaired driving.

Objective: Provide support for the efforts to reduce the number and severity of impaired driving crashes in Colorado by reviewing, prioritizing, and communicating existing research on best practices in the reduction of impaired driving.

This objective was completed by Interagency Task Force on Drunk (ITFDD) members and a pro bono consultant to the group. The review of the literature was completed and compiled in one document. 79 references were used and were taken from book chapters, scientific journals including peer reviewed material, published and unpublished papers, training manuals, rules and regulations, the Colorado Revised Statutes, and the Colorado DUI Benchbook.

The following areas were covered in terms of best practices: law enforcement; prosecution; judicial; probation; division of motor vehicles; and DUI education and treatment.

Law Enforcement:
Topics addressed were Sobriety Checkpoints; Saturation Patrols; Preliminary Breath Testing Devices (PBT's); Passive Alcohol Sensors (PAS); Standard Field Sobriety Testing (SFTS); Drug Evaluation and Classification Program (DECP).

Prosecution:
Areas addressed included Prosecutorial Networking and Initiative; Training; Charging Review; Pre-Trial Release; Plea Considerations; Trial Preparation; Pre-Trial Motions; Trial; and Sentencing Options.

Judicial – Sentencing and Other Court Dispositions:
Identified best practices included Identifying the Hard Core or Persistent Drunk Driver; Requiring screening in all DUI cases; Use of Sanctions and Reminders to each offender; Combining Sanctions to produce Behavioral Change, Compliance Monitoring; using Long Term or Intensive Treatment; Use of Vehicle Sanctions; Restriction of Plea Bargaining; consider use of Biomarkers, Imposition of meaningful fines; consider Staggered Sentencing; consider Electronic Monitoring and Home Confinement; Use of Dedicated Detention Facilities; avoid substituting community service for harsher sanctions;

Brian Wood's Story
By Ed Wood, Brian's father

Our world changed in 2010 after the death of our 33-year-old son, Brian. Two women, drugged on marijuana, methamphetamine, and heroin, were driving an SUV that crossed into Brian's lane. While changing her sweater, the driver turned the steering wheel over to a passenger. Therefore, both were charged as vehicle operators. The SUV went airborne and crashed through Brian's windshield. Three men lost their lives that night. Brian's pregnant widow sustained grave injuries from which she is not likely to recover.

After the collision, my education began on the nature of drugged driving trials. I learned it is profoundly difficult to successfully convict someone of driving under the influence of drugs. Drunk drivers can be convicted predictably, in part due to per se laws that prohibit driving with more than 0.08 grams per deciliter of alcohol in the driver's blood. Yet there are no similar per se laws for drugs in most of the United States, even though it's much more difficult to prove drug impairment than alcohol impairment.

During the trial of Brian's killers, the defense attorney said, "It's not unlawful to drive with illegal drugs in your body." That shocking statement is true in most of the country. The women were convicted of vehicular homicide and assault, but the verdict was based on driving with disregard for the safety of others rather than on driving under the influence of drugs. Assuming standard parole, they probably will serve only 18 months in prison per homicide.

Photo of Brian Wood. Courtesy of Ed Wood.

Ed Wood participates with the Colorado Interagency Task Force from a victim family member perspective. This tragedy occurred in Washington state.

and support implementation of DUI Courts. Judges should participate in judicial DUI seminars, be familiar with the Colorado Benchbook as well as other state programs. Statewide tracking, record keeping, and effective case flow management should be supported.

Probation:
The best practice guidelines identified were: Investigate, Collect, and Report information that will aid in determining Appropriate Interventions and Treatment needs; Develop Case Plans; Balancing Supervision Strategies; Developing Partnerships; Training Staff; and Assessing Effectiveness of Supervision Practices.

Division of Motor Vehicles (DMV) – Administrative License Revocation (ALR)
Provisions to incorporate into ALR law: Be Consistent with administrative procedures; Driver should have opportunity for Hearing; Hearing should not delay Revocation; Initial Administrative Revocation should provide measures for Test Failure; Test Refusal; and Repeat Offenses within 5 years. Administrative Sanctions should be separate from Criminal Sanctions.

