Driving Under the Influence of Drugs and Alcohol

A Report Pursuant to C.R.S. 24-33.5-520

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COLORADO
Division of Criminal Justice
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Executive Summary

The Division of Criminal Justice in the Colorado Department of Public Safety produced this annual report in accordance with C.R.S. 24-33.5-520 to highlight trends in impaired driving court cases and their toxicology. This report examined data from court cases filed in 2019 and illustrated themes from the 2016-2019 data.

Citations for impaired driving

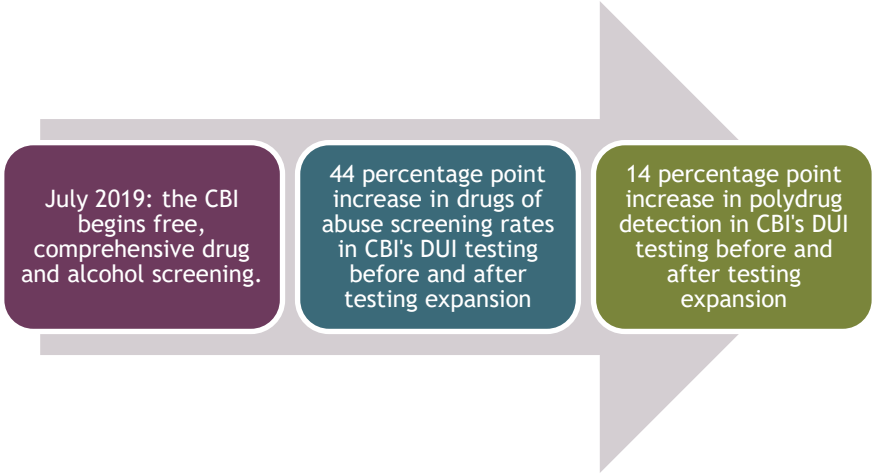
In 2019, there were 26,165 court case filings, or 563 court case filings per 100,000 residents aged 16 and older. From 2016-2019, case filings have remained stable with only a 4% drop in filings.

Toxicology testing results

In 2019, 15,232 court case filings were tested for alcohol and roughly four-fifths had a blood/breath alcohol content (BAC) level that was 0.08 or more (78%). The mean BAC was over double the *per se* level at 0.161.

In 2019, the Colorado Bureau of Investigation (CBI) and a private laboratory screened 6,071 individuals with DUI court case filings for marijuana, which amounts to an increase of 20% compared to 2018's screenings. Of the court cases that were screened, 47% tested positive for Delta 9-THC, which suggests recent use of marijuana. The mean value of Delta 9-THC was 8.6 ng/mL, which is over the permissible inference level. Polydrug detection also increased in 2019, and the most prevalent combination of substances found was alcohol and Delta 9-THC, representing 43% of all polydrug results.

In July 2019, the CBI began offering free alcohol and drug testing to law enforcement agencies, where previously agencies would have had to pay a laboratory fee of up to $500 for drug testing depending on the complexity of the case. After the expansion went into effect, the CBI's drugs of abuse screening rates increased 44 percentage points and polydrug detection increased by 14 percentage points.



Drug toxicology testing also uncovered an increase in the detection of stimulants, such as cocaine and methamphetamine. From 2016-2019, DUI cases with positive results for stimulants rose by 36%, making it the most common drug category identified in toxicology testing, excluding alcohol and cannabis. The top three identified drugs included both stimulants and benzodiazepines, a drug category that contains many prescribed sedatives. They were amphetamines/methamphetamine, cocaine, and alprazolam, which is a benzodiazepine drug sold under the brand name of Xanax.

Convictions for impaired driving

From 2018 to 2019, 4% fewer court cases reached disposition due to pandemic-related disruptions in court proceedings. The overwhelming majority of DUI charges received either a guilty or a deferred judgment finding (88%); however, conviction rates varied by the final type of DUI charge. DUI charges had the lowest conviction rate at 78%, while DWAI and both DUI and DWAI with 1-2 priors all had conviction rates above 95%.

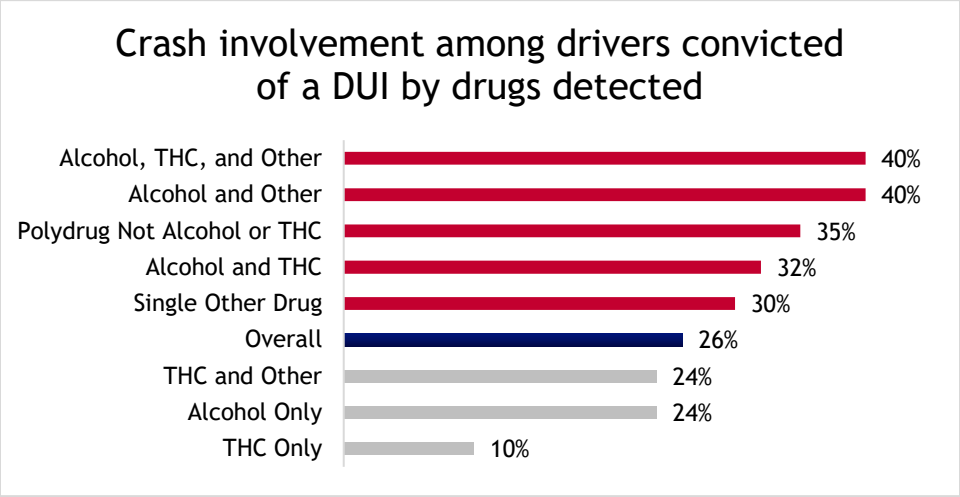
Convictions and drug toxicology

Compared to the overall conviction rate for all DUI charges, DUI charges with either a BAC level over the *per se* level, a Delta 9-THC level above the permissible inference level of 5ng/mL, or polydrug toxicology results had high conviction rates overall (96%, 92%, and 92% respectively).

Time to testing

Across the four years, the median time to test was 63 minutes, and the mean time was 77 minutes.

Crash involvement and toxicology



Data Sources: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Crash risk was estimated using probation assessments records for individuals who were convicted of a DUI, and overall, more than one in four were involved in a crash (26%). Crash involvement rates were elevated for those who had multiple drugs detected including alcohol. Forty percent of convicted drivers who tested positive for alcohol, Delta 9-THC, and an additional substance and those who tested positive for alcohol and a non-marijuana containing drug were involved in crashes, which underscores the public safety threat of impaired driving, regardless of the substance consumed.

Section One: Background and Overview

This section reviews the statutory purpose of this annual report, summarizes driving under the influence (DUI) state laws, discusses complications related to the detection of drug impaired driving, and highlights the role of this report in understanding drug impaired driving.

Purpose of this Report

House Bill 17-1315

In 2017, the Colorado General Assembly passed House Bill 17-1315 (C.R.S. 24-33.5-520) which directs the Colorado Department of Safety (CDPS), Division of Criminal Justice (DCJ), to "analyze the types of DUI offenses being committed by offenders" and issue an annual report.[1] The bill calls for the report to include, among other things, the following:

- The number of citations for impaired driving
- The number of cases with indication of impairment by alcohol, marijuana, other drugs, or any combination of the these
- The number of convictions for impaired driving
- The number of convictions with evidentiary test results indicating impairment by alcohol, marijuana, Schedule I drugs (C.R.S. 18-18-203), other drugs, or any combination of these
- The elapsed time from law enforcement stop to biological sample

Overview: Driving Under the Influence

Statutes

One of the goals of this report is to monitor the number of cases involving at least one driving under the influence (DUI) charge. DUI represents a specific criminal charge and, in the context of this report, a broader grouping of charges that all relate to substance-affected driving. These charges, in order of severity include underage drinking and driving (UDD), driving while ability impaired (DWAI), driving under the influence of alcohol, vehicular assault, and vehicular homicide. The statute that governs DUI charges is located in C.R.S. 42-4-1301, and the definitions for DUI and DWAI specifically are provided below.

(f) "Driving under the influence" means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, that affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(g) "Driving while ability impaired" means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

C.R.S. 42-4-1301 also sets a *per se* limit for DUI at 0.08 blood/breath alcohol content (BAC) and a permissible inference of impairment level for DWAI at 0.05 BAC; see Table 1 for a

[1] Colorado Revised Statutes, 24-33.5-520.

timeline of how these statutes and BAC impairment levels evolved. Additionally, Colorado statutes include a felony law classification for DUI charges with three or more prior convictions of DUI, DWAI, vehicular assault, or vehicular homicide.[2]

Colorado's expressed consent statute states that individuals lawfully arrested for DUI must consent to taking a chemical test of his/her blood or breath for the purpose of determining the blood/breath alcohol content (BAC).[3] Individuals who refuse to comply with chemical testing face an administrative revocation of their driver's license by the Colorado Division of Motor Vehicles among other associated consequences.

Table 1: Timeline of DUI law, *per se* and presumption of alcohol impairment limits, Colorado

Time frame	DUI statute	Illegal *per se* BAC limit	Illegal presumption BAC - DUI	Illegal presumption BAC limit - DWAI
Prior to 1955	13-4-30	None	None	None
1955-1972	13-4-30 (2)(b)	None	.15	.05
1973-1982	42-4-1202(2)(c)	None	.10	.05
1983-1988	42-4-1202(1.5)(a)	.15	.10	.05
1989-2003	42-4-1202(1.5)(a)	.10	.10	.05
2004-Present	42-4-1301(2)(a)	.08	.08	.05

Source: Session Laws of Colorado, 1953, 1955, 1983, 1989; Colorado Revised Statutes, 1973, 2004.
Note: Colorado first established an expressed consent to test statute in 1983.

Colorado policymakers identified marijuana impaired driving as a public health and safety concern to monitor in the post-legalization period. In 2019, nearly 4% of adults 18 and older reporting driving after having used marijuana in the past month,[4] and 11% of high school-aged drivers reported the same behavior in 2019.[5] These rates, especially among young drivers, might suggest a growing cultural acceptance of marijuana use and driving, illustrating the need to understand substance-affected driving and associated risks. Alcohol has historically been the focus of impaired driving policy and research. While there is a wealth of information available on alcohol impaired driving there is more limited research on the problem of drug impaired driving due in part to barriers discussed in previous editions of this report.[6]

[2] Colorado Revised Statutes, 42-4-1301.1(a).
[3] Colorado Revised Statutes, 42-4-1301.1.
[4] Colorado Department of Public Health and Environment (2021). *Behavioral Risk Factor Surveillance System*. https://marijuanahealthinfo.colorado.gov/health-data/behavioral-risk-factor-surveillance-system-brfss-data.
[5] Colorado Department of Public Health and Environment (2020). *Healthy Kids Colorado Survey*. https://marijuanahealthinfo.colorado.gov/health-data/healthy-kids-colorado-survey-hkcs-data
[6] Bui, B.,Reed, J. (2019). *Driving Under the Influence of Drugs and Alcohol*. Colorado Department of Public Safety. https://cdpsdocs.state.co.us/ors/docs/reports/2019-DUI_HB17-1315.pdf

In 2013, the legislature amended the impaired driving statute (C.R.S. 42-4-1301 (6)(a)(IV)) to create a section addressing driving under the influence of marijuana. The law established the following:

> "If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol […Delta 9-THC…] per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs."

Colorado's permissible inference level for Delta 9-THC reflects a compromise between inaction and declaring a *per se* limit. Underlying the difficulty of striking this balance, the scientific community has not found a direct relationship between blood concentrations of Delta 9-THC and driving impairment.[7] Due to the uncertainty concerning specific Delta 9-THC levels and impairment, in 2018 the International Association of Chiefs of Police adopted a resolution against the establishment of a *per se* level for cannabis, declaring that "there is no scientific basis for the adoption of Delta 9-THC *per se* legislation."[8]

Challenges with Monitoring and Detecting Drug Impaired Driving in Colorado

Due in part to limitations with data infrastructure, it has historically been a significant challenge to measure the scope of driving under the influence of drugs (DUID) separately from alcohol impaired driving. In Colorado, there is no criminal charge specifying that the driver is drug impaired. The current statute, C.R.S. 42-4-1301, applies to driving under the influence of alcohol, drugs, or a combination of the two, making it difficult to delineate drug impairment court cases from alcohol impaired driving. Colorado does not have a central laboratory for all DUI toxicology testing, and therefore records are not compiled or standardized. Instead, four independent private and public laboratories process toxicology tests, and all have different reporting styles. In addition, the toxicology reports lack a common identifier with the court case files and thus cannot be linked easily with court case outcomes.

Furthermore, law enforcement agencies also encounter barriers in investigating DUID cases. Although preliminary alcohol test results administered in the field are not admissible in court, they provide evidence for law enforcement officers to make an arrest and further their investigations. In Colorado, law enforcement officers legally cannot conduct preliminary roadside testing for drugs. Twenty-four states now have statutes that permit law enforcement to collect oral fluid samples, but only Alabama and Indiana have active oral fluid testing programs.[9] Oral fluid testing has significant advantages in that the sample collection is less invasive than blood, is observable, and could be done at roadside to assist in gathering evidence to make an arrest. There are on-site oral fluid testing devices that do meet accepted performance standards for drug screening.[10] In addition, drugs that dissipate more

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[7] Compton, R. (2017, July). *Marijuana-Impaired Driving - A Report to Congress.* (DOT HS 812 440). Washington, DC: National Highway Traffic Safety Administration.
[8] International Association of Chiefs of Police (2018). 2018 Resolutions. At https://www.theiacp.org/sites/default/files/View%20the%20recently%20adopted%202018%20Resolutions.pdf.
[9] Bloch, S. (2021, May). *States explore oral fluid testing to combat impaired driving.* National Conference of State Legislatures. https://www.ncsl.org/research/transportation/states-explore-oral-fluid-testing-to-combat-impaired-driving.aspx
[10] Buzby, D., Mohr, A., & Logan, B. (2021, April). *Evaluation of onsite oral fluid drug screening devices.* (Traffic Tech, Technology Transfer Series. Report No. DOT HS 812 859). National Highway Traffic Safety Administration.

rapidly in blood such as heroin or cocaine can be more easily detected in oral fluid.[11] Although oral fluid testing does show promise, the traffic safety research community has expressed that more research is needed on the relationship between oral fluid concentrations and blood concentrations to demonstrate its reliability for use in evidentiary testing.[12]

These toxicology testing deficits for drug impairment make behavioral sobriety testing imperative, which necessitates enhanced training for law enforcement officials. Three training programs are available for Colorado law enforcement officers on roadside detection, including the Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Expert Training (DRE). DRE training is considered the gold standard for detecting drug impaired driving, and there is evidence of the sensitivity of the roadside tests taught in DRE trainings to detect cannabis impairment.[13] Although the DRE training has been shown to be more effective than SFST and ARIDE methods in detecting drug impairment, the increased time and certification requirements might contribute to the lower overall number of active DRE-trained officers comparatively.[14] In 2019, Colorado had 226 active DRE trained officers, compared to 5,592 active SFST operators, and 1,460 active ARIDE certificate holders.

In addition to facing challenges in roadside drug testing and sobriety testing, law enforcement agencies also encounter difficulties acquiring toxicology evidence in drug impairment cases. In Colorado, a suspect has the right to opt-out of blood testing by choosing to provide a breath sample only. Even if an individual under investigation agrees to undergo blood testing, collecting the blood sample is more time-consuming for law enforcement agencies compared to a breath sample, which officers can obtain at the station; in contrast, the officer has to transport the suspect to a location where blood can be drawn, usually a hospital or emergency room. This delay can also impact the usefulness of drug toxicology results. For example, Delta 9-THC levels in the blood decrease rapidly in the first hour after use.[15] Furthermore, chronic and/or medical use of cannabis can also confound drug impairment testing. Detectable levels of Delta 9-THC have been found in blood samples collected as many as 30 days post-use.[16] In addition, labs are not mandated to test for a standard "panel" of drugs in DUI investigations, which might reduce the number of drugs reported to law enforcement during their investigations. Each toxicology testing laboratory has varying numbers and types of drug screening procedures, and some laboratories may only test for drugs outlined in the law enforcement officer's or prosecutor's request.

Furthermore, law enforcement historically has incurred more costs testing impaired drivers for drugs; however, recent changes have improved access to free, comprehensive and standardized testing services. Before July 2019, agencies typically spent $100-500 per case to have drug testing completed, depending on the laboratory and how many drugs required

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[11] Desrosiers, N. A., & Huestis, M. A. (2019). Oral Fluid Drug Testing: Analytical Approaches, Issues and Interpretation of Results. *Journal of Analytical Toxicology*, 43, 415–443. https://doi.org/10.1093/jat/bkz048

[12] Robertson, R. D., Woods-Fry, H., Vanlaar, W. G., Brown, T. G., & Moore, C. (2019). Drug-Impaired Driving: Research Needs. *Transportation Research Circular*, (E-C250).

[13] Declues, K., Perez, S., & Figueroa, A. (2016). A 2-year study of delta 9-tetrahydrocannabinol concentrations in drivers: Examining driving and field sobriety test performance. *Journal of Forensic Science*, 61(6), 1664-1670. doi: 10.1111/1556-4029.13168.

[14] Colorado Department of Transportation. (2020). *SFST, ARIDE & DRE Information Training Guide*. https://www.codot.gov/safety/dre/sfst-aride-dre-info-training-grid

[15] Toennes, S., Ramaekers, J., Theunissen, E., Moeller, M., & Kauert, G. (2008). Comparison of cannabinoid pharmacokinetic properties in occasional and heavy users smoking a marijuana or placebo joint. *Journal of Analytical Toxicology*, 32, 470-477

[16] Bergamaschi, M., Karschner, E., Goodwin, R., Scheidweiler, K., Hirvonen, J., Queiroz, R., & Huestis, M. (2013). Impact of prolonged cannabinoid excretion in chronic daily cannabis smokers' blood on per se drugged driving laws. *Clinical Chemistry*, *59*, 519-526. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3717350/

confirmation testing. After July 2019, law enforcement agencies were able to submit blood testing samples to the Colorado Bureau of Investigation (CBI) and not incur any laboratory fees, which removed one financial barrier to drug testing. In addition, the CBI also offered law enforcement agencies both alcohol and drugs of abuse screening to ensure more consistent drug detection.

Contextualizing the Role of Linked DUI Court Case and Toxicology Data in Monitoring DUID in Colorado

In Colorado, state analysts have historically monitored impaired driving using arrest and court data, but these data systems do not include information on the drug toxicology of those involved. Colorado's National Incident-Based Reporting System does capture DUI and DUID arrest information, but the system does not collect BAC level results or other toxicology data. The court system's data are structured to capture BAC level but do not have a consistent way to capture toxicology levels for other impairing drugs. In 2018, DCJ's DUI court and toxicology analyses represented the first comprehensive report linking both of these datasets. The analyses presented in this report and prior reports aim to provide continued monitoring of this identified gap in Colorado's data collection.[17]

To assess the prevalence of drug-impaired driving in Colorado, in addition to alcohol-impaired driving, researchers have used traffic fatality data. The National Highway Traffic Safety Administration (NHTSA) administers the Fatality Analysis Reporting System (FARS), which collects circumstantial information related to fatal crashes, including the toxicology results of drivers. The Colorado Department of Transportation (CDOT) and DCJ researchers have published an examination of the toxicology results of drivers using the FARS data.[18] However, FARS data have important limitations. First, FARS data focus on the subgroup of cases with a fatality. In 2019, for example, Colorado recorded 596 fatalities[19] on roadways compared to 20,880 DUI arrests.[20] Additionally, only about 45% of drivers involved in fatal crashes are tested for alcohol or drugs in any given year; the reasons for this are unclear and vary by state. Finally, while CDOT has improved data collection over the last several years, limitations remain. For example, prior to 2016, the reporting of specific cannabinoids was sporadic and the Delta 9-THC level — the primary psychoactive analyte of cannabis — was not captured consistently. Linked DUI court and toxicology data presented in this report complements FARS data by providing a means to assess trends in a larger sample of impaired drivers.

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[17] Colorado Department of Public Safety. (2021). *Driving Under the Influence Dashboard*. https://ors.colorado.gov/ors-dui
[18] Reed, J. (2021). *Impacts of Marijuana legalization in Colorado. Report Pursuant to Senate Bill 13-283*. Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety. See http://cdpsdocs.state.co.us/ors/docs/reports/2021-SB13-283_Rpt.pdf.
[19] Colorado Bureau of Investigation (2020). *Colorado Crime Statistics*. https://coloradocrimestats.state.co.us/tops/.
[20] Colorado Department of Transportation (2020). *Colorado Fatalities since 2002*. https://www.codot.gov/library/traffic/safety-crash-data/fatal-crash-data-city-county/Colorado_Historical_Fatalities_Graphs.pdf.'

Section Two: The DUI Criminal Justice Process

After reviewing some of the differences in alcohol versus drug driving impairment enforcement and data analysis in the preceding section, Section Two provides a chronological overview of the legal proceedings involved in pursuing DUI charges, which will contextualize the analysis of court cases presented in the following sections. Additionally, Section Two includes a discussion of probation assessment data.

Arrest Process

During a traffic stop, an officer might identify signs of impairment or recent substance use, including the smell of alcohol or cannabis, the sight of open containers, slurred speech, or slowed reactions. Once an officer has probable cause to suspect impairment, they might ask the individual to perform voluntarily a battery of psychophysical tests and, potentially, a preliminary breath alcohol test (PBAT) if the officer suspects alcohol impairment. If the officer is concerned about drug impairment, they might call a DRE trained officer to assist with behavioral testing and/or proceed with toxicological exams. The arresting officer then provides the person with a choice of a breath or blood test if alcohol is the suspected impairing substance. Once the choice is made, the person cannot renege and choose the other test. If the individual has a breath alcohol test result at or above 0.08 or refuses the test, they then must surrender their license to law enforcement and have seven days to request a hearing by the Division of Motor Vehicles. However, if the driver chose a blood test or the officer had reasonable grounds to suspect drug-related impairment and required a blood test, the individual does not have to surrender their license because the results of a blood test are not readily available. Generally, if the PBAT result is above the *per se* limit, the officer might choose not to test for additional drugs. The legal case unfolds differently depending on the type of case, and both paths are described below.

Legal Process[21]

Misdemeanor

When the case is charged as a misdemeanor, the arresting officer completes the Uniform Summons and Complaint form when the defendant is arrested. The law enforcement agency then files the original copy with the court and provides copies to both the defendant and the district attorney's (DA's) office. The DA can add, amend or dismiss charges, either as part of plea agreement or because such actions better reflect the facts of the case. Given that the case is a misdemeanor, the defendant is not entitled to a preliminary hearing. Rather, the defendant is advised of their rights by the judge either while in jail, or if they are released on bond, before seeing a judge when they return to court. Thereafter, the case is set for either an appearance of counsel (for the defendant to hire a lawyer or apply for the services of a public defender) or an arraignment (where the defendant will enter a plea of guilty or not guilty). If the defendant enters a "not guilty" plea, a trial date is set and, most often, a date to litigate constitutional and/or evidentiary motions is set prior to trial. If the defendant enters a guilty plea (usually as part of a plea agreement), the court may sentence the

[21] Attorney Han Ng and Colorado Traffic Safety Resource prosecutor Jennifer Knudsen provided this summary.

defendant immediately or, more likely, sets the case for a sentencing hearing and directs the probation department to meet with the defendant and prepare a pre-sentence investigation report in time for the sentencing hearing.

Felony

If the case is a felony, the law enforcement officer arrests the defendant and submits a Warrantless Arrest Affidavit to the court and to the DA's office. The judge then advises the defendant of their rights, sets a bond, and issues a return date for filing of charges. If the defendant is unable to post bond, this return date is usually set within three working days. If the defendant is able to post bond, a later date may be set. If the DA determines that misdemeanor charges are appropriate, a misdemeanor complaint is filed, and the case is thereafter be treated as a misdemeanor. Otherwise, the case continues to be treated as a felony. Once the defendant obtains or waives counsel, the case is set for a preliminary hearing in the district court. Meanwhile, the DA and the defense attorney may negotiate an agreement. If they agree to a misdemeanor, the preliminary hearing is vacated and a date(s) for entering a plea and sentencing in county court is set. If they agree to a felony, the case is bound over to the district court for an arraignment where the defendant will enter a plea.

Dispositions

There are six common dispositions in impaired driving cases. A guilty disposition occurs when the defendant either pleads guilty to the charge or is found guilty at trial. In the case of a deferred judgment and sentence, the defendant enters a conditional guilty plea, but the final judgment is postponed. In these cases, the court sets a period of probation supervision, which includes written stipulations about the conditions of supervision, before sentencing or the entry of a conviction into the court record. If the defendant completes the supervision term successfully, the court may then dismiss the charges. However, if the defendant does not comply with the terms of the agreement then the individual will appear before the judge for a sentencing hearing, where the judge may choose to sentence the person under the original conditional plea. A deferred dismissed disposition is entered into the court record after the successful completion of probation supervision. For the purposes of this report, guilty, deferred judgment, and deferred dismissed dispositions are considered "guilty" outcomes when discussing conviction rates.

