

ALCOHOL INDUSTRY PROGRAM EVALUATION & DATA PREVENTION PUBLIC HEALTH MARIJUANA INDUSTRY CDOT IMPAIRED-DRIVING VICTIMS AND VICTIM ADVOCATES PREVENTION AND TREATMENT MARIJUANA INDUSTRY COMMUNICATIONS



CRIMINAL JUSTICE PROGRAM MANAGEMENT & STRATEGIC PLANNING PREVENTION INTERVENTION AND TREATMENT CDOT

2020 ANNUAL REPORT





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Mission



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The mission of the Colorado Task Force on Drunk and Impaired 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



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

Impaired Driving by the Numbers

596

TRAFFIC FATALITIES

TOTAL TRAFFIC FATALITIES ON COLORADO ROADS: 596 IN 2019

33%

OF FATAL CRASHES

IN 2020, IMPAIRED DRIVERS WERE INVOLVED IN NEARLY 33% OF ALL FATAL CRASHES

49

CANNABIS-INVOLVED FATALITIES

IN 2019 IN COLORADO, THERE WERE 49 CANNABIS-INVOLVED FATALITIES WITH DRIVERS WHO TESTED POSITIVE FOR 5NG OR GREATER OF DELTA-9 THC

18%

INCREASE IN FATALITIES

DESPITE 11% LESS TRAFFIC ON COLORADO ROADS IN 2020, IMPAIRED-DRIVING FATALITIES INCREASED 18%

6,759

IMPAIRED DRIVING ARRESTS

DURING THE HEAT IS ON 2020 ENFORCEMENT PERIODS ALONE, 6,759 IMPAIRED-DRIVING ARRESTS WERE MADE

57%

TESTED POSITIVE FOR DELTA-9 THC

57% OF VEHICLE OPERATORS CHARGED WITH DUI WHO WERE ALSO SCREENED FOR MARIJUANA TESTED POSITIVE FOR DELTA-9 THC IN 2018



EXECUTIVE SUMMARY FROM THE CTFDID CHAIR

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It is my honor to represent the Colorado Association of Chiefs of Police as chairman of the Colorado Task Force on Drunk and Impaired Driving (CTFDID). The mission of this Task Force is to investigate methods for reducing the incidents of drunk and impaired driving through prevention, public awareness, enforcement, and intervention/treatment. Equally as important, members of this group are a resource to the legislature and other states to offer expertise and provide background on matters

related to impaired driving. The Task Force includes and encourages participation from a diverse coalition of partners and stakeholders – and individuals from different functions or disciplines that bring relevant perspectives and experiences to the group. These stakeholders bring innovative ideas and plans forward through each of the following working groups:

- Program Management/Strategic Planning and Communications
- Criminal Justice
- Impaired Driver Intervention & Treatment
- Prevention
- Program Evaluation & Data

Members and representatives of the CTFDID cooperatively created the 2019-2022 statewide impaired driving plan for the National Highway Traffic Safety Administration (NHTSA), and participated in the development of the 2020-2023 Colorado Strategic Transportation Safety Plan.

The CTFDID annual report for the State of Colorado is a living document designed to accomplish the mission of the Task Force and to be fluid and adaptable based upon future data, trends and forecasts.

Within this annual report, you'll find the recommendations for 2021 from the Task Force members and representatives.

Sincerely,
Chief Robert L. Ticer, Chair
Colorado Task Force on Drunk and Impaired Driving



STATEMENT FROM THE COLORADO STATE PATROL

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As a partner of the Colorado Task Force on Drunk and Impaired Driving (CTFDID), I want to thank all those who contribute their time and effort to bring awareness of impaired driving in our state. Impaired driving continues to be the cause of more than one-third of traffic fatalities in Colorado. Through the strong partnerships created by the CTFDID, we can leverage our individual resources, acting as a force multiplier to combat this prolific problem. The Colorado State Patrol (CSP) is always

working towards reducing impaired driving through proactive enforcement, impaired driving recognition training, and public awareness and education. All fatalities resulting from drunk or drugged driving are entirely preventable.