DUI Interventions:
Best Practice Information was identified in the areas of Screening; Assessment; Referral; Education and Treatment, including adjuncts for DUI offenders. There are over 1,200 DUI offenders being supervised by transdermal alcohol monitoring devices in Colorado. There have also been NHTSA Transdermal Case Studies and recommendations that address the role that continuous alcohol monitoring can play in the monitoring and supervision of DUI offenders All of these program evaluation aspects were reviewed.

This brief summation of best practice topics together with the entire report on the task could and should be utilized to assess where Colorado is in terms of its DWI system in addressing the DWI problem. The detailed report may be obtained from Captain Raymond Fisher at Email: raymond.fisher@state.co.us.

Objective: Provide support for efforts to reduce the number and severity of impaired driving crashes in Colorado by addressing the issue of drug usage (legally or illegally obtained) and driving.

The ITFDD has identified drugged driving as a growing problem in Colorado. The problem is complex and requires a multi-faceted approach that includes public education, data collection and continued research.

The Colorado Department of Transportation has launched a drugged driving education campaign that emphasizes the dangers of prescription and marijuana impaired driving.

The ITFDD has worked with the Colorado Commission on Criminal and Juvenile Justice (CCJJ), Drug Policy Task Force (DPTF) to address the problem of drugged driving. A DPTF work group met through the summer to research the problem of marijuana impaired driving. The workgroup discussed existing research and heard testimony from several experts.

While the ITFDD had many areas of agreement, there was no consensus regarding recommending a numerical *per se* limit for marijuana at this time. The workgroup agreed that:

- public safety requires that drivers not be impaired from alcohol, cannabis, or any other medication or drug, while operating a motor vehicle;
- efforts should be expanded to collect and share data related to drugged driving, and further analysis of fatal crashes;
- increase the number of Drug Recognition Experts to ensure sufficient coverage in rural and frontier areas of the state; and
- a strong public education campaign that focuses on disseminating information to medical marijuana dispensary owners, customers and the public is a priority to enhance public safety on the roadways.

In recognition of the compelling scientific evidence of the impairing effects of Tetrahydrocannabinol (THC), the ITFDD recommends and endorses the effort the establish a blood concentration threshold which, combined with evidence of impairment, would constitute a violation of Colorado law.

Throughout 2012, the ITFDD considered presentations and position statements from various stakeholders regarding the impairing effects of THC and the issues to be considered in prosecuting THC impaired driving violations. We heard evidence from the Colorado Department of Public Health and Environment that THC blood tests pursuant to driving arrests have increased. Information was presented from a preliminary study suggesting that medical marijuana laws have actually reduced impaired driving fatalities. The ITFDD heard from law enforcement regarding the higher incidence of THC impaired driving. Finally, we considered the undeniable evidence of the impairing effects THC and the threat to public safety and specifically an increase in the number of impaired driving episodes. *The ITFDD stands in support of the effort to establish a THC whole blood concentration level at which operating a motor vehicle constitutes a violation of law.*

Preliminary 2011 FARS Drug Test Results in Fatal Crashes

Cannabinoids	80
Depressants	30
Hallucinogens	1
Narcotics	28
Stimulants	33
Other Drugs	33
Results Unknown	52

FARS drug test data was obtained from CDOT on 11/29/2012 and is preliminary through this date.

Objective: Provide support for efforts to reduce the number and severity of impaired driving crashes in Colorado by supporting the expansion of law enforcement programs which detect drug impairment in all Colorado counties.

Standard Field Sobriety Testing (SFST)

DUI Detection and Standardized Field Sobriety Testing (SFST) is a 24 hour training curriculum that sets forth the fundamental tasks in impaired driving enforcement, identifying the knowledge, skills and attitudes a Peace Officer must have to be able to effectively investigate impaired driving events. All Colorado Peace Officer Standard Training (POST) academies are required to have SFST as part of the training curriculum since July 1, 2011.