If the prosecution or court does not believe that the evidence will support the charges beyond a reasonable doubt, then charges are dismissed. Dismissal of certain charges is often used as part of a plea deal, where the defendant pleads guilty to some charges in exchange for the dismissal of other charges. A not guilty disposition is entered when a defendant goes to trial and the jury or judge finds that the prosecution did not prove the charges beyond a reasonable doubt. Finally, a prosecutor may elect not to prosecute and instead offer a diversion program. This results in no charges filed as long as the defendant completes the terms of the diversion. For the purposes of this report, dismissed, not guilty, diversion, and not proven are categorized as "not guilty" outcomes.

Probation Assessment

Once convicted, the Alcohol and Drug Driving Safety (ADDS) program, administered by the Judicial Department's Division of Probation Services, "provides pre-sentence and post-

sentence alcohol and drug evaluations on all persons convicted of" DUI or DWAI.[22] This includes administering the Adult Substance Use and Driving Survey (ASUDS), a questionnaire that asks about prior substance use, prior impaired driving, demographics, BAC in the present case, and other factors. The findings from the assessment result in a treatment recommendation that is provided to the sentencing judge and the Office of Behavioral Health for use by ADDS treatment providers.

[22] Colorado Revised Statutes, 42-4-1301.3.

Section Three: Data and Methods

Data

C.R.S. 24-33.5-520 mandates that the Division of Criminal Justice (DCJ) report annually to the General Assembly regarding specific information relating to substance-affected driving citations that occurred in the previous year. The mandate requires linking information across multiple data sets to provide a comprehensive analysis of impaired driving. Data were obtained for calendar year 2019 from the following entities:

- Colorado Bureau of Investigation, Toxicology Services (CBI)
- ChemaTox Laboratories, Inc. (ChemaTox)
- Denver Police Department, Denver Crime Lab (Denver PD)
- Colorado Department of Public Health and Environment, Laboratory Services Division (CDPHE)
- Colorado State Judicial Branch via the Colorado Justice Analytics Support System (CJASS)
- Denver County Court
- Colorado Department of Human Services, Office of Behavioral Health (OBH)

Case Filings

Traffic, misdemeanor, and felony case filings between 1/1/2019 and 12/31/2019 containing at least one DUI or DWAI charge were analyzed.[23] Case filings were obtained from the Colorado Judicial Branch and Denver County Court. The Denver County Court tracks misdemeanor cases in its own court management system, which is not available in the Judicial Branch data system. The number of case filings will not match with the information provided in Judicial reports due in part to differing time periods examined and DUI case definitions. Specifically, the Judicial Branch reports on a fiscal year basis and only reports on traffic cases with a DUI or DWAI case type rather than any case with a DUI or DWAI charge.

Toxicology

Alcohol-only Testing

Data were obtained from the CDPHE regarding breath alcohol tests conducted using Intoxilyzers, the specific type of breathalyzer device used for evidentiary breath testing in Colorado. Law enforcement officers administer the breath alcohol tests, either at a jail or police department. The Denver Crime Lab, in the Denver Police Department, provided results for blood alcohol tests performed for Denver cases only.

Drug and/or Alcohol Testing

The CBI and ChemaTox laboratories offered both drug and alcohol toxicology screenings and confirmations on blood samples submitted. Both labs quantify marijuana and its cannabinoids including the primary psychoactive component, Delta 9-THC. Despite these similarities, both laboratories might have had different capabilities to report the presence and quantification of drugs and their analytes, depending on their laboratory protocols and equipment used. As a result, we developed different data cleaning procedures to capture the unique reporting

[23] Colorado Revised Statutes, 42-4-1301.

practices surrounding varying limits of detection (LoD) and limits of quantitation (LoQ), which also differed depending on the analyte of interest.[24] Some test reports did not display quantitative values, indicating that the drug's threshold for detection had been met, but not for quantification. Generally, these test results appeared on toxicology reports as values such as '< 1.0 ng/mL' indicating the presence of an analyte, but with no corresponding quantitative value. These values were coded as positive results for the drug, but were not included in the analyses involving quantified levels, such as calculations for the mean and median toxicology levels.

Each laboratory's processes and procedures for DUI toxicology testing varied. In 2018, the CBI transitioned from an 11-panel to a 14-panel drug screen on all blood vials that were submitted for a drug screen, with supplemental specialty testing upon request. ChemaTox gave each arresting officer or District Attorney's Office the option of selecting either their five-, seven-, or 11-panel screens. The CBI included results for three cannabinoids pertaining to marijuana whereas ChemaTox provided results for five cannabinoids.

Individual Assessment Data

The Office of Behavioral Health (OBH) in the Department of Human Services shared probation assessment data from its Alcohol/Drugged Driving Safety Coordinated Data System (ADDSCODS). Due to the sensitive nature of this dataset and the important legal protections under 42 CFR Part 2 of the Federal Code, OBH performed the data matching and provided de-identified data for analysis.

Methods

To undertake the analysis required in C.R.S. 24-33.5-520, it was necessary to match individual cases across data sets and engage in two phases of data preparation, (1) data cleaning and (2) data linking. These are discussed below.

Data Cleaning

The data obtained for this analysis lacked consistent formatting and operational definitions of the variables across the datasets. The open source software R was the primary tool used to perform data cleaning.

Judicial Case Filings

Data obtained from the Colorado Judicial Branch included all charges for case filings that contained at least one charge within the DUI spectrum of charges during the 2019 calendar year, as explained in Section One. One case filing, or case, typically contains multiple charges. For ease of presentation any charge of operating a vehicle under the influence or while ability impaired is referred to as "DUI" unless otherwise specified. Duplicate cases were common and occurred for a number of reasons including, but not limited to, the following:

- Cases were erroneously filed twice.

[24] See Armbruster, D. A. & Pry, T. (2008). Limit of Blank, Limit of Detection and Limit of Quantitation. *Clinical Biochemistry Review*, 29, S49-S52.

- DUI misdemeanors were re-filed as felonies.
- Duplicate tickets were submitted to the court by law enforcement.
- Charges from one case were consolidated to a different case.

Cases were matched on name, date of birth, and offense date to identify duplicates and were then manually reviewed. Duplicate cases were removed by matching law enforcement agency (LEA), LEA case numbers, arrest numbers, and offense dates. In 2019, 538 duplicate filings were removed from the analyses using this process.

Next, initial charges and amended charges were identified. Initial charges were mapped to the appropriate final charge. The presence of all charges, charge numbers, and charge sequences permitted the accurate mapping of initial charges to final amended charges. Finally, age was imputed based on dates of birth from other datasets, if available.

Denver Court Case Filings

The process of identifying and eliminating duplicates was the same as described above. The Denver Court data were similar to the Judicial data in many ways, however, this dataset lacked the critical variable of charge number, which complicated the mapping of initial to final charges. Consequently, mapping was accomplished manually.

Final Disposition Selection

Cases often contained multiple DUI charges. When this occurred, we identified the charge with the most serious disposition, and analyzed these aggregated charges. For example, if a case had two final DUI charges with different dispositions of 'dismissed' and 'guilty,' the 'guilty' disposition trumped the former regardless of severity of the charges (see Table 2 for a common example). Dispositions were ranked from highest to lowest in the following order: guilty, deferred, deferred dismissed, diversion, not guilty, not proven, and dismissed.

Table 2: Example of selection of maximum finding for multiple DUI charge in a case

Initial Charge	Final Charge	Finding	Selected
DRIVING UNDER THE INFLUENCE	DRIVING WHILE ABILITY IMPAIRED	Guilty	Yes
DRIVING UNDER THE INFLUENCE PER SE	DRIVING UNDER THE INFLUENCE PER SE	Dismissed	No

CDPHE Breath Alcohol Tests

The CDPHE provided breath test results from September 2018 through December 2019. This allowed for analysis of DUI cases that were filed in 2019 with tests that occurred just prior to 2019.

Denver Crime Lab Alcohol Tests

Tests with 2019 offense dates were included in this dataset.

CBI Toxicology Tests

The CBI provided data from toxicology results spanning from 2018 to 2020, ensuring data were available to match all cases filed in 2019. As mentioned previously, the CBI utilized a 14-panel drugs-of-abuse screen and offered specialty tests available upon request. The 14-panel drugs-of-abuse screen included testing for the following substances: amphetamines,

barbiturates, benzodiazepines, buprenorphine, cannabinoids, carisoprodol, cocaine, fentanyl, methadone, methamphetamine, opiates, oxycodone, tramadol, and zolpidem. Any values that appeared for prescription drug screens generally appeared in a non-standard format and were manually corrected to better examine DUIs associated with prescription drugs. This dataset also contained results for testing results for BAC for cases that underwent alcohol screening.

Starting in July 1, 2019, the CBI began offering free toxicology testing services including both blood alcohol and drugs-of-abuse screening to law enforcement agencies. This expansion of testing services impacted how screening results were coded. For this analysis, the CBI provided an additional dataset indicating whether the toxicology testing included an alcohol screen and/or a drugs-of-abuse screen for toxicology testing that occurred before July 1, 2019; this dataset helped improve the accuracy of testing positivity estimates. For testing that occurred after July 1, 2019, all tests were marked as receiving both drug and alcohol screening. Additionally, some cases contained multiple test results for the same substance if there were multiple blood draws taken. For these cases, the test with the shortest time period between offense time and blood draw was selected for analysis. If this information was not available, then the maximum value for the tested substance was used in the analysis.

ChemaTox Toxicology Tests

ChemaTox provided data for toxicology tests for tests completed between January - July 2019 when their toxicology testing services ended for DUI cases. ChemaTox offered law enforcement officers or District Attorney's Offices multiple options for screens including five-, seven-, and 11-panel screens. These screens did not always include cannabis. This dataset also contained results for BAC testing if requested. Similar to the CBI dataset, the ChemaTox dataset sometimes contained multiple results for the same substance due to multiple blood draws. The test results were consolidated using the same process that was used for the CBI toxicology tests.

Drug Categories used by Drug Recognition Experts

The DRE training program categorizes substances involved in DUID cases into seven categories based on behavioral effects observed by the officer. The DRE course manuals describe these categories as follows:

- Cannabis. Interferes with the attention process and distorts the perception of time and distance. Signs of impairment can include reddening of conjunctiva, body and eyelid tremors, and relaxed inhibitions.
- Central Nervous System (CNS) Depressants. Causes slowed reaction time, slowed information processing, decreased anxiety and tension, and induced sedation or drowsiness. Examples of drugs in this category include alcohol, barbiturates, and benzodiazepines.
- CNS Stimulants. Impairment is exhibited as hyperactivity, increased heart rate, blood pressure, and body temperature, emotional excitement, and restlessness. Examples of drugs in this category include cocaine, methamphetamine, and pseudoephedrine.
- Dissociative Anesthetics. Inhibits the brain's perception of pain and can be exhibited as blank stares, disorientation, or a lack of communication. Examples of drugs in this category are ketamine, phencyclidine (PCP), and dextromethorphan.
- Hallucinogens. Distortion of the user's perception, can result in synesthesia and hallucinations. Signs of impairment can include paranoia, body tremors, and disorientation. Examples of drugs in this category are psilocybin, MDMA, and LSD.

- Inhalants. These are any drugs that can be inhaled and generally produce mind-altering results. There are many subcategories and these produce effects that can be similar to CNS depressants, stimulants, and hallucinogens. Toluene, paint thinners, and gasoline are a few examples of this drug category.
- Narcotic Analgesics. Drugs in this group relieve pain and produce euphoria. Signs of impairment include drowsiness, droopy eyelids, and depressed reflexes. The majority of drugs in this category are often referred to as opioids, and include: codeine, heroin, and methadone.

These seven categories were used to group toxicology results provided in the next section. Additionally, prescription drugs, such as antidepressants and anticonvulsants, among others, were included in the analysis. Note that some prescription drugs overlap with a DRE drug category. For example, sertraline is an antidepressant that could be categorized as a CNS depressant, but given that it is not typically abused or impairing, it categorized here as a prescription drug to avoid inflating the detection of potentially impairing CNS depressants. See Appendix A for a full list of drugs and their assigned categories.

Data Linking

Due to the differences in identifiers across the various datasets, a probabilistic linking method was used to match court case files with toxicology records. The following personal and incident identifiers were used in the linking process: name, date of birth, date of offense, driver's license, arrest number, arresting agency, and arrest number. Senzing, an entity resolution software, was used to identify matches.[25] First, limited datasets from the State Judicial Branch and Denver County Courts were uploaded into a desktop version of the software, and the fields were mapped to standardized identifiers that Senzing had programmed - name, date of birth, etc. - while others variables that were more specific to the judicial system were mapped to approximate standardized identifiers. As an example, offense date was assigned to Senzing's "registration date." Senzing returned a list of certain matches and likely matches. DCJ confirmed that certain matches had the same offense date, or were within 2 days of one another and manually reviewed likely matches. In a similar manner, the deduplicated court case records and toxicology matches were linked, including a manual review.

[25] Senzing. (2020, February). *Entity Resolution Process*. https://senzing.com/er-processes-published/

Section Four: Results

Descriptive analyses were undertaken for the 2019 DUI court, toxicology, and ADDSCODS datasets, and some of this information was compared with findings from prior analyses.[26] The case filings were analyzed by geographic region, client demographics, and legal characteristics including charge types, law classifications, and charge amendments. The analysis of toxicology data involved examining the blood draw timing, drug screening characteristics, and the quantification results for alcohol and Delta 9-THC. Using the linked toxicology data, we assessed the relationship between drug testing results and court outcomes including disposition and sentencing findings. The probation assessment data supplied by OBH complemented these analyses by providing additional contextual information on the history of prior offenses, treatment track, and crash involvement.

DUI Filings

In 2019, Colorado prosecutors filed 26,165 cases with at least one DUI charge (Table 3). Among these cases, a total of 92,833 charges were filed. From 2016-2019, court case filings have dropped by 4%. However, from 2018-2019, there was only a decrease of 90 case filings (Table 4).

As shown in Table 3, the majority of 2019 cases had reached disposition by the time that the data were extracted on March 17, 2021. In prior reports, court data has been extracted in early January,[27] but for this report, a later retrieval date was preferred to compensate for pandemic-related court delays that affected 2020. Despite this additional time, the 2019 disposition rate (88%) was lower than 2018's rate (92%).[28] A total of 16,009 cases were matched with a toxicology record, or 61% of all cases. Fifty-five percent of cases had both a DUI disposition and a toxicology result match.

Table 3: DUI case filings and toxicology statistics, 2019

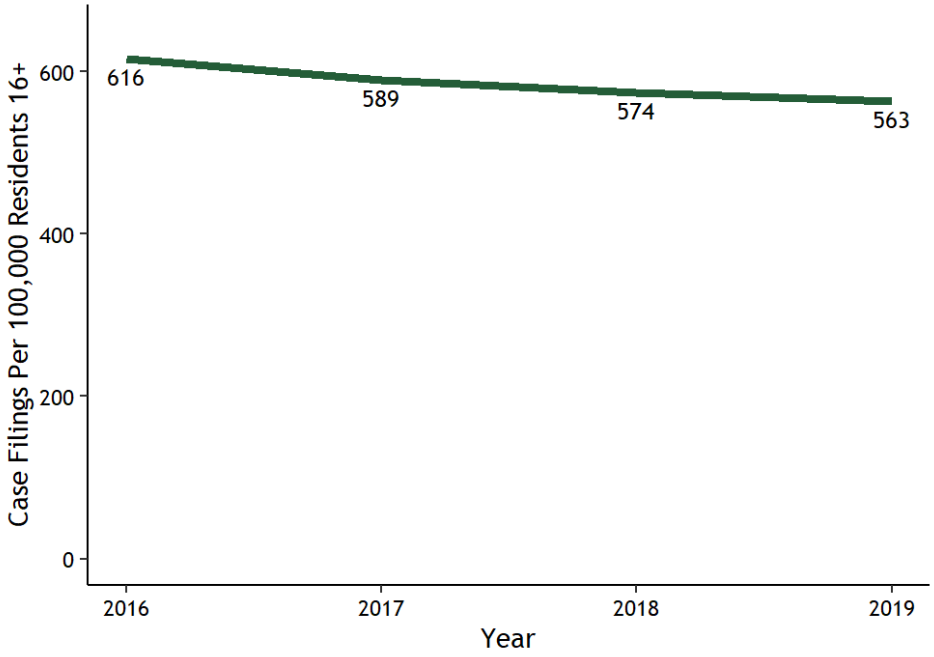
Description	Case Filings	Percent of Total
Total DUI filings	26,165	100.0
Dispositions Reached	23,166	88.5
Toxicology Results	16,009	61.2
Dispositions Reached and Toxicology Results	14,454	55.2

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Population estimates for those aged 16 and older were obtained from the State Demography Office to calculate the state, county, and judicial district rates of impaired driving case filings per 100,000 residents. As seen in Figure 1, the estimated state DUI court filing rate (per 100,000 residents 16 years of age and older) declined by 9%, from 616 in 2016 to 563 in 2019.

[26] Colorado Department of Public Safety. (2021). *Driving Under the Influence Dashboard.* https://ors.colorado.gov/ors-dui
[27] Bui, B., Reed, J. (2018); Bui, B., Reed, J. (2019); Rosenthal, A., Reed, J. (2020) See Section One, Footnotes 3,4 & 30.
[28] Colorado Department of Public Safety. (2021).

Figure 1: Case filings per 100,000 residents aged 16 and older by year, 2016-2019

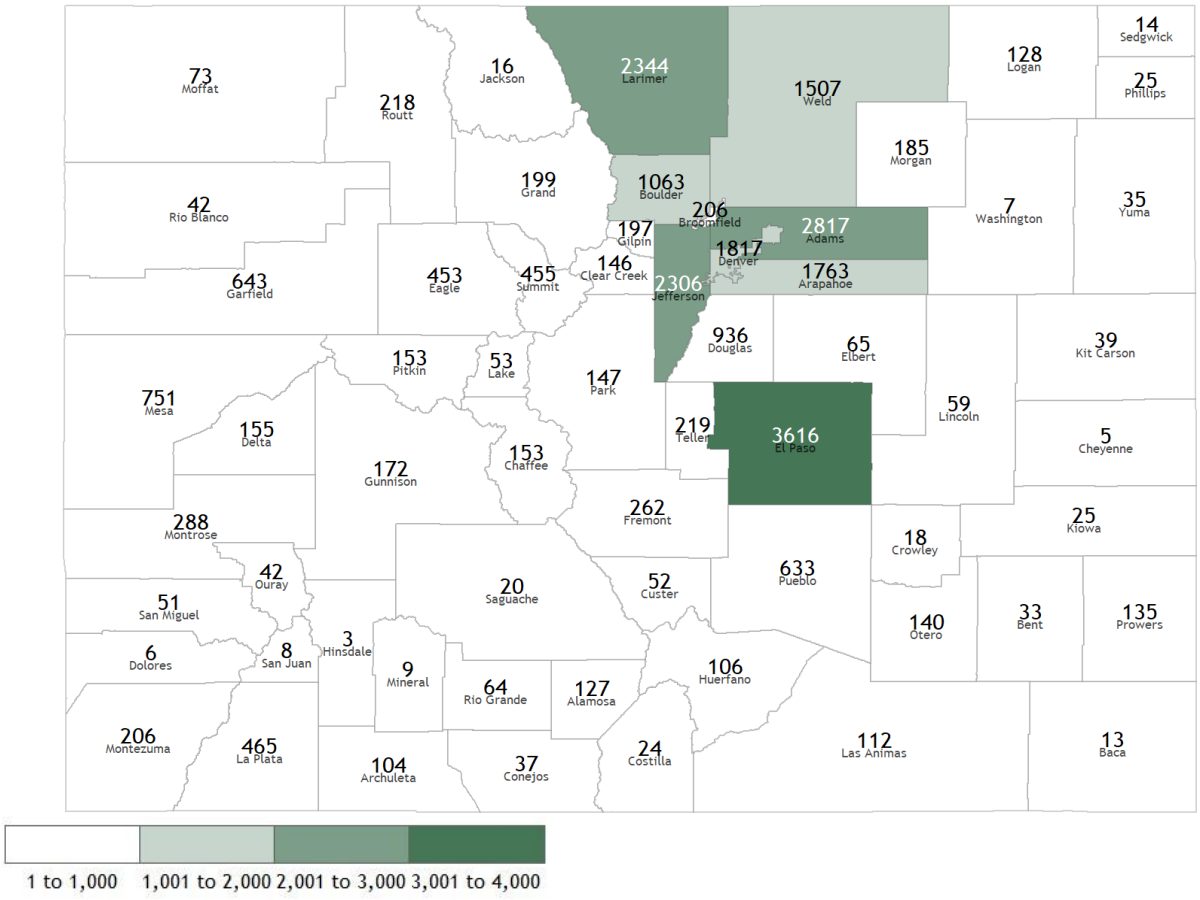


Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI Cases by County and Judicial District

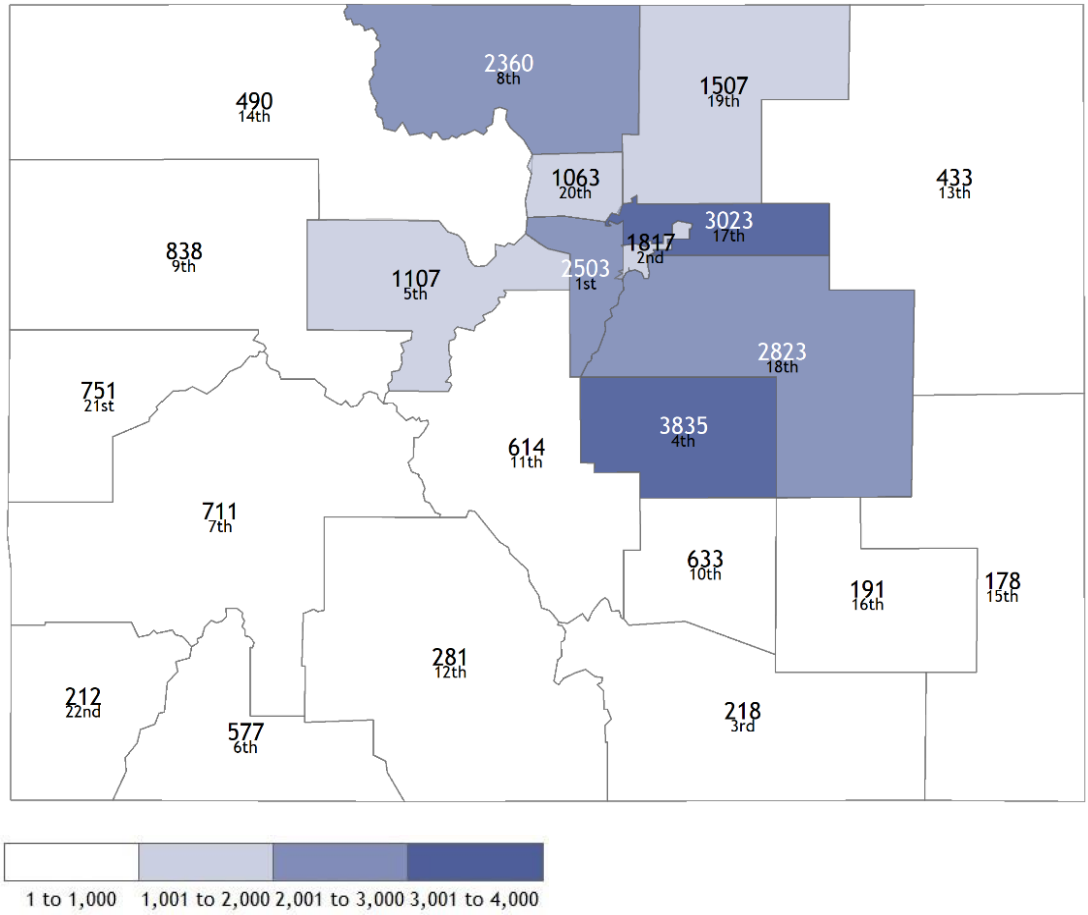
Figure 2 displays the number of DUI case filings by county. El Paso (n=3,616), Adams (n=2,817), Larimer (n=2,344), Jefferson (n=2,306), and Arapahoe counties (n=1,763) had the largest number of case filings in 2019, which has been a stable trend since 2016. The Colorado State Patrol, with statewide jurisdiction, was the arresting agency for 20% of case filings (n=5,242), which was the highest proportion among all law enforcement agencies. The Denver Police Department (n=1,815) and Colorado Springs Police Department (n=1,808) accounted for the second and third highest number of court case filings respectively. See Appendix B for the number and rate of cases by county and Appendix C for the number of cases by arresting agency for 2016-2019.

