Driving Under the Influence of Drugs and Alcohol

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

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Executive Summary

The Division of Criminal Justice in the Colorado Department of Public Safety produces this annual report in accordance with C.R.S. 24-33.5-520 to highlight trends in impaired driving court cases, court case filings with at least one underage drinking and driving (UDD), driving while ability impaired (DWAI), driving under the influence (DUI), vehicular assault DUI, or vehicular homicide DUI charge – hereto referred to as either impaired driving or DUI charges - and their toxicology. This report provides findings from the court cases filed in 2020 and themes from the 2016-2020 data.

Citations for impaired driving in Colorado:

In 2020, there were 21,066 impaired driving case filings. This number of filings represented declines of 19% from 2019 filings and 23% from 2016 filings. DUI case filing rates per 100,000 residents aged 16 and older also fell to 450 cases in 2020 from 563 cases in 2019 and 616 cases in 2016. This trend likely reflects the challenges of DUI enforcement during the COVID-19 pandemic with the temporary suspension of proactive traffic enforcement in certain jurisdictions in order to reduce disease transmission[1] and reduced law enforcement capacity due to staff recruitment and retention difficulties.

Toxicology testing results and impact of comprehensive screening expansion:

In 2020, the highest percentage of DUI court case filings (37%) had comprehensive screening for alcohol and drugs of abuse since Colorado began tracking DUI testing in 2016. This was a five-fold increase from 2018. This improvement in data quality can be attributed to the Colorado Bureau of Investigation's (CBI) offering of free, comprehensive testing services to law enforcement agencies investigating impaired driving cases, starting in July 2019, and/or to law enforcement agencies' preference for blood testing during the pandemic.

From 2016 to 2020, there was a gradual decrease in alcohol positivity. In 2016, 97% of tested DUI case filings were positive for any alcohol whereas only 82% were in 2020. Additionally, screened DUI case filings that tested at or above 0.08 blood/breath alcohol content (BAC) dropped from 81% to 73% from 2019 to 2020. Similarly, marijuana positivity and Delta-9 tetrahydrocannabinol (THC) toxicology also fell from 2016 to 2020. In 2016, 73% of screened DUI case filings had marijuana detected compared to 49% in 2020. Additionally, mean Delta-9 THC levels in filings also dropped from 2019 to 2020.

From 2016 to 2020, polydrug detection among all DUI case filings more than doubled going from 8% to 17%. The most prevalent combination of substances in toxicology reports was alcohol and marijuana. Amphetamine/methamphetamine and cocaine were the third and fourth most identified drugs, which are both stimulants. Polydrug toxicology was also common with DUI case filing that tested positive for other drugs. Over 80% of DUI case filings

[1] Brooks, R., & Lopez, C. (2020). Policing in a Time of Pandemic: Recommendations for Law Enforcement. *Center for Ethics*, *1*(7), 1–21.

associated with positive results for any stimulant, benzodiazepine (tranquilizing drugs) or opioid drug had polydrug results.

Time to testing

In 2020, the median duration between time of offense and blood draw was 71 minutes, and the mean time was 81.

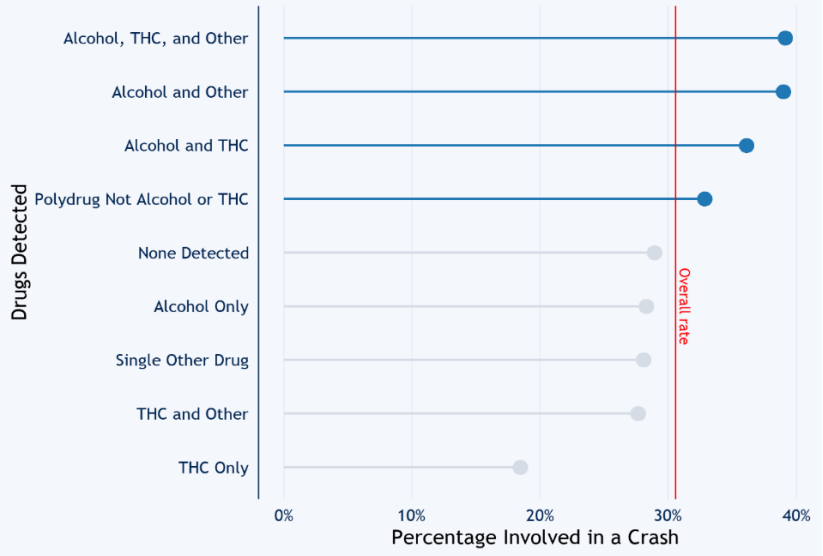
Convictions

In part due to the COVID-19 pandemic and slowdown in court proceedings, only 84% of case filings reached dispositions and was the lowest rate since Colorado has been tracking DUI court outcomes. In 2020, 85% of impaired driving charges that reached a disposition received convictions in 2020; there were noted variations based on the toxicology profile of the individual charged. Conviction rates were higher in instances where the individual charged tested positive for alcohol (92%), had a BAC level above 0.08 (95%), tested positive for Delta-9 THC (87%), or had a Delta-9 THC level above 5ng/mL (90%). DUI charges associated with positive tests for multiple substances, either including or excluding alcohol also had elevated conviction rates compared to all DUI charges.

Public Safety of Impaired Driving and Crash Involvement

Crash risk was estimated using probation assessments records for individuals who were convicted of a DUI, and overall almost one in three were involved in a crash (31%). Crash involvement rates were higher 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.

Figure A: Percentage of convicted drivers involved in a crash by drugs detected, 2020



Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, Colorado Bureau of Investigation, Colorado Department of Public Health and Environment 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 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.[2] 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. A 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), DUI, vehicular assault DUI, and vehicular homicide DUI. 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

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

timeline of how these statutes and BAC impairment levels evolved. Additionally, Colorado statutes include a felony law for individuals who have had multiple impaired driving convictions.

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

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

Colorado policymakers identified marijuana impaired driving as a public health and safety concern to monitor in the post-legalization period, and recent survey data does show an encouraging pattern. In 2020, 3% of adults 18 and older reported driving after having used marijuana in the past month.[3] In 2021, 6% of high school-aged drivers reported the same behavior, which represents a five percentage point decline from 2019. This is the lowest level of past-month concurrent marijuana use and driving that the Colorado Department of Public Health and Environment has estimated since they began tracking this indicator.[4] In high school students in particular, perception of the ease of access to marijuana and marijuana use also declined from 2019 to 2021, and these patterns highlight at least a short-term decline in risky substance use behaviors. This annual report on alcohol and drug impaired driving court case filings adds to the knowledge of the public safety impact of drug impaired driving.

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

[3] Colorado Department of Public Health and Environment (2022). [Dashboard]. *Marijuana Health Information: Behavioral Risk Factor Surveillance System*.

[4] Colorado Department of Public Health and Environment (2022). [Dashboard]. *Marijuana Health Information: Healthy Kids Colorado Survey*.

Delta-9 THC and driving impairment.[5,6] 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 marijuana, declaring that "there is no scientific basis for the adoption of Delta-9 THC *per se* legislation."[7]

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.

Historically, it has also been difficult to compile toxicology records associated with DUI cases. Before July 2019, Colorado had four independent private and public laboratories processing toxicology tests, and all had different reporting styles. After July 2019, the number of laboratories providing DUI testing services dropped to three, and the Colorado Bureau of Investigation began performing all of the drug testing, which increased the standardization of drug screening and reporting for DUI cases.

Despite this improvement, Colorado still must compile alcohol and drug screening testing results from three toxicology sources, and link them with DUI case filings, and all of these data systems lack a common identifier to facilitate data linking with court case filings.

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.[8] Oral fluid testing has significant advantages in that the sample collection is less invasive than blood, is observable, and can 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.[9] In addition, drugs that dissipate more rapidly in blood such as heroin or cocaine can be more easily detected in oral fluid.[10] 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

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[5] Arkell, T. R., Spindle, T. R., Kevin, R. C., Vandrey, R., & McGregor, I. S. (2021). *The failings of per se limits to detect marijuana-induced driving impairment: Results from a simulated driving study*. *Traffic Injury Prevention*, 22(2), 102–107.

[6] Compton, R. (2017, July). *Marijuana-Impaired Driving - A Report to Congress.* (DOT HS 812 440). Washington, DC: National Highway Traffic Safety Administration.

[7] International Association of Chiefs of Police (2018). *2018 Resolutions*.

[8] Bloch, S. (2021, May). *States explore oral fluid testing to combat impaired driving*. National Conference of State Legislatures.

[9] 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.

[10] 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.

concentrations to demonstrate its reliability for use in evidentiary testing.[11] A systematic review compared oral fluid testing to blood testing, which is the current gold standard practice for evidentiary testing. Oral fluid test results demonstrated good sensitivity for detecting the presence of Delta-9 THC and for identifying levels at or above 5ng/mL, but had lower sensitivity for detecting concentrations of 25 ng/mL Delta-9 THC or more, highlighting some limitations in it being used for quantification.[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 marijuana 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 2020, 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 their station or in a jail; 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 marijuana 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]

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 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

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[11] 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).

[12] Robertson, M. B., Li, A., Yuan, Y., Jiang, A., Gjerde, H., Staples, J. A., & Brubacher, J. R. (2022). *Correlation between oral fluid and blood THC concentration: A systematic review and discussion of policy implications*. *Accident Analysis & Prevention*, *173*(May), 106694.

[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*.

[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

law enforcement agencies both alcohol and drugs of abuse screening to ensure more consistent drug detection.

Pandemic-related challenges in enforcing DUI

The criminal justice system faced enormous challenges in adapting to the COVID-19 pandemic and maintaining DUI enforcement levels. During the lockdown period in March, the Colorado State Patrol and other agencies went on "accident alert" status and would only investigate traffic crashes involving certain conditions including: injuries, suspected impairment, property damage, and/or when all parties were uninsured. This reduction in DUI patrol might have contributed to the 22% decline in DUI arrests from 2019-2020 across the state.[17]

In addition, law enforcement agencies wrestled with how to continue breath alcohol testing during the beginning stages of the pandemic when less information was known about how to control the spread of COVID-19. The Colorado Department of Public Health and Environment issued guidance on breath testing protocols that would reduce disease transmission in 2020,[18] but some departments including Denver Police Department, Aurora Police Department, the Jefferson County Sheriff's Office and the Colorado Springs Police Department chose to temporarily suspend breath testing.[19] This decision to suspend breath testing was challenged in court, but the Court of Appeals ruled that the COVID-19 pandemic qualified as an extraordinary circumstance justifying the modification of testing procedures.[20] Testing refusals did occur prior to the COVID-19 pandemic, but it is possible that the lack of availability of breath testing services increased the likelihood of a refusal.

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.[21]

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.[22] However,

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[17] Colorado Bureau of Investigation (2020). [Dashboard]. *Colorado Crime Statistics*.
[18] Colorado Department of Public Health and Environment (2020, March 27). [Memo]. *Use of the Intoxilyzer 9000 (I-9000) during the COVID-19 Outbreak*.
[19] Denver CBS4 (2021, February 7). *COVID creates drunk driving loophole, some Colorado cases being dismissed*. *CBS Colorado*.
[20] Karlik, M. (2022, March 25). *Appeals court says pandemic justified denying DUI breath test to driver*. *Colorado Politics*.
[21] Colorado Department of Public Safety. (2021). *Driving Under the Influence Dashboard*.
[22] 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.

FARS data have important limitations. First, FARS data focus on the subgroup of cases with a fatality. In 2020, for example, Colorado recorded 622 fatalities[23] on roadways compared to 16,442 DUI arrests.[24] 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 marijuana — 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.

[23] Colorado Department of Transportation (2020). *Colorado Fatalities since 2002*.

[24] Colorado Bureau of Investigation (2020). [Dashboard]. *Colorado Crime Statistics*.

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 marijuana, 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 voluntarily perform 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. Under normal operating conditions, the arresting officer then provides the person with a choice of a breath or blood test. 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. If the arresting officer has probable cause to believe an individual committed any drug or alcohol related traffic offense, the arresting officer may obtain a warrant to collect an evidentiary biological sample for drug testing. The legal case unfolds differently depending on the type of case, and both paths are described below.

Legal Process[25]

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 defendant immediately or, more likely, sets the case for a sentencing hearing and directs the

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

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.[26] This

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

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 Behavioral Health Authority for use by ADDS treatment providers.

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 2020 from the following entities:

- Colorado Bureau of Investigation, Toxicology Services (CBI)
- 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
- Behavioral Health Administration (BHA)

Case Filings

Traffic, misdemeanor, and felony case filings between 1/1/2020 and 12/31/2020 containing at least one DUI or DWAI charge were analyzed.[27] 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 offered both drug and alcohol toxicology screenings and confirmations on blood samples submitted. 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.

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

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. The 14-panel drug screening includes: amphetamines, methamphetamine, barbiturates, benzodiazepines, buprenorphine, carisoprodol, cocaine, fentanyl, marijuana, methadone, opiates, oxycodone, tramadol and zolpidem.

Individual Assessment Data

The Behavioral Health Administration (BHA) 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, the BHA 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 2020 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.
- 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) name, LEA case numbers, arrest numbers, and offense dates. In 2020, 449 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; 191 duplicate case records were removed. 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 was selected over 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 2019 through December 2020. This allowed for analysis of DUI cases that were filed in 2020 with tests that occurred just prior to 2019.

Denver Crime Lab Alcohol Tests

Tests with 2020 offense dates were included in this dataset.

CBI Toxicology Tests

The CBI provided data from toxicology results spanning from 2019 to 2021, ensuring data were available to match all cases filed in 2020. 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 positive testing results for BAC.

Starting on July 1, 2019, the CBI began offering free toxicology testing services including both blood alcohol and drugs-of-abuse screening to law enforcement agencies. As such, 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 historically provided data for toxicology tests for tests completed between January 2016 - July 2019 when their toxicology testing services ended for DUI cases. Trend data in this report will still contain testing results from this laboratory. See prior reports for data methods.[28]

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:

- Marijuana. 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 and over the counter drugs, such as antidepressants, antihistamines, and anticonvulsants, among others, were included in the analysis. Note that

[28] Bui, B., & Reed, J. K. (2018). *Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol*. Office of Research and Statistics, Colorado Department of Public Safety; Bui, B., & Reed, J. K. (2019*). Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol*. Office of Research and Statistics, Colorado Department of Public Safety; Rosenthal, A., & Reed, J. K. (2020). *Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol*, Office of Research and Statistics, Colorado Department of Public Safety; Rosenthal, A., & Reed, J. K. (Jan, 2022). *Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol*. Office of Research and Statistics, Colorado Department of Public Safety.

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.[29] 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 other 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.

[29] Senzing. (2020, February). *Entity Resolution Process*.

Section Four: Results

We performed descriptive analyses of the 2020 DUI court, toxicology, and ADDSCODS datasets, and made comparisons to findings from prior analyses.[30] The case filings were analyzed by geographic region, demographics of the individual who was charged and legal characteristics including: charge type, law classification, and charge amendment. The analysis of toxicology data involved examining the duration between offense time and blood draw for drug testing, alcohol and 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 BHA's probation assessment data complemented these analyses and provided additional contextual information on the history of prior offenses, treatment track, and crash involvement.

DUI Filings

In 2020, Colorado prosecutors filed 21,066 cases with at least one DUI charge, which was 5,099 fewer cases compared to 2019 and amounted to a 19% decline (Table 3). There were a total of 76,159 charges in these 21,066 cases. Prior to the 2020, court case filings had been on a steady decline, and from 2016-2019, court case filings had only decreased by 4%.

As shown in Table 3, the majority of 2020 cases had reached disposition by the time that the data were extracted on February 11, 2022. However, the 2020 disposition rate (84%) represents a decline from the 2019 rate (89%) and was eight percentage points lower than 2018's rate (92%).[31] A total of 12,440 cases were matched with a toxicology record, or 59% of all cases. Fifty-one percent of cases had both a DUI disposition and a toxicology result match.