The CTFDID brings stakeholders together and creates a forum that inspires change. Without the dedication of the CTFDID and its partnerships with public, private, and non-profit entities, impaired driving would be more rampant than it is today. Change can take time, but with persistence and education, culture begins to change. In this sense, drunk and impaired driving is no longer minimized or misunderstood by the public. The elimination of impaired driving is a noble cause, and I am encouraged by the work and success of the CTFDID.

This annual report contains a compilation of recommendations and priorities for review, and potential action by the legislator and other key stakeholders. The work of the task force is commendable as they save lives. I look forward to the future as the CTFDID continues to bring impaired driving prevention and awareness to the forefront of efforts statewide.

Colonel Matthew C. Packard, Chief
Colorado State Patrol



STATEMENT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION

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The CTFDID, established in 2006 by the Colorado General Assembly, has over the years brought together partners, stakeholders and subject matter experts with the statutory charge:

“To investigate methods of reducing incidents of drunk and impaired driving and develop recommendations for the State of Colorado regarding the enhancement of government services, education, and intervention to prevent drunk and impaired driving.” (C.R.S. 42-4-1306)

The recommendations included in this year’s CTFDID annual report are the result of many meetings, collaborations, and work groups of a diverse and dedicated community of professionals and members of the public that are seeking ways to address impaired driving.

The CTFDID has become the State’s group of experts that lead and participate in national projects to combat impaired driving.

In the past year members and representatives from the CTFDID participated in:

- National Highway Traffic Safety Administration (NHTSA) Driving Under the Influence of Drugs (DUID) Criminal Justice Process Evaluation. This evaluation featured additional questions to develop information on the equity of the DUID Criminal Justice Process Evaluation.
- National Governor’s Association Impaired Driving Learning Collaborative
- Driving Under the Influence of Drugs and Alcohol. As mandated by House Bill 17-1315 in Colorado, this report provides a comprehensive overview of the public safety impacts of drug-impaired driving, highlighting the drugs involved and the court outcomes of driving under the influence case filings from 2018.
- An evaluation project with the Colorado Department of Transportation’s (CDOT) Highway Safety Office (HSO) and Office of Communications, and the Governor’s Office on State Budget and Planning on CDOT’s cannabis impaired driving awareness campaign. The evaluation gave additional insights into target audiences in order to improve messaging, change behavior and ultimately reduce the number of crashes and DUI’s that involve cannabis.

Despite many years of improvements and enhancements to impaired driving laws, countermeasures and offender treatment, too many users of Colorado roadways are affected by impaired driving.

As Vice-Chair of the CTFDID, I encourage you to review the recommendations outlined in this report. The CTFDID is able to provide information on how the recommendations were developed and prioritized.



Glenn Davis, CDOT HSO, CTFDID Vice Chair

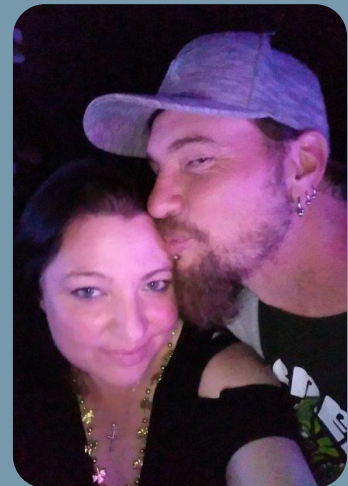


CDOT at 420 festival in Denver

Dedication of the 2020 CTFDID Annual Report

NIKI GOUGH AND BEN MITTON

On Friday, August 30, 2019, Niki Gough and Ben Mitton were driving along State Highway 9 near Blue River when an impaired driver traveling in the opposite direction swerved into their lane and hit them head-on. Their car rolled, and Ben and Niki were both ejected from their vehicle. Both died from their injuries. The impaired driver had been drinking alcohol prior to choosing to get into her vehicle and drive – and her blood alcohol level tested well above the legal limit. The offender pleaded guilty to two counts of Vehicular Homicide DUI and in June of 2020, she was sentenced to 16 years in prison.



The following are dedications from Nikki and Ben’s families.