Figure 2: DUI cases filed, by county, 2019



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Figure 3: DUI cases filed, by judicial district, 2019

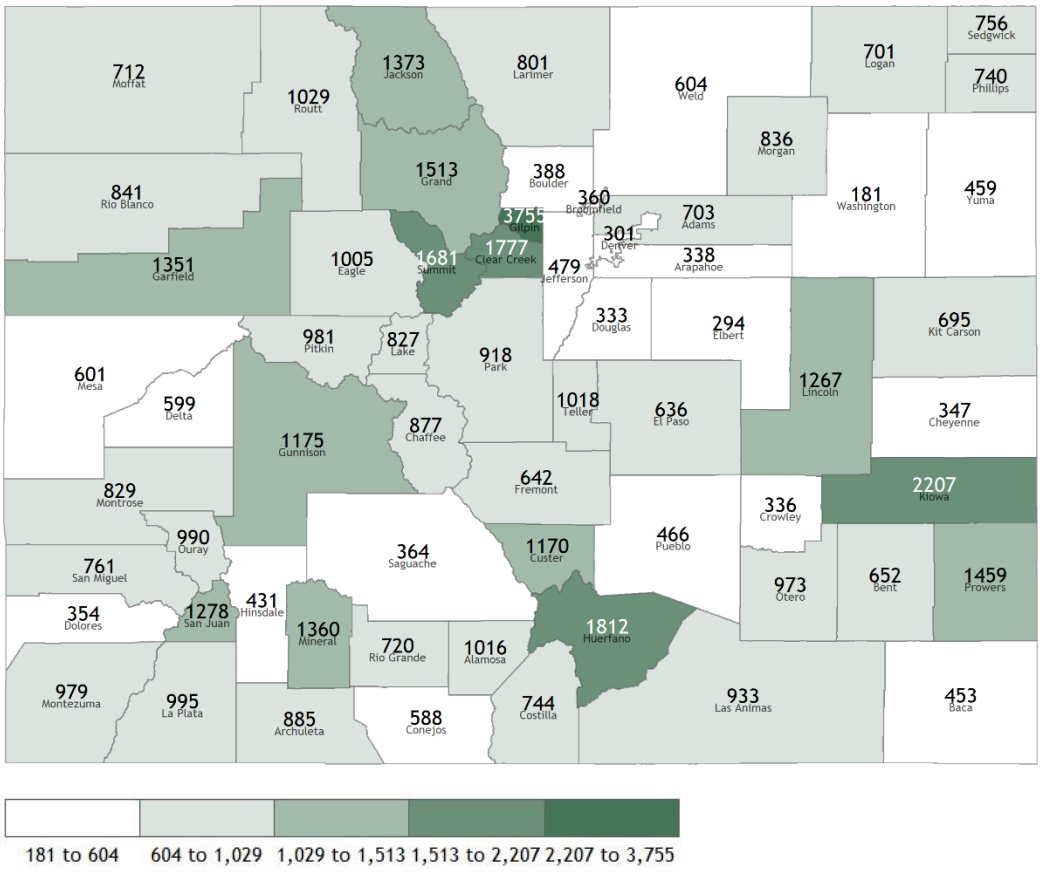


Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

The judicial districts containing urban counties had the greatest number of DUI case filings in 2019. The most case filings were in the 4th Judicial District (El Paso and Teller Counties; n=3,835), the 17th Judicial District (Adams and Broomfield Counties; n=3,023) and the 18th Judicial District (Arapahoe, Douglas, Elbert, and Lincoln Counties; n=2,823). See Figure 3 for the number of DUI filings by judicial district.

Unlike the frequency of DUI court case filings, case filing rates tended to be highest in rural counties. Gilpin, Kiowa, Huerfano, Clear Creek, and Summit counties had the highest filing rates in 2019, and these counties represented clusters of high case rates in Southeastern and Northwestern Colorado. The case rate values across the state varied widely. Washington county had the lowest rate with 181 case filings per 100,000 residents aged 16 and older, while Gilpin's was 3,755 case filings per 100,000 residents aged 16 and older.

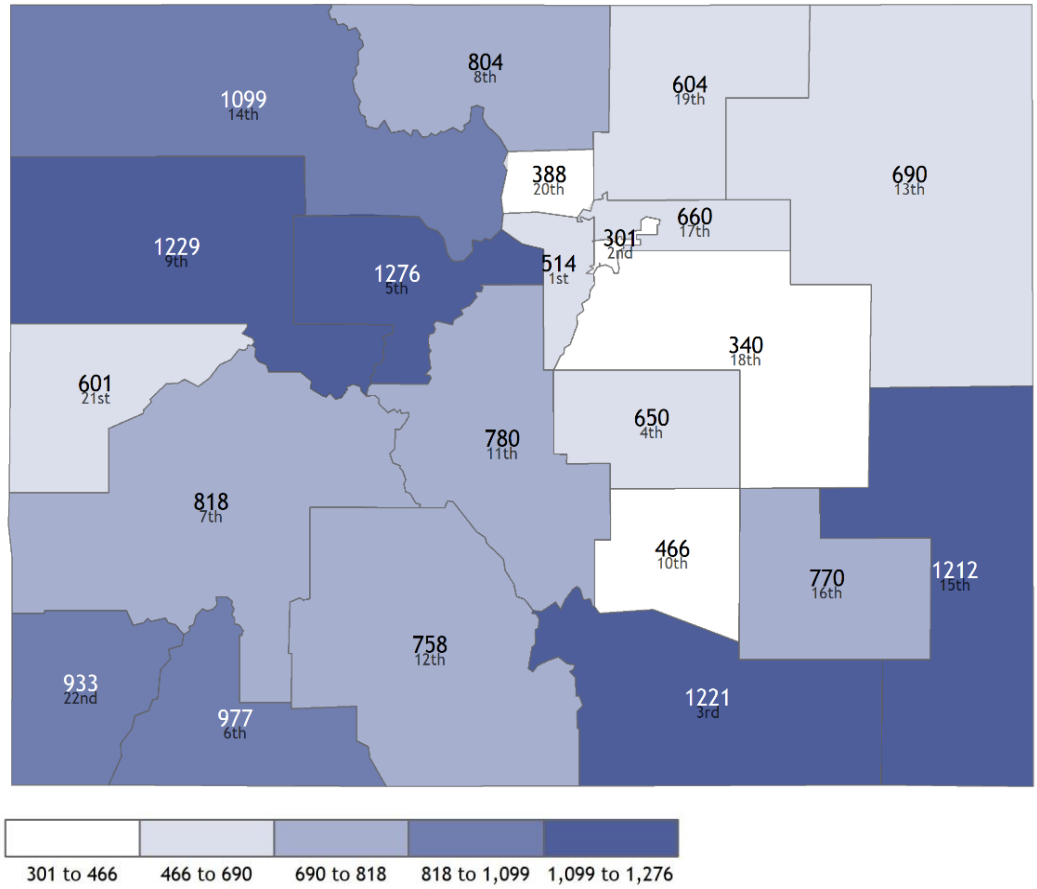
Figure 4: Rate of DUI case filings per 100,000 residents aged 16 and older, by county, 2019



Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Figure 5 shows judicial case filing rates per 100,000 residents aged 16 and older for 2019. Because of the larger geographic aggregation, these rates were more stable compared to the county rates and had a much smaller range of values (301 to 1,276 cases filed per 100,000 residents aged 16 and older). Similar to the county rates, elevated case filing rates were clustered in Northwestern and Southeastern Colorado, with the 5th, 9th, 3rd, and 15th judicial districts having the highest case filing rates.

Figure 5: Rate of DUI case filings per 100,000 residents aged 16 and older, by judicial district, 2019



Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Law Classification & Charges

DUI charges are filed under three primary law classifications: traffic, misdemeanor, and felony, with a small number of falling into the unknown category. Consistently from 2016 to 2019, 95% of DUI charges were filed as misdemeanors and about 4% were filed as felonies (Table 4). Each year, between 18-32 charges were not filed as DUI charges, but in amended filings were classified as DUI misdemeanor charges (Tables 4 & 5).

Table 4: Law classification of DUI charges, 2016-2019

Initial Law Class	2016	2017	2018	2019
Felony	1,058 (3.9%)	1,065 (4.0%)	1,193 (4.5%)	1,184 (4.5%)
Misdemeanor	26,037 (95.6%)	25,241 (95.4%)	24,902 (94.8%)	24,883 (95.1%)
Traffic	72 (0.5%)	73 (0.3%)	95 (0.4%)	59 (0.2%)
Unknown	45 (0.2%)	52 (0.2%)	49 (0.2%)	21 (0.1%)
Non-DUI Charge	32 (0.1%)	23 (0.1%)	26 (0.1%)	18 (0.1%)
Total	27,244 (100.0%)	26,454 (100.0%)	26,255 (100.0%)	26,165 (100.0%)

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Initial and Final Classification of DUI Charges

Since prosecutors have the discretion to modify charges as a case progresses through the court system, it is important to compare the initial and final DUI charges and law classification amendments. Table 5 shows the number and proportion of initial law class compared to the final law class for the DUI charges. Nearly all misdemeanor charges maintained their initial classification (99%), whereas 6% of initial felony charges were dropped to a misdemeanor classification. There were 59 initial DUI charges classified as a traffic class, representing predominantly underage drinking and driving infractions (UDD). Only 1% of DUI charges initially classified as felonies, misdemeanors, and traffic offenses were downgraded to a non-DUI charge (n=322).

Table 5: Initial and final law classifications, 2019

Final Law Class	Initial Law Class				
	Traffic	Misdemeanor	Felony	Unknown	Non-DUI Charge
Traffic	56 (94.9%)	27 (0.1%)	1 (0.1%)	0 (0.0%)	0 (4.5%)
Misdemeanor	1 (1.7%)	24,526 (98.6%)	75 (6.4%)	18 (85.7%)	18 (81.8%)
Felony	0 (0.0%)	10 (0.0%)	1,108 (93.6%)	0 (0.0%)	0 (0.0%)
Unknown	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (14.3%)	0 (0.0%)
Final Non-DUI Charge	2 (3.4%)	320 (1.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	59 (100.0%)	24,883 (100.0%)	1,180 (100.0%)	21 (100.0%)	22 (100.0%)

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

DUI Charge Amendments

Table 6 shows initial charges and the rates of charge maintenance, or initial charges that were unchanged as the final DUI charge. The most common initial charge was DUI (n=21,105),

and this was followed by DWAI (n=2,792). Eighteen initial charges were not categorized as DUI charges (depicted as "Other" in Table 6) but were amended to one of the DUI charges.

Initial charges including UDD, DWAI, DWAI with 1-2 prior convictions, DUI with 3 or more prior convictions, vehicular assault, and vehicular homicide all had rates of maintaining their charge at over above 90% (Table 6). Although the most prevalent among initial charges, DUI charges had the lowest rate of charge maintenance at 60%. Appendix E displays how initial charges were modified as final charges, and as seen there, 28% of DUI charges with no noted priors (n=5,947) were downgraded to a less severe charge and 12% (n=2,547) were amended to a more severe charge. The most common amended charges for DUI charges were DWAI and DUI with 1-2 prior charges.

Table 6: Initial DUI charges and maintained charge, 2019

Initial DUI Charge	Initial DUI Charge Count	Maintained as Final Charge
UDD	59	56 (94.9%)
DWAI	2,792	2,695 (96.5%)
DUI	21,105	12,611 (59.8%)
DWAI 1-2 Prior	181	180 (99.4%)
DUI 1-2 Prior	722	606 (83.9%)
DWAI 3+ Prior	37	28 (75.7%)
DUI 3+ Prior	1,121	1,021 (91.1%)
VEH ASSAULT	107	102 (95.3%)
VEH HOMICIDE	23	23 (100.0%)
Other	18	0 (0.0%)
Total	26,165	17,322

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Demographics of Individuals with DUI Case Filings

Of the 26,165 DUI case filings, three out of four involved males. Individuals charged in DUI case filings ranged in age from 12 to 88; the average and median ages were 35 and 32, respectively. Table 7 shows that individuals in the 26-34 age category accounted for 31% of all DUI court filings. Differences in the age distribution of DUI court case filings by gender were minimal. Individuals charged with a felony DUI were usually older; the average age for individuals with DUI felony charges was 46 years old versus 35 years old for non-felony DUI charges (data not presented).

Table 7: DUI case filings, by age and gender, 2019

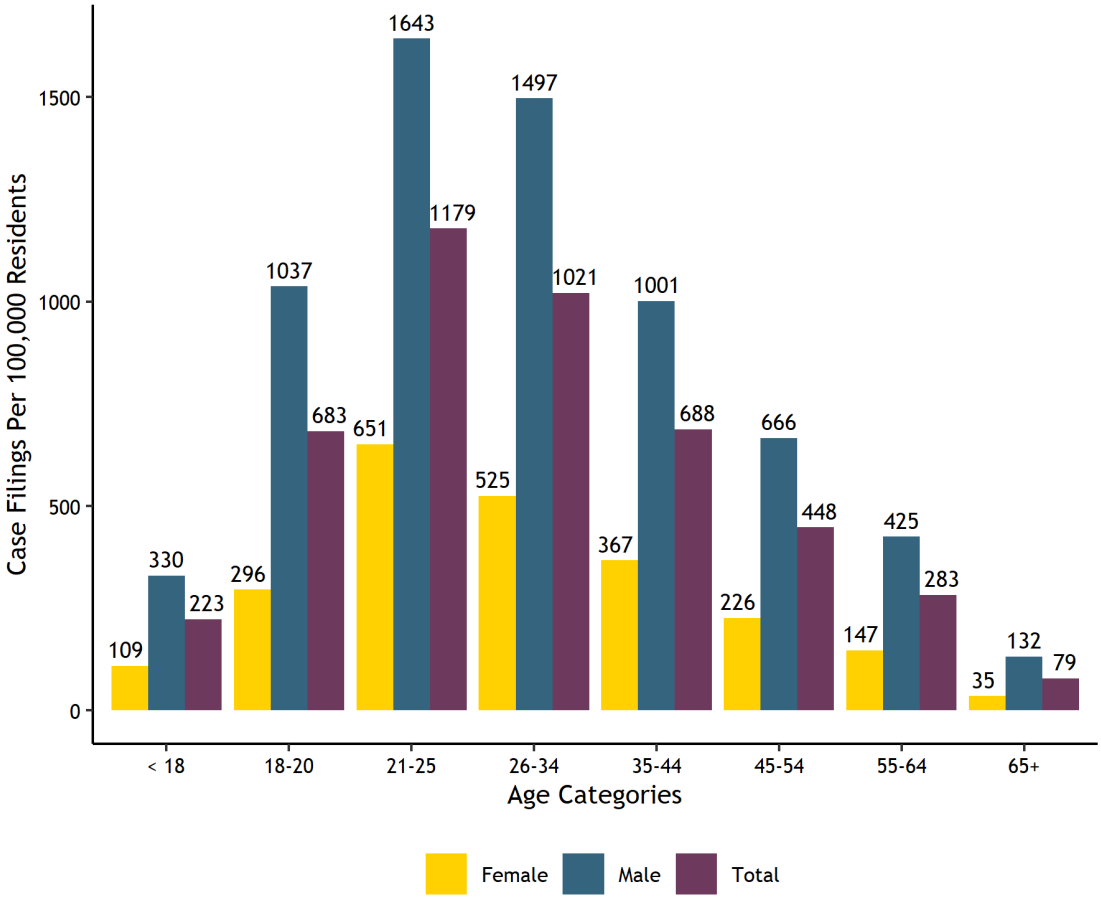
Age	Female	Male	Total
< 18	79 (1.2%)	249 (1.3%)	328 (1.3%)
18-20	340 (5.1%)	1,298 (6.7%)	1,638 (6.3%)
21-25	1,238 (18.7%)	3,546 (18.2%)	4,784 (18.3%)
26-34	2,046 (30.9%)	6,050 (31.0%)	8,096 (31.0%)
35-44	1,418 (21.4%)	3,949 (20.2%)	5,367 (20.5%)
45-54	810 (12.2%)	2,419 (12.4%)	3,229 (12.4%)
55-64	539 (8.1%)	1,485 (7.6%)	2,024 (7.7%)
65+	160 (2.4%)	513 (2.6%)	673 (2.6%)
Total	6,630 (100.0%)	19,509 (100.0%)	26,139 (100.0%)

Note: There were 25 records with incomplete gender records that were not included in this cross-tabulation.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI case filing rates were calculated by age and gender using population estimates, as seen in Figure 6. Case rates peak in the 21-25 age category for both males and females, reaching 1,643 cases filed per 100,000 residents in males and 651 cases filed per 100,000 residents in females, with a steady decline in the subsequent age categories. Case filing rates were lowest in adults 65 years and older. Across all age groups, males had rates between 2.5 and 3.7 times higher than females in Colorado.

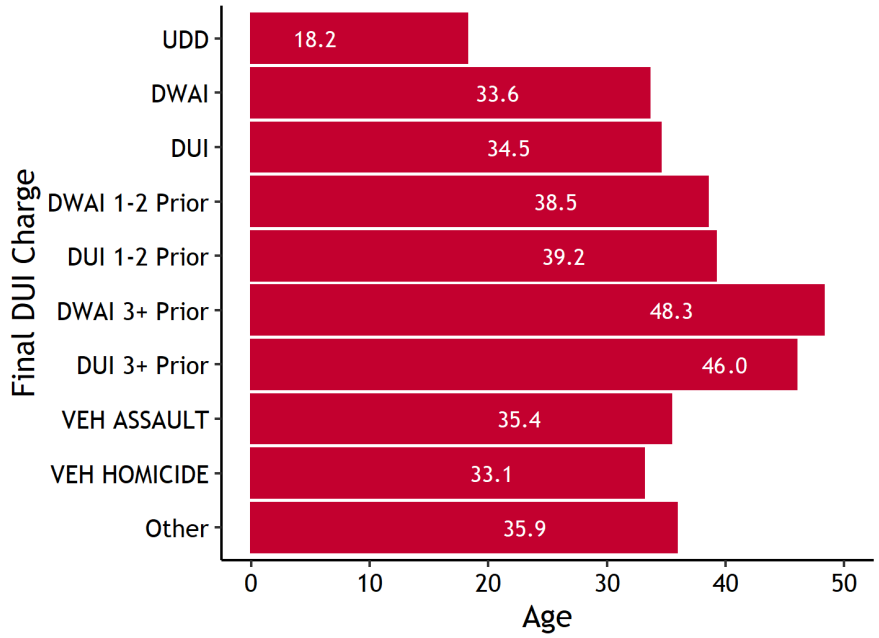
Figure 6: DUI case filing rates per 100,000 residents by age and gender, 2019



Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Figure 7 depicts results by age and final charge. As the severity of the DUI charge increased, the mean age tended to increase. The least severe charge, UDD, had the lowest mean age at 18.2, while felony charges for DWAI with three or more convictions and DUI with three or more convictions had the highest mean age at 48.3 and 46.0, respectively. This pattern reflects that older individuals had more time to acquire prior convictions. Both vehicular homicide and vehicular assault had slightly lower mean ages than the felony DUI charges (33.1 and 35.4 years, respectively).

Figure. 7: Final DUI charge and mean age, 2019



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Males comprised the majority of individuals in all DUI charge categories. Any small differences by gender can be seen in Table 8. The most common final charge for both genders was DUI, accounting for 49% of females and 48% of males. A larger proportion of men were charged with statutes involving a prior conviction, whereas females had a slightly higher proportion of DWAI charges compared to men.

Table 8: Final DUI charge by gender, 2019

Final Charge	Female	Male
UDD	16 (0.2%)	66 (0.3%)
DWAI	2,409 (36.3%)	6,248 (32.0%)
DUI	3,234 (48.8%)	9,420 (48.3%)
DWAI 1-2 Prior	228 (3.4%)	821 (4.2%)
DUI 1-2 Prior	485 (7.3%)	1,652 (8.5%)
DWAI 3+ Prior	9 (0.1%)	44 (0.2%)
DUI 3+ Prior	144 (2.2%)	913 (4.7%)
VEH ASSAULT	22 (0.3%)	80 (0.4%)
VEH HOMICIDE	8 (0.1%)	16 (0.1%)
Other	75 (1.1%)	250 (1.3%)
Total	6,630 (100.0%)	19,510 (100.0%)

Note: There were 25 records with incomplete gender records that were not included in this cross-tabulation.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Other Offenses Associated with DUI Case Filings

The three most common charges associated with DUI case filings in 2019 were careless driving, lane usage violation, and failure to display proof of insurance. See Appendix E for the frequency of the top 40 final charges.

Particular charges of interest from cases filed in 2016-2019 can be seen in Table 9, including child abuse, vehicular assault, and vehicular homicide. For the vehicular assault and vehicular homicide charges, these groupings included non-DUI charges such as reckless vehicular assault. The number of child abuse charges associated with cases with a DUI charge ranged from 664 to 737 from 2016-2019, and the average number of charges per year was 689. Vehicular assault charges numbered 242 in 2019, which represented an increase of 24% from the 2016 level. There were 31 vehicular homicide charges in 2019, which is slightly below the average number (36) across the four years.

Table 9: DUI case filings with charges for child abuse, vehicular assault and vehicular homicide charges associated with DUI case filings, 2016-2019

Charge	2016	2017	2018	2019	Percent Change 2016-2019
Child Abuse	664	737	685	668	0.6
Vehicular Assault	195	212	203	242	24.1
Vehicular Homicide	30	41	42	31	3.3

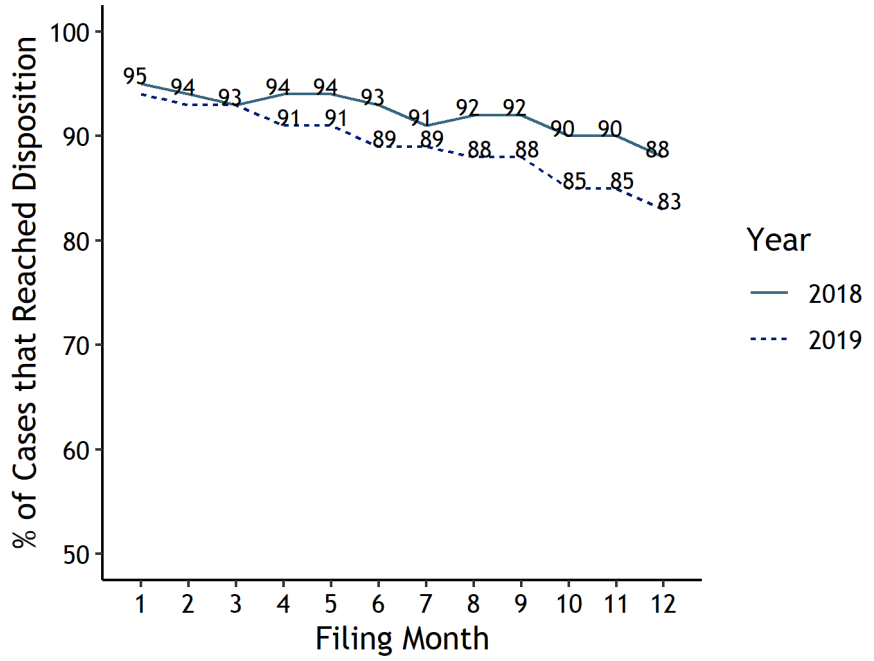
Note: The counts in this table represent DUI case filings with either an initial or final charge for child abuse, vehicular assault or vehicular homicide included in a case with one or more DUI charges.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI Dispositions

Data on dispositions were available for 88% (n=23,166) of DUI-related charges, and as mentioned earlier, this rate is slightly below the level of cases that reached disposition in 2018. Nearly all cases (n=22,846) were adjudicated with a final DUI or DWAI charge.

Figure 8: Percent of cases that reached disposition, 2018 vs. 2019



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Figure 8 charts the percent of cases that reached disposition by filing month, comparing 2018 to 2019. From January - March, there was little difference in disposition rates between 2018

and 2019, but from April to December the average percentage difference was around 4%. This can be attributed to the court closures and delays caused by the COVID-19 pandemic.

DUI dispositions remained fairly consistent throughout the four years, as seen in Table 10. From 2016 to 2019, approximately four-fifths of all DUI charges filings were found guilty and one in 10 charges were dismissed. In 2019, only 4 cases received a deferred dismissed disposition, whereas the average number of deferred dismissed DUI charges was 658 from 2016-2018. This drop was likely due to pandemic-related delays in court proceedings and in obtaining treatment services, making demonstrating sentence completions more challenging. See Appendix G for more detail on dispositions of all charges.