Table 3: DUI case filings and toxicology statistics, 2018-2020

Year	2018	2019	2020
Total DUI Filings	26,255	26,165	21,066
Toxicology Results	16,943	16,009	12,440
Dispositions Reached	24,198	23,166	17,748
Dispositions Reached and Toxicology Results	15,751	14,454	10,772
% Dispositions	92.2%	88.5%	84.2%
% Toxicology	64.5%	61.2%	59.1%
% Toxicology and Disposition	60.0%	55.2%	51.1%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, 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.

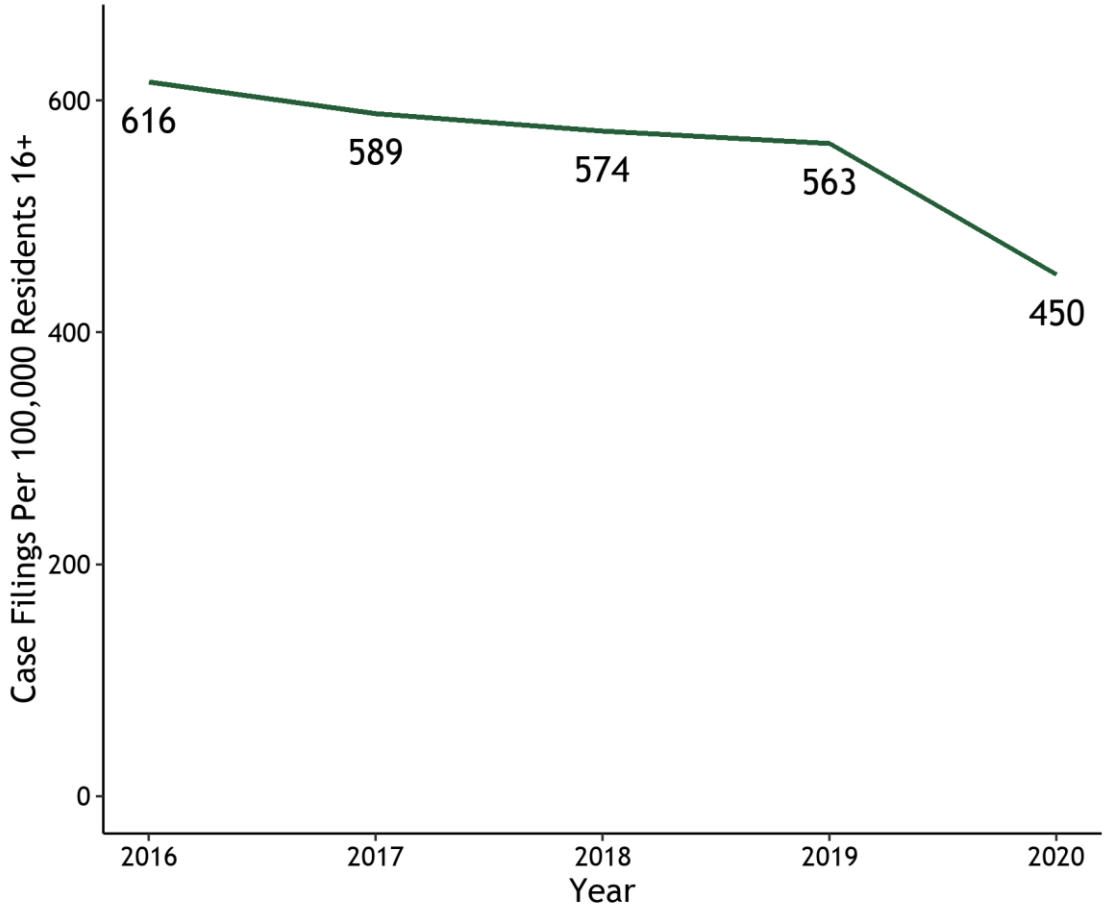
Population estimates for those aged 16 and older were obtained from the State Demography Office to calculate the state, county, and judicial district rates of impaired driving case filings per 100,000 residents. As seen in Figure 1, the estimated state DUI court filing rate (per 100,000 residents 16 years of age and older) declined by 27%, from 616 in 2016 to 450 in

[30] Colorado Department of Public Safety. (2021). *Driving Under the Influence Dashboard*.

[31] Colorado Department of Public Safety. (2021). *Driving Under the Influence Dashboard*

2020. Between 2019 and 2020, case filing rates dropped by 20%, and this represents the steepest decline in the five-year period.

Figure 1: Case filings per 100,000 residents aged 16 and older by year, 2016-2020

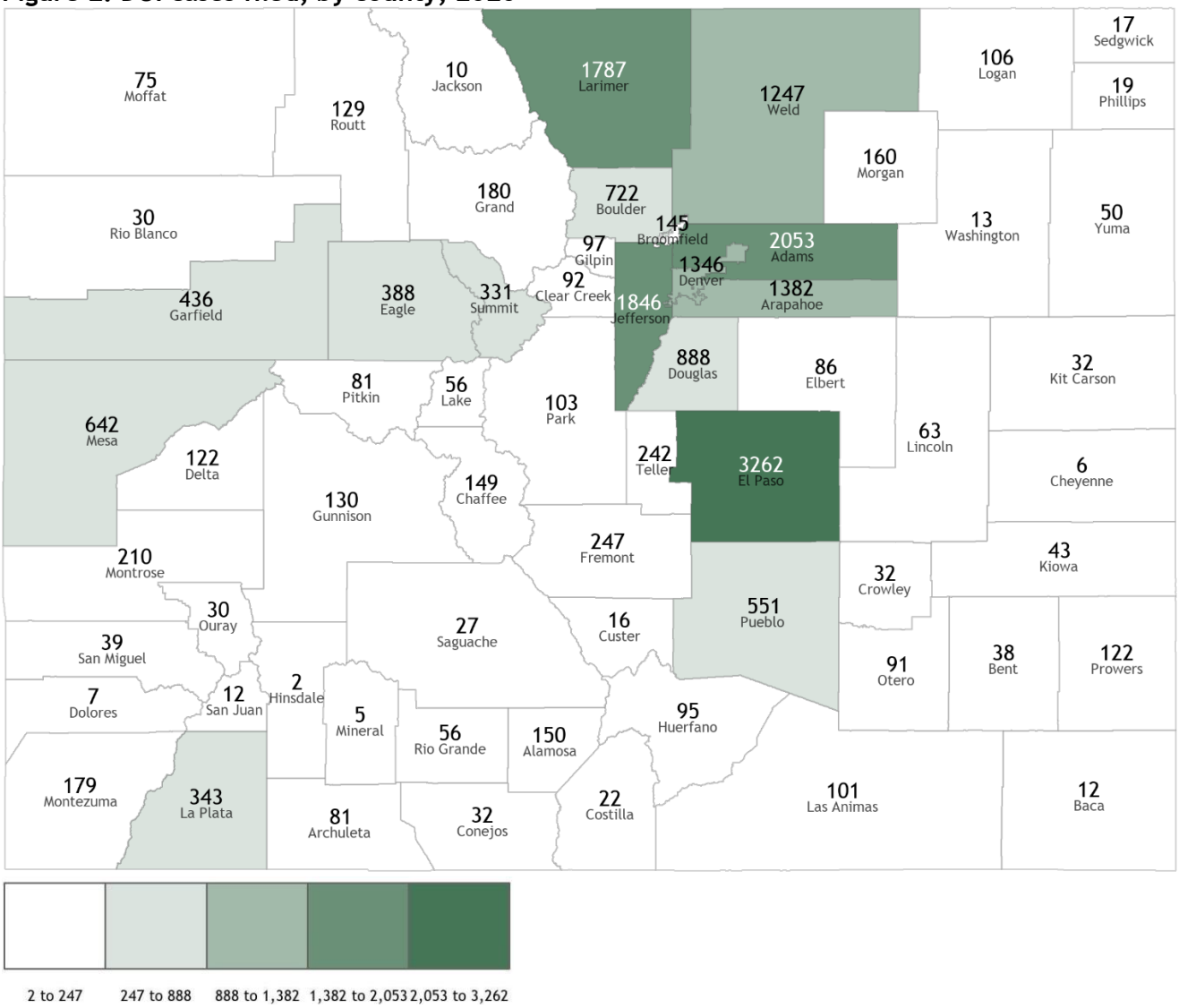


Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI Cases by County and Judicial District

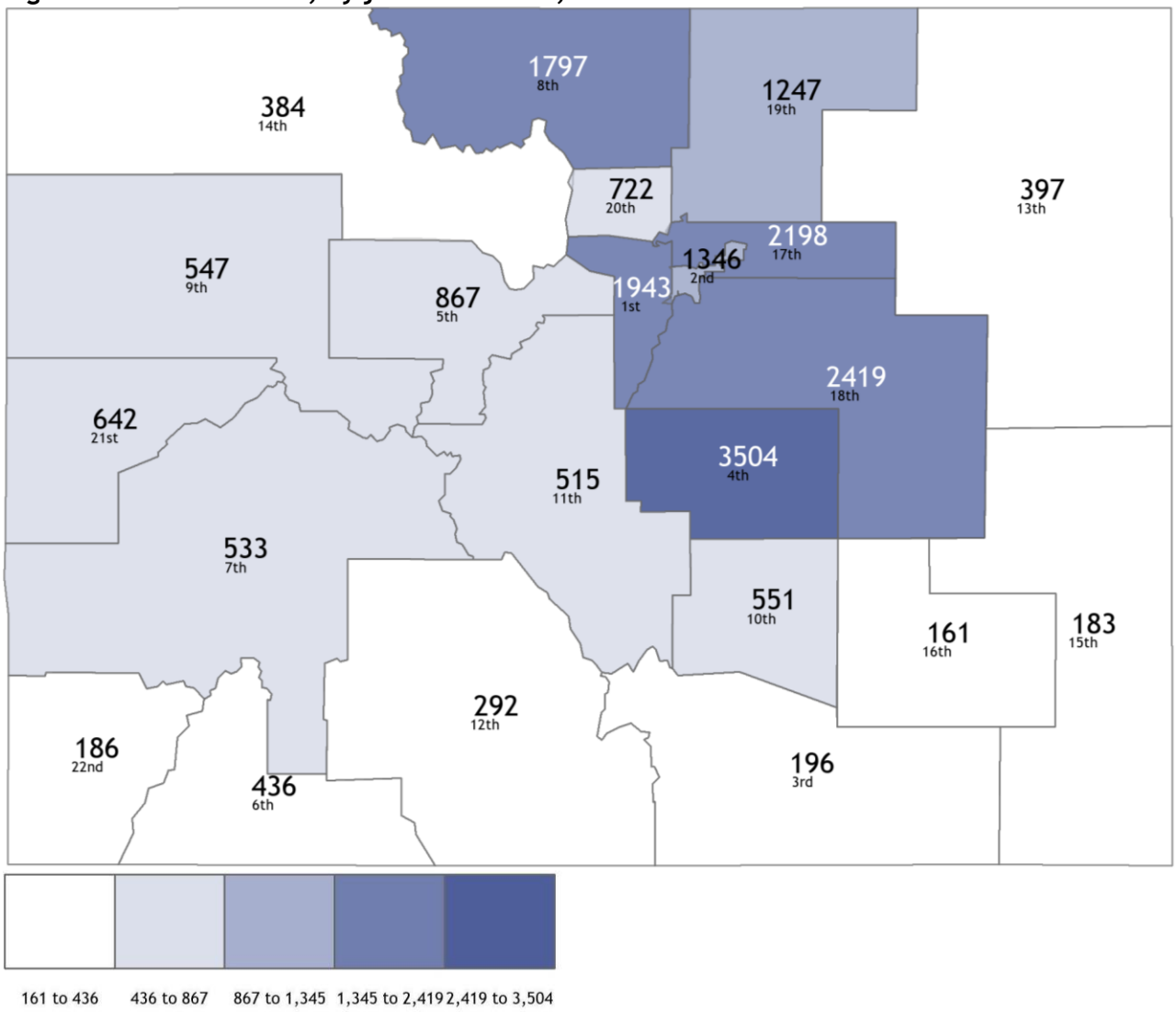
Figure 2 displays the number of DUI case filings by county. El Paso (n=3,262), Adams (n=2,053), Jefferson (n=1,846), Larimer (n=1,787), and Arapahoe counties (n=1,382) had the most case filings in 2020; additionally, these five counties have consistently had the greatest number of filings since 2016. The Colorado State Patrol, with statewide jurisdiction, was the arresting agency for 23% of case filings (n=4,747) and had the highest proportion of filings among all law enforcement agencies. The Colorado Springs Police Department (n=1,671) and the Denver Police Department (n=1,346) accounted for the second and third highest number of court case filings respectively. From 2019 to 2020, the Colorado State Patrol, the Denver Police Department, the Aurora Police Department, the Adams County Sheriff's Office, and the Westminster Police Department had the greatest declines in the number of court case filings with decreases ranging from 495 to 191. See Appendix B for the number and population rate of cases by county and Appendix C for the number of cases by arresting agency for 2016-2020 and the varying degree of changes in DUI court case filings from 2019-2020.

Figure 2: DUI cases filed, by county, 2020



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, 2020



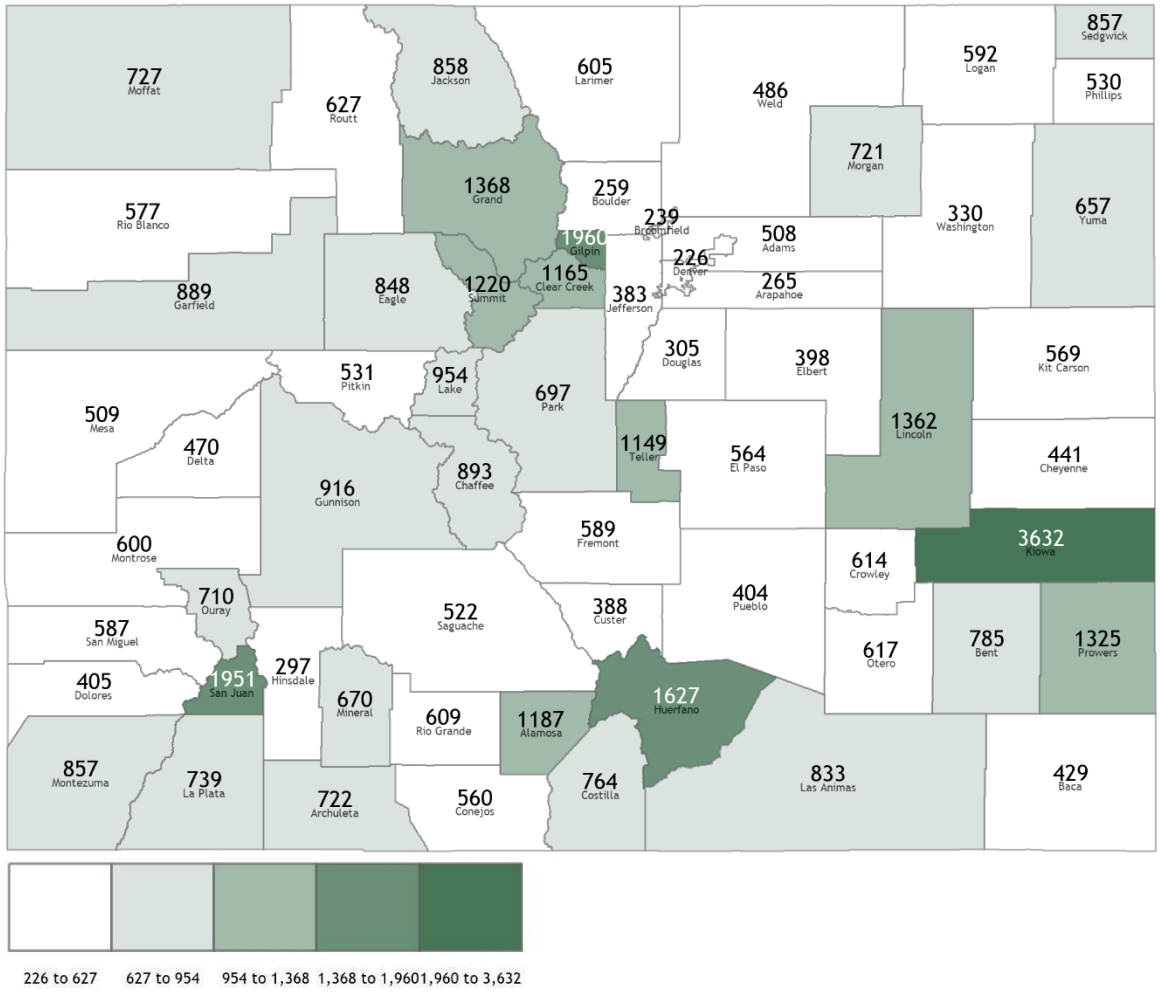
Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

The judicial districts containing urban counties had the greatest number of DUI case filings in 2020. The most case filings were in the 4th Judicial District (El Paso and Teller Counties; n=3,504), the 18th Judicial District (Arapahoe, Douglas, Elbert, and Lincoln Counties; n=2,419) and the 17th Judicial District (Adams and Broomfield Counties; n=2,198). See Figure 3 for the number of DUI filings by judicial district.