ARIDE: Advanced Roadside Impaired Driving Enforcement

The ARIDE program was developed by the National Highway Traffic Safety Administration (NHTSA) with input from the International Association of Chiefs of Police (IACP) Technical Advisory Panel (TAP). The 16 hour ARIDE training taught by Drug Recognition Expert (DRE) instructors addresses the gap in training between the Standardized Field Sobriety Testing (SFST) and the DRE Program by providing Peace Officers with general knowledge related to drug impairment and by promoting the use of Drug Recognition Experts.

Drug Evaluation Classification Program

Drug Recognition Experts (DRE) are law enforcement officers who have been trained to identify drivers impaired by drugs. A trained DRE performs an evaluation of a suspected drug-impaired driver to determine their level of impairment and the category of drug(s) that the suspected driver is impaired by. The ITFDD supports the work of this program in its efforts to prevent drug-impaired driving.

Colorado currently has 182 certified DREs, of which 34 are DRE instructors serving in 62 law enforcement agencies.

Agency	# of DREs	Agency	# of DREs
Adams County Sheriff's Office	4	Jefferson County Sheriff's Office	1
Alamosa County Sheriff's Office	1	Lafayette Police	1
Arapahoe County Sheriff's Office	1	Lakewood Police	3
Aurora Police	3	Lincoln County Sheriff's Office	1
Avon Police	3	Littleton Police	1
Black Hawk Police Department	1	Longmont Police	2
Boulder County Sheriff's Office	3	Loveland Police	4
Boulder Police Department	1	Manitou Springs Police	1
Buena Vista Police	1	Mesa County Sheriff's Office	4
Castle Rock Police	1	Montezuma County Sheriff's Office	1
Clear County Sheriff's Office	1	Montrose County Sheriff's Office	1
Colorado Division of Gaming	1	Montrose Police	2
Colorado Mental Health Institute at Pueblo	2	Northglenn Police Department	1
Colorado Springs Police	9	Palisade Police	1
Colorado State Patrol	48	Park County Sheriff's Office	1
Colorado State University Police	1	Parker Police	1
Commerce City Police	3	Pikes Peak Community College	1
Delta Police	1	Pitkin County Sheriff's Office	1
Denver Police	18	Pueblo Police	4
Douglas County Sheriff's Office	2	Rifle Police	1
Eagle County Sheriff's Office	3	Steamboat Springs Police	1
Erie Police	1	Summit County Sheriff's Office	1
Fort Carson Police	2	Thornton Police	6
Fountain Police	3	US Department of Veterans Affairs	1
Frederick Police	1	Vail Police	2
Glenwood Springs Police	5	Weld County Sheriff's Office	2
Grand Junction Police	4	Westminster Police	2
Greeley Police	1	Woodland Park Police	1
Gunnison County Sheriff's Office	1	Yuma Police	1

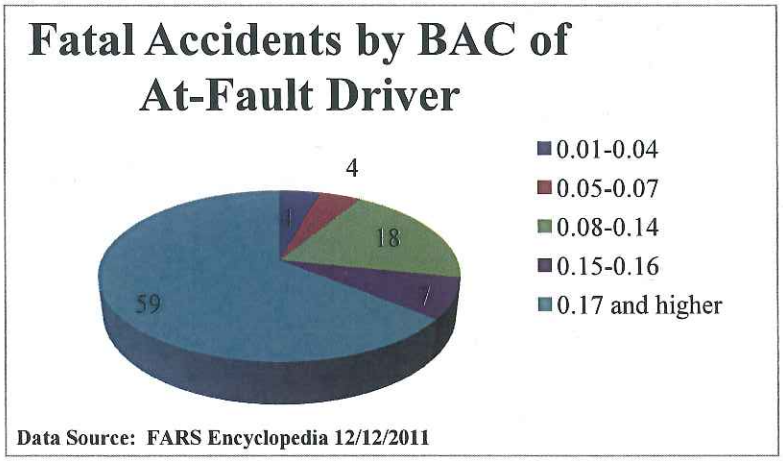
In 2012, nineteen DRE candidates attended a nine-day DRE School in Alamosa, Colorado. All of the students have completed their required testing and evaluations. They represent the following agencies:

- Colorado State Patrol (8)
- Adams County Sheriff's Office (2)
- Aurora Police Department (2)
- Boulder Police Department (2)
- Alamosa Police Department (1)
- Black Hawk Police Department (1)
- Colorado Springs Police Department (1)
- Jefferson County Sheriff's Office (1)
- Pueblo County Sheriff's Office (1)

Strategic Goal: Support efforts to reduce recidivism rates for drivers convicted of impaired driving.