Table 10: Disposition of DUI charges, 2016-2019

Disposition	2016	2017	2018	2019
Guilty	20,545 (80.5%)	19,846 (81.1%)	19,315 (79.8%)	18,458 (79.7%)
Deferred Judgment	1,182 (4.6%)	1,185 (4.8%)	1,205 (5.0%)	1,824 (7.9%)
Deferred Dismissed	745 (2.9%)	548 (2.2%)	682 (2.8%)	4 (0.0%)
Diversion	26 (0.1%)	53 (0.2%)	50 (0.2%)	86 (0.4%)
Dismissed	2,493 (9.8%)	2,363 (9.7%)	2,504 (10.3%)	2,380 (10.3%)
Not Guilty	180 (0.7%)	193 (0.8%)	152 (0.6%)	94 (0.4%)
Non-DUI Disposition	348 (1.4%)	280 (1.1%)	296 (1.2%)	320 (1.4%)
Total	25,519 (100.0%)	24,468 (100.0%)	24,204 (100.0%)	23,166 (100.0%)

Note: Both the decline in deferred dismissed and increase in deferred judgment dispositions in 2019 were likely due to the pandemic-related delays in court operations, the difficulty in obtaining court appearances to amend deferred judgement dispositions to deferred dismissed dispositions, and the possibility that obtaining treatment services was more difficult.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Table 11 shows the variation in the distribution of disposition status by final charge. The proportion of guilty dispositions varied by the charge type, ranging from 70% for DUI to 97% for DWAI with 1 – 2 prior convictions. DUI, vehicular homicide, and vehicular assault charges had the highest dismissal rates. Note that many of the cells in Table 11 had few cases, meaning that caution should be used when interpreting this information.

Table 11: Disposition by final DUI charge, 2019

Final Charge	Guilty	Deferred Judgment	Deferred Dismissed	Diversion	Dismissed	Not Guilty
UDD	67 (80.7%)	4 (4.8%)	0 (0.0%)	2 (2.4%)	10 (12.0%)	0 (0.0%)
DWAI	7,373 (86.0%)	973 (11.3%)	2 (0.0%)	11 (0.1%)	207 (2.4%)	10 (0.1%)
DUI	7,096 (70.5%)	798 (7.9%)	2 (0.0%)	73 (0.7%)	2,015 (20.0%)	76 (0.8%)
DWAI 1-2 Prior	1,015 (97.4%)	23 (2.2%)	0 (0.0%)	0 (0.0%)	4 (0.4%)	0 (0.0%)
DUI 1-2 Prior	1,982 (96.8%)	13 (0.6%)	0 (0.0%)	0 (0.0%)	50 (2.4%)	3 (0.1%)
DWAI 3+ Prior	43 (91.5%)	1 (2.1%)	0 (0.0%)	0 (0.0%)	3 (6.4%)	0 (0.0%)
DUI 3+ Prior	810 (89.7%)	11 (1.2%)	0 (0.0%)	0 (0.0%)	78 (8.6%)	4 (0.4%)
VEH ASSAULT	55 (83.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	10 (15.2%)	1 (1.5%)
VEH HOMICIDE	14 (82.4%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (17.6%)	0 (0.0%)
Other	316 (97.5%)	8 (2.5%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Total	18,771 (81.0%)	1,831 (7.9%)	4 (0.0%)	86 (0.4%)	2,380 (10.3%)	94 (0.4%)

Note: Both the decline in deferred dismissed and increase in deferred judgment dispositions in 2019 were likely due to the pandemic-related delays in court operations and the difficulty in obtaining court appearances to amend deferred judgment dispositions to deferred dismissed dispositions.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Time to Disposition

To examine the length of court proceedings, the difference between the dates of case filing and disposition was calculated, and 2018 and 2019 were compared to assess differences potentially due to the pandemic. The mean time elapsed between case filing and disposition date was 165 days in 2018, and 178 days in 2019, which amounts to a difference of two weeks. Time to disposition was also stratified by law classification, as seen in Table 12. Consistent with other criminal offense charges, the time to disposition for final DUI charges varied by the severity of law class, with felonies taking the longest time to resolve and traffic charges taking the least amount of time. Non-DUI charges had the largest gap in the mean disposition lengths between 2018 and 2019, which was 55 days.

Table 12: Time to finding (days) by law class and year, 2018-2019

Final Law Class	Year	Total Number of Cases	Mean	SD	Median
Traffic	2018	118	108.3	91.4	82.5
	2019	84	108.8	95.6	85.0
Misdemeanor	2018	22,803	164.0	115.9	135.0
	2019	21,826	175.9	132.9	138.0
Felony	2018	973	205.8	122.2	183.0
	2019	926	225.0	145.4	191.0
Unknown	2018	5	173.0	98.1	148.0
	2019	3	225.7	108.1	221.0
Final Non-DUI Charge	2018	293	149.8	103.9	131.0
	2019	320	204.1	137.5	168.0
Total	2018	24,192	165.3	116.3	136.0
	2019	23,159	178.0	133.8	140.0

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation and makes comparing different means more difficult.
Seven charges in 2019 and nine charges in 2018 had negative values for time to disposition and were excluded from these analyses.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

The time to finding was also analyzed by disposition type and year, as shown in Table 13. DUI charges for almost all disposition types took longer to reach disposition in 2019. Among the most frequent disposition types, the largest differences in the mean values were for guilty (+22 days), dismissed (+30 days), and deferred judgment (+6 days). In both years, DUI charges with a diversion finding had the shortest time to disposition (mean of 85 days) while deferred dismissed had the longest mean time (464 days in 2018 vs. 423 days in 2019).

Table 13: Time to finding by disposition and year, 2018-2019

Disposition	Year	Total Number of Cases	Mean	SD	Median
Guilty	2018	19,308	154.1	102.9	132.0
	2019	18,451	175.8	131.7	139.0
Deferred Judgment	2018	1,205	166.9	100.4	145.0
	2019	1,824	172.9	127.4	137.0
Deferred Dismissed	2018	682	463.7	94.0	460.0
	2019	4	423.2	176.3	360.0
Diversion	2018	50	84.8	100.5	64.0
	2019	86	84.8	73.7	71.0
Dismissed	2018	2,502	163.7	115.0	136.0
	2019	2,380	193.3	149.9	152.0
Not Guilty	2018	152	305.0	97.1	301.5
	2019	94	310.7	135.2	279.0
Non-DUI Disposition	2018	293	149.8	103.9	131.0
	2019	320	204.1	137.5	168.0

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Toxicology Findings

Three out of five (61%, n=16,009) total DUI case filings (n=26,165) were linked to at least one toxicology breath or blood test result. The linking rate in 2019 represents a slight decline from the average rate over the past four years (64%), as shown in Table 14. Filings that did not link to a toxicology screen could have been due to limitations with our linking methods, a lack of testing availability, or testing refusals from drivers. The Department of Revenue oversees administrative hearings to determine whether drivers arrested for a DUI can retain their license, and they estimate that in 2019, 41% of individuals who were involved in administrative hearings regarding their driving privileges refused toxicology testing, up from 39% in 2018.[29]

Rates of DUI cases with matching toxicology results varied by county, as seen in Appendix F. Among rural counties, Mineral had the highest matching rate at 88%, and Kit Carson county

[29] Department of Revenue (2021). Aggregate Express Consent Records. [Unpublished data]. Division of Motor Vehicles, Driver Control Section

had the lowest (48%). Among urban counties, Larimer had the highest rate at 65%, and Denver had the lowest toxicology matching rate among DUI cases filed (57%).

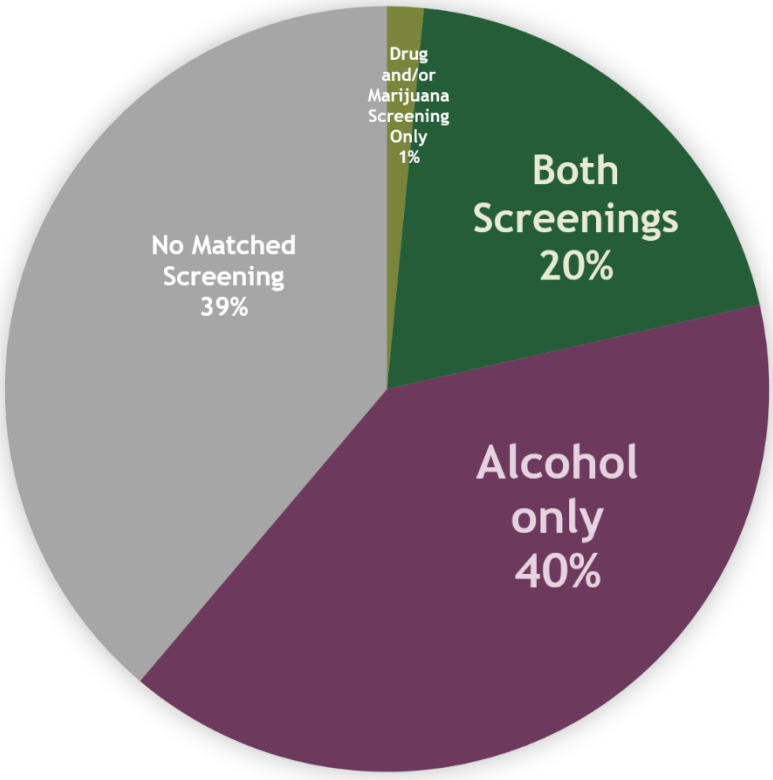
Table 14: Toxicology matching by year, 2016-2019

Year	Toxicology matches	Percent of all DUI cases
2016	17,824	65%
2017	17,527	66%
2018	16,943	63%
2019	16,009	61%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Figure 9 below shows the composition of DUI cases and testing record matching. Forty percent of all DUI cases had a record match with an alcohol screening record only, which included either breath or blood alcohol testing, and was the most common testing status. Only 1% of DUI cases had a match with a drugs of abuse and/or marijuana screening only, and 20% had a record match indicating both drug and alcohol screening.

Figure 9: Alcohol vs. drug screening, 2019



Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In July 1, 2019, the CBI began offering free toxicology testing services with comprehensive alcohol and drugs of abuse screening, and the main goal of this testing expansion was to improve the detection of drug impaired driving. Table 15 compares screening rates and a few drug detection indicators before and after the testing expansion occurred for DUI cases that had a record match with a CBI toxicology screening. Prior to the testing expansion for DUI court cases with a CBI toxicology record match, 56% had a record of a drug of abuse screening (Table 15). There was no change in the detection of alcohol in all DUI court cases that the CBI analyzed, but there was an increase in the detection of Delta 9-tetrahydrocannabinol (Delta 9-THC), the primary psychoactive component of marijuana, from 36% pre-expansion to 42% post-expansion. The testing expansion also coincided with more identified DUI cases with more than one drug detected in the toxicology results, or polydrug detection (30% pre-expansion vs. 44% post-expansion).

Table 15: CBI toxicology comparisons before (Jan 2018-June 2019) and after (July - Dec 2019) comprehensive testing expansion

Characteristic	Pre-Expansion, N=5,730	Post-Expansion, N=3,357
Alcohol Screening, n (%)	4,473 (84%)	3,356 (100%)
Drugs of Abuse Screening, n (%)	3,206 (56%)	3,357 (100%)
Alcohol Detected, n (%)	4,012 (75%)	2,475 (74%)
Delta 9-THC Detected, n (%)	2,086 (36%)	1,419 (42%)
Number of Drugs, n (%)	*	*
None Detected	61 (1.1%)	62 (1.8%)
One Drug	3,930 (69%)	1,826 (54%)
Polydrug	1,739 (30%)	1,469 (44%)

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol

The 15,605 DUI case filings with alcohol test results were obtained from the CDPHE, the Denver Crime Lab, the CBI, and ChemaTox. As seen in Table 16, four-fifths of case filings with an alcohol toxicology test result had either a breath or blood alcohol content (BAC) level that was 0.08 or more. Gradually over the four years, the proportion of DUI cases with alcohol not detected rose from 3% in 2016 to 11% in 2019 (Table 16). Across the four years, the median BAC value ranged slightly from 0.152 to 0.157.

Table 16: DUI case filings by Blood/Breath Alcohol Content (BAC) levels, 2016-2019

BAC Group	2016	2017	2018	2019
Not Detected	429 (2.7%)	769 (4.8%)	727 (4.8%)	1,705 (10.9%)
<0.05	486 (3.1%)	524 (3.3%)	523 (3.5%)	470 (3.0%)
0.05-0.079	1,389 (8.7%)	1,286 (8.1%)	1,227 (8.1%)	1,188 (7.6%)
0.08+	13,620 (85.5%)	13,277 (83.7%)	12,675 (83.7%)	12,242 (78.4%)
Total	15,924 (100.0%)	15,856 (100.0%)	15,152 (100.0%)	15,605 (100.0%)
Median BAC	0.152	0.154	0.154	0.157
Mean BAC	0.158	0.160	0.156	0.161

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marijuana

Cannabinoid screens were conducted for 6,071 case filings, representing 23% of all case filings (Table 17). Of these, 47% indicated that no cannabinoids were detected.[30] Cases with a positive cannabinoid screen (52%, n=3,176) were further confirmed for Delta 9-THC and other cannabinoid analytes.[31] Over the four years, the testing positivity rate for cannabinoids gradually decreased (Table 17), which is an indication of improved screening rates and that the positivity rate might better represent the toxicology of *all* impaired drivers rather than just those were tested based on a suspicion of marijuana impairment.

Table 17: Cannabinoid positivity among drivers screened for Delta 9-THC, 2016-2019

Screen Result	2016	2017	2018	2019
Cannabinoids Not Present	1,061 (26.9%)	1,622 (33.8%)	1,697 (33.7%)	2,895 (47.7%)
Cannabinoids Present	2,885 (73.1%)	3,170 (66.2%)	3,335 (66.3%)	3,176 (52.3%)
Total	3,946 (100.0%)	4,792 (100.0%)	5,032 (100.0%)	6,071 (100.0%)

Note: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs, or both based on the request of law enforcement agency or the district attorney's office. This change resulted in a reduction in the overall cannabinoid positivity rate, but also an improvement in the completeness of the measure to assess the toxicology of individuals charged with a DUI. Submissions to ChemaTox were only screened for cannabinoids if that was part of the request.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

[30] The cannabinoid screen is an enzyme-linked immunosorbent assay (ELISA) which primarily targets Delta 9-THC-COOH.
[31] The confirmation test is done via liquid chromatography-mass spectrometry (LC-MS).

Among all case filings screened for cannabinoids (n=6,071), 47% tested positive for Delta 9-THC at some level (n=2,848). The presence of Delta 9-THC recorded in a linked toxicology report might indicate the driver's recent use of cannabis preceding the offense. The median value of Delta 9-THC among individuals screened was 5.4 and the mean was 8.6 ng/mL, both of which are over the permissible inference level.

Table 18 compares the various levels of Delta 9-THC detected among case filings undergoing confirmatory testing (n=3,176 in 2019). About half had a level at or above the permissible inference level consistently across all four years, and about a third tested between 1-4.9 ng/mL. In 2019, a slightly lower percentage of case filings compared to prior years had no Delta 9-THC detected (10% in 2019 vs. 14% from 2016-2018).

Table 18: DUI case filings by Delta 9-THC levels, 2016-2019

THC Levels	2016	2017	2018	2019
None Detected	396 (13.7%)	431 (13.6%)	459 (13.8%)	328 (10.3%)
Present but <1.0	90 (3.1%)	63 (2.0%)	88 (2.6%)	216 (6.8%)
1.0 - 4.9	1,030 (35.7%)	1,069 (33.7%)	1,134 (34.0%)	1,069 (33.7%)
5.0+	1,369 (47.5%)	1,607 (50.7%)	1,654 (49.6%)	1,563 (49.2%)
Total	2,885 (100.0%)	3,170 (100.0%)	3,335 (100.0%)	3,176 (100.0%)

Note: Delta 9-THC is only quantified when the initial cannabinoid screen is positive.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Time to Blood Test

Time to blood test data is difficult to capture in our current process because it requires manual data entry from the CBI's Requests for Laboratory Exam forms. In 2017, our office was able to perform the data entry required, but resource constraints inhibited this undertaking for the 2018 and 2019 data. Descriptive statistics for 2016 through 2019 are presented in Table 19. The higher mean time and lower median time in 2018 and 2019 compared to 2016 and 2017 data might reflect the increased variability in the data due to the lower sample size.

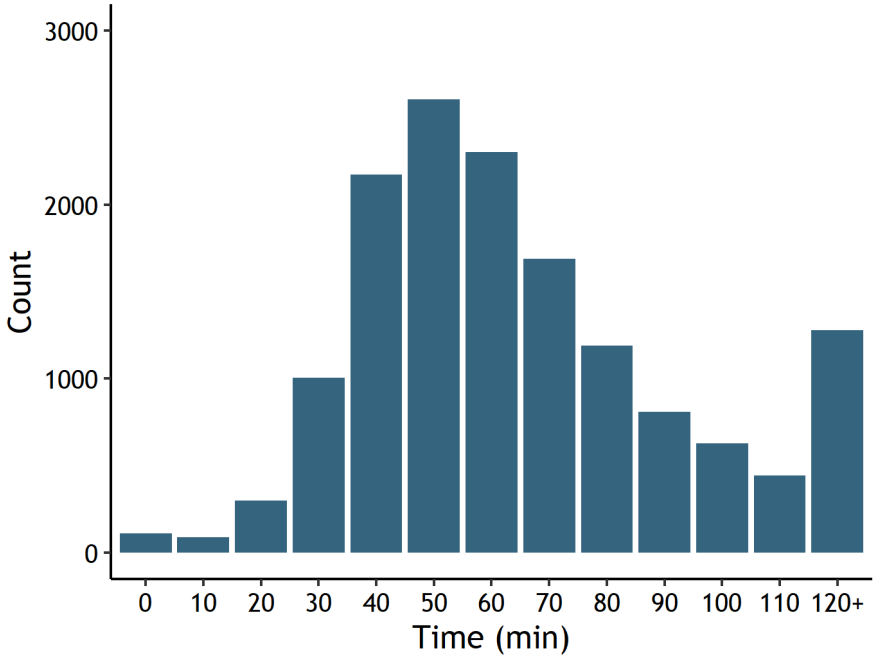
Table 19: Descriptive statistics and toxicology source for time-to-test by year, 2016-2019

Year	Mean Minutes	Median Minutes	Case Filings	Source
2016	72.5	64.0	4,154	Chematox
2017	75.7	64.0	7,667	CBI and Chematox
2018	88.5	60.5	2,012	Chematox
2019	90.0	60.0	786	Chematox
Total	77.3	63.0	14,619	

Note: The small number of cases with a time-to-test in 2019 is due to ChemaTox only performing toxicology testing for the first six months of the year.
Data Sources: State Judicial Department, Denver County Court, CBI, and ChemaTox. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

To better assess patterns in time to testing, data from 2016 to 2019 were combined. The frequency for time-to-test is depicted in Figure 10. The time interval of 50–59 minutes (category 50 in Figure 9) had the greatest number of cases (n=2,604), accounting for 18% of time to testing results. Nine percent (n=1,279) of records exceeded an elapsed time of 120 minutes from time of offense to time of test.

Figure 10: Number of DUI case filings, by time from offense to blood test categories, 2016-2019



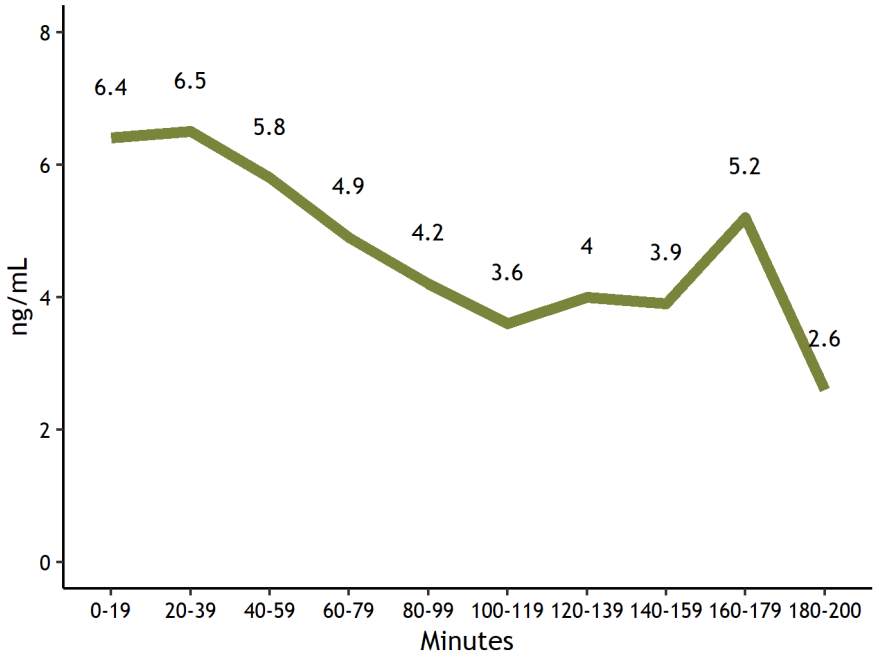
Data Sources: State Judicial Department, Denver County Court, CBI, and ChemaTox. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

From 2016-2019, 327 records reporting test times of over 200 minutes were excluded in an attempt to analyze measurements that might be more associated with impairment. This sample of case filings (n=14,292) was used in the analyses below.

Marijuana and Time-to-Test

A comparison of time to blood test by median Delta 9-THC value for 2016 to 2019 can be seen in Figure 11. Median Delta 9-THC values peaked between 30-39 minutes for the time of the offense to blood draw and then gradually fell for blood tests collected between 40-99 minutes. The changes in the slope in the Delta 9-THC levels for blood draws collected after 100 minutes are counter to the overall trend of the decline in Delta 9-THC post-use and might be more reflective of residual Delta 9-THC in the driver.

Figure 11: Median Delta 9-THC level by time from offense to blood draw, 2016-2019

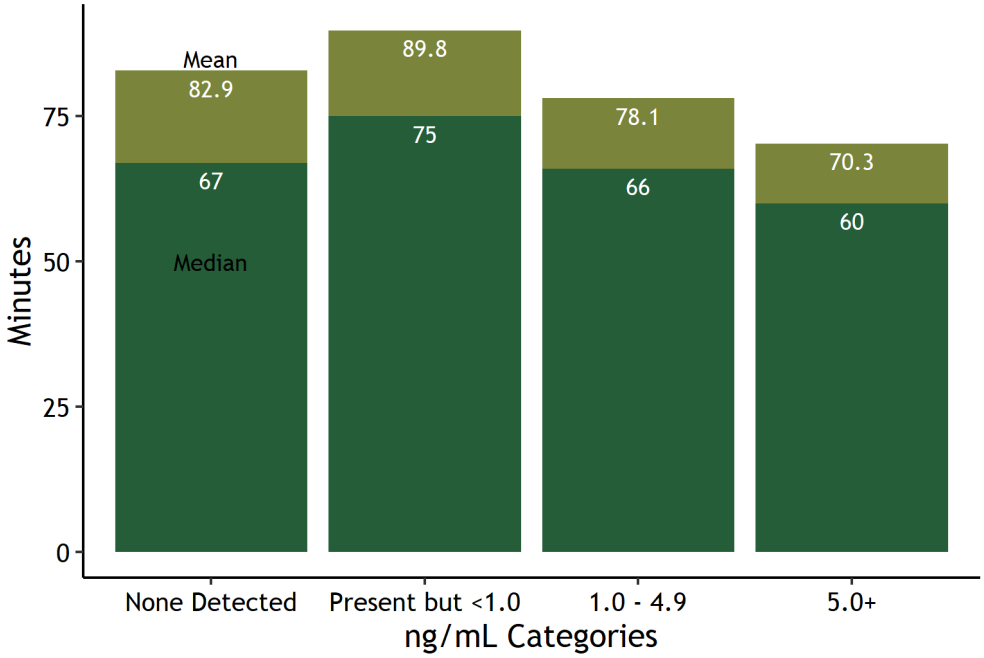


Data Sources: State Judicial Department, Denver County Court, CBI, and ChemaTox. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In addition, we also compared the mean and median time to draw for each of the Delta 9-THC categories (Figure 12). The median and mean of the elapsed draw time for the quantified Delta 9-THC category decreased as the Delta 9-THC values increased. This trend aligns with evidence in the research literature that Delta 9-THC levels peak early and then quickly dissipate.[32]

[32] Toennes, 2008 (see Section One, Footnote 16).

Figure 12: Mean and median time from offense to blood test by Delta 9-THC levels, 2016-2019



Data Sources: State Judicial Department, Denver County Court, CBI, and ChemaTox. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol and Marijuana in Combination

Toxicology levels for alcohol and marijuana were also examined in DUI case filings. Overall, 68% of individuals with detected Delta 9-THC had some other substance present, with 54% of individuals also testing positive for alcohol. Table 20 shows the BAC levels stratified by cannabinoid screening outcome and Delta 9-THC level categories. Mean BAC levels were highest in the case filings that underwent cannabinoid screening but were negative for all cannabinoids (0.184) or were negative for Delta 9-THC (0.185). As the concentration of Delta 9-THC increased, mean BAC levels decreased slightly (Table 20). However, even the lowest mean BAC level of 0.146 was still over the *per se* level.