MONA LEPP, DEVIN WOOD AND MICHAEL WOOD (NIKI'S MOM AND TWO SONS) SHARE THIS OF NIKI

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Niki and Ben were on their way to a concert in Breckenridge on August 30, [year], around 5 p.m. It was a Friday, and they were excited to go to this concert. While they were on their way, a drunk driver lost control of her vehicle and hit Niki's Jeep causing them to flip a couple of times. They were both ejected



from the vehicle. To say the least, I was surprised to hear that they did not have their seatbelts on. They died instantly according to the coroner. I was in disbelief when I received the news. I went into denial, and then it hit me. I was a single parent to my children all their lives. Niki was my best friend and my baby. The ironic thing is that this could have been totally prevented had all who were involved in serving the woman not allowed her to drink and drive. Not to mention the woman herself; she should have known better.

Niki and Ben moved to Alma and were living their dream of living in the mountains. Niki had a great job as an optician in Frisco. She worked for Custom Eyes. She was so happy and loved her job. Ben also had a good job and did handyman work for anyone who needed him. Niki was the happiest that I have ever seen her. Niki and Ben created a wonderful life together. They did everything together from cooking, cleaning, partying, and just plain fun. They were both very intelligent people. Niki was a party animal. She lived her life to the fullest every day. A piece of my heart is in heaven with her now.

Niki is survived by her two sons. One is in the Navy and the other is learning to be a plumber. When Niki died, her youngest had not graduated high school yet. He also turned 18 after she died. These were important milestones for him, and he had to go through them without his mother to be there to tell him how proud she was of him. Both boys miss their mother terribly. The oldest was 20 when Niki passed. He also had milestones that he wanted to share with his mom what he was accomplishing in the Navy. I urge everyone, from the bars to the liquor stores to please not let anyone drink and drive. If you are the person that does the drinking, have enough respect for yourself, your loved ones, and anyone else that may cross paths with you, to call for a sober ride. My heart will forever have a huge hole in it, as will her sons'. Be responsible!

DAVE MITTON (BEN'S FATHER) SHARES THIS OF HIS SON



As Ben's custodial parent we shared fun-filled adventures and many happy times. Ben was a funny, smart and a wonderful little boy. He enjoyed pizza, games, riding his bike, his animals and telling jokes. It was a joy to see him grow into a young man. Ben was just beginning a new chapter in his life in the mountains he loved. I will always cherish my memories of Ben.



Inception of the Colorado Task Force on Drunk & Impaired Driving

In 2006, Colorado Senate Bill 06-192 created the Interagency Task Force on Drunk Driving (ITFDD) in response to the tragic death of Sonja Marie DeVries who was killed in 2004 by an impaired driver. The driver had been convicted of impaired driving on six previous occasions. Since its inception in 2006, the ITFDD brought together executive leaders from government and other organizations that had an interest in reducing instances of impaired driving. In 2014, the title of the Interagency Task Force on Drunk Driving was changed to the Colorado Task Force on Drunk and Impaired Driving by Colorado House Bill 14-1321.



MEMBERSHIP

MEMBERS

- Colorado Department of Transportation - Glenn Davis, Task Force Vice-Chair
- Colorado State Patrol - Colonel Matthew Packard
- Colorado Department of Revenue, Driver's License Sanctioning - Crystal Soderman
- Colorado Department of Revenue, Liquor Enforcement - Michelle Stone-Principato
- State Court Administrator's Office - Judge Edward Casias
- State Public Defender's Office - Daniel Gagarin
- Colorado Department of Human Services, Office of Behavioral Health, DUI Substance Abuse Treatment - Webster Hendricks
- Colorado Department of Human Services, Office of Behavioral Health, Minors Substance Abuse Treatment - Bonnie Holladay
- State Court Administrator's Office, Division of Probation Services - Jill DeRoehn
- Colorado Department of Public Health and Environment - Jeff Groff
- Colorado Peace Officers Standards and Training Board - Erik Bougerie

TASK FORCE REPRESENTATION



Law enforcement/courts



Prevention and treatment



CDOT



Marijuana industry



Alcohol industry



Impaired-driving victims and victim advocates (MADD)



Public health

MEMBERSHIP CONT.