Unlike the frequency of DUI court case filings, case filing rates were the highest in rural counties. Kiowa, Gilpin, San Juan, Huerfano, and Grand counties had the highest filing rates in 2020 and represent clusters of cases that span Southeastern, Northwestern and Southwestern Colorado. Case rates across the state varied widely. Although Denver county had one of the highest counts of DUI case filings, Denver had the lowest rate with 226 case filings per 100,000 residents aged 16 and older. In contrast, Kiowa had the highest rate with 3,632 case filings per 100,000 residents aged 16 and older. These types of findings, where

small counties have very high rates of a specific crime, are not unique to DUI and are a function of the smaller populations in these jurisdictions.

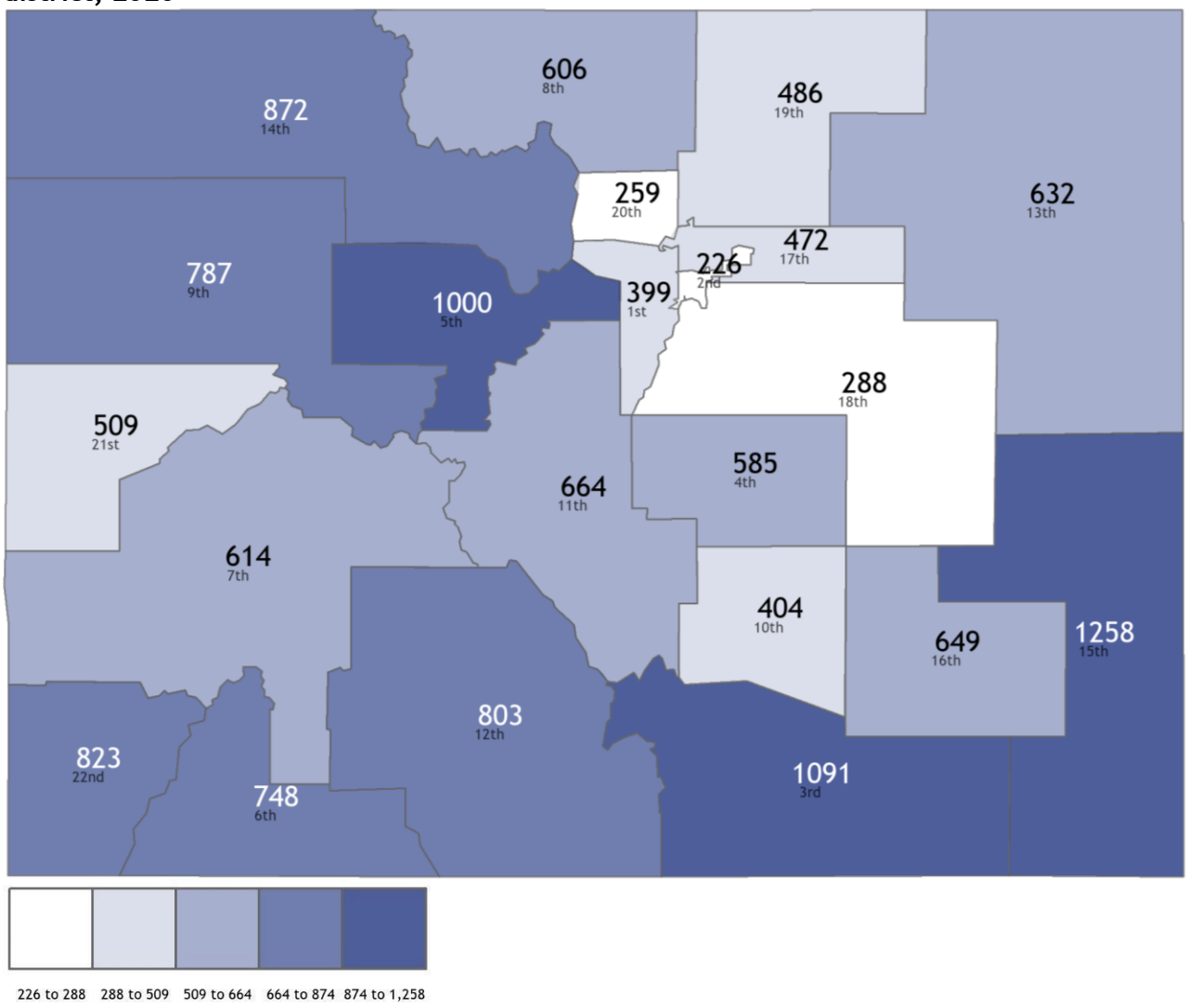
Figure 4: Rate of DUI case filings per 100,000 residents aged 16 and older, by county, 2020



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 2020. Because of the larger geographic aggregation, these rates were less varied compared to the county rates, and ranged from 226 to 1,258 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 15th, 3rd, 5th and 14th 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, 2020



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 falling into the unknown category. Consistently from 2016 to 2020, 95% of DUI charges were filed as misdemeanors and about 5% were filed as felonies (Table 4).

Table 4: Initial law classification of DUI charges, 2016-2020

Year & Measure	Felony	Misdemeanor	Traffic	Unknown	Total*
2016 N	1,058	26,037	72	45	27,212
2017 N	1,065	25,241	73	52	26,431
2018 N	1,193	24,902	95	49	26,239
2019 N	1,184	24,883	59	21	26,147
2020 N	1,006	19,929	65	35	21,035
2016 %	3.9%	95.7%	0.3%	0.2%	100.0%
2017 %	4.0%	95.5%	0.3%	0.2%	100.0%
2018 %	4.5%	94.9%	0.4%	0.2%	100.0%
2019 %	4.5%	95.2%	0.2%	0.1%	100.0%
2020 %	4.8%	94.7%	0.3%	0.2%	100.0%

Note: Law classifications were not included for non-DUI initial charges. Thus, the totals will not equate to the number of case filings.
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 impaired driving charges and law classifications. Table 5 shows the number and proportion of initial law class compared to the final law class for impaired driving charges. Nearly all misdemeanor and felony charges maintained their initial classification (99%). There were 115 final impaired driving charges classified as a traffic class, which represented underage drinking and driving infractions (UDD), and initially, 50 of these charges were classified as misdemeanors. Only 1% of impaired driving charges initially classified as felonies, misdemeanors, and traffic offenses were downgraded to a non-DUI charge (n=152).

Table 5: Initial and final law classifications, 2020

Final Law Class	Total	Maintained Law Class	Maintained %
Felony	946	938	99.2%
Misdemeanor	19,842	19,722	99.4%
Traffic	115	65	56.5%
Unknown	11	11	100.0%
Final Non-DUI Charge	152	0	0.0%

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 Charge Amendments

Table 6 shows initial DUI charges and the rates of charge maintenance, or the percentage of initial DUI charges that were not amended in the case filing compared to all initial DUI charges. The most common initial charge was DUI (n = 17,132), and this was followed by DWAI (n=2,051). Thirty-one initial charges were not categorized as impaired driving charges (depicted as "Other" in Table 6) but were amended to one of the DUI charge types.

The majority of DUI charges did not change over the course of the filing period at the time of extraction; over 90% of initial UDD, DWAI, DWAI with 1-2 prior convictions, DUI with 3 or more prior convictions, vehicular assault, and vehicular homicide were maintained (Table 6). In contrast, 65% of initial DUI charges were maintained during the filing, and increased five percentage points from the 2019's maintenance rate.[32] Appendix D displays how initial charges were modified as final charges, and as seen there, 25% of DUI charges with no noted priors (n = 4,244) were downgraded to a less severe charge and 11% (n = 1,822) were amended to a more severe charge. The most common amended impaired driving charges were down to a DWAI or up to DUI with 1-2 prior charges.

Table 6: Initial DUI charges and maintained charge, 2020

Initial DUI Charge	Total	Maintained	Maintained %
UDD	65	65	100.0%
DWAI	2,051	1,987	96.9%
DWAI 1-2 Prior(s)	103	100	97.1%
DWAI 3+ Priors	24	19	79.2%
DUI	17,132	11,066	64.6%
DUI 1-2 Prior(s)	585	517	88.4%
DUI 3+ Priors	965	884	91.6%
VEH ASSAULT	87	87	100.0%
VEH HOMICIDE	23	23	100.0%
Other	31	0	0.0%
Total	21,066	14,748	70.0%

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

Demographics of Individuals with DUI Case Filings

Of the impaired driving case filings with gender information provided (n = 21,052), three out of four involved males (n = 15,680). Individuals charged in DUI case filings ranged in age from 13 to 85; the average and median ages were 35 and 32, respectively. Table 7 shows that

[32] Rosenthal and Reed (Jan, 2022); See footnote 29.

individuals in the 26-34 age category accounted for 30% of all DUI court filings. Differences in the age distribution of DUI court case filings by gender were minimal.

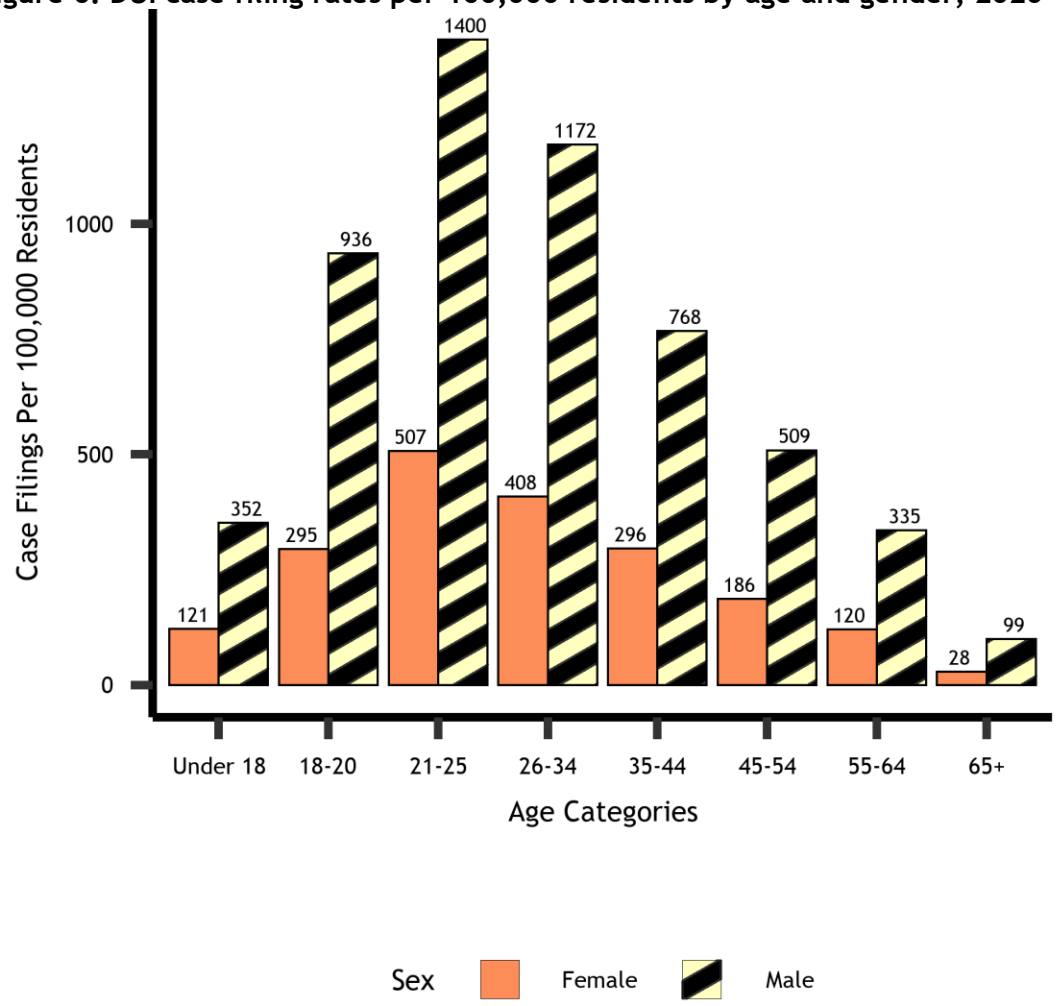
Table 7: DUI case filings, by age and gender, 2020

Age	Male	Male %	Female	Female %	Total	Total %
Under 18	268	1.7%	88	1.6%	356	1.7%
18-20	1,182	7.5%	339	6.3%	1,521	7.2%
21-25	2,991	19.1%	963	17.9%	3,954	18.8%
26-34	4,756	30.3%	1,583	29.5%	6,339	30.1%
35-44	3,071	19.6%	1,166	21.7%	4,237	20.1%
45-54	1,848	11.8%	663	12.4%	2,511	11.9%
55-64	1,167	7.4%	435	8.1%	1,602	7.6%
65+	397	2.5%	130	2.4%	527	2.5%
Total	15,680	100.0%	5,367	100.0%	21,047	100.0%

Note: There were 19 records with incomplete gender and/or age records that were not included in this cross-tabulation.
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 case filing rates were calculated by age and gender using population estimates and are shown in Figure 6. Case rates peaked in the 21-25 age category for both males and females, reaching 1,400 cases filed per 100,000 residents in males and 507 cases filed per 100,000 residents in females, with a steady decline in the subsequent age categories. The peak rate in males was over three times higher than overall case filing rate in Colorado (450 case filings per 100,000 residents). Case filing rates were lowest in adults 65 years and older.