Table 20: Mean BAC by cannabinoid testing outcome, positivity and Delta 9-THC levels, 2019

Cannabinoid Screening/Presence	THC Level	Case Filings	Mean BAC	SD
No Cannabinoid Screening		9,868	0.156	0.07
Cannabinoids Not Present		2,281	0.184	0.08
Cannabinoids Present	None Detected	222	0.185	0.08
	Present but <1.0	150	0.172	0.08
	1.0 - 4.9	710	0.167	0.08
	5.0+	669	0.146	0.07

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation and makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, and ChemaTox. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Other Drug Categories

Polydrug detection

From 2016 to 2019, as shown in Table 21, there was a slight increase in more than one drug (i.e. polydrug) being detected. Over the four years, the proportion of polydrug detection increased from 13% of case filings with a toxicology record match to 17% in 2019; in contrast, the proportion of alcohol-only toxicology results decreased. In 2019, the most prevalent combination of substances found was alcohol and Delta 9-THC, representing 43% of polydrug results and 7% of all results. It should be noted that Table 21 reflects data from all sources of toxicology results, including the CBI, ChemaTox, the CDPHE, and the Denver Crime Lab.

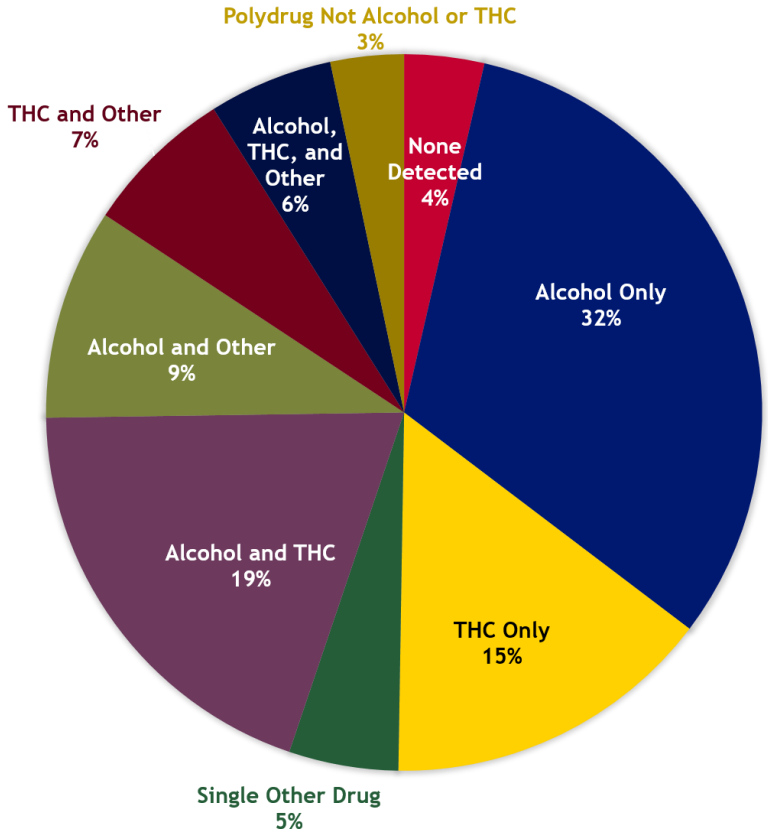
Table 21: Testing and drugs detected among DUI case filings by year, 2016-2019

Number of Drugs	Drug Category	2016	2017	2018	2019
No Drug	None Detected	165 (0.9%)	170 (1.0%)	174 (1.0%)	288 (1.8%)
One Drug	Alcohol Only	14,052 (78.8%)	13,449 (76.9%)	12,755 (75.3%)	11,792 (73.7%)
	THC Only	957 (5.4%)	1,083 (6.2%)	1,078 (6.4%)	907 (5.7%)
	Single Other Drug	386 (2.2%)	415 (2.4%)	465 (2.7%)	300 (1.9%)
Polydrug	Alcohol and THC	829 (4.7%)	958 (5.5%)	1,039 (6.1%)	1,188 (7.4%)
	Alcohol and Other	380 (2.1%)	430 (2.5%)	414 (2.4%)	579 (3.6%)
	THC and Other	469 (2.6%)	447 (2.6%)	507 (3.0%)	412 (2.6%)
	Alcohol, THC, and Other	234 (1.3%)	251 (1.4%)	276 (1.6%)	341 (2.1%)
	Polydrug Not Alcohol or THC	352 (2.0%)	276 (1.6%)	235 (1.4%)	202 (1.3%)
Total	-	17,824 (100.0%)	17,479 (100.0%)	16,943 (100.0%)	16,009 (100.0%)

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 22 shows the drugs detected in case filings by the mean age of the individual who was charged. Case filings with Delta 9-THC detected tended to skew younger (range: 28-33 years) compared to those with alcohol-only (36 years). The oldest group were those testing positive only for drugs other than alcohol or marijuana (39 years).

Figure 12: Drug detection among DUI cases with alcohol and either marijuana and/or drugs of abuse screening (n = 6,071), 2019



Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In contrast to Table 22, Figure 12 shows drug detection in the sample of records that had screening for drugs of abuse and/or marijuana in addition to alcohol screening (n=6,071). In these cases, polydrug detection was 45%, which was 28 percentage points higher than polydrug detection in all DUI toxicology (Figure 12 & Table 22). In addition, alcohol only detection comprised only 32% of the DUI cases with drug screening (Figure 12) vs. 75% of all DUI toxicology (Table 22). These sizable gaps might suggest the under-detection in DUI toxicology testing, given the predominance of alcohol-only testing.

Table 22: Drugs detected and mean age of those charged with a DUI, 2019

Number of Drugs	Drugs Detected	Mean	SD
Not Tested	Not Tested	35.9	12.1
None Detected	None Detected	34.3	14.7
One Drug	Alcohol Only	35.5	13.3
	THC Only	28.0	12.4
	Single Other Drug	39.2	12.9
Polydrug	Alcohol and THC	30.9	11.0
	Alcohol and Other	38.7	13.3
	THC and Other	33.3	12.8
	Alcohol, THC, and Other	32.7	12.4
	Polydrug Not Alcohol or THC	39.0	12.4

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 23 shows the drugs detected by gender of the individuals charged. Similar to trends observed in DUI cases, males consistently outnumbered females in every drug category. Males had a slightly higher proportion of Delta 9-THC only results while females had a slightly higher proportion of positive results for drugs other than alcohol or marijuana.

Table 23: Drugs detected by gender, 2019

Number of Drugs	Drugs Detected	Female	Male
None Detected	None Detected	84 (2.0%)	204 (1.7%)
One Drug	Alcohol Only	3,112 (73.8%)	8,671 (73.6%)
	THC Only	185 (4.4%)	721 (6.1%)
	Single Other Drug	104 (2.5%)	196 (1.7%)
Polydrug	Alcohol and THC	277 (6.6%)	910 (7.7%)
	Alcohol and Other	188 (4.5%)	390 (3.3%)
	THC and Other	121 (2.9%)	291 (2.5%)
	Alcohol, THC, and Other	80 (1.9%)	261 (2.2%)
	Polydrug Not Alcohol or THC	64 (1.5%)	138 (1.2%)
Total	Total	4,215 (100.0%)	11,782 (100.0%)

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 24 shows the relationship between polydrug detection and mean BAC levels. Among the case filings where alcohol alone was detected (n=12,999), only 31% were additionally screened for drugs of abuse, which might suggest the possibility of misclassified groupings in this table. Excluding the alcohol only group, as the number of additional drugs detected increased, mean BAC decreased in case filings (Table 24).

Table 24: Mean BAC by polydrug detection, 2019

Number of Drugs	Case Filings	Mean	SD
Alcohol Only	12,999	0.161	0.07
Alcohol and one additional drug	2,092	0.166	0.08
Alcohol and two drugs	472	0.155	0.08
Alcohol and three or more drugs	157	0.146	0.09

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation and makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Drug Schedules

With the expansion of testing, there was an increase in DUI cases that had a drug screening report, from 11% (n=3,028) in 2018 to 21% in 2019 (n=5,614). Given this increase in screenings, there were only modest changes in the detection of other drugs excluding alcohol

and marijuana. DUI filings with positive testing results were examined by drug schedule; these drug schedule categories are not mutually exclusive because cases can involve multiple drugs. While Delta 9-THC is considered a Schedule I drug according to Colorado statute, we excluded it from this analysis to focus on trends involving other illicit substances in Colorado. Marijuana findings are already shown in Tables 17 and 18. See Appendix A for a full list of drugs associated with DUI case fillings in each of the scheduling categories.

Excluding marijuana, DUI case filings were most likely to involve Schedule II drugs, which represents substances with a high potential for misuse and use disorders, including methamphetamine, and many prescribed substances as well such as oxycodone (also known as Oxycontin, Percocet, and Percodan). After Schedule II drugs, Schedule IV were the second most frequent category, which includes many prescription drugs such as alprazolam (more commonly known as Xanax) and tramadol, an opioid medication.

Table 25: Drugs detected by Colorado drug schedule, 2016-2019

Schedule	2016	2017	2018	2019
I	27	50	53	160
II	1,132	1,188	1,351	1,296
III	*	7	8	*
IV	948	838	720	631

Notes: The Uniform Substances Control Act of 2013 (C.R.S. 18-18-101) outlines Colorado's drug schedule and is unique from the federal drug schedule. * represent cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Drug Recognition Expert (DRE) Drug Categories

For this analysis, drugs identified in DUI toxicology results were categorized into the seven DRE drug categories (see Appendix A), which are grouped based on the common behavioral effects of the drugs and their potential for misuse. Although cannabis is typically a category in DRE classifications, marijuana results are not included here but can be found in Tables 17 and 18. Alcohol, which is a CNS depressant, was also excluded from these results.

The number of CNS stimulants detected rose by 36% from 2016 to 2019, and was the most common drug category identified in toxicology testing (see Table 26), followed by CNS depressants, and narcotic analgesics.

Table 26: Drugs detected by Drug Recognition Expert categories, 2016-2019

DRE Category	2016	2017	2018	2019
CNS Depressant	957	845	728	633
CNS Stimulant	887	978	1,219	1,205
Hallucinogen	20	26	20	22
Dissociative Anesthetic	*	7	8	*
Narcotic Analgesic	402	358	277	336
Inhalant	9	20	16	*
Prescription or Over the Counter Drug	183	106	56	28

Notes: * represents cell counts under five that were suppressed. The Drug Recognition Expert categories refer to groupings designed to assist law enforcement in identifying impairing drugs in the field based on behavioral screenings and physiological tests. To see the drugs included in each grouping, see Appendix A.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In 2019, methamphetamine, a CNS stimulant and Schedule II drug, was the most frequently identified drug in DUI case filings, excluding alcohol and cannabis (Table 27, also see Appendix K). Methamphetamine was found in 25% of DUI cases screened for drugs. Cocaine was the second most frequently identified non-alcohol and non-marijuana drug in DUI case filings. The next most commonly identified drugs were alprazolam, Nordiazepam/Diazepam, and Clonazepam, which are all classified as CNS depressants, and more specifically as benzodiazepines.

Table 27: Top ten drugs identified and drug categories, 2019

Drug	Drug Category	Schedule	Case Filings
Amphetamine/Methamphetamine	Stimulant	II	700
Cocaine	Stimulant	II	551
Alprazolam	Benzodiazepines	IV	188
Nordiazepam/Diazepam	Benzodiazepines	IV	160
Clonazepam	Benzodiazepines	IV	153
Morphine/Codeine/Heroin	Opioid	I	144
Lorazepam	Benzodiazepines	IV	127
Zolpidem	Benzodiazepines	IV	77
Tramadol	Opioid	*	52
Fentanyl	Opioid	II	52

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Toxicology and Dispositions

This dataset of court case filings linked with toxicology results is uniquely situated to provide insight into the relationship between toxicology and dispositions in Colorado. As seen in Table 3, 16,009 toxicology tests were matched to the 26,165 case filings. Of the case filings with toxicology tests, 14,454 DUI charges (90%) had reached disposition at the time of data analysis. Table 28 shows the DUI charge disposition by the absence or presence of a matched toxicology test for the court case filing (see Table 10 for overall dispositions). Most cases were found guilty, regardless of the presence of a toxicology record; however, there was a slightly higher percentage of DUI charges with a dismissed charge in case filings without a matching toxicology record compared to those with a toxicology record (14% vs. 8%).

Table 28: DUI charge disposition by toxicology testing, 2019

Disposition	Toxicology Test	No Toxicology Test
Guilty	11,654 (80.6%)	6,804 (78.1%)
Deferred Judgment	1,328 (9.2%)	496 (5.7%)
Deferred Dismissed	2 (0.0%)	2 (0.0%)
Diversion	71 (0.5%)	15 (0.2%)
Dismissed	1,203 (8.3%)	1,177 (13.5%)
Not Guilty	35 (0.2%)	59 (0.7%)
Non-DUI Disposition	161 (1.1%)	159 (1.8%)
Total	14,454 (100.0%)	8,712 (100.0%)

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol and DUI Dispositions

Table 29 shows the number of DUI dispositions with a known alcohol test (n=14,101). Overall, these DUI charges tied to a BAC level over the *per se* level had a 96% conviction rate. Further highlighting the relationship between the *per se* level and dispositions, the proportion of guilty findings were over 50 percentage points higher for cases with an accompanying BAC level of 0.08 or more (89%) compared to the proportion of cases found guilty with results than less than 0.05 BAC (35%).

Table 29: DUI case dispositions by alcohol testing status and BAC levels, 2019

Disposition	No BAC Test	BAC Levels			
		None Detected	Present but <0.05	0.05-0.079	0.08+
Guilty	7,007 (77.3%)	895 (61.1%)	150 (34.7%)	516 (47.2%)	9,890 (89.0%)
Deferred Judgment	553 (6.1%)	179 (12.2%)	32 (7.4%)	320 (29.3%)	740 (6.7%)
Deferred Dismissed	*	*	*	*	*
Diversion	18 (0.2%)	*	6 (1.4%)	10 (0.9%)	48 (0.4%)
Dismissed	1,255 (13.8%)	357 (24.4%)	228 (52.8%)	181 (16.5%)	359 (3.2%)
Not Guilty	62 (0.7%)	5 (0.3%)	*	7 (0.6%)	19 (0.2%)
Non-DUI Disposition	168 (1.9%)	25 (1.7%)	15 (3.5%)	60 (5.5%)	52 (0.5%)
Total	9,065 (100.0%)	1,466 (100.0%)	432 (100.0%)	1,094 (100.0%)	11,109 (100.0%)

Note: * represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marijuana and DUI Dispositions

Table 30 shows the dispositions of DUI charges by cannabinoid screening, cannabinoid detection, and known Delta 9-THC confirmation levels. Among DUI dispositions linked to a positive Delta 9-THC confirmation test, those at or above the permissible inference level had the highest proportion of guilty findings at 77%. However, guilty findings in the high Delta 9-THC group were 12 percentage points lower than the rate of guilty findings among DUI dispositions linked to toxicology levels above 0.08 BAC. The rate of deferred judgment dispositions was more than double in the high Delta 9-THC group compared to the high BAC group (15% v. 7%, respectively). Dismissal rates ranged from 6% for charges with a Delta 9-THC level at or above 5ng/mL to 18% for charges with a level between 1-4.9 ng/mL.

Table 30: DUI case dispositions by cannabinoid testing status and Delta 9-THC levels, 2019

Disposition	No Cannabinoid Screen	No Cannabinoids Detected	Delta 9-THC Levels			
			None Detected	Present but <1.0	1.0 - 4.9	5.0+
Guilty	14,315 (80.3%)	2,027 (79.8%)	237 (83.5%)	153 (81.4%)	676 (70.7%)	1,050 (76.5%)
Deferred Judgment	1,356 (7.6%)	161 (6.3%)	12 (4.2%)	8 (4.3%)	78 (8.2%)	209 (15.2%)
Deferred Dismissed	*	*	*	*	*	*
Diversion	63 (0.4%)	9 (0.4%)	*	*	*	9 (0.7%)
Dismissed	1,742 (9.8%)	327 (12.9%)	32 (11.3%)	23 (12.2%)	171 (17.9%)	85 (6.2%)
Not Guilty	81 (0.5%)	*	*	*	*	6 (0.4%)
Non-DUI Disposition	266 (1.5%)	13 (0.5%)	*	*	23 (2.4%)	13 (0.9%)
Total	17,826 (100.0%)	2,540 (100.0%)	284 (100.0%)	188 (100.0%)	956 (100.0%)	1,372 (100.0%)

Note: * represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Although overall conviction rates for DUI charges with a positive Delta 9-THC was 92%, there were differences both by Delta 9-THC levels and by the number of drugs detected (Table 31). Across all of the Delta 9-THC levels, conviction rates were lower for DUI charges that only tested positive for Delta 9-THC compared to ones that tested positive for more than one drug. DUI charges that only tested positive for Delta 9-THC, but with less than 1 ng/mL of Delta 9-THC, had a 13% conviction rate, while polydrug DUI charges with that same toxicology level had conviction rates seven times higher (94%). The conviction rate for those with THC-only results between 1-4.9 ng/mL was 44% but doubled (89%) if more than one drug was detected. Interestingly, the polydrug vs. single drug conviction rate disparity dropped as the Delta 9-THC increased, particularly at the permissible inference level. DUI charges that tested positive at or above 5ng/mL of Delta 9-THC alone had an 89% conviction rate compared to DUI charges that tested at that level in combination with other drugs had a 96% conviction rate. Both of these high conviction rates suggest the impact of the permissible inference level on the judicial process.

Table 31: DUI conviction rate by Delta 9-THC levels and polydrug detection, 2019

THC Levels	Number of Drugs	N	Conviction Rate
Present but <1.0	All	188	87.2
	One Drug	15	13.3
	Polydrug	173	93.6
1.0 - 4.9	All	956	81.4
	One Drug	171	44.4
	Polydrug	785	89.4
5.0+	All	1372	92.7
	One Drug	610	88.9
	Polydrug	762	95.8

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol, Marijuana, and DUI Dispositions

Confirmation values of alcohol and cannabis by disposition are displayed in Table 32. DUI charges that had guilty dispositions had the highest mean BAC level at 0.171. Conversely, DUI charges that had the highest Delta 9-THC level were those with a disposition of not guilty (17.8 ng/mL). However, low case counts in the latter category more likely explain the high mean. The charges with the lowest BAC and Delta 9-THC levels by disposition were those with that were downgraded to a non-DUI charge, or labeled in the table as "Non-DUI Dispositions" (0.088 and 5.4, respectively). However, both of these means were still higher than either the BAC *per se* or the Delta 9-THC permissible inference level.

Table 32: BAC and Delta 9-THC among DUI charged individuals with quantified toxicology levels, by disposition, 2019

Characteristic	Guilty, N=11,654	Deferred Judgment, N=1,328	Diversion, N=71	Dismissed, N=1,203	Not Guilty, N=35	Non-DUI Disposition, N=161
BAC Level, Mean (SD)	0.171 (0.067)	0.108 (0.049)	0.131 (0.063)	0.103 (0.080)	0.145 (0.083)	0.088 (0.052)
Missing	1,076	236	7	424	7	31
Delta 9-THC Level, Mean (SD)	8.6 (9.8)	11.4 (12.4)	11.9 (10.0)	5.2 (6.8)	17.8 (16.5)	5.4 (6.4)
Missing	9,695	1,030	58	916	25	123

Note: Deferred dismissed dispositions are not shown here due to small numbers in that category for 2019.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Final DUI charges with dispositions of guilty, deferred judgment, and deferred dismissed were combined to calculate overall conviction rates by BAC and Delta 9-THC groups (Table 33). This analysis involved 2,310 DUI charges linked to toxicology testing results for both alcohol and Delta 9-THC. Only 47 of these records indicated no detection of either alcohol or cannabis. One in five (20%, n=469) of these cases that had dispositions and tests for both alcohol and Delta 9-THC fell into both the 0.08+ BAC category and in the 5.0+ ng/mL Delta 9-THC category. Generally, these findings convey the influence of either the *per se* or permissible inference level on convictions for both alcohol and cannabis polydrug related DUI cases.

Table 33: BAC and Delta 9-THC levels, by disposition, 2019

BAC Levels	None Detected		Present but <1.0		1.0 - 4.9		5.0+	
	N	Conviction Rate	N	Conviction Rate	N	Conviction Rate	N	Conviction Rate
Not Detected	47	76.6	38	65.8	187	62.0	466	91.8
<0.05	12	58.3	6	50.0	56	42.9	74	91.9
0.05-0.079	6	100.0	14	85.7	37	89.2	57	93.0
0.08+	179	96.6	115	98.3	547	96.2	469	96.8

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Polydrug Use and DUI Dispositions

Only slight differences were found in dispositions when comparing polydrug versus single drug detection (Table 34). The proportion of DUI cases with guilty dispositions for one drug versus polydrug detection were very similar at 81% versus 85%. Conversely, cases where no drugs were detected had the highest rates of dismissal (61%) and lowest proportion of guilty findings (32%).

Table 34: Disposition of DUI charges, by single or polydrug detection, 2019

Disposition	Not Tested	Tested		
		None Detected	One Drug	Polydrug
Guilty	6,804 (78.1%)	83 (32.3%)	9,565 (80.9%)	2,006 (84.5%)
Deferred Judgment	496 (5.7%)	12 (4.7%)	1,158 (9.8%)	158 (6.7%)
Deferred Dismissed	*	*	*	*
Diversion	15 (0.2%)	*	65 (0.5%)	6 (0.3%)
Dismissed	1,177 (13.5%)	156 (60.7%)	867 (7.3%)	180 (7.6%)
Not Guilty	59 (0.7%)	*	28 (0.2%)	6 (0.3%)
Non-DUI Disposition	159 (1.8%)	5 (1.9%)	139 (1.2%)	17 (0.7%)
Total	8,712 (100.0%)	257 (100.0%)	11,823 (100.0%)	2,374 (100.0%)

Note: * represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 35 shows drug categories and conviction rates for DUI charges from 2016 to 2019. Overall, rates were high at around 90%, but there was variation depending on the drugs detected. For DUI charges that were tested for alcohol and/or drugs and had no drugs detected, convictions rates almost doubled from 2016 to 2019 from 22% to 39%. DUI conviction rates linked to positive alcohol results were all at or above 90% and were higher than the overall conviction rate for DUI charges with a toxicology result (91%). In contrast, convictions for charges linked to Delta 9-THC only were lower, but in the four-year period, conviction rates rose almost ten percentage points from 69% in 2016 to 78% in 2019.

Table 35: Conviction rate, by drug category, 2019

Number of Drugs	Drugs Detected	2016		2017		2018		2019	
		N	Conviction Rate	N	Conviction Rate	N	Conviction Rate	N	Conviction Rate
No Drug	None Detected	157	22.3	157	25.5	157	17.2	257	38.9
Single Drug	Alcohol Only	13,323	91.9	12,608	92.0	11,775	92.3	10,775	93.2
	THC Only	878	68.7	1,007	75.5	978	75.8	796	77.9
	Single Other Drug	348	77.3	374	84.0	410	79.5	252	81.0
Polydrug	Alcohol and THC	787	91.0	890	91.6	967	94.2	1,078	93.6
	Alcohol and Other	346	89.9	383	91.9	378	92.3	485	93.0
	THC and Other	426	91.1	403	86.8	443	83.5	345	89.3
	Alcohol, THC, and Other	223	90.6	231	90.9	248	93.1	297	93.3
	Polydrug Not Alcohol or THC	318	75.5	249	85.1	203	82.8	169	81.1
	Total	16,806	89.3	16,302	89.9	15,559	90.3	14,454	90.9

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Scheduled Drug Categories and DUI Dispositions

The majority of DUI dispositions that were linked to a positive toxicology result for one or more scheduled drugs was guilty, and values for each of the schedules ranged from 80% to 87% (see Table 36). Caution should be used when reviewing these findings because of the few cases in some of the categories.