REPRESENTATIVES

- Statewide Association of Chiefs of Police - Chief Robert Ticer, Loveland Police Department, Task Force Chair
- Statewide Organization of County Sheriffs - Undersheriff Dave Fisher, Elbert County Sheriff's Office
- Family Member of a Victim of Drunk or Impaired Driving - Julie Nackos
- Mothers Against Drunk Driving - Fran Lanzer, State Executive Director
- Statewide Organization of District Attorneys - Jennifer Knudsen
- Colorado Criminal Defense Bar - Abe Hutt
- On-Premise Alcohol Beverage Retailers - Paul Aylmer, Colorado Restaurant Association
- Off-Premise Alcohol Beverage Retailers - Andrew Klosterman, Peak Beverage
- Alcoholic Beverage Distributors - Vacant
- Alcoholic Beverage Manufacturers - Daniel Bewley, Colorado brewers Guild and Crooked Stave
- A Person Under 24 who is Enrolled in a Secondary or Postsecondary School - Lauren Avery
- Colorado Association of Addiction Professionals - Adam Musielewicz, Peer Assistance Services Inc.
- Statewide organization that represents persons licensed to sell retail marijuana for consumption off premises - Truman Bradley
- A representative from the retail or medical marijuana industry who is an owner or manager of a retail dispensary - Lisa Gee
- Statewide Organization of Retail Marijuana for Consumption Off Premises - Lisa Gee, Lightshade
- Researcher Who Specializes in the Field of Impaired Driving - Dr. David Timken, Center for Impaired Driving Research and Evaluation



Community Mural project completed by MADD and Rise Above Colorado, with grant funds from State Farm. To help prevent future DUIs, the team worked with students in Flagler/Arriba High School in the town of Salida. The mural will serve as a reminder for students to make healthy choices. MADD Colorado is a longstanding member of the Colorado Task Force on Drunk and Impaired Driving.

Key Recommendations

SUSTAINABLE STATE IMPAIRED DRIVING ENFORCEMENT

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The CTFDID recommends securing sustainable funding for the Colorado Department of Transportation Highway Safety Office to fund High Visibility Impaired Driving Enforcement for local law enforcement agencies. Working with stakeholders, the CTFDID can identify possible funding alternatives or formula adjustments that protect appropriate enforcement dollars. Current funding mechanisms do not meet the actual impaired driving enforcement needs. Current resources for this funding will soon be exhausted. Without the supplemental funding, many local law enforcement agencies will have to significantly reduce impaired driving enforcement activities.

✓
RECOMMENDED BY THE
CTFDID IN 2019 AND 2020

PRIMARY SEAT BELT LAW

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The CTFDID strongly advocates for a Primary Seat Belt Law. A Primary Seat Belt Law is the most effective way to directly reduce roadway injuries and fatalities. Of the 370 people who died in passenger vehicles in 2019, 189 of them, or 51%, were unrestrained. Of the 130 impaired drivers fatally injured in an occupant vehicle crash in 2019, 84, or 65%, were unrestrained. Colorado is one of only 15 states that does not allow for primary seat belt enforcement.

✓
RECOMMENDED BY THE
CTFDID IN 2019 AND 2020

Key Recommendations

REVIEW OF CANNABIS IMPAIRMENT STATUTORY DEFINITION

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The CTFDID encourages a thorough and comprehensive examination of the limit established in C.R.S. 42-4-1301 that 5-nanograms of tetrahydrocannabinol in a person's blood provides permissible inference that a person is under the influence of one or more drugs. The CTFDID is comprised of subject matter experts available to participate in the examination to determine if the limit is appropriate or necessary.



RECOMMENDED BY THE
CTFDID IN 2019 AND 2020

STUDY OF DEVICES FOR ROADSIDE DRUG IMPAIRMENT TESTING

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The CTFDID recommends a study to determine the viability of devices that allow law enforcement to detect the presence of drugs other than alcohol during roadside sobriety investigations.



RECOMMENDED BY THE
CTFDID IN 2019 AND 2020

Additional Recommendations from CTFDID Members, Representatives, and Interested Parties

FROM ED WOOD, DUID VICTIM VOICES (DUIDVICTIMVOICES.ORG)

Amend C.R.S. 18-3-106 (Vehicular homicide) and C.R.S. 18-3-205 (Vehicular assault) to make vehicular homicide due to DWAI and vehicular assault due to DWAI unlawful.

Adopt oral fluid drug testing for both roadside preliminary screening and laboratory-based evidentiary testing.