Objective: Redefine the persistent drunk driver designation.

The Interagency Task Force on Drunk (ITFDD) formed a subcommittee specifically to address the area of persistent drunk driving. Persistent drunk driving in Colorado (PDD), by today's definition, includes those individuals who have had one or more prior drinking driving offenses or someone with a first offense with a very high blood alcohol content (BAC) at or above .17%. Research was conducted to determine what relationship there is between BAC and recidivism in impaired driving offenders, and to gather data to support a reduction in the statutorily defined BAC level for PDD offenders from .17 to .15%. This analysis used Colorado-specific data and analyzed over 43,000 individual records. Recidivism was captured up to five years from the date of the original DUI arrest. The research concluded that with a BAC of .15% or greater, offenders are more likely to produce recidivism.



Objective: Promote the expansion of effective DUI courts in Colorado.

Both locally and nationally, problem-solving courts (including DUI Courts) are an effective strategy to intervene into a substance abusing offender's life to improve outcomes and reduce recidivism.

Supporting DUI courts is one of the main goals of the ITFDD strategic plan. The ITFDD will work with Judicial's Problem-Solving Court Advisory Committee to:

- sustain the current DUI courts,
- evaluate the DUI courts,
- train current and future DUI court teams, and
- expand to more clients in existing courts and add DUI courts in more counties.

There are nine operational DUI courts throughout the state with two additional courts starting by the end of 2012. The Judicial Department, working with the Colorado Department of Transportation and partnering with the National Center for DWI Courts, conducted a two-day enhanced training for all Colorado DUI Courts. This training was the first time that almost every team throughout the State came together to learn, network and collaborate.

Strategic Goal: Ensure the long-term effectiveness of the ITFDD in addressing impaired driving in Colorado.

Objective: Act as a resource for the exchange of information regarding impaired driving.

In 2011, the Persistent Drunk Driver (PDD) Committee launched the No DUI Colorado website (www.NoDUIColorado.org) as a state resource for impaired driving and substance abuse behaviors. The website takes a three-step approach to addressing DUIs, discussing what can happen before a DUI, what happens after receiving a DUI, and what resources are available to individuals statewide and nationally.