Table 36: DUI dispositions, by scheduled drug category, 2019

Disposition	I	II	IV
Guilty	118 (87.4%)	905 (84.8%)	446 (79.4%)
Deferred Judgment	*	55 (5.2%)	43 (7.7%)
Deferred Dismissed	*	*	*
Diversion	*	*	*
Dismissed	14 (10.4%)	100 (9.4%)	65 (11.6%)
Not Guilty	*	*	*
Non-DUI Disposition	*	6 (0.6%)	5 (0.9%)
Total	135 (100.0%)	1067 (100.0%)	562 (100.0%)

Note: * represents cell counts under five that were suppressed. Schedule III was not included due to small numbers.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

DRE Drug Categories and DUI Disposition

Table 37 shows DUI dispositions linked to positive toxicology results for the DRE drug categories. With the exception of the prescription drugs category, the majority of charges associated with a DRE drug category had guilty dispositions, with values ranging from 79% for narcotic analgesics and CNS Depressants to 90% in the hallucinogen category. Charges linked to presence of prescription drugs had the highest proportion of dismissed charges (58%). However, small cell counts, especially in the dissociative anesthetic and inhalant categories, limit the ability to interpret differences across the different drug categories.

Table 37: DUI charge, by disposition and Drug Recognition Expert drug category, 2019

Disposition	CNS Depressant	CNS Stimulant	Hallucinogen	Narcotic Analgesic	Prescription or Over the Counter Drug
Guilty	444 (79.1%)	845 (85.3%)	18 (90.0%)	226 (79.0%)	6 (25.0%)
Deferred Judgment	45 (8.0%)	50 (5.0%)	*	18 (6.3%)	*
Deferred Dismissed	*	*	*	*	*
Diversion	*	*	*	*	*
Dismissed	64 (11.4%)	90 (9.1%)	*	40 (14.0%)	14 (58.3%)
Not Guilty	*	*	*	*	*
Non-DUI Disposition	5 (0.9%)	5 (0.5%)	*	*	*
Total	561 (100.0%)	991 (100.0%)	20 (100.0%)	286 (100.0%)	24 (100.0%)

Notes: * represents cell counts under five that were suppressed. The Drug Recognition Expert categories refer to groupings designed to assist law enforcement in identifying impairing drugs in the field based on behavioral screenings and physiological tests. To see the drugs included in each grouping, see Appendix A

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Sentencing Data

Sentencing data were obtained for all charges associated with operating a vehicle while impaired or under the influence of alcohol, drugs, or any combination of alcohol and drugs. However, only State Judicial cases were examined as it was not possible to link Denver Court sentencing data to specific charges. Sentencing data are complicated, as each sentence can be suspended, reduced, or amended before reaching a final resolution. To standardize the analyses, only initial sentences associated with the final DUI charge were used.

Table 38 shows the percent of charges that received either a monetary sentence, including the issuance of fines, surcharges/fees, and/or restitution, or a supervision/incarceration sentence including the issuance of: community service, probation, jail, community corrections, or prison, stratified by DUI charge. In total, 92% of convicted DUI charges received a monetary sentence. The DUI charge with the highest percentage of convictions receiving a monetary sentence was vehicular assault (98%), and the charge receiving the lowest was DWAI with 3 or more priors (82%). The DUI charge with the highest percentage of convictions receiving a supervision/incarceration sentence was vehicular assault as well (98%), and the lowest was UDD (78%).

Table 38: Sentencing outcomes, by final DUI charge, 2019

Final DUI Charge	Total Convictions	Percent with Monetary Sentences	Percent with Incarceration/Supervision Sentences
UDD	71	95.8	77.5
DWAI	8,348	92.3	92.2
DUI	7,896	93.3	93.1
DWAI 1-2 Prior	1,038	94.9	94.9
DUI 1-2 Prior	1,995	88.2	88.2
DWAI 3+ Prior	44	81.8	81.8
DUI 3+ Prior	821	86.2	86.2
VEH ASSAULT	55	98.2	98.2
VEH HOMICIDE	14	92.9	92.9
Total	20,282	92.2	92.0

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Monetary Sentences

In delving more deeply into the types of monetary sentencing, we examined the frequency and average sentencing amounts. As a reminder, convicted individuals can receive all three monetary sentence types including multiple fines, fees, and surcharges. Table 39 shows the number of distinct charges that received each type of monetary sentence. Cells with few cases should be interpreted with caution. As seen in Table 39, over 90% of all DUI charges received at least one fine or surcharge/fee, compared to only 3% of charges that received a sentence involving restitution. Generally, the proportion of charges receiving restitutions tended to rise as the charge severity increased; vehicular homicide charges had the highest proportion requiring restitution payments (43%).

Table 39: Monetary sentences by final DUI charge, 2019

Final DUI Charge	Convicted Charges	Fine		Surcharge		Restitution	
		N	%	N	%	N	%
UDD	71	61	85.9	68	95.8	*	*
DWAI	8,348	7,697	92.2	7,707	92.3	132	1.6
DUI	7,896	7,357	93.2	7,365	93.3	235	3.0
DWAI 1-2 Prior	1,038	982	94.6	985	94.9	8	0.8
DUI 1-2 Prior	1,995	1,758	88.1	1,760	88.2	57	2.9
DWAI 3+ Prior	44	36	81.8	36	81.8	*	*
DUI 3+ Prior	821	686	83.6	708	86.2	30	3.7
VEH ASSAULT	55	*	*	54	98.2	14	25.5
VEH HOMICIDE	14	*	*	13	92.9	6	42.9
Total	20,282	18,579	91.6	18,696	92.2	483	2.4

Note: * represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Looking at specific surcharges/fees, an estimated 18,863 DUI charges had sentences requiring a total of $3,227,220 to be remitted to the Victim's Assistance Fund, making it the most common surcharge issued. Across all initial surcharges, the Probation Services Fee was assessed for 12,438 DUI charges, which amounted to a total of $12,176,294. The most frequently issued fine was the Law Enforcement Assistance Fund (LEAF), representing 18,480 DUI charges and $1,729,649. Finally, restitution from DUI charges in 2019 totaled $1,335,560 (for more information, see Appendix K). Although informative of the severity of sentences, these totals represented the sentencing amounts, and not the amount that individuals eventually paid.

Table 40 shows the average dollar amount per DUI charge receiving each monetary sentence category. On average, DUI charges accumulated $548 in fines, $1,472 in surcharges, and $3,332 in restitution; however, the average amount was $2,102, reflecting that not every DUI charge received all three monetary types of fines/fees. Generally, the average amounts tended to increase with charge severity; UDD charges had the lowest total monetary penalty, averaging $316, compared to vehicular assault's average of $4,106 or vehicular homicide's average of $3,373. Restitution and surcharges tended to follow a similar pattern. As shown in Table 39, the standard deviations (SD) in many cases were larger than the average monetary values; this highlights that the range of values for these sentences varied considerably, making it more difficult to compare the mean values to one another.

Table 40: Mean monetary sentences in dollars, by final DUI charge, 2019

Final DUI Charge	Fine ($)		Surcharge ($)		Restitution ($)		Total Financial Penalty ($)	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
UDD	104	72	232	265	*	*	316	305
DWAI	355	174	1,156	712	1,797	3,083	1,423	967
DUI	692	206	1,599	1,018	3,637	9,513	2,244	2,122
DWAI 1-2 Prior	704	262	1,879	819	2,358	3,777	2,467	1,115
DUI 1-2 Prior	766	303	1,905	732	4,536	9,999	2,485	2,165
DWAI 3+ Prior	266	522	2,267	1,164	*	*	2,073	1,522
DUI 3+ Prior	434	1,842	2,021	1,348	2,736	3,290	2,205	2,570
VEH ASSAULT	*	*	1,814	1,447	8,635	9,245	4,106	6,395
VEH HOMICIDE	*	*	805	965	6,126	6,155	3,373	4,885
Total	548	446	1,472	935	3,332	7,970	2,102	1,791

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation and makes comparing different means more difficult. * represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Supervision and Incarceration Sentences

Table 41 shows the number of DUI charges that received the following sentences: community service, probation, jail, community corrections, or prison. Average sentence lengths (in days) are provided in Table 38. These supervision and incarceration categories are not mutually exclusive and DUI charges may receive more than one of these sentences. The most common sentence for these charges was community service (n=17,618). Probation (n=16,459) and jail (n=12,971) followed for second and third most commonly issued sentence types among DUI charges. Generally, felony DWAI, felony DUI, vehicular assault, and vehicular homicide tended to have higher proportions receiving prison and community corrections sentences, whereas less severe charges tended to have greater percentage receiving community service, probation and jail sentences.

Table 41: Supervision and incarceration sentences, by final DUI charge, 2019

Final DUI Charge	Convicted Charges	Community Service		Probation		Jail		Community Corrections		Prison	
		N	%	N	%	N	%	N	%	N	%
UDD	71	52	73.2	38	53.5	*	*	*	*	*	*
DWAI	8,348	7,541	90.3	6,825	81.8	4,960	59.4	*	*	*	*
DUI	7,896	7,004	88.7	6,524	82.6	5,036	63.8	12	0.2	7	0.1
DWAI 1-2 Prior	1,038	946	91.1	948	91.3	899	86.6	*	*	*	*
DUI 1-2 Prior	1,995	1,663	83.4	1,684	84.4	1,688	84.6	*	*	*	*
DWAI 3+ Prior	44	22	50.0	24	54.5	21	47.7	7	15.9	7	15.9
DUI 3+ Prior	821	363	44.2	382	46.5	348	42.4	186	22.7	169	20.6
VEH ASSAULT	55	24	43.6	32	58.2	15	27.3	*	*	24	43.6
VEH HOMICIDE	14	*	*	*	*	*	*	*	*	9	64.3
Total	20,282	17,618	86.9	16,459	81.2	12,971	64.0	215	1.1	217	1.1

Note: * represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

On average in 2019, DUI charges with supervision and incarceration sentences received a total of three days (approx. 72 hours) of community service, 616 days of probation, and 220 days of jail (Table 42). On cases that received felony sentences, they received an average of 1,214 days of community corrections and 1,564 days in prison. As expected, sentence times varied by the severity of the offense. Note that some of the cells in Tables 41 and 42 have few cases and caution should be used when interpreting these findings. Similar to the analyses of monetary sentences above, the results may not reflect the actual time each individual served due to outcomes like the suspension of parts of a sentence, earned or good time, parole, or other factors.

Table 42: Mean sentence lengths for supervision and incarceration sentences in days, 2019

Final DUI Charge	Community Service		Probation		Jail		Community Corrections		Prison	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
UDD	1	0	344	180	*	*	*	*	*	*
DWAI	3	104	501	302	98	303	*	*	*	*
DUI	2	1	624	569	215	426	698	402	819	622
DWAI 1-2 Prior	2	2	779	199	441	334	*	*	*	*
DUI 1-2 Prior	3	4	807	223	474	394	*	*	*	*
DWAI 3+ Prior	4	4	1,155	490	248	204	963	273	1,251	552
DUI 3+ Prior	6	14	1,206	916	232	224	1,254	502	1,455	609
VEH ASSAULT	4	3	1,431	846	75	27	*	*	1,999	874
VEH HOMICIDE	*	*	*	*	*	*	*	*	3,285	966
Total	3	68	616	464	220	390	1,214	533	1,564	773

Note: SD refers to standard deviation and measures variation of the values in the data to assist in making comparisons between different means; a small SD relative to the mean indicates a tight clustering of values around the mean whereas a large SD relative to the mean indicates a wider range of values and would make comparing different means more difficult. * represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Probation Assessment Data

The Office of Behavioral Health in the Department of Human Services provided probation assessment data. This dataset represented information gathered as part of the probation intake process for individuals who were sentenced for a DUI conviction. The assessment data contained information not available in court case filings, including certain demographic characteristics, drug involvement, crash outcome, and DUI history. This analysis provides a more complete profile of individuals who were sentenced.

In 2019, 16,953 records were linked to the 26,165 case filings and available for analysis from the Alcohol/Drug Driving Safety Coordinated Data System (ADDSCODS). Because of the time lag between case filing, conviction, and the probation assessment, thousands of 2019 DUI case filings had not reached disposition nor received an assessment. Overall, in 2019, the matching rate of 65% was within the normal range of record matching, compared to prior years (64% in 2018; 69% in 2017; 70% in 2016).

Demographics of Individuals Convicted of a DUI

Education

Educational attainment levels among individuals convicted of DUI were consistent from 2016 to 2019. In 2019, 17% of individuals did not have a high school diploma or General Education Diploma (GED), and 47% earned a high school diploma or GED (see Table 43). The remaining 36% had some level of post-secondary education.

Table 43: Education levels of individuals convicted of a DUI, 2019

Education	N
No HS Diploma/GED	2,826 (16.7%)
HS Diploma/GED	8,033 (47.4%)
Some College/College Graduate	6,094 (35.9%)
Total	16,953 (-)

Data Source: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marital Status

Table 44 shows marital history for individuals who received probation assessments in 2019. The majority (57%) were unmarried, and an additional 24% were either separated or divorced. Nineteen percent were married.

Table 44: Marital status of individuals convicted of a DUI, 2019

Married	N
Never married	9,553 (57.6%)
Married	3,148 (19.0%)
Separated	788 (4.7%)
Divorced	2,877 (17.3%)
Widowed	227 (1.4%)
Total	16,593 (-)

Data Source: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Prior Impaired Driving Arrests

Table 45 summarizes the history of prior DUI arrests from 2019 for individuals who received probation assessments. Over one-third of individuals who were assessed (37%) had at least one prior DUI. Seven percent of individuals had three or more prior arrests for DUI.

Table 45: Prior arrests of individuals convicted of a DUI, 2019

Prior Arrests	N
No Priors	10,676 (63.0%)
1-2 Prior(s)	5,094 (30.0%)
3 + Priors	1,183 (7.0%)
Total	16,953 (-)

Data Source: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 46 utilizes the linked DUI court case and toxicology data along with the probation dataset to look at the drug toxicology and prior arrests. The proportion of those with a prior DUI arrest and no test was 44%, compared to 30% of those without a prior DUI, which may indicate that individuals with prior DUIs are more likely to refuse a test.

Table 46: Prior arrests and drugs detected, 2019

Number of Drugs	Drugs Detected	Prior DUI Arrest	No Priors
Not Tested	Not Tested	2,780 (44.3%)	3,222 (30.2%)
None Detected	None Detected	*	54 (*)
One Drug	Alcohol Only	2,670 (42.5%)	5,599 (52.4%)
	THC Only	75 (1.2%)	448 (4.2%)
	Single Other Drug	66 (1.1%)	97 (0.9%)
Polydrug	Alcohol and THC	273 (4.3%)	651 (6.1%)
	Alcohol and Other	184 (2.9%)	198 (1.9%)
	THC and Other	68 (1.1%)	188 (1.8%)
	Alcohol, THC, and Other	86 (1.4%)	164 (1.5%)
	Polydrug Not Alcohol or THC	52 (0.8%)	55 (0.5%)
Total	Total	6,277 (100.0%)	10,676 (100.0%)

Note: * indicates values where the cell count was under 30, or the percentage value could not be calculated due to censored values in the row.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 47 shows the mean BAC and Delta 9-THC levels, stratified by prior arrests. Those that had prior arrests had a higher BAC compared to those that did not have a prior arrest (0.180 vs. 0.156), but interestingly had a lower Delta 9-THC level (7.1 ng/mL vs. 9.5 ng/mL). The large standard deviation values for the Delta 9-THC levels as shown in Table 47, suggest that there was a high degree of variability in the data, and comparing the two means is tenuous.

Table 47: Prior Arrests and Alcohol and Delta 9-THC Toxicology, 2019

Characteristic	Prior DUI Arrest, N = 6,277	No Priors, N = 10,676
BAC Level, Mean (SD)	0.180 (0.073)	0.156 (0.063)
Missing	3,059	4,054
Delta 9-THC Level, Mean (SD)	7.1 (8.5)	9.5 (10.5)
Missing	5,735	9,195

Note: *SD refers to standard deviation and measures the variation in values; a small SD relative to the mean indicates a tight clustering of values around the mean whereas a large SD relative to the mean indicates a smaller clustering of values.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Crash Involvement

A quarter of DUI convicted drivers that received a probation assessment in 2019 were involved in a crash (26%). As shown in Table 48, 80% of individuals involved in crashes did not report injuries and property damage associated with the events. However, a total of 897 individuals with probation assessments were involved in crashes with injuries and/or fatalities, which illustrates the public safety harms of impaired driving.

Table 48: Crash involvement for individuals convicted of a DUI, 2019

Crash Involvement	N
No Crash	12,517 (73.8%)
Crash with No Injuries or Property Damage	2,010 (11.9%)
Crash with Property Damage Only	1,529 (9.0%)
Crash with Fatality or Injury (Including Possible Property Damage)	897 (5.3%)
Total	16,953 (100.0%)

Note: Crash involvement is assessed independently from whether injury or property damage occurred; this meets the Department of Revenue's definition of a crash, as the traffic event involved substance impairment. See 'Department of Revenue. (2019). Investigating Officer's Crash Reporting Manual. https://codot.gov/about/committees/strac/dr3447-folder/using-the-dr3447/officers-crash-reporting-manual/view'

Data Source: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 49 assesses the relationship between crash involvement and drugs detected in drivers, which varied by substances identified. Crash involvement was lowest among drivers who tested positive for Delta 9-THC alone (10%). However, 32% of drivers who tested positive for Delta 9-THC and alcohol were involved in a crash, which is higher than the prevalence for all sentenced drivers (26%). Moreover, drivers that had alcohol, Delta 9-THC, and an additional substance had the highest rate of crash involvement among all of the groupings at 40%.

Table 49: Crash involvement and Drugs Detected, 2019

Number of Drugs	Drugs Detected	Crash	No Crash
Not Tested	Not Tested	1,681 (28.0%)	4,321 (72.0%)
None Detected	None Detected	*	61 (*)
One Drug	Alcohol Only	1,993 (24.1%)	6,276 (75.9%)
	THC Only	52 (9.9%)	471 (90.1%)
	Single Other Drug	49 (30.1%)	114 (69.9%)
Polydrug	Alcohol and THC	294 (31.8%)	630 (68.2%)
	Alcohol and Other	152 (39.8%)	230 (60.2%)
	THC and Other	62 (24.2%)	194 (75.8%)
	Alcohol, THC, and Other	100 (40.0%)	150 (60.0%)
	Polydrug Not Alcohol or THC	37 (34.6%)	70 (65.4%)
Total	Total	4,436 (26.2%)	12,517 (73.8%)

Note: * indicates values where the cell count was under 30, or the percentage value could not be calculated due to censored values in the row.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

As seen in Table 50, drivers that were involved in a crash had a higher BAC level compared to those that were not involved in a crash (0.182 vs. 0.158), but also had a lower Delta 9-THC level. The large standard deviation values for the Delta 9-THC levels as shown in Table 49, again suggest that there was a high degree of variability in the data, and comparing the two means is somewhat tenuous.

Table 50: Crash Involvement and Alcohol and Delta 9-THC Toxicology, 2019

Characteristic	Crash, N=4,436	No Crash, N=12,517
BAC Level, Mean (SD)	0.182 (0.071)	0.158 (0.065)
Missing	1,894	5,219
Delta 9-THC Level, Mean (SD)	6.4 (8.0)	9.8 (10.6)
Missing	3,910	11,020

Note: *SD refers to standard deviation and measures the variation in values; a small SD relative to the mean indicates a tight clustering of values around the mean whereas a large SD relative to the mean indicates a smaller clustering of values.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Treatment Track

Table 51 shows the treatment track, which is an indicator of the intensity of treatment requirements for Level II therapy. These tracks were assigned based on risk factors identified in the probation assessment, history of impaired driving offenses, and toxicology testing results.[33] The levels are listed in order of intensity of treatment requirements with Track A requiring 42 hours of treatment over the course of at least 21 weeks to Track D, which has a requirement of 86 hours of treatment in at minimum 43 weeks. Individuals placed into Track F were convicted of felony DUI. Track F (also known as Level II Four+) is similar to the other tracks with stipulations for length of time in treatment, but it also demands that individuals in treatment demonstrate competencies tied to different phases.

The most common placement was Treatment Track B (36%), followed by Treatment Track D (22%). Approximately 4% were placed in Treatment Track F. About 17% of individuals did not have a treatment assignment in the probation assessment dataset; these individuals could have been assigned to a DUI treatment track, but the probation assessment data was not updated to reflect their placement, or were intentionally not assigned to DUI treatment. The heterogeneity of the unassigned category and potential misclassification could have impacted the analyses below and represents a limitation of the data.

Table 51: Treatment track and individuals convicted of a DUI, 2019

Treatment Track	N
A	2,269 (13.4%)
B	6,132 (36.2%)
C	1,097 (6.5%)
D	3,870 (22.8%)
F	687 (4.1%)
UNASSIGNED	2,898 (17.1%)
Total	16,953 (-)

Notes: The treatment tracks are listed in order of intensity. Individuals who were not assigned a treatment track could represent a data entry error or that they were not recommended to undergo DUI treatment.

Data Source: Office of Behavioral Health. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

The number of drugs detected for the different treatment tracks are displayed in Table 52. Due to small numbers, treatment tracks were aggregated into A/B, C/D, and F. Six percent of cases with no matching test received track F, compared to three percent in the single or polydrug groups. Treatment track A/B was assigned to 56% of the polydrug group while it was assigned to 49% of both the not tested and one drug group. However, under-detection of alcohol and drugs is likely given the high number of those that did not have a toxicology record.

[33] Colorado Department of Human Services. (2021). *DUI Services*. Office of Behavioral Health. https://cdhs.colorado.gov/behavioral-health/dui-services

Table 52: Treatment Track and number of drugs detected, 2019

Number of Drugs	A/B	C/D	F	UNASSIGNED
Not Tested	2,935 (48.9%)	2,115 (35.2%)	358 (6.0%)	594 (9.9%)
None Detected	*	*	*	30 (39.0%)
One Drug	4,358 (48.7%)	2,306 (25.8%)	267 (3.0%)	2,024 (22.6%)
Polydrug	1,081 (56.3%)	529 (27.6%)	59 (3.1%)	250 (13.0%)
Total	8,374 (49.6%)	4,950 (29.3%)	684 (4.1%)	2,898 (17.1%)

Notes: The treatment tracks are listed in order of intensity. Individuals who were not assigned a treatment track could represent a data entry error or that they were not recommended to undergo DUI treatment.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In Table 53, BAC and Delta 9-THC levels are stratified by treatment track placement, and treatment track again was aggregated due to small numbers. As the treatment track increased in severity, the mean BAC rose, and mean Delta 9-THC declined.

Table 53: Treatment Track, by Alcohol and Delta 9-THC Toxicology, 2019

Characteristic	A/B, N=8,401	C/D, N=4,967	F, N=687	Unassigned, N=2898
BAC Level, Mean (SD)	0.173 (0.061)	0.180 (0.072)	0.189 (0.074)	0.115 (0.052)
Missing	3,431	2,342	381	959
Delta 9-THC Level, Mean (SD)	8.6 (10.3)	7.4 (8.8)	4.8	11.6 (10.5)
Missing	7,284	4,527	644	2,475

Notes: The treatment tracks are listed in order of intensity. Individuals who were not assigned a treatment track could represent a data entry error or that they were not recommended to undergo DUI treatment.

Data Sources: Office of Behavioral Health, State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Section Five: Conclusion

Although this report concerned data from 2019 only, signs of the pandemic-related impacts to the criminal justice system emerged. In 2019, there was a 4% decline in case filings that reached disposition, despite the delayed data pull of DUI court case filings. Turning to dispositions, there was a significant drop-off in individuals who were granted deferred dismissed findings, which could be associated with the delays in court proceedings and/or difficulty of demonstrating sentence completions. Next year, we anticipate seeing more changes in the DUI case filings given the closer proximity of the offense to the pandemic, and the wide-scale impacts to the criminal justice system in terms of all the potential effects including: decreased enforcement, postponed/canceled court appearances, lack of availability of jury trials, and changes in community supervision.[34]

Colorado's adoption of free, comprehensive screening of blood samples for alcohol and drugs of abuse for law enforcement agencies represented a notable change in the investigation process. As a result of this policy, we documented a 14 percentage point increase in the detection of polydrug toxicology in the DUI case filings where CBI performed the testing. Among all DUI case filings, the increase in polydrug detection rose by two percentage points in 2019 compared to 2018, but this time period is not as good of a barometer since the policy change occurred mid-year in 2019. In 2019, 1,039 additional cases were screened for cannabinoids compared to 2018, and the positivity rate for cannabinoids dropped from 2019-2018 (52% vs. 66%, respectively). This decline in positivity is an expected outcome and may suggest that the new positivity rate better matches the actual prevalence of cannabinoid toxicology of all impaired drivers. We will continue to monitor the impacts of the improved screening rates on DUI toxicology in subsequent reports. However, other barriers to drug toxicology testing remain and limit the ability to have universal drug screening for individuals being investigated for a DUI including: testing refusals from individuals being investigated and the timeliness and convenience of breath testing for law enforcement.