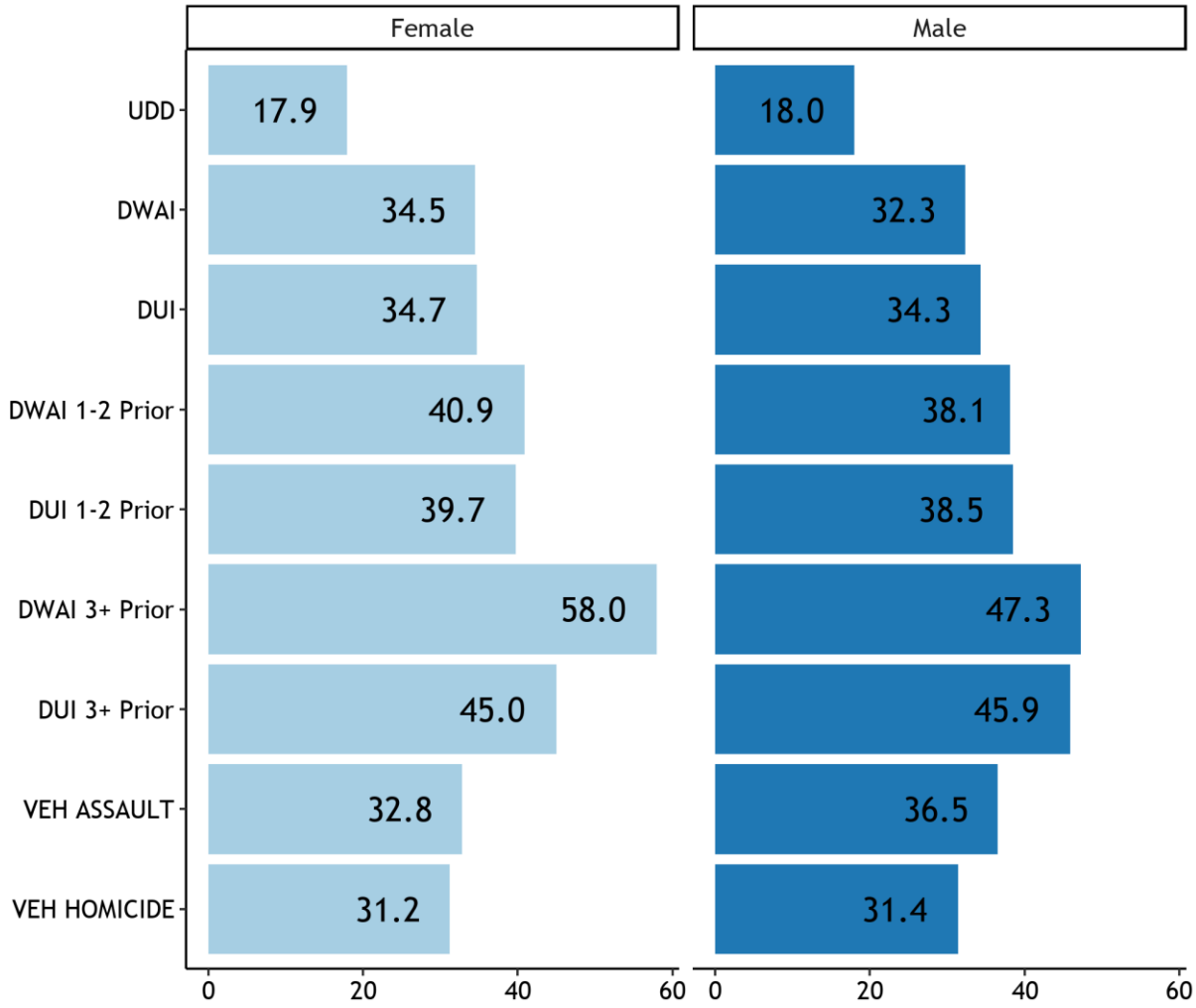
Figure 6: DUI case filing rates per 100,000 residents by age and gender, 2020



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 the mean age by gender and final charge. As the severity of the impaired driving charge increased, the mean age tended to increase. The least severe charge, UDD, had the lowest mean age at 18 in both males and females. DUI case filings involving both males and females had an average age around 34; in DWAI case filings, females who were charged had an average age of 35 compared to males who were 32 years. Felony charges for DWAI with three or more convictions and DUI with three or more convictions had the highest mean ages, ranging from 58 to 45. This pattern reflects that older individuals had more time to acquire prior convictions. Both vehicular homicide and vehicular assault had lower mean ages than the felony DUI charges, ranging from 31 to 37.

Figure 7: Final DUI charge and mean age by gender, 2020



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 in charge distribution by gender can be seen in Table 8. The most common final charge for both genders was DUI, accounting for 53% of all charges in both groups. A larger proportion of men were charged for an offense with a prior conviction, and females had a slightly higher proportion of DWAI charges compared to men.

Table 8: Final DUI charge by gender, 2020

Final Charge	Female	Male	Female %	Male %
UDD	27	86	0.5%	0.5%
DWAI	1,745	4,480	32.5%	28.6%
DWAI 1-2 Prior(s)	163	546	3.0%	3.5%
DWAI 3+ Priors	5	36	0.1%	0.2%
DUI	2,842	8,274	53.0%	52.8%
DUI 1-2 Prior(s)	369	1,306	6.9%	8.3%
DUI 3+ Priors	145	765	2.7%	4.9%
VEH ASSAULT	25	63	0.5%	0.4%
VEH HOMICIDE	5	18	0.1%	0.1%
Other	41	111	0.8%	0.7%
Total	5,367	15,685	100.0%	100.0%

Note: There were 14 records with incomplete gender records that were not included in this cross-tabulation.
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

Other Offenses Associated with DUI Case Filings

The three most common charges associated with DUI case filings in 2020 were careless driving, failure to display proof of insurance, and lane usage violation. See Appendix E for the frequency of the top 40 final associated charges.

Particular charges of interest from cases filed in 2016-2020 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-impaired driving charges such as reckless vehicular assault. Child abuse charges were the most prevalent of the three charge groupings, and across the five years on average, there were 644 case filings that had either an initial or final child abuse charge. In 2020, filings with child abuse charges dropped to 564. Vehicular assault charges were found in 200 case filings in 2020, which amounted to a 17% decrease compared to the 2019 peak. There were 29 vehicular homicide charges in 2020, which was slightly below the average number (35) across the five years.

Table 9: DUI case filings with charges for child abuse, vehicular assault and vehicular homicide charges, 2016-2020

Charge	2016	2017	2018	2019	2020	Mean
Child Abuse	664	737	685	668	564	664
Veh Assault	195	212	203	242	200	210
Veh Homicide	30	41	42	31	29	35

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

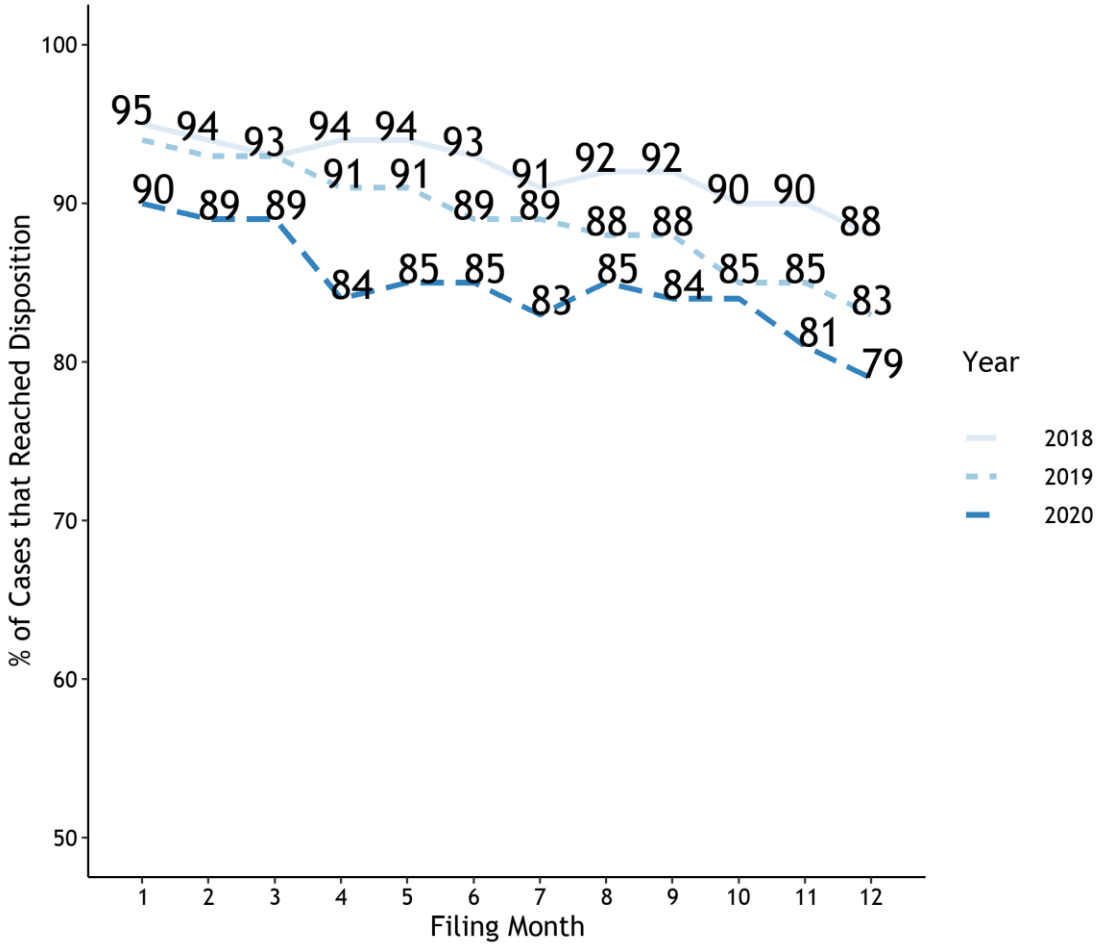
DUI Dispositions

Data on dispositions were available for 84% (n = 17,748) of DUI-related charges, and this rate represents the lowest disposition rate in the past five years.[33] On average, 92% of case filings had reached dispositions from 2016-2019 (Table 10). Nearly all cases (n = 17,596) were adjudicated with a final impaired driving charge.

The percent of cases that reached disposition by filing month and year were calculated for 2018-2020 and are shown in Figure 8; we chose these years to show the impact of the pandemic-related slowdown in court proceedings, which started with 2019 filings. The disposition rates in 2019 matched the rates seen in 2018 for the months of January to March, but starting in April, disposition rates for 2019 started to dip below 2018's level, and from July to December, the average disposition rate was 86% in 2019 compared to 91% in 2018. In 2020, disposition rates were also highest from January to March and averaged 89%. However, from July to December, disposition rates dropped to 83%. These depressed disposition rates could have impacted trends in court outcomes for 2020.

[33] Bui & Reed (2018, 2019) & Rosenthal & Reed (2020, Jan, 2022), See Footnote 29.

Figure 8: Percent of cases that reached disposition by month, 2018-2020



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

Dispositions for impaired driving charges remained fairly consistent throughout the period from 2016 to 2019; approximately four-fifths of all impaired driving charges were found guilty and one in 10 charges were dismissed (Table 10). In 2020, guilty dispositions dropped to 76% and dismissed charges increased to 13% (Table 10). In 2019 and 2020, only 4 cases per year 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.

Table 10: Disposition of DUI charges, 2016-2020

Year & Measure	Guilty	Deferred Judgment	Deferred Dismissed	Diversion	Dismissed	Not Guilty	Non-DUI Disposition	Total
2016	20,545	1,182	745	26	2,493	180	348	25,519
2017	19,846	1,185	548	53	2,363	193	280	24,468
2018	19,315	1,205	682	50	2,504	152	296	24,204
2019	18,458	1,824	4	86	2,380	94	320	23,166
2020	13,471	1,617	4	82	2,333	89	152	17,748
2016 %	80.5%	4.6%	2.9%	0.1%	9.8%	0.7%	1.4%	100.0%
2017 %	81.1%	4.8%	2.2%	0.2%	9.7%	0.8%	1.1%	100.0%
2018 %	79.8%	5.0%	2.8%	0.2%	10.3%	0.6%	1.2%	100.0%
2019 %	79.7%	7.9%	0.0%	0.4%	10.3%	0.4%	1.4%	100.0%
2020 %	75.9%	9.1%	0.0%	0.5%	13.1%	0.5%	0.9%	100.0%

Note: Both the decline in deferred dismissed and increase in deferred judgment dispositions in 2019-20 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, Denver County Court and State Demography Office. 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 dispositions were collapsed in the following categories to better report trends; deferred judgment and deferred dismissed findings were grouped as deferred, and dismissed and not guilty findings were combined. The proportion of guilty dispositions varied by the charge type, ranging from 65% for DUI to 98% for DWAI with 1 – 2 prior convictions. DWAI had the highest rates of deferrals (13%). One out of four DUI and vehicular homicide charges were found not guilty or were dismissed. 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, 2020

Final Charge	Guilty	Deferred	Diversion	Dismissed/Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/Not Guilty %
UDD	88	10	4	11	77.9%	8.8%	3.5%	9.7%
DWAI	5,215	797	9	141	84.6%	12.9%	0.1%	2.3%
DWAI 1-2 Prior(s)	684	13	0	4	97.6%	1.9%	0.0%	0.6%
DWAI 3+ Priors	33	0	0	5	86.8%	0.0%	0.0%	13.2%
DUI	5,323	774	67	2,066	64.7%	9.4%	0.8%	25.1%
DUI 1-2 Prior(s)	1,458	18	0	76	93.9%	1.2%	0.0%	4.9%
DUI 3+ Priors	608	8	1	102	84.6%	1.1%	0.1%	14.2%
VEH ASSAULT	51	1	1	13	77.3%	1.5%	1.5%	19.7%
VEH HOMICIDE	11	0	0	4	73.3%	0.0%	0.0%	26.7%
Other	144	7	0	1	94.7%	4.6%	0.0%	0.7%
Total	13,615	1,628	82	2,423	76.7%	9.2%	0.5%	13.7%

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, Denver County Court and State Demography Office. 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 duration in days between the case filing date and the disposition date for the DUI charge was calculated; these values were compared by year from 2018-2020, which would show possible changes in processing time in 2019 and 2020 filings due to the COVID-19 pandemic. The mean time between case filing and disposition date jumped from 165 days in 2018 to 220 days in 2020, which amounts to a difference of nearly two months (55 days). 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 2020, which was 62 days.

Table 12: Time to finding in days by law class and year, 2018-2020

Final Law Class	Year	Total Number of Cases	Mean	Median
Felony	2018	973	205.8	183.0
Felony	2019	926	225.0	191.0
Felony	2020	738	239.3	217.0
Misdemeanor	2018	22,803	164.0	135.0
Misdemeanor	2019	21,826	175.9	138.0
Misdemeanor	2020	16,737	219.4	189.0
Traffic	2018	118	108.3	82.5
Traffic	2019	84	108.8	85.0
Traffic	2020	112	157.5	130.5
Final Non-DUI Charge	2018	293	149.8	131.0
Final Non-DUI Charge	2019	320	204.1	168.0
Final Non-DUI Charge	2020	152	211.3	176.5

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

The time to finding was also analyzed by disposition type and year, as shown in Table 13. With the exception of DUI charges with a deferred disposition, which includes deferred judgment and deferred dismissal findings, DUI charges for all disposition types took longer to reach a finding in 2019 and 2020 compared to 2018. The shorter times in 2019 and 2020 versus 2018 for deferred charges reflect the lack of deferred dismissal charges, which take the longest time to resolve. Excluding deferred charges, charges with a finding of dismissed and not guilty took the longest time to resolve, and cases with a diversion finding had the shortest time to disposition. Guilty, dismissed/not guilty charges and non-DUI disposition charges had the largest delays in charge findings between 2018 to 2020, with time to finding differences larger than 60 days.

Table 13: Time to finding for DUI charges in days by disposition and year, 2018-2020

Disposition	Year	Total Number of Charges	Mean	Median
Guilty	2018	19,308	154.1	132.0
Guilty	2019	18,451	175.8	139.0
Guilty	2020	13,466	217.5	185.0
Deferred	2018	1,887	274.2	233.0
Deferred	2019	1,828	173.4	138.0
Deferred	2020	1,621	219.4	190.0
Diversion	2018	50	84.8	64.0
Diversion	2019	86	84.8	71.0
Diversion	2020	82	138.1	127.0
Dismissed/Not Guilty	2018	2,654	171.8	145.0
Dismissed/Not Guilty	2019	2,474	197.7	158.0
Dismissed/Not Guilty	2020	2,421	235.9	220.0
Non-DUI Disposition	2018	293	149.8	131.0
Non-DUI Disposition	2019	320	204.1	168.0
Non-DUI Disposition	2020	152	211.3	176.5

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

Toxicology Findings

About three out of five (59%, n = 12,440) of all DUI case filings (n = 21,066) were linked to at least one toxicology breath or blood test result. From 2016-2020, there has been a gradual decline in the toxicology linking rate, as shown in Table 14. Filings that did not link to a toxicology report 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 2020, 42% of individuals who were involved in administrative hearings regarding their driving privileges refused toxicology testing, up from 39% in 2018.[34]

Rates of DUI cases with matching toxicology results varied by county, as seen in Appendix F. Among rural counties, Custer had the highest matching rate at 81%, and Costilla county had the lowest (32%). Among urban counties, Larimer had the highest rate at 65% and Broomfield had the lowest toxicology matching rate among DUI cases filed (41%).