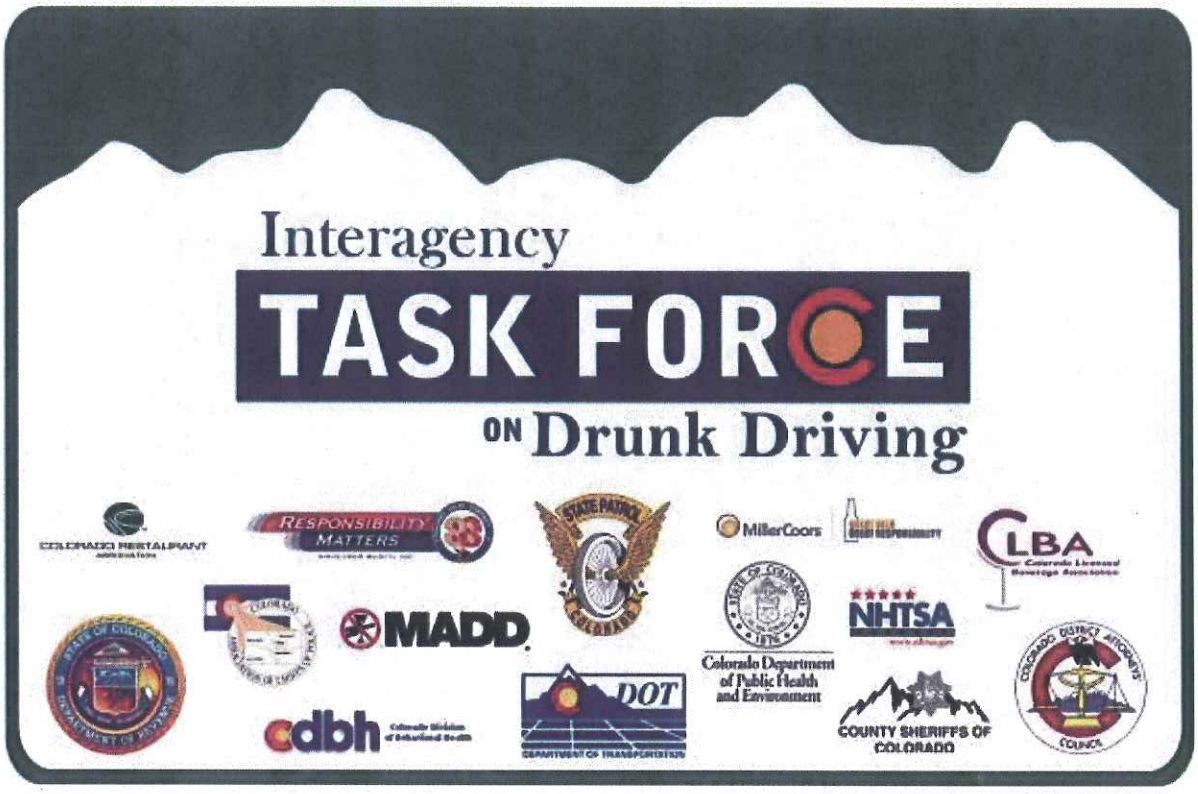
The website is intended for those dealing with alcohol and drug prevention, policymakers, individuals at-risk, family members and friends, and aims to provide a wealth of resources to all of these target audiences.

Members of the Interagency Task Force on Drunk Driving (ITFDD) have been pivotal in sharing the website with community members statewide. In 2012, creative collateral such as brochures, bookmarks and Blood Alcohol Content cards were designed to increase awareness about the website. Within the 10 months since the launch of the website, statistics show it is being used and frequently revisited by many members of the community.

Website Analytics at a Glance	
Visits	5,049 or 504.9 per month
Page Views	18,228
Pages / Visit	3.61
Average Visit Duration	2 minutes, 59 seconds
New Visitors	80.21%
Returning Visitors	19.79%

Other websites that have provided high volume referrals to NoDUIColorado.org include Colorado's state website portal, Colorado Courts, the Colorado Department of Transportation, the City of Fort Collins and the Douglas County Sheriff's Office. Facebook also provided a high number of referrals, as well as Facebook mobile.

The goal of the PDD Committee and the ITFDD is to continue to make the NoDUIColorado.org website a highly used and referenced website for DUI impairment-related information.