In contrast to some of the early changes in DUI data due to the pandemic and testing expansion, many trends as described in prior reports remained the same. Individuals who were charged with a DUI and who were screened for alcohol had unsafe levels of alcohol in their system. Roughly 80% of these individuals had a BAC level over 0.08, and the mean BAC was double the legal limit (0.161). In addition, although only 21% of individuals who were positive for alcohol had another drug detected in their toxicology, population surveys suggest this could be an underestimate since a third of Coloradans who report binge drinking also report current use of marijuana,[35] and concurrent use is a likely possibility.[36] Polydrug toxicology was more widely documented in this report for individuals who tested positive for Delta 9-THC with 68% having polydrug toxicology results. Our report also demonstrates that among impaired drivers, polydrug toxicology results were associated with a higher prevalence of crash involvement, which illustrates the threat posed by substance misuse and impaired driving.

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[34] National Conference of State Legislatures. (2020, August 19.) *COVID-19 and the criminal justice system: a guide for state legislators.* https://www.ncsl.org/research/civil-and-criminal-justice/covid-19-and-the-criminal-justice-system-a-guide-for-state-lawmakers.aspx

[35] Crawford, K. A. (2021). Current Marijuana Use and Alcohol Consumption Among Adults Following the Legalization of Nonmedical Retail Marijuana Sales — Colorado, 2015–2019. *MMWR. Morbidity and Mortality Weekly Report*, 70(43), 1505–1508. https://doi.org/10.15585/MMWR.MM7043A3

[36] Esser, M. B., Pickens, C. M., Guy, G. P., & Evans, M. E. (2021). Binge Drinking, Other Substance Use, and Concurrent Use in the U.S., 2016–2018. *American Journal of Preventive Medicine*, 60(2), 169–178. https://doi.org/10.1016/j.amepre.2020.08.025

Although Colorado is currently utilizing a variety of counter-measures to reduce impaired driving including, but not limited to: media campaigns, high-visibility enforcement periods, treatment services, and ignition interlocks, there has been little attention given toward other environmental strategies to reduce the prevalence of binge drinking and other high-risk substance use behaviors. The Community Prevention Services Task Force endorses increasing alcohol taxes and reducing access to alcohol by maintaining limits on days of sale as well as hours of sale.[37] In addition, the National Academy of Sciences also endorses these strategies to reduce impaired driving.[38] Although not officially endorsed by the traffic safety community, similar approaches could be applied to cannabis to help reduce the threat of drug impaired driving.

[37] Community Prevention Services Task Force. (2013). Preventing Excessive Alcohol Use | The Community Guide. Retrieved November 22, 2021, from https://www.thecommunityguide.org/topic/excessive-alcohol-consumption
[38] Teutsch, S. M., Geller, A., & Negussie, Y. (2018). Getting to zero alcohol-impaired driving fatalities: A comprehensive approach to a persistent problem. In Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem. https://doi.org/10.17226/24951

Appendix A: Drug categories

Drug	Drug Category	DRE Category	FARS	Schedule
4anpp	Opioid	Narcotic Analgesic	Narcotic	*
Acetylfentanyl	Opioid	Narcotic Analgesic	Narcotic	*
Alprazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Amitriptyline	Antidepressant	Prescription Drug	*	*
Amphetamine/Methamphetamine	Stimulant	CNS Stimulant	Stimulant	II
Aripiprazole	Antipsychotic	Prescription Drug	*	*
Atomoxetine	SNRI	Prescription Drug	*	*
Brexpiprazole	Antipsychotic	Prescription Drug	*	*
Bupivacaine	Anesthetic	Prescription Drug	*	*
Buprenorphine	Opioid	Narcotic Analgesic	Narcotic	V
Bupropion	Antidepressant	Prescription Drug	*	*
Burprenorphine	Opioid	Narcotic Analgesic	Narcotic	V
Butabarbital	Barbiturates	CNS Depressant	Depressant	*
Butalbital	Barbiturates	CNS Depressant	Depressant	*
Carbamazepine	Anticonvulsant	Prescription Drug	*	*
Carisoprodol	Muscle Relaxant	CNS Depressant	Depressant	IV
Cathinone	Stimulant	CNS Stimulant	Stimulant	*
Cetirizine	Antihistamine	Prescription Drug	*	*
Chlorcyclizine	Antihistamine	Prescription Drug	*	*
Chlordiazepoxide	Benzodiazepines	CNS Depressant	Depressant	IV
Chlorpheniramine	Antihistamine	Prescription Drug	*	*
Chlorpheniramine	Antihistamine	Prescription Drug	*	*
Citalopram	SSRI	Prescription Drug	*	*
Clomipramine	Antidepressant	Prescription Drug	*	*
Clonazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Clonazolam	Benzodiazepines	CNS Depressant	Depressant	*
Clozapine	Antipsychotic	Prescription Drug	*	*
Cocaine	Stimulant	CNS Stimulant	Stimulant	II
Codeine	Opioid	Narcotic Analgesic	Narcotic	II
Cyclobenzaprine	Muscle Relaxant	Prescription Drug	*	*
Demoxepam/Chlordiazepoxide	Benzodiazepines	CNS Depressant	Depressant	*

Drug	Drug Category	DRE Category	FARS	Schedule
Dextromethorphan	Dissociative Anaesthetic	Prescription Drug	*	*
Dextrorphan	Dissociative Anaesthetic	Prescription Drug	*	*
Diazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Diclazepam	Benzodiazepines	CNS Depressant	Depressant	*
Dicyclomine	Anticholinergic	Prescription Drug	*	*
Difluoroethane	Inhalant	Inhalant	Inhalant	*
Difluoroethane	Inhalant	Inhalant	*	*
Diltiazem	Antihypertensive	Prescription Drug	*	*
Diphenhydramine	Antihistamine	Prescription Drug	*	*
Diphenhydramine	Antihistamine	Prescription Drug	*	*
Doxepin	Antidepressant	Prescription Drug	*	*
Doxylamine	Antihistamine	Prescription Drug	*	*
Doxylamine	Antihistamine	Prescription Drug	*	*
Duloxetine	Antidepressant	Prescription Drug	*	*
Ephedrine	Stimulant	CNS Stimulant	Stimulant	II
Etizolam	Benzodiazepines	CNS Depressant	Depressant	*
Fentanyl	Opioid	Narcotic Analgesic	Narcotic	II
Fladrafinil	Stimulant	CNS Stimulant	Stimulant	*
Flecainide	Antiarrhythmic agent	Prescription Drug	*	*
Flualprazolam	Benzodiazepines	CNS Depressant	Depressant	*
Flubromazolam	Benzodiazepines	CNS Depressant	Depressant	*
Fluconazole	Antifungal	Prescription Drug	*	*
Fluoxetine	SSRI	Prescription Drug	*	*
Gabapentin	Anticonvulsant	Prescription Drug	*	*
Ghb	Sedative Hypnotic	CNS Depressant	Depressant	I
Heroin	Opioid	Narcotic Analgesic	Narcotic	I
Hydrocodone	Opioid	Narcotic Analgesic	Narcotic	II
Hydromorphone	Opioid	Narcotic Analgesic	Narcotic	II
Hydroxyzine	Antihistamine	Prescription Drug	*	*
Hydroxyzine	Antihistamine	Prescription Drug	*	*
Ketamine	Dissociative Anesthetic	Hallucinogen	Hallucinogen	III
Kratom	Opioid	Narcotic Analgesic	Narcotic	*

Drug	Drug Category	DRE Category	FARS	Schedule
Lacosamide	Anticonvulsant	Prescription Drug	*	*
Lamotrigine	Anticonvulsant	Prescription Drug	*	*
Levamisole	Cutting Agent	*	*	*
Levetiracetam	Anticonvulsant	Prescription Drug	*	*
Levetiracetam	Anticonvulsant	Prescription Drug	*	*
Lidocaine	Anesthetic	Prescription Drug	*	*
Lorazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Lsd	Psychotomimetic	Hallucinogen	Hallucinogen	I
Lurasidone	Antipsychotic	Prescription Drug	*	*
Mcpp	Stimulant	Hallucinogen	Hallucinogen	*
Mda/Mdma	Stimulant	Hallucinogen	Hallucinogen	I
Mdma	Stimulant	Hallucinogen	Hallucinogen	I
Meprobamate/Carisoprodol	Tranquilizer	CNS Depressant	Depressant	IV
Methadone	Opioid	Narcotic Analgesic	Narcotic	II
Methamphetamine	Stimulant	CNS Stimulant	Stimulant	II
Metoprolol	Antihypertensive	Prescription Drug	*	*
Midazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Mirtazapine	Antidepressant	Prescription Drug	*	*
Modafinil	Stimulant	CNS Stimulant	Stimulant	IV
Morphine/Codeine/Heroin	Opioid	Narcotic Analgesic	Narcotic	I
Nordiazepam/Diazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Nortriptyline/Amitriptyline	Antidepressant	Prescription Drug	*	*
Olanzapine	Antipsychotic	Prescription Drug	*	*
Orphenadrine	Muscle Relaxant	Prescription Drug	*	*
Oxazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Oxycodone	Opioid	Narcotic Analgesic	Narcotic	II
Oxymorphone/Oxycodone	Opioid	Narcotic Analgesic	Narcotic	II
Phencyclidine	Dissociative Anesthetic	Hallucinogen	Hallucinogen	II
Phenobarbital	Barbiturates	CNS Depressant	Depressant	IV
Phentermine	Stimulant	CNS Stimulant	Stimulant	IV
Phenytoin	Anticonvulsant	Prescription Drug	*	*
Promethazine	Antihistamine	Prescription Drug	*	*

Drug	Drug Category	DRE Category	FARS	Schedule
Propofol	Anesthetic	Prescription Drug	*	*
Pseudoepehdrine	Stimulant	CNS Stimulant	Stimulant	II
Quetiapine	Antipsychotic	Prescription Drug	*	*
Secobarbital	Barbiturates	CNS Depressant	Depressant	II
Sertraline	SSRI	Prescription Drug	*	*
Synthetic Cannbinoid	Novel Psychoactive Substances	Cannabis	Cannabinoid	*
Tapentadol	Opioid	Narcotic Analgesic	Narcotic	*
Temazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Ticlopidine	Antiplatelet	Prescription Drug	*	*
Toluene	Inhalant	Inhalant	Inhalant	*
Topiramate	Anticonvulsant	Prescription Drug	*	*
Tramadol	Opioid	Narcotic Analgesic	Narcotic	*
Trazodone	Antidepressant	Prescription Drug	*	*
Triazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Trimethoprim	Antibiotic	Prescription Drug	*	*
U-47700	Opioid	Narcotic Analgesic	Narcotic	*
Valproic Acid	Anticonvulsant	Prescription Drug	*	*
Venlafaxine	SSRI	Prescription Drug	*	*
Verapamil	Antihypertensive	Prescription Drug	*	*
Ziprasidone	Antipsychotic	Prescription Drug	*	*
Zolpidem	Benzodiazepines	CNS Depressant	Depressant	IV
Zopiclone	Benzodiazepines	CNS Depressant	Depressant	*
*	*	*	*	*

Appendix B: DUI cases and case rates per 100,000 residents 16+ by judicial district and county, 2016-2019

Judicial District	County	2016 Count	2017 Count	2018 Count	2019 Count	2016 Rate	2017 Rate	2018 Rate	2019 Rate
1	Gilpin	117	164	238	197	2,367	3,257	4,649	3,755
1	Jefferson	2,489	2,597	2,409	2,306	531	549	505	479
2	Denver	2,269	1,792	1,887	1,817	398	309	319	301
3	Huerfano	68	53	81	106	1,214	939	1,386	1,812
3	Las Animas	111	101	114	112	956	861	951	933
4	El Paso	2,750	3,074	3,150	3,616	511	560	562	636
4	Teller	176	207	238	219	871	997	1,123	1,018
5	Clear Creek	110	120	164	146	1,380	1,474	2,009	1,777
5	Eagle	568	527	483	453	1,298	1,190	1,084	1,005
5	Lake	70	81	69	53	1,177	1,334	1,122	827
5	Summit	395	411	470	455	1,485	1,526	1,741	1,681
6	Archuleta	85	70	75	104	792	630	653	885
6	La Plata	671	486	505	465	1,472	1,059	1,083	995
6	San Juan	8	1	4	8	1,370	167	618	1,278
7	Delta	204	166	156	155	816	658	610	599
7	Gunnison	186	187	153	172	1,360	1,329	1,068	1,175
7	Hinsdale	*	2	1	3	*	305	148	431
7	Montrose	224	220	298	288	679	654	873	829
7	Ouray	58	56	56	42	1,421	1,365	1,359	990
7	San Miguel	115	66	59	51	1,763	1,007	882	761
8	Jackson	6	10	16	16	529	873	1,375	1,373
8	Larimer	1,789	2,052	2,160	2,344	648	731	755	801
9	Garfield	633	681	618	643	1,378	1,469	1,314	1,351
9	Pitkin	150	173	159	153	965	1,110	1,018	981
9	Rio Blanco	43	78	60	42	854	1,566	1,209	841
10	Pueblo	656	556	628	633	500	418	467	466
11	Chaffee	115	173	165	153	705	1,031	963	877
11	Custer	18	44	54	52	448	1,035	1,251	1,170
11	Fremont	281	216	225	262	700	531	549	642
11	Park	78	85	126	147	530	560	800	918

Judicial District	County	2016 Count	2017 Count	2018 Count	2019 Count	2016 Rate	2017 Rate	2018 Rate	2019 Rate
12	Alamosa	189	192	156	127	1,532	1,548	1,249	1,016
12	Conejos	35	32	44	37	572	515	705	588
12	Costilla	25	28	31	24	813	900	982	744
12	Mineral	4	8	8	9	614	1,238	1,199	1,360
12	Rio Grande	72	64	84	64	812	723	952	720
12	Saguache	24	19	33	20	471	360	607	364
13	Kit Carson	65	52	35	39	1,052	910	613	695
13	Logan	103	113	145	128	563	620	797	701
13	Morgan	165	209	130	185	772	975	600	836
13	Phillips	15	24	29	25	447	715	863	740
13	Sedgwick	11	6	12	14	561	316	643	756
13	Washington	23	15	15	7	606	387	391	181
13	Yuma	37	27	28	35	482	354	368	459
14	Grand	167	200	227	199	1,325	1,565	1,760	1,513
14	Moffat	149	139	113	73	1,481	1,380	1,113	712
14	Routt	165	229	263	218	811	1,100	1,241	1,029
15	Baca	19	11	13	13	663	383	452	453
15	Cheyenne	20	10	7	5	1,402	698	484	347
15	Kiowa	9	7	3	25	828	634	270	2,207
15	Prowers	121	89	93	135	1,331	973	1,010	1,459
16	Bent	15	27	41	33	310	538	816	652
16	Crowley	14	37	25	18	302	726	484	336
16	Otero	96	143	113	140	674	995	785	973
17	Adams	2,853	2,830	2,579	2,817	754	734	656	703
17	Broomfield	235	202	233	206	447	372	417	360
18	Arapahoe	3,157	2,413	2,035	1,763	628	474	395	338
18	Douglas	1,016	910	809	936	399	346	298	333
18	Elbert	98	97	89	65	476	459	412	294
18	Lincoln	37	41	50	59	812	904	1,093	1,267
19	Weld	1,378	1,527	1,650	1,507	611	653	683	604
20	Boulder	1,426	1,277	1,281	1,063	535	476	472	388

Judicial District	County	2016 Count	2017 Count	2018 Count	2019 Count	2016 Rate	2017 Rate	2018 Rate	2019 Rate
21	Mesa	834	811	786	751	695	667	637	601
22	Dolores	11	8	5	6	659	480	297	354
22	Montezuma	213	237	269	206	1,028	1,135	1,282	979

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix C: DUI cases by arresting agency, 2016-2019

Agency	2016	2017	2018	2019	2016-2019 Percent Difference
Adams County Sheriff's Office	576	566	370	492	-14.6
Adams District Attorney	0	0	0	3	*
Adams State Public Safety	4	4	2	1	-75.0
Alamosa Police Dept	79	91	72	47	-40.5
Alamosa Sheriff's Office	22	44	29	19	-13.6
Alma Police Dept	2	0	0	0	*
Antonito Police Dept	8	1	3	0	*
Arapahoe County Sheriff's Office	280	204	301	293	4.6
Arapahoe District Attorney	5	1	0	1	-80.0
Archuleta County Sheriff's Office	19	15	21	29	52.6
Arvada Police Dept	459	467	388	429	-6.5
Aspen Police Dept	41	50	62	67	63.4
Ault Police Dept	8	7	3	2	-75.0
Aurora Police Dept	2,221	1,570	1,255	983	-55.7
Avon Police Dept	101	130	107	99	-2.0
Baca County Sheriff's Office	4	4	8	3	-25.0
Basalt Police Dept	47	27	22	19	-59.6
Bayfield Police Dept	9	3	5	9	0.0
Bent County Sheriff's Office	5	18	19	19	280.0
Berthoud Police Dept	2	1	3	3	50.0
Black Hawk Police Dept	31	40	29	25	-19.4
Blanca Police Dept	0	0	0	2	*
Blue River Police Dept	0	0	4	2	*
Boulder County Sheriff's Office	217	190	150	148	-31.8
Boulder District Attorney	1	3	1	2	100.0
Boulder Police Dept	479	351	279	180	-62.4
Breckenridge Police Dept	62	74	78	41	-33.9
Brighton Police Dept	233	222	210	168	-27.9

Broomfield County Sheriff's Office	234	199	229	202	-13.7
Brush Police Dept	32	12	11	24	-25.0
Buena Vista Police Dept	27	27	23	19	-29.6
Burlington Police Dept	18	19	10	11	-38.9
Calhan Town Marshal	6	1	1	2	-66.7
Campo Police Dept	1	0	0	0	*
Canon City Police Dept	52	62	62	42	-19.2
Carbondale Police Dept	86	102	147	92	7.0
Castle Rock Police Dept	181	163	128	97	-46.4
Cedaredge Marshall Office	3	5	5	5	66.7
Centennial Police Dept	280	174	7	11	-96.1
Center Police Dept	10	3	6	2	-80.0
Chaffee County Sheriff's Office	22	26	37	39	77.3
Cherry Hills Police Dept	34	53	41	24	-29.4
Cheyenne County Sheriff's Office	19	7	4	5	-73.7
Clear Creek Sheriff's Office	21	28	64	27	28.6
Co Div Of Gaming-Gilpin	0	0	1	0	*
Co Div Of Parks And Wildlife	21	33	41	35	66.7
Co Mh Institute At Pueblo	2	5	0	0	*
Co School Of Mines Police Dept	6	1	1	0	*
Co Springs Police Dept	1,614	1,899	1,899	1,808	12.0
Co State University Police Dept	181	200	129	112	-38.1
Collbran Town Marshall	3	1	0	0	*
Colorado Attorney General	1	0	0	0	*
Colorado State Patrol	4,586	4,821	5,220	5,242	14.3
Columbine Valley Police Dept	16	17	25	4	-75.0
Commerce City Police Dept	201	219	229	304	51.2
Conejos County Sheriff's Office	12	4	9	5	-58.3
Cortez Police Dept	133	126	159	124	-6.8
Costilla County Sheriff's Office	19	21	13	6	-68.4

Craig Police Dept	75	51	42	31	-58.7
Creede Police Dept	1	0	0	0	*
Crested Butte Marshal	18	13	15	16	-11.1
Cripple Creek Police Dept	12	24	41	31	158.3
Crowley County Sheriff's Office	11	30	19	13	18.2
Custer County Sheriff's Office	16	41	48	50	212.5
Dacono Police Dept	70	41	30	39	-44.3
Debeque Police Dept	6	3	1	2	-66.7
Del Norte Police Dept	16	6	4	6	-62.5
Delta County Sheriff's Office	20	26	17	17	-15.0
Delta District Attorney	1	0	0	0	*
Delta Police Dept	50	42	40	39	-22.0
Denver Police Dept	2,269	1,791	1,888	1,815	-20.0
Dillon Police Dept	39	23	20	27	-30.8
Dinosaur Police Dept	0	0	0	3	*
Dolores County Sheriff's Office	7	4	2	5	-28.6
Douglas County Sheriff's Office	397	360	289	373	-6.0
Douglas District Atty	1	0	0	2	100.0
Durango Police Dept	280	221	201	186	-33.6
Eagle County Drug Task Force	1	0	0	0	*
Eagle Police Dept	73	49	40	23	-68.5
Eagle Sheriff's Office	96	67	85	78	-18.8
Eaton Police Dept	11	14	11	5	-54.5
Edgewater Police Dept	194	128	61	49	-74.7
El Paso County Sheriff's Office	424	359	451	836	97.2
El Paso District Attorney	23	15	11	46	100.0
Elbert County Sheriff's Office	76	68	58	45	-40.8
Elizabeth Police Dept	11	7	9	7	-36.4
Empire Police Dept	0	0	1	0	*
Englewood Police Dept	180	173	147	146	-18.9
Erie Police Dept	83	69	71	95	14.5

Estes Park Police Dept	58	45	46	55	-5.2
Evans Police Dept	90	104	112	135	50.0
Fairplay Police Dept	3	3	1	4	33.3
Federal Heights Police Dept	37	72	59	56	51.4
Firestone Police Dept	21	18	40	34	61.9
Florence Police Dept	22	15	24	17	-22.7
Fort Lupton Police Dept	112	148	182	87	-22.3
Fort Morgan Police Dept	52	90	56	85	63.5
Fountain Police Dept	141	185	157	132	-6.4
Fowler Police Dept	14	0	1	0	*
Frederick Police Dept	52	42	49	48	-7.7
Fremont County Sheriff's Office	150	88	75	89	-40.7
Fremont District Attorney	1	0	0	0	*
Frisco Police Dept	48	42	36	28	-41.7
Fruita Police Dept	20	27	19	21	5.0
Ft Collins Police Dept	464	441	495	505	8.8
Ft Lewis St College Security	3	10	6	3	0.0
Garden City Police Dept	0	0	12	13	*
Garfield County Sheriff's Office	107	101	115	153	43.0
Garfield District Attorney	5	6	1	0	*
Georgetown Police Dept	8	11	8	9	12.5
Gilpin County Sheriff's Office	48	92	144	120	150.0
Glendale Police Dept	23	27	18	15	-34.8
Glenwood Springs Police Dept	155	211	110	130	-16.1
Golden Police Dept	131	189	199	122	-6.9
Granby Police Dept	15	21	17	10	-33.3
Grand County Sheriff's Office	55	69	91	65	18.2
Grand District Attorney	1	0	0	1	0.0
Grand Junction Police Dept	400	346	275	296	-26.0
Greeley Police Dept	350	442	493	444	26.9
Green Mountain Falls Marshall	2	0	0	0	*

Greenwood Village Police Dept	136	124	123	114	-16.2
Gunnison County Sheriff's Office	38	47	24	29	-23.7
Gunnison Police Dept	58	71	57	68	17.2
Haxtun Police Dept	2	0	3	1	-50.0
Hayden Police Dept	1	4	5	8	700.0
Hinsdale County Sheriff's Office	0	2	1	3	*
Holyoke Police Dept	10	11	8	9	-10.0
Hotchkiss Police Dept	1	4	4	1	0.0
Hudson Municipal Court	0	1	0	0	*
Hudson Police Dept	2	4	23	20	900.0
Huerfano County Sheriff's Office	2	11	39	59	2850.0
Huerfano District Attorney	3	0	0	0	*
Hugo Marshal	1	2	1	2	100.0
Idaho Springs Police Dept	25	33	37	42	68.0
Ignacio Police Dept	5	3	5	7	40.0
Jackson County Sheriff's Office	5	9	14	15	200.0
Jefferson County Sheriff's Office	313	384	307	297	-5.1
Jefferson District Attorney	0	1	0	0	*
Johnstown Police Dept	32	28	42	45	40.6
Keenesburg Police Dept	3	2	3	1	-66.7
Kersey Police Dept	5	10	12	5	0.0
Kiowa City Police Dept	2	4	1	0	*
Kiowa County Sheriff's Office	8	3	1	20	150.0
Kit Carson County Sheriff's Office	26	21	10	15	-42.3
Kremmling Police Dept	4	7	8	6	50.0
La Jara Police Dept	3	3	13	7	133.3
La Junta Police Dept	18	49	45	47	161.1
La Plata County Sheriff's Office	198	113	116	97	-51.0
Lafayette Police Dept	81	97	92	73	-9.9
Lake County Sheriff's Office	38	51	37	17	-55.3