Table 14: Toxicology matching by year, 2016-2020

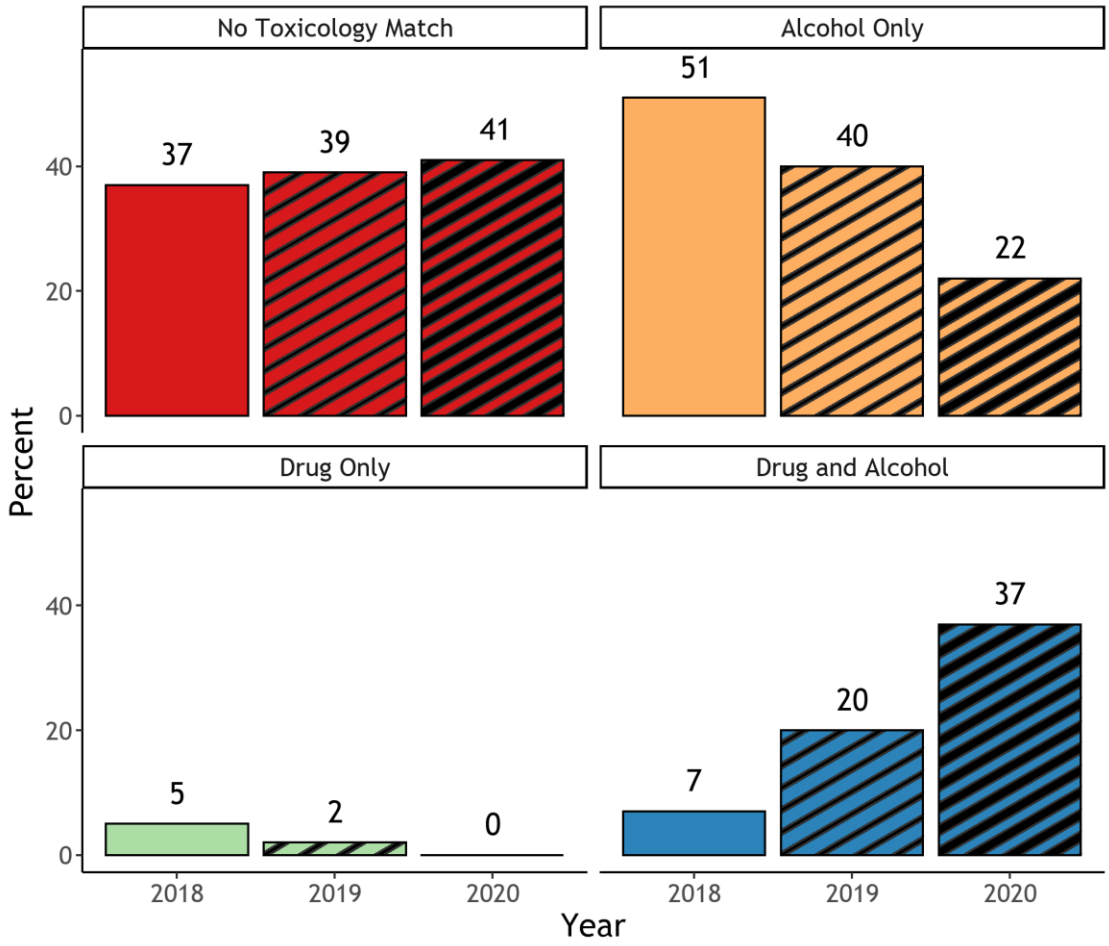
Year	Toxicology matches	% of all DUI cases
2016	17,824	65%
2017	17,527	66%
2018	16,943	63%
2019	16,009	61%
2020	12,440	59%

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 from 2018-2020. In 2020, we matched the fewest proportion of case filings with toxicology records, but we also linked the greatest percentage of case filings with a comprehensive drug and alcohol toxicology screening report in the three-year period. In 2020, 37% of case filings matched with both a drug and alcohol screening record, which represented a five-fold increase from 2018's screening level. Additionally, the majority of filings (51%) in 2018 only had alcohol screening records, but filings with alcohol only screenings only represented 22% of filings.

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

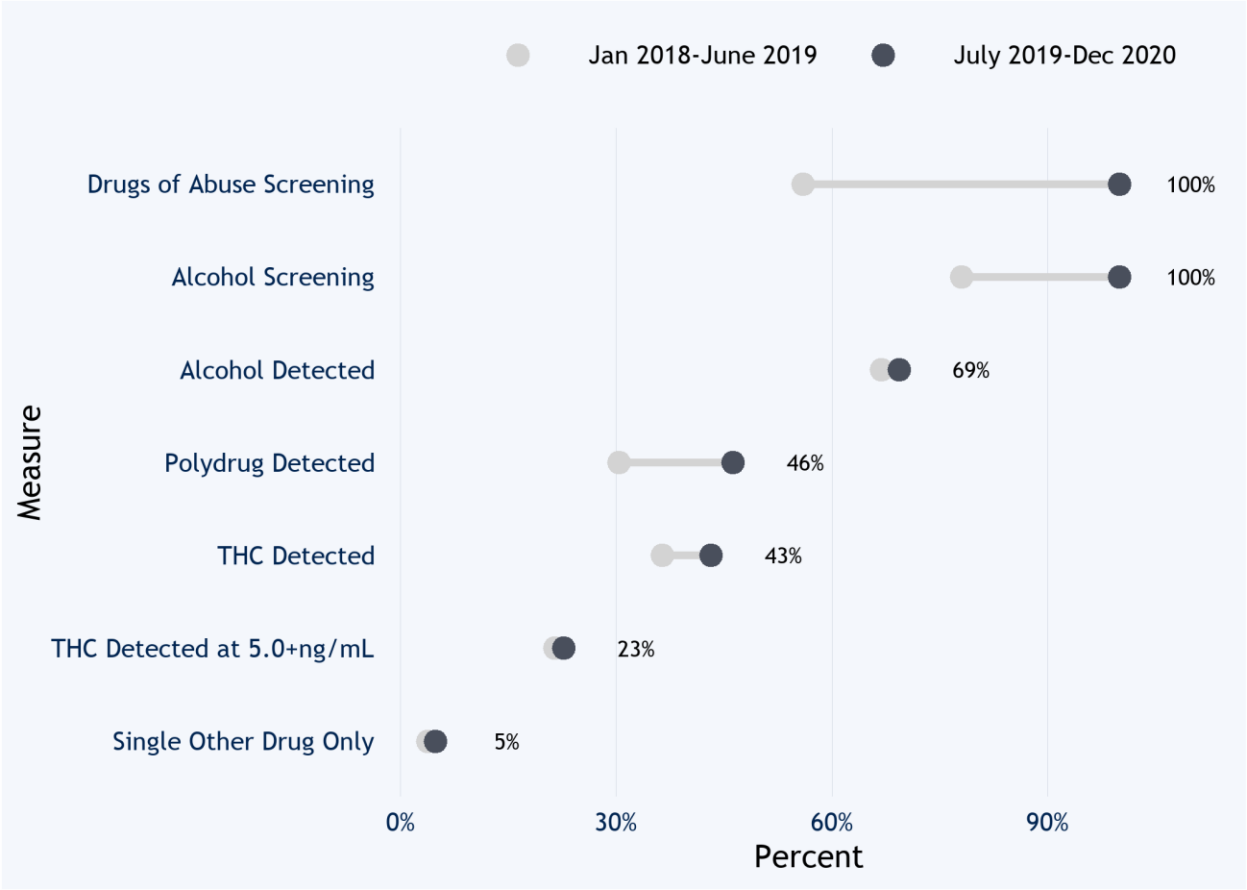
Figure 9: DUI case filings by screening status, 2018-2020



Notes: 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 the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could have contributed to the reduction in alcohol-only screenings, a lack of drug-only screenings and a rise in drug and alcohol screenings during the three-year period. Additionally, this could have resulted in a greater number of refusals due to people being less willing to submit to a blood draw when breath testing was not an option.
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. Figure 10 compares screening rates and a few drug detection indicators for filings associated with a CBI toxicology record from January 2018 to June 2019 compared to July 2019 to December 2020. Prior to the testing expansion, 78% underwent alcohol screening and 56% had a record of a drug of abuse screening (Figure 10). In the post expansion period, both alcohol and cannabis grew with 69% of filings testing positive for alcohol and 43% for Delta 9-tetrahydrocannabinol (Delta-9 THC). The change also coincided with more identified DUI cases with more than one drug detected in the toxicology results, or polydrug detection (30% pre-expansion vs. 46% post-expansion).

Figure 10: DUI case filings with CBI toxicology testing with comparisons before (Jan 2018-June 2019) and after (July - Dec 2020) comprehensive testing expansion



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

Alcohol

The 12,440 DUI case filings with alcohol test results were obtained from the CDPHE, the Denver Crime Lab, and the CBI. In 2020, there was a gradual decrease in alcohol positivity and detection. In 2016, only 3% of case filings with alcohol screening had negative testing results, whereas in 2020, 18% had no alcohol detected. Additionally, 73% of case filings with alcohol screening had an alcohol level detected at or above 0.08+ BAC in 2020 compared to 86% in 2016 (Table 15). These changes could have been related to the increase in combined drug and alcohol screening. This expansion in screening could mean that the toxicology levels in 2020 are more representative of the toxicology of individuals charged with a DUI.

Table 15: DUI case filings by Blood/Breath Alcohol Content (BAC) levels, 2016-2020

BAC Group	Not Detected	<0.05	0.05-0.079	0.08+	Total
2016	429	486	1,389	13,620	15,924
2017	769	524	1,286	13,277	15,856
2018	727	523	1,227	12,675	15,152
2019	1,151	470	1,188	12,242	15,051
2020	2,268	368	752	9,052	12,440
2016 %	2.7%	3.1%	8.7%	85.5%	100.0%
2017 %	4.8%	3.3%	8.1%	83.7%	100.0%
2018 %	4.8%	3.5%	8.1%	83.7%	100.0%
2019 %	7.6%	3.1%	7.9%	81.3%	100.0%
2020 %	18.2%	3.0%	6.0%	72.8%	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 the law enforcement agency or the district attorney's office. This change could have contributed to the increase in null toxicology findings ("not detected"), but also could represent an improvement in the completeness of BAC levels to assess the toxicology of individuals charged with a DUI.
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

As shown in Table 16, across the five-year period, alcohol levels in DUI case filings also dropped; the median BAC decreased by 5% to 0.144 in 2020 and the mean BAC declined by 13% to 0.138 in 2020. These trends likely reflect the increase in DUI case filings with no alcohol detected, as seen in Table 15.

Table 16: DUI case filings by Blood/Breath Alcohol Content (BAC) levels, 2016-2020

Year	Median BAC	Mean BAC
2016	0.152	0.158
2017	0.154	0.160
2018	0.154	0.156
2019	0.157	0.161
2020	0.144	0.138

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 could have contributed to the reduction in the mean and median BAC, but also could represent an improvement in the completeness of BAC levels to assess the toxicology of individuals charged with a DUI.
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

In 2020, cannabinoid screens were conducted for 7,705 case filings, representing 37% of all case filings (Table 17). In contrast, only 3,946 case filings in 2016 had a cannabinoid screening. As cannabinoid screenings increased, the positivity rate declined from 2016 (73%) to 2020 (49%; as shown in Table 17). Similar to the decrease in alcohol detection as seen in Table 16, the decrease in cannabinoid positivity might suggest that the data quality has improved and that the latest rate better represents the toxicology of all drivers charged with impaired driving.

Cases with a positive cannabinoid screen (49%, n=3,768) were further confirmed for Delta-9 THC and other cannabinoid analytes.[35]

[35] The confirmation test is done via liquid chromatography-mass spectrometry (LC-MS).

Table 17: Cannabinoid positivity in DUI case filings, 2016-2020

Screen Result	Cannabinoids Not Present	Cannabinoids Present	Total
2016	1,061	2,885	3,946
2017	1,622	3,170	4,792
2018	1,697	3,335	5,032
2019	2,470	3,142	5,612
2020	3,937	3,768	7,705
2016 %	26.9%	73.1%	100.0%
2017 %	33.8%	66.2%	100.0%
2018 %	33.7%	66.3%	100.0%
2019 %	44.0%	56.0%	100.0%
2020 %	51.1%	48.9%	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 the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could have contributed to the reduction in the overall cannabinoid positivity rate, but also could represent an improvement in the completeness of the measure to assess the toxicology of individuals charged with a DUI.
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.

Among all case filings screened for cannabinoids (n = 7,705), 44% tested positive for Delta-9 THC at some level (n = 3,357). The presence of Delta-9 THC may or may not indicate the driver's recent use of marijuana preceding the offense and/or impairment. The median value of Delta-9 THC among individuals screened was 4.1 and the mean was 7.6 ng/mL in 2020, and also corresponds to a drop from 2019's mean and median of 5.4 ng/mL and 8.6 ng/mL, respectively.

Table 18 compares the various levels of Delta-9 THC detected among case filings that underwent confirmatory testing from 2016-2020. About half of these filings tested positive for Delta-9 THC level at or above the 5 ng/mL permissible inference level, and about a third tested between 1-4.9 ng/mL throughout the five-year period. The proportion of DUI case filings with no THC detected gradually decreased from 2016-2020, with a corresponding rise in DUI case filings with qualitative results only (as indicated in Table 18 with the label "Present but <1.0").

Table 18: DUI case filings by Delta-9 THC ng/mL levels, 2016-2020

THC Levels	None Detected	Present but <1.0	1.0 - 4.9	5.0+	Total
2016	396	90	1,030	1,369	2,885
2017	431	63	1,069	1,607	3,170
2018	459	88	1,134	1,654	3,335
2019	328	216	1,069	1,563	3,176
2020	411	287	1,282	1,788	3,768
2016 %	13.7%	3.1%	35.7%	47.5%	100.0%
2017 %	13.6%	2.0%	33.7%	50.7%	100.0%
2018 %	13.8%	2.6%	34.0%	49.6%	100.0%
2019 %	10.3%	6.8%	33.7%	49.2%	100.0%
2020 %	10.9%	7.6%	34.0%	47.5%	100.0%

Notes: Delta-9 THC is only quantified when the initial cannabinoid screen is positive. 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 the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could have contributed to the increase in null findings ("none detected"), but also could represent an improvement in the completeness of Delta-9 THC levels to assess the toxicology of individuals charged with a DUI.
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

In 2020, the CBI added the variable of blood draw time to their standard laboratory query, which facilitated the analysis of time from the offense to blood sample collection. In prior years, the CBI data needed to be manually entered, which was resource intensive and not sustainable to complete each year. In 2020, 137 case filings that had a CBI toxicology record match were excluded because either the offense time or blood draw time was incomplete, or the time from offense to blood draw value was an outlier and was below zero or above 1,440 minutes. Table 19 below shows the descriptive statistics and toxicology source for the data used in the time-to-blood-draw analysis. The mean time from offense to blood draw was 81 minutes, and the median time was 71 minutes.