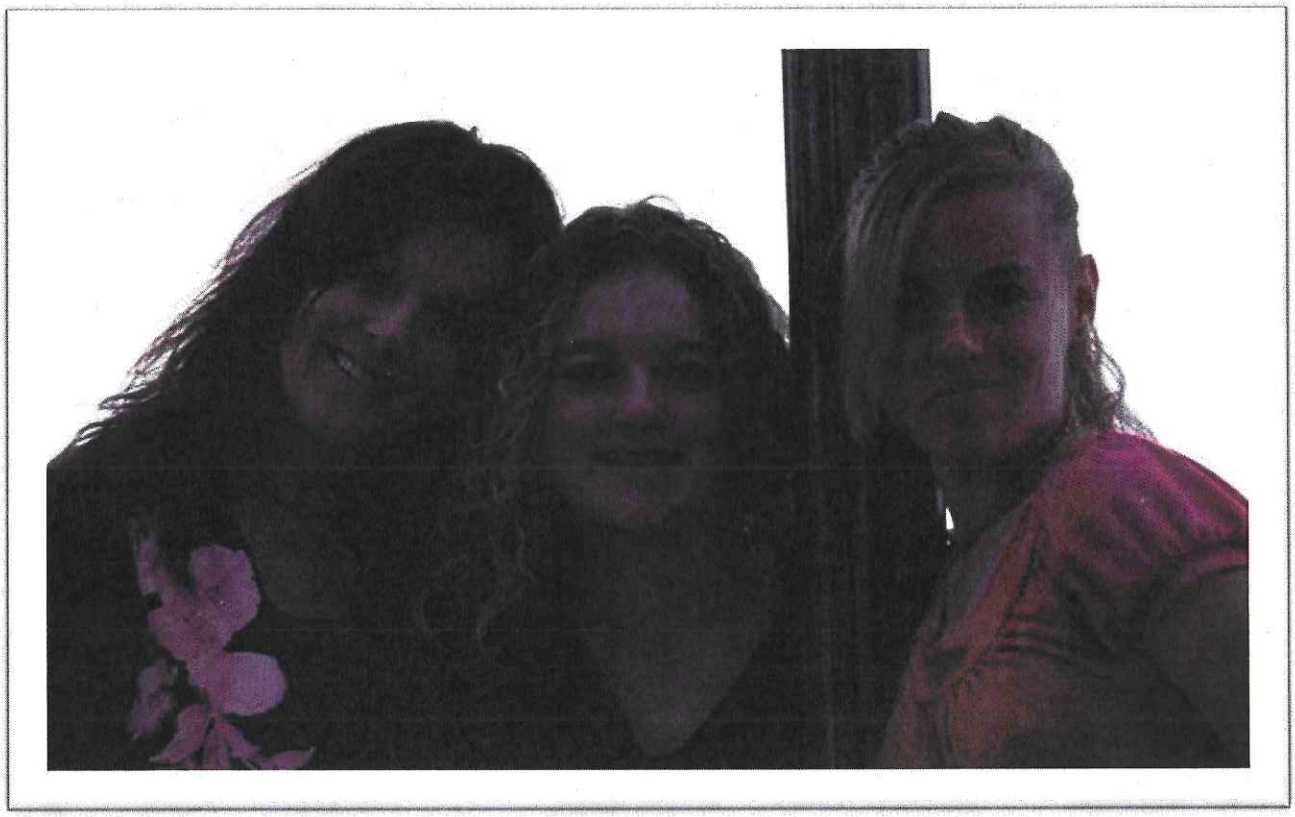
For more information, visit:

www.coloradodot.info/about/committees/DUI-taskforce

Or contact:

Interagency Task Force on Drunk Driving
Colorado State Patrol
700 Kipling Street
Lakewood, CO 80215
303-239-4500

This annual report is dedicated to Brittany Burnett. Brittany is a reminder that behind every statistic on impaired driving fatalities is a person who was loved and is terribly missed.



Picture of Jennifer Gray, Amber and McKayla. Photo provided by Jennifer Gray, used with permission.

Brittany Burnett
Aug. 22, 1994 – Aug. 11, 2004

Brittany was killed shortly before her 10th birthday by a drunk driver who ran a stop sign and slammed into her family's car. She and her father were killed instantly. Brittany's two sisters, McKayla and Amber, were also seriously injured. Her twin, McKayla, now lives with partial paralysis of her face and hearing loss. Brittany's mother, Jennifer Gray, is a member of the Interagency Task Force on Drunk Driving and works every day to eliminate drunk driving so that families do not have to go through the horrifying events that she and her girls continue to struggle with constantly. Jennifer schedules weekly speaking engagements -- often with her daughters. A key part of their presentations is to let people know that not everyone dies; some are left to deal with the tragic effects of a DUI crash their entire lives. Jennifer and her daughter's current goal is to make statewide in 2013. The impact of Brittany's needless death, and countless others like her, motivates the Task Force to persevere in its work to find solutions to the problem of impaired driving in Colorado.