FROM JEFF GROFF, CTFDID MEMBER REPRESENTING THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Add additional language to Colorado Revised Statutes related to testing for impairment that allows the officer to elect the alternative chemical test when either “The health and/or safety of the officer and/or subject is of concern.” The current language allows for an officer to have the subject perform the alternative chemical test (blood) when the breath testing instrument is not available or not functioning. However, there is nothing in the current language that allows officers to choose the alternative test when health or safety is a factor. This has come up during the pandemic where subjects



elected a breath test, but law enforcement agencies were not allowing breath testing to be performed due to concerns over COVID. When the subjects declined the blood test, it was treated as a refusal. Now we are seeing challenges arise at the Colorado Department of Revenue and in the courts.

FROM THE CTFDID PREVENTION WORK GROUP

Create incentives for local governments to limit alcohol outlet density in their respective communities - how many and how close together alcohol outlets such as bars, restaurants, or liquor stores are in an area. High alcohol outlet density increases excessive drinking, along with disorderly conduct, public nuisance, and property damage. The incentives could be financial or otherwise, such as zoning



designations and associated tax credits to support responsible economic development balanced with public health best practice.

Review and strengthen existing online alcohol (on and off premise) and cannabis retail sales age verification practices with the goal of mitigating underage access and consumption. Consider rules

that require alcohol and cannabis retailers to implement effective age verification practices within online purchasing platforms. Require ID verification training for delivery companies responsible for delivering purchased items and validating patron IDs.

Create incentives (financial or other – such as licensing fee reduction) for cannabis and on- and off-premise alcohol retailers. Incentives could encourage retailers to consistently share and disseminate substance-specific education materials related to risky substance use. This includes but is not limited to impaired driving. The goal being for patrons to gain knowledge of the implications of risky substance use and promote responsible consumption. These materials might include hard copy and digital “rack cards” or Low-Risk Drink Limits on sales receipts that expose patrons to vital prevention information during an online purchase as well as in-person patronage. Materials and messaging would need to be culturally and linguistically relevant. Complementing this information, materials could also include resources for the consumer, such as Substance Use Disorder (SUD) treatment, crisis lines, and ride-share resources.

RESOURCES



- [Colorado Task Force on Drunk & Impaired Driving \(CTFDID\)](#). This website contains information about the CTFDID including meeting notes and past reports.
- [No DUI Colorado](#). The No DUI Website was developed and created by the Persistent Drunk Driver (PDD) Committee as an educational resource for the Colorado community regarding impaired driving and substance abuse behaviors.
- [Mothers Against Drunk Driving \(MADD\)](#). This mission of MADD is to end drunk driving, support the victims of these violent crimes, and prevent underage drinking. The website contains links to data and resources to meet this mission.
- [Statewide Traffic Records Advisory Committee \(STRAC\)](#). The Colorado Statewide Traffic Records Advisory Committee (STRAC) is an advisory group representing the data records interests of motor vehicle traffic and safety agencies and organizations. Within statutory constraints, the Committee recommends policies regarding the retention and dissemination of traffic records information. This website contains information about STRAC including data, reports, and meeting minutes.
- [Colorado Judicial Branch Annual Statistical Report](#). Each fiscal year, the Colorado Judicial Branch issues the Annual Statistical Report to provide information about Colorado state courts. Profiled in the reports are caseload statistics for the Supreme Court, Court of Appeals, District Court, County Court, Water Court, and Probation.

RESOURCES CONT.

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- [Driving Under the Influence of Drugs and Alcohol: A Report Pursuant to HB 17- 1315](#). As mandated by House Bill 17-1315 in Colorado, this report provides a comprehensive overview of the public safety impacts of drug-impaired driving, highlighting the drugs involved and the court outcomes of driving under the influence case filings from 2018.
- [Countermeasures that work, 9th Edition](#). This 9th edition of Countermeasures That Work is a basic reference to assist State Highway Safety Offices in selecting effective, evidence-based countermeasures for traffic safety problem areas.
- [National Highway Traffic Safety Administration \(NHTSA\)](#). The mission of NHTSA is to save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards, and enforcement. The website contains extensive information on all aspects of road
- [Colorado Motor Vehicle Problem Identification Dashboard](#). The purpose of the dashboard is to provide a description of motor vehicle crashes within the state of Colorado.

CONTACTS

For more information on the CTFDID or this report, please contact:

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