Table 19: Descriptive statistics and toxicology source for time from offense to blood draw in minutes, 2020

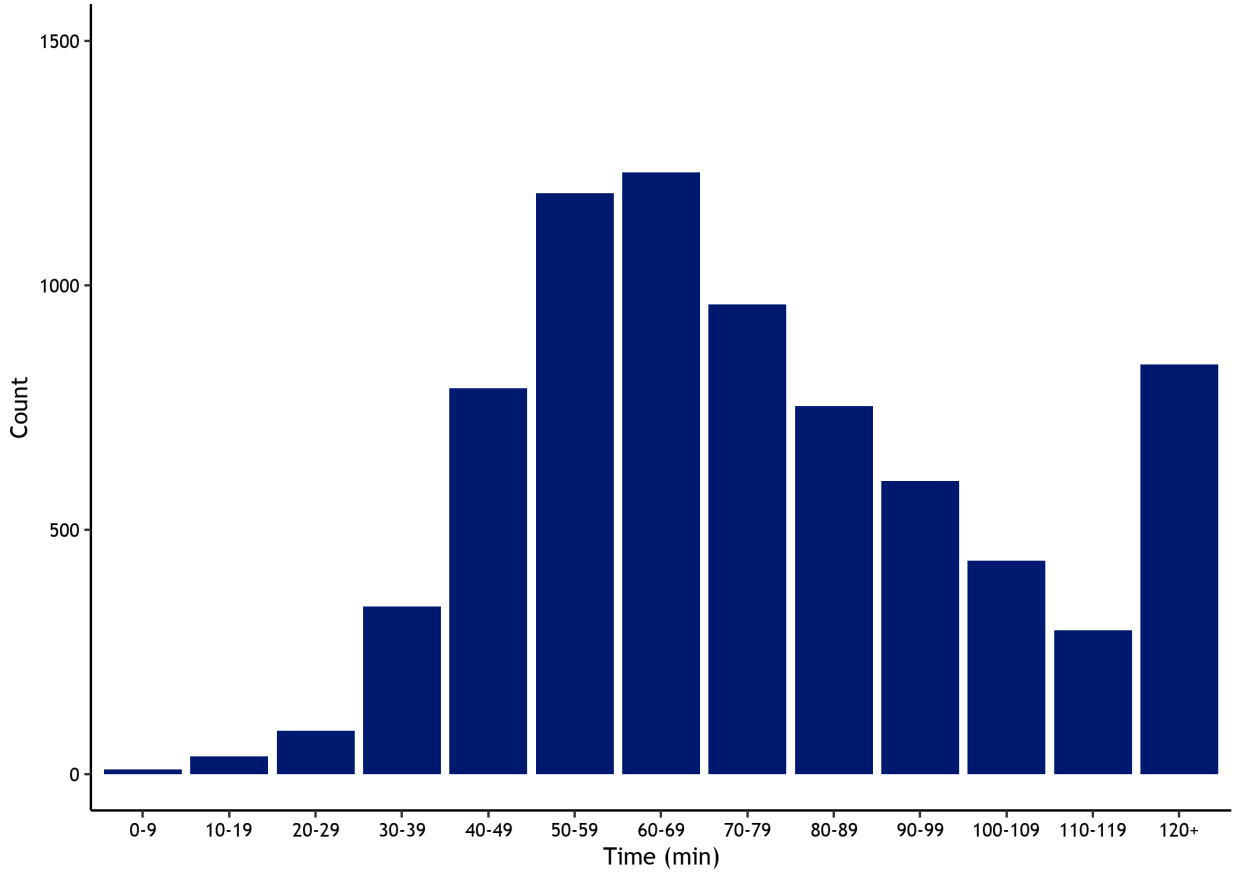
Year	Mean	Median	Case Filings
2020	80.7	71.0	7,568

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

The distribution in the duration between offense and blood draw is depicted in Figure 11. The time interval of 60-69 minutes (category 60 in Figure 11) had the greatest number of case

filings (n = 1,231), accounting for 16% of time to testing results. Eleven percent (n = 838) of records exceeded an elapsed time of 120 minutes from time of offense to time of test.

Figure 11: Number of filings by offense to blood draw time increments, 2020



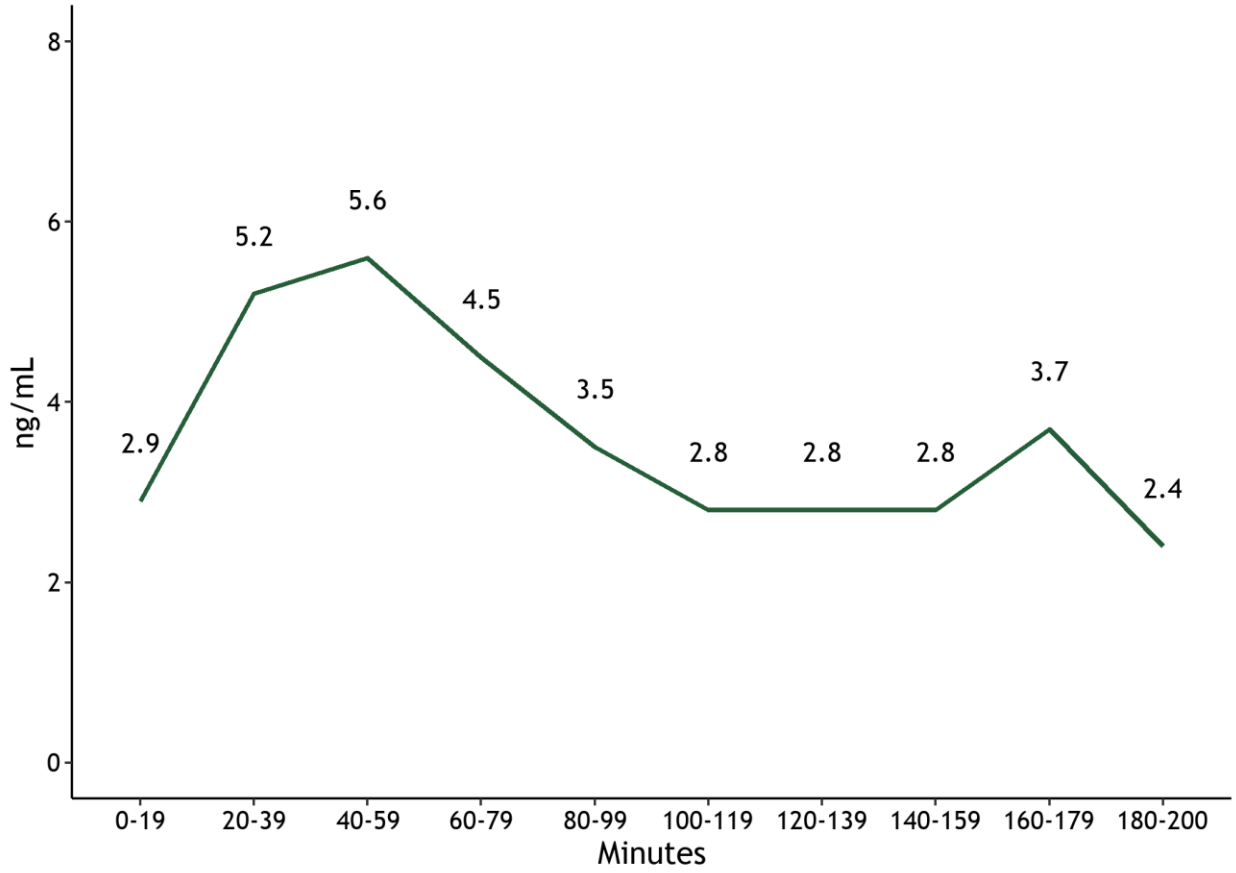
Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

From 2020, 158 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 with information on Delta-9 THC screenings (n = 3,639) was used in the analyses below.

Marijuana and Time-to-Test

The offense to blood test times by median Delta-9 THC value for 2020 can be seen in Figure 12. Median Delta-9 THC values peaked at 5.6 ng/mL between 40-59 minutes and then gradually fell for blood tests collected between 60-99 minutes, followed by a leveling off at 2.8 ng/mL of Delta-9 THC for samples collected between 100-159 minutes. At 160-179 minutes, the median Delta-9 THC level rose to 3.7 ng/mL. The changes in the slope in the Delta-9 THC levels for blood draws collected after 160 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.

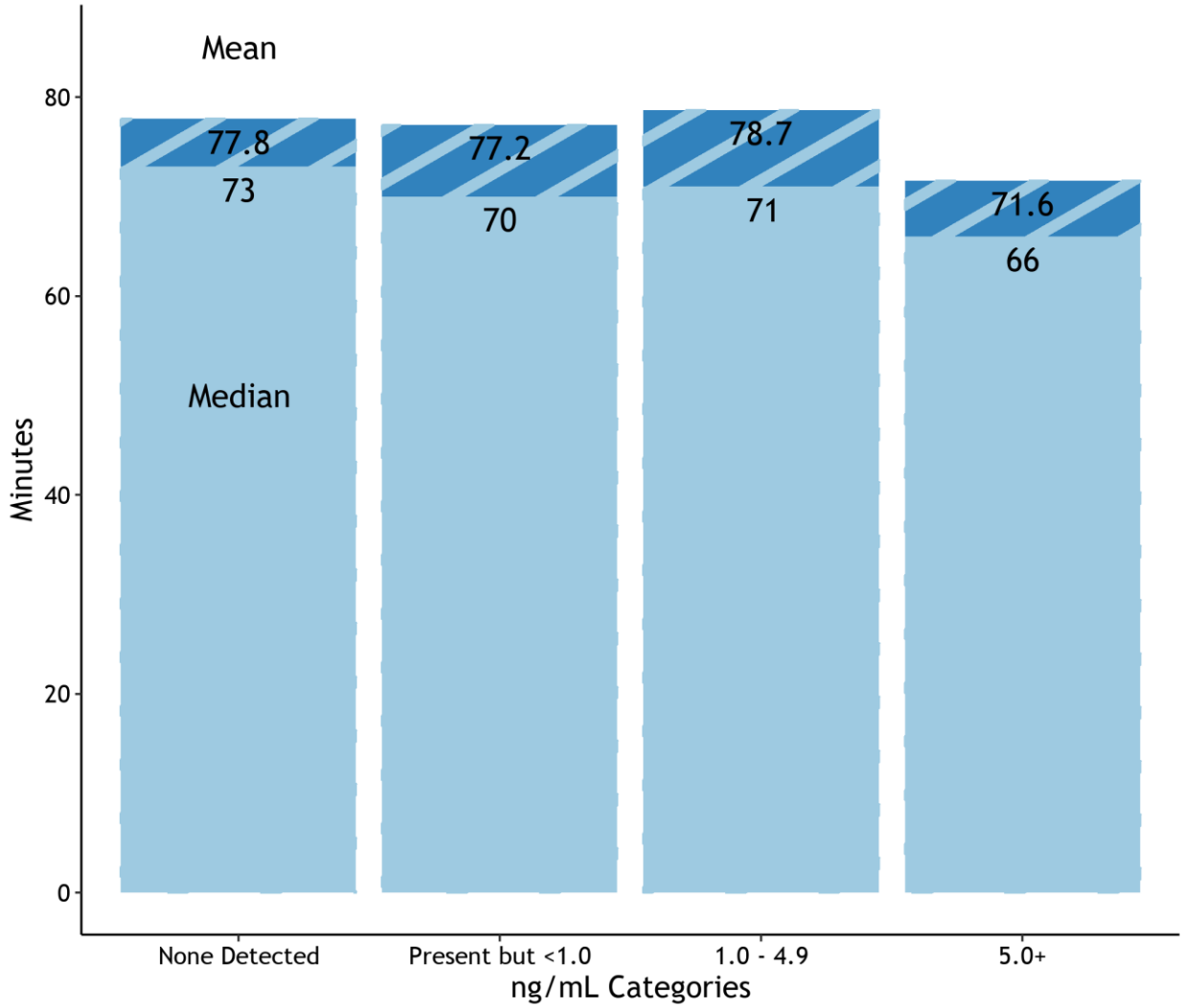
Figure 12: Median Delta-9 THC level by time in minutes from offense to blood draw, 2020



Data Sources: State Judicial Department, Denver County Court and CBI. 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 from offense to blood draw for each of the Delta-9 THC categories (Figure 13). For case filings that tested at 5ng/mL, the mean time was 71.6 and the median time was 66, w represented the shortest durations between the offense and blood draw for these toxicology categories. DUI case filings that were screened for Delta-9 THC and did not detect it, had the highest median time from offense to blood test at 73 minutes.

Figure 13: Mean and median time (min) from offense to blood draw by Delta-9 THC levels, 2020



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

Alcohol and Marijuana in Combination

Overall, 75% of positive Delta-9 THC DUI case filings had toxicology results positive for more than one substance (polydrug). Of these, 78% had alcohol detected, making it the most commonly detected co-occurring substance. The following table looks more closely at alcohol and marijuana toxicology results, with Table 20 showing BAC levels stratified by cannabinoid screening results 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 (0.159). For DUI case filings with positive Delta-9 THC results, mean BAC levels decreased as Delta-9 THC level increased. Filings with qualitative Delta-9 THC levels had a mean BAC of 0.132 versus those that tested positive at or above 5ng/mL, with a mean BAC of 0.075, as shown in Table 20. Regardless of the different Delta-9 THC toxicology testing status and/or level, nearly all of the mean BAC levels were above the 0.08 BAC.

Table 20: Mean BAC by Delta-9 THC levels among case filings with drug screening, 2020

Marijuana Toxicology/Delta-9 THC Group	Case Filings	Mean BAC	SD
Cannabinoids Not Present	3,937	0.159	0.10
Cannabinoids Present, THC Not Detected	411	0.121	0.11
Present but <1.0	287	0.132	0.11
1.0 - 4.9	1,282	0.119	0.10
5.0+	1,788	0.075	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 makes comparing different means more difficult.
Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Other Drug Categories

Single and Polydrug detection

From 2016 to 2020, polydrug detection as a percentage of all DUI case filings more than doubled going from 8% (n = 2,264) to 17% (n = 3,345), [data not shown.] Although alcohol-only toxicology findings were the most prevalent across the five years, from 2016-2020, there was a 20-percentage point fall in alcohol-only detection, as seen in Table 21. In 2020, the most prevalent combination of substances found was alcohol and marijuana, as exemplified by Delta-9 THC, and comprised 40% of polydrug results and 12% of all DUI case filings that had toxicology screening. Both alcohol and other drug and alcohol and Delta-9 THC detection more than doubled from 2016-2020 as seen in Table 21.

Table 21: Testing and drugs detected among DUI case filings by year, 2016-2020

Drug Category	None Detected	Alcohol Only	THC Only	Single Other Drug	Alcohol and THC	Alcohol and Other	THC and Other	Alcohol, THC, and Other	Polydrug Not Alcohol or THC
2016	165	14,052	957	386	829	380	469	234	352
2017	170	13,449	1,083	415	958	430	447	251	276
2018	174	12,755	1,078	465	1,039	414	507	276	235
2019	288	11,792	907	300	1,188	579	412	341	202
2020	205	7,360	831	398	1,471	842	556	499	278
2016 %	0.9%	78.8%	5.4%	2.2%	4.7%	2.1%	2.6%	1.3%	2.0%
2017 %	1.0%	76.9%	6.2%	2.4%	5.5%	2.5%	2.6%	1.4%	1.6%
2018 %	1.0%	75.3%	6.4%	2.7%	6.1%	2.4%	3.0%	1.6%	1.4%
2019 %	1.8%	73.7%	5.7%	1.9%	7.4%	3.6%	2.6%	2.1%	1.3%
2020 %	1.6%	59.2%	6.7%	3.2%	11.8%	6.8%	4.5%	4.0%	2.2%

Notes: 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 the law enforcement agency or the district attorney's office. This change coincided with a decrease in alcohol-only results, and an increase in all other categories in 2019-2020. Additionally, the temporary reduction in the use of breath alcohol testing during the early period of the COVID-19 pandemic

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, 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 only detected had the youngest mean age (27.4) while those with either a single other drug or alcohol and a non-marijuana drug toxicology result had the highest mean ages (38.3). In general, DUI case filings with Delta-9 THC positivity had a lower mean age compared to those with no drugs detected or with alcohol-only detected.