Lakeside Police Dept	6	18	17	16	166.7
Lakewood Police Dept	606	534	532	487	-19.6
Lamar Police Dept	67	41	43	62	-7.5
Larimer County Sheriff's Office	487	548	665	725	48.9
Larimer District Attorney	2	0	4	4	100.0
Las Animas County Sheriff's Office	11	8	17	11	0.0
Lasalle Police Dept	33	27	26	17	-48.5
Leadville Police Dept	18	12	18	28	55.6
Limon Police Dept	6	15	17	20	233.3
Lincoln County Sheriff's Office	7	5	5	9	28.6
Littleton Police Dept	126	91	96	109	-13.5
Lochbuie Police Dept	33	29	19	20	-39.4
Log Lane Police Dept	4	24	7	1	-75.0
Logan County Sheriff's Office	46	31	70	57	23.9
Lone Tree Police Dept	92	83	74	79	-14.1%
Longmont Police Dept	380	340	350	323	-15.0
Louisville Police Dept	65	99	95	75	15.4
Loveland Police Dept	359	490	474	605	68.5
Manassa Police Dept	0	1	0	2	*
Mancos Police Dept	2	2	0	5	150.0
Manitou Springs Police Dept	60	122	94	128	113.3
Manzanola Police Dept	0	1	0	0	*
Mead Police Dept	0	1	1	8	*
Meeker Police Dept	8	7	12	4	-50.0
Mesa County Sheriff's Office	158	153	175	134	-15.2
Mesa District Attorney	0	2	9	9	*
Metro Auto Theft Task Force	1	0	0	0	*
Milliken Police Dept	38	37	19	18	-52.6
Mineral County Sheriff's Office	1	0	1	0	*
Moffat County Sheriff's Office	28	17	7	7	-75.0
Moffat District Attorney	1	0	0	2	100.0

Monte Vista Police Dept	29	18	37	27	-6.9
Montezuma County Sheriff's Office	31	54	37	18	-41.9
Montrose County Sheriff's Office	43	38	52	47	9.3
Montrose Police Dept	84	81	108	132	57.1
Monument Police Dept	21	20	33	23	9.5
Morgan County Sheriff's Office	32	34	17	20	-37.5
Morrison Police Dept	20	26	85	106	430.0
Mountain View Police Dept	22	15	6	19	-13.6
Mountain Village Police Dept	4	3	3	4	0.0
Mt. Crested Butte Police Dept	33	29	24	38	15.2
Nederland Marshal's Office	8	0	5	1	-87.5
New Castle Police Dept	18	7	19	13	-27.8
North Metro Task Force	2	5	0	4	100.0
Northglenn Police Dept	258	224	264	196	-24.0
Norwood Police Dept	0	3	1	0	*
Nunn Police Dept	1	0	4	2	100.0
Oak Creek Police Dept	1	5	5	3	200.0
Olathe Police Dept	7	7	7	7	0.0
Otero County Sheriff's Office	7	19	5	3	-57.1
Ouray Police Dept	5	5	7	0	*
Ouray Sheriff's Office	21	14	14	12	-42.9
Pagosa Springs Police Dept	37	29	24	35	-5.4
Palisade Police Dept	17	21	11	15	-11.8
Palmer Lake Police Dept	4	4	0	1	-75.0
Paonia Police Dept	2	4	5	8	300.0
Parachute Police Dept	43	27	21	16	-62.8
Park County Sheriff's Office	50	57	99	85	70.0
Park District Attorney	0	1	0	0	*
Parker Police Dept	189	158	114	143	-24.3
Phillips County Sheriff's Office	1	13	17	16	1500.0
Pikes Peak Community College	0	0	1	0	*

Pitkin County Sheriff's Office	58	70	67	56	-3.4
Pitkin District Attorney	1	5	0	0	*
Platteville Police Dept	32	21	21	33	3.1
Prowers County Sheriff's Office	31	31	24	34	9.7
Pueblo Community College Police Dept	1	0	0	0	*
Pueblo County Sheriff's Office	173	148	136	158	-8.7
Pueblo Police Dept	334	269	318	317	-5.1
Rangely Police Dept	16	44	19	8	-50.0
Red Rocks Community College Police Dept	3	1	4	2	-33.3
Ridgway Marshall's Office	3	1	3	5	66.7
Rifle Police Dept	63	55	64	72	14.3
Rio Blanco County Sheriff's Office	14	21	21	15	7.1
Rio Grande County Sheriff's Office	9	16	7	8	-11.1
Rocky Ford Police Dept	8	6	6	9	12.5
Routt County Sheriff's Office	21	34	32	24	14.3
Sagauche County Sheriff's Office	8	5	7	1	-87.5
Salida Police Dept	39	83	67	51	30.8
San Juan County Sheriff's Office	6	1	4	7	16.7
San Miguel County Sheriff's Office	16	15	15	25	56.2
San Miguel District Attorney	1	0	0	0	*
Sedgwick County Sheriff's Office	7	6	10	13	85.7
Severance Police Dept	0	0	0	7	*
Sheridan Police Dept	74	49	48	80	8.1
Silt Police Dept	8	9	27	35	337.5
Silverthorne Police Dept	29	34	26	35	20.7
Simla Police Dept	2	6	8	0	*
Snowmass Village Police Dept	16	20	14	8	-50.0
South Fork Police Dept	0	2	2	0	*

Southern Ute Tribal Police	1	0	0	0	*
Springfield Police Dept	8	2	3	3	-62.5
Steamboat Springs Police Dept	74	80	92	90	21.6
Sterling Police Dept	34	58	51	42	23.5
Stratton Police Dept	2	0	1	0	*
Summit County Sheriff's Office	84	88	132	192	128.6
Teller County County Court	0	0	1	0	*
Teller County District Court	0	0	1	0	*
Teller County Sheriff's Office	80	86	81	93	16.2
Teller District Attorney 4th	2	1	0	0	*
Telluride Marshal	81	31	22	13	-84.0
Thornton Police Dept	455	514	467	571	25.5
Timnath Police Dept	6	7	11	5	-16.7
Towaoc Police Dept	0	0	0	1	*
Trinidad Police Dept	31	33	29	32	3.2
Univ Co At Co Springs	1	5	6	24	2300.0
Univ Co Health Sciences Police Dept-Denver	13	7	8	21	61.5
Univ Of Co Police	65	30	101	51	-21.5
Univ Of Northern Co Police Dept	3	4	0	4	33.3
Vail Police Dept	61	52	30	38	-37.7
Walsh Police Dept	0	0	0	1	*
Washington County Sheriff's Office	0	0	7	2	*
Weld County Sheriff's Office	134	166	161	148	10.4
Weld District Attorney	0	1	1	0	*
West Metro Task Force	40	44	48	48	20.0
Westminster Police Dept	341	441	460	488	43.1
Wheat Ridge Police Dept	121	114	112	111	-8.3
Wiggins Police Dept	0	1	1	3	*
Windsor Police Dept	44	56	57	71	61.4
Winter Park/Fraser Police Dept	55	74	66	78	41.8

Woodland Park Police Dept	48	67	70	48	0.0
Wray Police Dept	1	4	3	3	200.0
Yuma County Sheriff's Office	6	9	11	16	166.7
Yuma Police Dept	14	4	4	8	-42.9

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix D: Common final charges, excluding DUI charges, 2019

Initial Charge	N
CARELESS DRIVING	7,514
LANE USAGE VIOLATION	4,538
FAILURE TO DISPLAY PROOF OF INSURANCE	4,354
DRIVING UNDER RESTRAINT	2,694
ALCOHOL-OPEN CONTAINER/DRINK IN VEHICLE	2,222
DRIVER'S LICENSE-DRIVING W/OUT	1,894
SPEEDING 10-19 OVER LIMIT	1,614
RECKLESS DRIVING	1,417
NO INSURANCE-DRIVER	985
CONTROLLED SUB-POSS SCH 1/2/FL/KT/CT	971
FAILING TO REPORT ACCIDENT-CALL POLICE	885
DRIVING UNDER RESTRAINT-ALCOHOL-RELATED	816
NO INSURANCE-OWNER	711
HEADLAMPS-FAILURE TO DISPLAY	690
VIOLATION P/O-CRIMINAL	682
DRUG PARAPHERNALIA-POSSESS	676
LEAVING SCENE/ACCIDENT-DAMAGE ONLY	625
LICENSE PLATES-EXPIRED	580
CHILD ABUSE-KNOWINGLY/RECKLESS-NO INJURY	542
ALCOHOL-UNDER 21- POSSESS/CONSUMP	522
MARIJUANA-POSSESS OPEN CONTAINER IN VEH	488
DRIVING AFTER REVOCATION PROHIBITED (HTO	477
SPEEDING 20-24 OVER LIMIT	477
SEAT BELT NOT USED	473
LEAVING SCENE/ACCIDENT-UNATTENDED VEH	463
RED LIGHT-FAIL TO STOP	459
SPEEDING 25-39 OVER LIMIT	458
OBSTRUCTING A PEACE OFFICER	432

Initial Charge	N
SIGNALING VIOLATION	422
WEAPON-PROHIBITED USE-DRUNK W/GUN	422
FAIL OBEY TRAFFIC CONTROL DEVICE	418
CARELESS DRIVING RESULTING IN INJURY	394
DRIVING UNDER THE INFLUENCE	359
RESISTING ARREST	328
REGISTRATION-FICTITIOUS PLATE	318
CONTROLLED SUBSTANCE-POSS SCH 3/4/5	312
TURNING W/O SIGNALING	305
VEHICULAR ELUDING	288
TURNING IMPROPERLY	287
MARIJUANA-UNDER21- POSSESS/CONSUMP	271

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix E: Final DUI charges by initial charge, 2019

Final Charge	Initial Charge									
	UDD	DWAI	DUI	DWAI 1-2 Prior	DUI 1-2 Prior	DWAI 3+ Prior	DUI 3+ Prior	VEH ASSAULT	VEH HOMICIDE	Other
UDD	56 (67.5%)	6 (7.2%)	20 (24.1%)	0 (0.0%)	1 (1.2%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
DWAI	1 (0.0%)	2,630 (30.7%)	5,907 (68.9%)	0 (0.0%)	24 (0.3%)	0 (0.0%)	6 (0.1%)	0 (0.0%)	0 (0.0%)	8 (0.1%)
DUI	0 (0.0%)	12 (0.1%)	10,008 (99.5%)	1 (0.0%)	12 (0.1%)	2 (0.0%)	22 (0.2%)	0 (0.0%)	0 (0.0%)	3 (0.0%)
DWAI 1-2 Prior	0 (0.0%)	33 (3.2%)	777 (74.6%)	180 (17.3%)	48 (4.6%)	1 (0.1%)	1 (0.1%)	0 (0.0%)	0 (0.0%)	2 (0.2%)
DUI 1-2 Prior	0 (0.0%)	4 (0.2%)	1,458 (71.2%)	0 (0.0%)	538 (26.3%)	3 (0.1%)	42 (2.1%)	0 (0.0%)	0 (0.0%)	3 (0.1%)
DWAI 3+ Prior	0 (0.0%)	1 (2.1%)	0 (0.0%)	0 (0.0%)	2 (4.3%)	24 (51.1%)	20 (42.6%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
DUI 3+ Prior	0 (0.0%)	0 (0.0%)	20 (2.2%)	0 (0.0%)	14 (1.6%)	1 (0.1%)	868 (96.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
VEH ASSAULT	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	66 (100.0%)	0 (0.0%)	0 (0.0%)
VEH HOMICIDE	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (5.9%)	16 (94.1%)	0 (0.0%)
Other	2 (0.6%)	40 (12.3%)	261 (80.6%)	0 (0.0%)	14 (4.3%)	1 (0.3%)	2 (0.6%)	4 (1.2%)	0 (0.0%)	0 (0.0%)
Total	59 (0.3%)	2,726 (11.8%)	18,451 (79.6%)	181 (0.8%)	653 (2.8%)	32 (0.1%)	961 (4.1%)	71 (0.3%)	16 (0.1%)	16 (0.1%)

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Appendix F: Percent of DUI case filings with matching toxicology reports, by county, 2019

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Adams	2,817	58.1	55.9	19.2
Alamosa	127	62.2	59.1	15.0
Arapahoe	1,763	59.0	57.1	21.6
Archuleta	104	75.0	70.2	25.0
Baca	13	61.5	53.8	*
Bent	33	54.5	51.5	30.3
Boulder	1,063	60.2	57.5	21.3
Broomfield	206	59.2	55.3	17.0
Chaffee	153	68.0	65.4	14.4
Cheyenne	5	*	*	*
Clear Creek	146	60.3	58.9	17.1
Conejos	37	59.5	54.1	16.2
Costilla	24	50.0	45.8	*
Crowley	18	72.2	66.7	38.9
Custer	52	50.0	40.4	28.8
Delta	155	56.1	54.8	20.0
Denver	1,817	57.3	57.2	4.1
Dolores	6	83.3	83.3	*
Douglas	936	62.3	59.2	19.2
Eagle	453	60.0	57.0	25.4
El Paso	3,616	62.9	58.8	30.7
Elbert	65	60.0	56.9	13.8
Fremont	262	58.4	50.8	21.4
Garfield	643	64.1	59.1	24.7
Gilpin	197	66.5	62.9	23.9
Grand	199	62.8	60.3	23.6

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Gunnison	172	75.0	72.1	21.5
Hinsdale	*	*	*	*
Huerfano	106	58.5	53.8	29.2
Jackson	16	50.0	37.5	31.2
Jefferson	2,306	62.6	60.1	20.6
Kiowa	25	48.0	40.0	48.0
Kit Carson	39	48.7	48.7	*
La Plata	465	64.9	62.2	15.9
Lake	53	60.4	52.8	37.7
Larimer	2,344	65.2	61.3	23.9
Las Animas	112	60.7	46.4	37.5
Lincoln	59	69.5	64.4	22.0
Logan	128	62.5	56.2	22.7
Mesa	751	62.1	57.8	33.6
Mineral	9	88.9	77.8	*
Moffat	73	68.5	65.8	13.7
Montezuma	206	54.9	54.4	13.6
Montrose	288	59.7	55.6	25.3
Morgan	185	51.9	50.3	19.5
Otero	140	60.7	55.0	25.7
Ouray	42	66.7	59.5	19.0
Park	147	59.2	55.8	24.5
Phillips	25	60.0	52.0	*
Pitkin	153	58.8	58.8	14.4
Prowers	135	65.9	63.0	28.9
Pueblo	633	58.8	56.7	18.2
Rio Blanco	42	73.8	69.0	35.7
Rio Grande	64	60.9	60.9	10.9

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Routt	218	62.8	61.5	17.9
Saguache	20	50.0	50.0	*
San Juan	8	*	*	*
San Miguel	51	51.0	49.0	15.7
Sedgwick	14	*	*	*
Summit	455	60.4	59.3	18.0
Teller	219	67.6	65.8	20.5
Washington	7	*	*	*
Weld	1,507	59.5	56.3	19.2
Yuma	35	62.9	62.9	14.3

Note: * represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix G: Toxicology and Speeding-Related DUI, 2019

	Speeding Charge	
Characteristic	**Yes**	**No**
Drugs Detected	*	*
Not Tested	1,046 (10%)	9,110 (90%)
None Detected	34 (12%)	254 (88%)
Alcohol Only	1,611 (14%)	10,181 (86%)
THC Only	225 (25%)	682 (75%)
Single Other Drug	14 (4.7%)	286 (95%)
Alcohol and THC	160 (13%)	1,028 (87%)
Alcohol and Other	47 (8.1%)	532 (92%)
THC and Other	55 (13%)	357 (87%)
Alcohol, THC, and Other	32 (9.4%)	309 (91%)
Polydrug Not Alcohol or THC	5 (2.5%)	197 (98%)
Total	3,229 (12%)	22,936 (88%)

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix H: Case Filings and Drugs Detected, 2016-2019

Drugs	2016	2017	2018	2019
ALCOHOL	15,495	15,088	14,484	13,900
DELTA-9 THC	2,489	2,739	2,900	2,848
AMPHETAMINE/METHAMPHETAMINE	600	672	829	700
COCAINE	337	354	449	551
ALPRAZOLAM	481	367	273	188
DEMOXEPAM/CHLORDIAZEPOXIDE/NORDIAZEPAM/DIAZEPAM	165	155	183	160
CLONAZEPAM	206	184	150	153
MORPHINE/CODEINE/HEROIN	152	139	96	144
LORAZEPAM	115	128	100	127
DIAZEPAM	0	131	121	82
ZOLPIDEM	107	105	106	77
TRAMADOL	49	45	42	52
FENTANYL	6	8	15	52
METHADONE	33	21	29	49
CODEINE	16	34	35	48
OXAZEPAM	0	*	0	45
HYDROCODONE	49	42	30	36
BUPRENORPHINE	*	21	16	32
TEMAZEPAM	*	*	9	32
MDA/MDMA	20	26	19	16
PHENOBARBITAL	5	5	10	15
BUTALBITAL	15	11	13	12
MEPROBAMATE/CARISOPRODOL	51	30	18	12
CARISOPRODOL	41	21	14	10
MIDAZOLAM	12	12	17	8
HYDROMORPHONE	0	*	5	7
TRAZODONE	29	5	*	6
OXYMORPHONE/OXYCODONE	126	105	68	6

Drugs	2016	2017	2018	2019
GHB	0	0	0	0
QUETIAPINE	15	5	0	0
ETIZOLAM	*	*	0	0
TRIAZOLAM	*	0	0	0
ZOPICLONE	*	0	0	0
CYCLOBENZAPRINE	7	*	*	0
MODAFINIL	*	*	0	0
TOLUENE	*	0	0	0
BUPIVACAINE	*	*	0	0
LIDOCAINE	9	*	*	0
TRIMETHOPRIM	*	*	*	0
DICYCLOMINE	*	0	0	0
LACOSAMIDE	*	0	0	0
VALPROIC ACID	*	*	*	0
AMITRIPTYLINE	7	*	*	0
DOXEPIN	0	*	0	0
DULOXETINE	0	*	0	0
MIRTAZAPINE	6	*	*	0
METOPROLOL	0	*	*	0
TICLOPIDINE	*	0	0	0
PSEUDOEPHEDRINE	*	*	0	0
POLYFLUORINATED ETHANE	8	20	16	0
ARIPIPRAZOLE	0	*	0	0
BREXPIPRAZOLE	0	*	0	0
FLECAINIDE	0	*	0	0
LEVAMISOLE	0	*	0	0
MITRAGYNINE	0	*	*	0
U-47700	0	*	0	0
VERAPAMIL	0	*	*	0

Drugs	2016	2017	2018	2019
ZIPRASIDONE	0	*	0	0
ATOMOXETINE	0	0	*	0
BUTABARBITAL	0	0	*	0
CLOMIPRAMINE	0	0	*	0
DESMETHYLCLOMIPRAMINE	0	0	*	0
DICLAZEPAM	0	0	*	0
LSD	0	0	*	0
SYNTHETIC.CANNABINOIDS	0	0	0	0
TAPENTADOL	0	0	*	0
LURASIDONE	0	0	0	0
FLADRAFINIL	0	0	0	0
DEXTRORPHAN	0	0	0	0
TETRAHYDROZOLINE	0	0	0	0
CLOZAPINE	0	0	0	0
HYDROXYZINE	13	5	7	*
DIPHENHYDRAMINE	15	18	8	*
CHLORPHENIRAMINE	*	0	*	*
PROMETHAZINE	6	*	*	*
DEXTROMETHORPHAN	5	*	*	*
CITALOPRAM	33	11	8	*
OLANZAPINE	*	0	0	*
PHENTERMINE	0	0	0	*
KETAMINE	*	7	8	*
CARBAMAZEPINE	*	*	*	*
LEVETIRACETAM	*	*	*	*
PHENYTOIN	*	0	*	*
TOPIRAMATE	13	6	*	*
BUPROPION	5	*	0	*
LAMOTRIGINE	20	14	5	*

Drugs	2016	2017	2018	2019
FLUCONAZOLE	*	*	*	*
CETIRIZINE	*	*	*	*
DOXYLAMINE	*	*	*	*
DILTIAZEM	*	0	0	*
SERTRALINE	11	7	*	*
FLUOXETINE	14	10	*	*
VENLAFAXINE	23	17	*	*
PROPOFOL	*	5	*	*
ORPHENADRINE	0	0	0	*
GABAPENTIN	0	0	*	*
MCPP	0	0	0	*
CLONAZOLAM	0	0	0	*
ACETYLFENTANYL	0	0	0	*
EPHEDRINE	0	0	0	*

Note: * represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix I: Monetary Sentences for Offenders, 2019

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Victims Assistance Fund	Surcharges	18,863	3,277,220	173.64
Rural Youth Alc/Sub Abuse Surc	Surcharges	18,623	95,730	5.14
LEAF Assessment	Fine	18,480	1,663,840	90.01
Persistent Drunk Driving Schg	Surcharges	18,244	1,912,370	104.76
Alcohol Eval Fee	Surcharges	18,222	3,648,825	200.09
Victim Compensation Fund	Surcharges	18,097	741,051	40.94
Genetic Testing Surcharge	Surcharges	18,041	54,148	3.00
Restorative Justice Surcharge	Surcharges	18,037	180,451	10.00
Brain Injury Trust Fund	Surcharges	17,925	398,346	22.21
Driving Und Influ/Abil Impaird	Fine	17,258	8,247,053	458.35
Subst Affect Driving Data Surc	Surcharges	16,811	33,695	2.00
Court Costs	Surcharges	16,664	374,118	22.44
Court Security Cash Fund	Surcharges	16,617	83,122	5.00
E-Discovery	Surcharges	12,539	64,235	5.12
Probation Supervision Fee	Surcharges	12,438	12,176,294	963.70
Cost of Prosecution-Crg Agncy	Surcharges	4,241	461,966	108.70
Public Defender Accts Rcvable	Surcharges	3,840	96,768	24.97
Useful Public Service	Surcharges	3,158	277,008	87.58
Request for Time to Pay	Surcharges	1,801	45,050	25.00
Cost of Care - Probation/Adult	Surcharges	1,016	1,473,554	1,436.21
Restitution	Restitution	469	1,335,560	2,829.58
Cost of Prosecution-Sheriff	Surcharges	390	55,366	140.88
Family Friendly Surcharge	Surcharges	349	349	1.00
Drug Standardized Assessment	Surcharges	335	17,505	52.10

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Traffic Fine	Fine	190	42,710	221.30
Cost of Care - Jail	Surcharges	141	45,154	320.24
District Atty Cost Recovery	Surcharges	110	9,075	81.76
Drug Test - Cost Recovery	Surcharges	84	1,522	18.12
Misdemeanor Fine	Fine	59	26,875	440.57
Court Ordered Contribution	Surcharges	58	11,550	199.14
Warrant/Extradition Fee Sheriff	Surcharges	47	5,415	115.21
Address Confidentiality Fund	Surcharges	43	1,376	32.00
Cost of Prosecution - Other	Surcharges	40	4,177	104.42
Felony Fine	Fine	25	39,700	1,470.37
REST-Insurance Co	Restitution	24	216,386	9,016.08
REST-Victims Compensation	Restitution	10	21,826	2,182.60
Juvenile Fine	Fine	5	1,317	263.40
Alt Def Counsel Cost Recovery	Surcharges	4	100	25.00
Cost of Proceedings	Surcharges	4	101	25.25
Dist Atty Local Payment	Surcharges	4	443	110.75
Offender Identification Fund	Surcharges	4	512	128.00
Req to Transfer Probation Fee	Surcharges	4	400	100.00
Minor in Poss of Alcohol	Fine	3	75	25.00
Assessed Costs - Sheriff	Surcharges	2	190	95.00
Drug Offender Surcharge	Surcharges	2	1,075	537.50
Assessed Costs - Other	Surcharges	1	319	319.00
Cost of Care - Outside Agency	Surcharges	1	75	75.00
Cost of Collections	Surcharges	1	23	23.00
Cost of Prosecution-Jud Pd Cst	Surcharges	1	65	65.00
County Traffic Fine	Fine	1	600	600.00

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Special Advocate Surcharge	Surcharges	1	1,300	1,300.00
Time Payment Annual Fee	Surcharges	1	25	25.00

Data Sources: State Judicial Department

Appendix J: DUI/DWAI Charge Conviction Rate for Alcohol Only, Delta 9-THC Only and Polydrug Delta 9-THC Positive Individuals by Toxicology Level

	Final Charge	Toxicology Level	N	Conviction Rate
		BAC Level		
Alcohol Only	DWAI	0.05-0.79	790	85
	DWAI	0.08+	4,096	100
	DUI	0.05-0.79	91	26
	DUI	0.8+	5,397	93
		Delta 9-THC Level		
THC Only	DWAI	1.0-4.9	56	93
	DWAI	5.0+	372	99
	DUI	1.0-4.9	98	8
	DUI	5.0+	221	70
Polydrug THC	DWAI	1.0-4.9	218	100
	DWAI	5.0+	267	100
	DUI	1.0-4.9	394	83
	DUI	5.0+	496	75

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

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