Table 22: Drugs detected and mean age of those charged with a DUI, 2020

Drug/Drugs	Drugs Detected	Mean	SD
None Detected	None Detected	36.7	16.2
One Drug	Alcohol Only	35.4	13.6
One Drug	THC Only	27.4	11.5
One Drug	Single Other Drug	38.1	13.3
Polydrug	Alcohol and THC	31.4	12.0
Polydrug	Alcohol and Other	38.3	13.5
Polydrug	THC and Other	31.7	11.6
Polydrug	Alcohol, THC, and Other	32.0	12.0
Polydrug	Polydrug Not Alcohol or THC	37.1	12.0

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 makes comparing different means more difficult.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 had a greater frequency of filings 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, 2020

Drug/Drugs	Drugs Detected	Female	Female %	Male	Male %
None Detected	None Detected	51	1.6%	154	1.7%
One Drug	Alcohol Only	1,966	60.2%	5,389	58.8%
One Drug	THC Only	174	5.3%	657	7.2%
One Drug	Single Other Drug	126	3.9%	272	3.0%
Polydrug	Alcohol and THC	349	10.7%	1,122	12.2%
Polydrug	Alcohol and Other	238	7.3%	604	6.6%
Polydrug	THC and Other	148	4.5%	407	4.4%
Polydrug	Alcohol, THC, and Other	135	4.1%	364	4.0%
Polydrug	Polydrug Not Alcohol or THC	77	2.4%	201	2.2%
Total	Total	3,264	100.0%	9,170	100.0%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, 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, which also

could have been influenced by the increase in screenings for drugs of abuse (see Figure 9). In 2020, the frequency of all alcohol polydrug categories increased compared to 2019, as shown in Table 24. The mean BAC values either were stable or increased from 2019 to 2020 among case filings that had positive alcohol results. While all groupings had mean BAC levels between 1.8 and 2.2 times the 0.08 *per se* level, case filings with alcohol and other drug results had the highest mean BAC levels (Table 24).

Table 24: Mean BAC by polydrug detection, 2019-2020

Year	Drugs Detected	N	Mean BAC	SD
2019	Alcohol Only	11,792	0.161	0.07
2020	Alcohol Only	7,360	0.169	0.07
2019	Alcohol and THC	1,188	0.161	0.08
2020	Alcohol and THC	1,471	0.169	0.07
2019	Alcohol and Other	579	0.178	0.09
2020	Alcohol and Other	842	0.179	0.08
2019	Alcohol, THC, and Other	341	0.147	0.08
2020	Alcohol, THC, and Other	499	0.152	0.08

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

DUI filings with positive testing results were examined by drug schedule, as defined in CRS-18-18-101; 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. 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.

Overall, DUI case filing identification of non-marijuana scheduled drugs is much less common than alcohol or marijuana detection. Coinciding with the CBI comprehensive testing expansion in July of 2019, the detection of Schedule I drugs, or drugs with a potential for misuse and use disorders and that do not have accepted medical uses, rose 3.4 times from 2018-2020. As well from 2018-2020, Schedule II drug identification in impaired driving case filings increased by 46%. Schedule II drugs are defined as substances with high potential for misuse and use disorders and include methamphetamine, and many prescribed substances such as oxycodone (also known as Oxycontin), were most frequently reported in case filings compared to all other scheduled drug categories. After Schedule II drugs, Schedule IV drugs, or drugs that have a low potential for misuse, were the second most frequent category and were present in 9% of all DUI cases filings. Drugs in this schedule include many prescription drugs such as alprazolam (more commonly known as Xanax) and tramadol, an opioid medication.

Table 25: Drugs detected by Colorado drug schedule, 2016-2020

Schedule	2016	2017	2018	2019	2020
I	27	50	53	160	234
II	1,132	1,188	1,351	1,296	1,970
III	NA	7	8	NA	8
IV	948	838	720	631	721

Notes: The Uniform Substances Control Act of 2013 (CRS-18-18-101) outlines Colorado's drug schedule and is unique from the federal drug schedule. NA 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.

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 marijuana 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 due to its presence in other tables in this report.

The number of CNS stimulants doubled from 2016 to 2020, reaching 1,775 DUI case filings in 2020. In accordance with their rise in detection, CNS stimulants were the most common drug category identified in toxicology testing (see Table 26). CNS depressants and narcotic analgesics were the second and third most frequent DRE categories in DUI case filings from 2018-2020. Narcotic analgesics were the only other category that rose in frequency from 2016-2020, with 579 identifications in toxicology tests among DUI case filings.

Table 26: Drugs detected by Drug Recognition Expert categories, 2016-2020

DRE Category	2016	2017	2018	2019	2020
CNS Depressant	957	845	728	650	736
CNS Stimulant	887	978	1,219	1,309	1,775
Hallucinogen	20	26	20	42	49
Dissociative Anesthetic	NA	7	8	NA	NA
Narcotic Analgesic	402	358	277	389	579
Inhalant	9	20	16	NA	NA
Prescription or Over the Counter Drug	183	106	56	28	61

Notes: NA 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 2020, amphetamines/methamphetamines were the most commonly identified drugs in DUI case filings, excluding alcohol and marijuana (Table 27, also see Appendix H) and were found 14% of DUI cases screened for drugs. Following amphetamines, cocaine was the next most identified drug in DUI case filings. CNS depressants, which encompass benzodiazepines (including alprazolam and diazepam), were commonly found in DUI case filings. DUI case filings with positive test results for these drug categories - stimulants, benzodiazepines and opioids – overwhelmingly tested positive for another substance (83% for stimulants, 95% for benzodiazepines and 94% for opioids). Of these DUI cases that tested polydrug for stimulants, benzodiazepines and opioids, 59%, 61% and 33% tested positive for alcohol, respectively.

Table 27: Top ten drugs identified and drug categories, 2020

Drug	Drug Category	Schedule	Case Filings
Amphetamine/Methamphetamine*	Stimulant	II	1,110
Cocaine	Stimulant	II	768
Alprazolam	Benzodiazepines	IV	231
Diazepam/Oxazepam/Temazepam*	Benzodiazepines	IV	195
Morphine/Heroin	Opioid	I	192
Clonazepam	Benzodiazepines	IV	181
Fentanyl	Opioid	II	151
Lorazepam	Benzodiazepines	IV	104
Buprenorphine	Opioid	V	80
Oxymorphone/Oxycodone*	Opioid	II	78

Note: The following drugs: Amphetamine and methamphetamine; diazepam, oxazepam and temazepam; and oxymorphone and oxycodone were grouped together since they share common analytes, and it can be difficult to distinguish which specific drug the individual consumed.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 for impaired driving charges in Colorado. As seen in Table 3, 12,440 toxicology tests were matched to the 21,066 case filings. Of the case filings with toxicology tests, 10,772 of the most serious DUI charges from each case filing had reached disposition at the time of data analysis; only one charge per case was identified and included in the analysis of charge dispositions. However, these 10,772 DUI charges from 2020 case filings only represent 51% of all impaired driving case filings.

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). DUI charges without a toxicology record match had roughly the same percentage of guilty findings compared to those with a toxicology record match (74% vs. 77%, respectively), but a higher percentage of dismissed/not guilty findings (18% vs. 11%). DUI case filings without a record match also had a lower rate of deferred findings (7% vs. 11%). These differences based on

matching status suggest that subsequent analyses using DUI charges with a toxicology record match might not be representative of all DUI case filings.

Table 28: DUI charge disposition by toxicology testing, 2020

Disposition	Test	No Test	Test %	No Test %
Guilty	8,284	5,187	76.9%	74.4%
Deferred	1,142	479	10.6%	6.9%
Diversion	65	17	0.6%	0.2%
Dismissed/Not Guilty	1,201	1,221	11.1%	17.5%
Non-DUI Disposition	80	72	0.7%	1.0%
Total	10,772	6,976	100.0%	100.0%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 based on alcohol testing status and BAC level groups; this analysis highlights the influence of the alcohol *per se* level on convictions. Conviction rates represent the proportion of guilty and deferred findings compared to all dispositions. The DUI charges tied to a BAC level over 0.08 level had a 95% conviction rate, which is higher than the overall conviction rate for all impaired driving charges of 86%. DUI charges associated with a BAC level below 0.05 had a 47% dismissal rate and was the highest rate among the BAC testing levels.

Table 29: DUI charge dispositions by alcohol testing status and BAC levels, 2020

Testing/BAC Levels	Guilty	Deferred	Diversion	Dismissed/Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/ Not Guilty %
No BAC Test	5259	479	17	1221	75.4%	6.9%	0.2%	17.5%
None Detected	1041	232	11	527	57.5%	12.8%	0.6%	29.1%
<0.05	124	43	NA	150	38.8%	13.4%	NA	46.9%
0.05-0.079	327	208	10	132	48.3%	30.7%	1.5%	19.5%
0.08+	6864	666	41	393	86.2%	8.4%	0.5%	4.9%

Note: NA represents cell counts under five that were suppressed.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 30 shows the mean BAC level by disposition, and DUI charges with guilty findings had the highest mean BAC (0.156). Additionally, the DUI charges with guilty findings had more than double the mean BAC for DUI charges with dismissed and not guilty findings (0.071).

Table 30: DUI charge dispositions by BAC levels, 2020

Disposition	N	Mean BAC	SD
Guilty	8,356	0.156	0.09
Deferred	1,149	0.096	0.07
Diversion	65	0.109	0.07
Dismissed/Not Guilty	1,202	0.071	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 makes comparing different means more difficult.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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

The overall conviction rate for DUI charges with detected Delta-9 THC was 87%. Table 31 shows the dispositions of DUI charges by cannabinoid screening status and known Delta-9 THC confirmation levels. As a whole, these rates were more consistent and less varied compared to the rates by BAC level, as seen in Table 29; all levels had conviction rates above 80%. DUI charges testing at or above 5ng/mL had the highest conviction rate at 90%. In addition, this grouping also had the lowest dismissal rate (10%). Conversely, dismissal/not guilty rates were the highest in DUI charges with cannabinoid screens that had no Delta-9 THC detected.

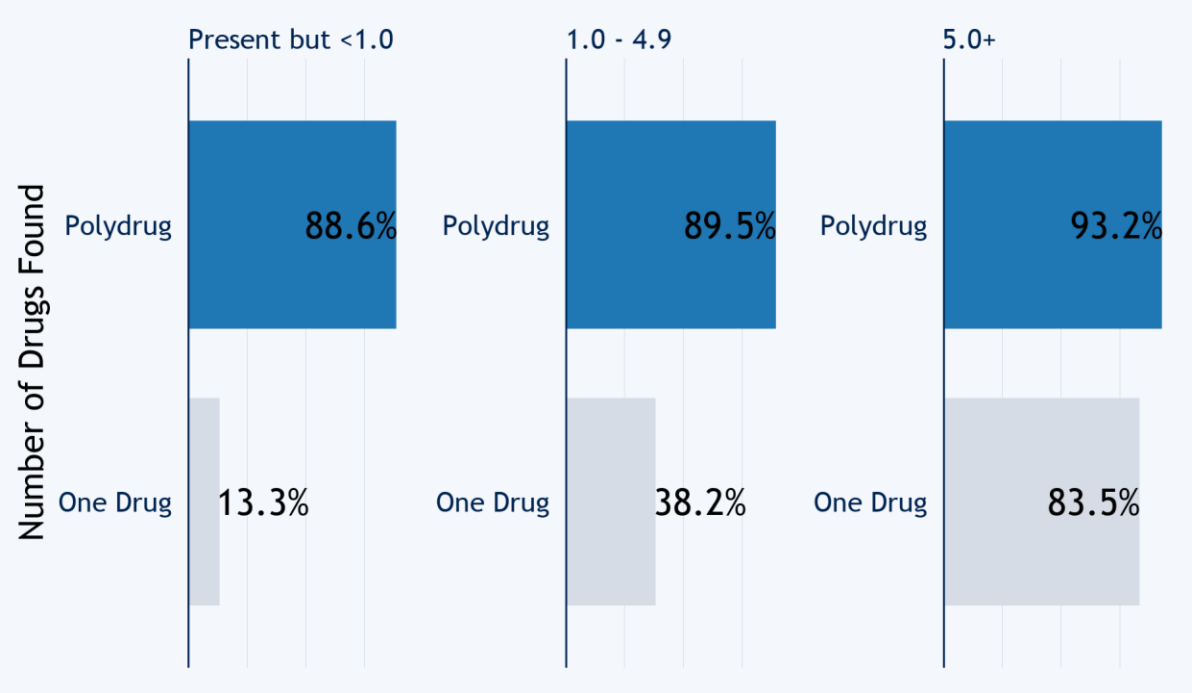
Table 31: DUI charge dispositions by cannabinoid screening and Delta-9 THC levels, 2020

Testing/Delta-9 THC Levels	Guilty	Deferred	Diversion	Dismissed/Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/ Not Guilty %
No Cannabinoid Screen	8603	991	57	1561	76.7%	8.8%	0.5%	13.9%
No Cannabinoids Detected	2669	244	9	425	79.7%	7.3%	0.3%	12.7%
None Detected	253	25	NA	64	73.3%	7.2%	NA	18.6%
Present but <1.0	196	9	NA	39	80.3%	3.7%	NA	16.0%
1.0 - 4.9	770	121	5	187	71.1%	11.2%	0.5%	17.3%
5.0+	1124	238	8	147	74.1%	15.7%	0.5%	9.7%

Note: NA represents cell counts under five that were suppressed.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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.

We also stratified convictions both by Delta-9 THC levels and by the number of drugs detected (Figure 14). Across all of the Delta-9 THC levels, conviction rates were lower for DUI charges with single drug positivity compared to charges with polydrug results. DUI charges with only Delta-9 THC present, but with less than 1 ng/mL detected, had a 13% conviction rate, while polydrug DUI charges with that same toxicology level had a conviction rate over six times higher (89%). The conviction rate for charges with Delta-9 THC only results between 1-4.9 ng/mL was 38% but more than doubled (90%) for charges with more than one drug was detected. 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 84% conviction rate versus a 93% conviction rate for charges with polydrug results at that level. Both of these high conviction rates suggest the impact of the permissible inference level on the judicial process.

Figure 14: Number of DUI charges with dispositions and conviction rate (CR) by Delta-9 THC levels and polydrug detection, 2020



Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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.

To further explore the relationship between marijuana toxicology and dispositions, Table 32 shows DUI charge dispositions by mean Delta-9 THC level. Overall, charges that were dismissed/not guilty had lower Delta-9 THC levels (mean = 5.4 ng/mL) compared to DUI charges with a guilty or deferred finding (7.6 and 9.7 ng/mL, respectively). The mean Delta-9 THC level for diversion findings of 12.5 ng/mL might be overinflated due to the low number of charges in this category.

Table 32: Mean Delta-9 THC levels, by disposition, 2020

Disposition	N	Mean THC	SD
Guilty	2,450	7.6	10.6
Deferred	410	9.7	12.1
Diversion	16	12.5	14.1
Dismissed/Not Guilty	434	5.4	7.6

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 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

Conviction rates by BAC and Delta-9 THC level groups are displayed in Table 33. This analysis involved a smaller subset of DUI charges with toxicology testing information for Delta-9 THC and alcohol, as well as a disposition outcome (n = 3,189). Charges with no alcohol or Delta-9 THC detected had a conviction rate of 58%, which was the lowest rate in this grouping. Charges with alcohol at the per se level and marijuana at permissible inference level had the highest conviction rate (96%). Generally, these findings convey the influence of either the *per se* or permissible inference level on convictions for both alcohol and marijuana polydrug related DUI cases.

Table 33: DUI charges with dispositions by Blood/Breath Alcohol Content (BAC) levels and Delta-9 THC ng/mL levels and conviction rates (CR), 2020

BAC Levels	No THC Detected N	<5.0 THC N	5.0+ THC N	No THC Detected CR	<5.0 THC CR	5.0+ THC CR
None Detected	115	395	724	58.3	60.0	84.1
<0.08 BAC	22	83	145	63.6	73.5	91.0
0.08+ BAC	208	849	648	94.7	94.0	95.8

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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

DUI charge dispositions were cross-tabulated by single drug or polydrug status, as shown in Table 34, and filings with a drug detection had elevated convictions compared to those without drugs detected. Polydrug positive charges had the highest rate of guilty findings (82%), followed by single drug filings (78%). Conversely, charges where no drugs were detected had the highest rates of dismissal/not guilty findings (82%) and the lowest proportion of guilty findings (13%).

Table 34: Disposition of DUI charges, by single or polydrug detection, 2020

Disposition	Not Tested	None Detected	One Drug	Polydrug	Not Tested %	None Detected %	One Drug %	Polydrug %
Guilty	5,259	25	5,855	2,476	75.4%	13.3%	77.5%	81.7%
Deferred	479	7	889	253	6.9%	3.7%	11.8%	8.4%
Diversion	17	NA	56	8	0.2%	NA	0.7%	0.3%
Dismissed/Not Guilty	1,221	155	755	292	17.5%	82.4%	10.0%	9.6%
Total	6,976	188	7,555	3,029	100.0%	100.0%	100.0%	100.0%

Note: NA represents cell counts under five that were suppressed.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 2020. Overall, DUI case filings with alcohol detected had the highest conviction rates compared to case filings with no alcohol detected. In 2020, DUI case filings with alcohol and Delta-9 THC had the highest conviction rate (94%). Drug categories with the fewest DUI charges (none detected, single other drug, polydrug not alcohol or Delta-9 THC) had the most variation across the five-year period, and in particular charges with no drugs detected had conviction rates ranging from 17%-39%. Among charges with drugs detected in 2020, those with only positive results for Delta-9 THC had the lowest conviction rates at 72%.

In a related analysis, impaired driving case filings were stratified by drug detection categories and the presence of a speeding-related charge in the filing, as shown in Appendix G. Overall, 12% of all DUI case filings with toxicology results had a speeding-related offense, and there was considerable variation depending on the toxicology profile. DUI case filings with polydrug results not involving alcohol or Delta-9 THC had the lowest prevalence of a speeding charge at 6%. Filings associated with Delta-9 THC positivity had the highest proportion with speeding violations at 27%, which was over double the rate among all impaired driving filings with toxicology results.

Table 35: Number of DUI charges with dispositions and conviction rate (CR), by drug category, 2020

Drugs Detected	2016	2017	2018	2019	2020	2016 CR	2017 CR	2018 CR	2019 CR	2020 CR
None Detected	157	157	157	288	188	22.3	25.5	17.2	38.9	17.0
Alcohol Only	13,323	12,608	11,775	11,792	6,553	91.9	92.0	92.3	93.2	91.7
THC Only	878	1,007	978	907	700	68.7	75.5	75.8	77.9	72.1
Single Other Drug	348	374	410	300	302	77.3	84.0	79.5	81.0	77.2
Alcohol and THC	787	890	967	1,188	1,294	91.0	91.6	94.2	93.6	93.7
Alcohol and Other	346	383	378	579	683	89.9	91.9	92.3	93.0	89.9
THC and Other	426	403	443	412	419	91.1	86.8	83.5	89.3	81.4
Alcohol, THC, and Other	223	231	248	341	431	90.6	90.9	93.1	93.3	92.6
Polydrug Not Alcohol or THC	318	249	203	202	202	75.5	85.1	82.8	81.1	80.2

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.

Scheduled Drug Categories and DUI Dispositions

The majority of DUI charges with a positive toxicology result for one or more scheduled drugs were convicted; conviction rates ranged from 83% to 87% (see Table 36). Although Schedule I drugs are typically considered the most dangerous, DUI charges with Schedule I drugs identified in toxicology had a lower conviction rate compared to other drug schedule categories and to the average for all DUI charges (86%). DUI charges with Schedule I drugs also had a higher percentage of findings without a disposition (31%) compared to all DUI charges (16%). Small counts of charges, as seen in Table 36, limit our ability to draw conclusions about this trend.

Table 36: DUI charges with dispositions and conviction rates (CR), by scheduled drug category, 2020

Schedule	N	CR
I	161	83.2
II	1,511	87.2
III	6	83.3
IV	604	87.4

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, 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 charge convictions linked to positive toxicology results for the DRE drug categories. With the exception of the prescription drugs category, DUI charge convictions ranged from 83%-92%. Charges linked to presence of prescription or over-the-counter drugs had the lowest conviction rates (61%).

Table 37: DUI charges with dispositions and conviction rates (CR) by Drug Recognition Expert drug category, 2020

DRE Category	N	CR
CNS Depressant	618	87.4
CNS Stimulant	1,356	87.5
Hallucinogen	39	92.3
Narcotic Analgesic	430	83.0
Prescription Drug/Over the Counter	42	60.7

Notes: 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. The following categories were not included due to small numbers: Inhalants and Dissociative Anesthetics.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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

Only State Judicial sentences were examined as it was not possible to link Denver Court sentencing data to specific charges. Sentencing data are subject to change, 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; the records were extracted in February 2022. One limitation throughout these analyses is the delay in court proceedings due to the COVID-19 pandemic and the disproportionate impact on more serious charges, which take longer to resolve. For instance, 25% of vehicular assault DUI charges and 35% of vehicular assault charges had not reached disposition compared to 16% of all impaired driving charges. This discrepancy in the resolution may skew some of the findings below.

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 following penalties: community service, probation, jail, community corrections, or prison. In total, 93% of convicted DUI charges received a monetary or an incarceration or supervisory sentence. The DUI charge with the highest percentage of convictions receiving a monetary sentence was vehicular homicide (100%), and the charge category receiving the lowest percentage was DUI with 3 or more priors (87%). The DUI charge with the highest percentage of convictions receiving a supervision/incarceration sentence was vehicular homicide as well (100%), and the lowest was UDD (84%).

Table 38: Sentencing outcomes, by final DUI charge, 2020

Final DUI Charge	Total Convictions	Percent with Monetary Sentences	Percent with Incarceration/Supervisory Sentences
UDD	98	96.9	83.7
DWAI	6,012	92.5	92.4
DUI	6,097	95.0	94.8
DWAI 1-2 Prior(s)	697	96.0	96.0
DUI 1-2 Prior(s)	1,476	90.2	89.9
DWAI 3+ Priors	33	90.9	90.9
DUI 3+ Priors	616	87.0	87.2
VEH ASSAULT	52	96.2	96.2
VEH HOMICIDE	11	100.0	100.0
Total	15,092	93.3	93.0

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 by type of impaired driving charge. Again, 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, 93% 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 assault charges had the highest proportion requiring restitution payments (27%).

Table 39: Monetary sentences by final DUI charge, 2020

Final DUI Charge	Convicted Charges	Fine	Fine %	Surcharge	Surcharge %	Restitution	Restitution %
UDD	98	88	89.8	94	95.9	NA	NA
DWAI	6,012	5,558	92.4	5,561	92.5	91	1.5
DUI	6,097	5,779	94.8	5,795	95.0	217	3.6
DWAI 1-2 Prior(s)	697	668	95.8	669	96.0	9	1.3
DUI 1-2 Prior(s)	1,476	1,326	89.8	1,332	90.2	36	2.4
DWAI 3+ Priors	33	29	87.9	30	90.9	NA	NA
DUI 3+ Priors	616	513	83.3	536	87.0	30	4.9
VEH ASSAULT	52	NA	NA	50	96.2	14	26.9
VEH HOMICIDE	11	NA	NA	11	100.0	NA	NA
Total	15,092	13,963	92.5	14,078	93.3	402	2.7

Note: NA 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.

As seen in Appendix I, the total amount of initial sentencing fines, surcharges and restitution among all DUI convicted charges in 2020 was $28,079,201. The commonly issued surcharges/fees, The Victim's Assistance Fund, had a total 14,169 DUI charges and $2,469,935 issued. The most frequently issued fine was the Law Enforcement Assistance Fund (LEAF), representing 13,841 DUI charges with required payments totaling $1,245,620. Finally, restitution from DUI charges in 2020 totaled $1,259,617 (for more information, see Appendix I). Although these indicators provide some information about the financial burden of DUI charges, these totals represent the sentencing amounts, not the amount that individuals eventually paid.

Table 40 shows the median dollar amount per DUI charge receiving each monetary sentence type. The median fine, surcharge and restitution amounts for impaired driving charges were $690, $1,214, and $1,039; however, the median total financial penalty was $1,728, reflecting that not every impaired driving charge received all three monetary sentence types. Generally, the median amounts tended to increase with charge severity; UDD charges had the lowest total monetary median penalty ($218), whereas vehicular assault charges had the highest median penalty ($1,804). The variation in monetary sentences also increased as charge severity increased, as seen in Table 41 by comparing the values of the interquartile ranges.

Table 40: Median monetary sentences and interquartile range (IQR) in dollars by final DUI charge, 2020

Final DUI Charge	Fine $	Fine IQR	Surcharge $	Surcharge IQR	Restitution $	Restitution IQR	Total Financial Penalty $	Total IQR
UDD	100	5	138	329	NA	NA	218	294
DWAI	290	0	1,087	715	500	1,237	1,344	750
DUI	690	0	1,231	1,225	1,124	3,474	1,921	1,285
DWAI 1-2 Prior	690	0	1,831	157	2,755	2,732	2,521	444
DUI 1-2 Prior	690	0	1,831	184	1,000	3,753	2,521	1,214
DWAI 3+ Prior	90	0	2,569	2,052	NA	NA	2,626	2,400
DUI 3+ Prior	90	0	1,961	2,342	2,542	6,964	2,051	2,400
VEH ASSAULT	NA	NA	1,681	1,952	5,500	8,747	1,804	2,989
VEH HOMICIDE	NA	NA	481	992	NA	NA	1,268	7,142
Total	690	400	1,214	1,200	1,039	3,400	1,728	1,244

Notes: IQR refers to interquartile range, and is the difference between the upper quartile and lower quartile. A small IQR relative to the median indicates a tight clustering of values around the median; a large IQR relative to the median indicates more variation. NA 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. Median sentence lengths (in days) are provided in Table 42. These supervision and incarceration categories are not mutually exclusive and DUI charges may receive multiple sentences for a single offense. The most common sentence for these charges was community service (n=13,133). Probation (n=12,057) and jail (n=9,466) followed as the second and third most commonly issued sentences. Generally, felony DWAI, felony DUI, vehicular assault, and vehicular homicide tended to have higher proportions receiving prison or community corrections sentences, whereas less severe charges tended to have a greater percentage receiving community service, probation and jail sentences.

Table 41: Community service (CS), probation (PROB), jail, community corrections (CC) and prison sentences by final DUI charge, 2020

Final DUI Charge	Convicted Charges	CS	CS %	PROB	PROB %	Jail	Jail %	CC	CC %	Prison	Prison %
UDD	98	66	67.3	53	54.1	6	6.1	NA	NA	NA	NA
DWAI	6,012	5,418	90.1	4,799	79.8	3,510	58.4	NA	NA	NA	NA
DUI	6,097	5,429	89.0	4,948	81.2	3,764	61.7	5	0.1	7	0.1
DWAI 1-2 Prior(s)	697	658	94.4	645	92.5	619	88.8	NA	NA	NA	NA
DUI 1-2 Prior(s)	1,476	1,238	83.9	1,256	85.1	1,238	83.9	NA	NA	NA	NA
DWAI 3+ Priors	33	21	63.6	23	69.7	21	63.6	NA	NA	NA	NA
DUI 3+ Priors	616	281	45.6	304	49.4	288	46.8	131	21.3	126	20.5
VEH ASSAULT	52	20	38.5	27	51.9	18	34.6	10	19.2	12	23.1
VEH HOMICIDE	11	NA	NA	NA	NA	NA	NA	NA	NA	7	63.6
Total	15,092	13,133	87.0	12,057	79.9	9,466	62.7	154	1.0	158	1.0

Note: NA 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.

In 2020, the median sentence amounts for DUI charges were: two days (approx. 24 hours) of community service, 540 days of probation, and 60 days of jail (Table 42). As expected, sentence times varied by the severity of the offense with vehicular homicide, vehicular assault and felony DUI receiving the longest prison and community corrections sentences, and UDD and DWAI charges having the shortest amount of time under probationary supervision. 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: Median sentences and interquartile range (IQR) in days for community service (CS), probation (PRO), jail, community corrections (CC) and prison by final DUI charge, 2020

Final DUI Charge	CS	CS IQR	PRO	PRO IQR	Jail	Jail IQR	CC	CC IQR	Prison	Prison IQR
UDD	1	0	360	185	NA	NA	NA	NA	NA	NA
DWAI	1	1	360	180	10	102	NA	NA	NA	NA
DUI	2	1	540	360	45	355	730	365	360	5
DWAI 1-2 Prior	2	1	720	10	365	275	NA	NA	NA	NA
DUI 1-2 Prior	2	1	720	10	365	275	NA	NA	NA	NA
DWAI 3+ Prior	3	2	1,095	555	90	30	NA	NA	NA	NA
DUI 3+ Prior	3	2	1,095	730	120	90	1,095	365	1,460	730
VEH ASSAULT	3	2	1,095	538	90	31	1,460	639	1,460	870
VEH HOMICIDE	NA	NA	NA	NA	NA	NA	NA	NA	3,650	1,825
Total	2	1	540	370	60	360	1,095	365	1,460	738

Note: IQR refers to interquartile range, and is the difference between the upper quartile and lower quartile. A small IQR relative to the median indicates a tight clustering of values around the median; a large IQR relative to the median indicates more variation. NA 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 Behavioral Health Administration provided probation assessment data. This dataset contains information gathered as part of the pre-sentence investigation or probation intake process for individuals who were convicted for a DUI. The assessment data provides contextual data not available in court case filings, including certain demographic characteristics, drug involvement, crash outcome, and DUI history.

In 2020, 12,758 records from the Alcohol/Drug Driving Safety Coordinated Data System (ADDSCODS) were linked to the 21,066 case filings and available for analysis. Because of the time lag between case filing, conviction, and the probation assessment, thousands of 2020 DUI case filings had not reached disposition nor received an assessment. Overall, in 2020, the matching rate of 61% was slightly below the matching rate for prior years, which ranged from 63% in 2019 to 70% in 2016.

Demographics of Individuals Convicted of a DUI

Education

Educational attainment levels among individuals convicted of DUI were consistent from 2016 to 2020. In 2020, 17% of individuals did not have a high school diploma or General Education Diploma (GED), and 50% earned a high school diploma or GED (see Table 43). The remaining 33% had some level of post-secondary education.

Table 43: Education levels of individuals convicted of a DUI, 2020

Education	N	%
No HS Diploma/GED	2,140	16.8%
HS Diploma/GED	6,363	49.9%
Some College/College Graduate	4,255	33.4%
Total	12,758	100%

Data Source: Behavioral Health Administration. 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 2020. The majority (60%) were unmarried; an additional 21% were either separated or divorce and 18% were married.

Table 44: Marital status of individuals convicted of a DUI, 2020

Married	N	%
Never married	7,469	59.8%
Married	2,211	17.7%
Separated	575	4.6%
Divorced	2,047	16.4%
Widowed	195	1.6%
Total	12,497	100%

Data Source: Behavioral Health Administration. 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 2020 for individuals who received probation assessments. Over one-third of individuals who were assessed (38%) had at least one prior DUI, and 8% of individuals had three or more prior arrests for impaired driving.

Table 45: Prior impaired driving arrests of individuals convicted of a DUI, 2020

Prior Arrests	N	%
No Priors	7,935	62.2%
1-2 Prior(s)	3,848	30.2%
3 + Priors	975	7.6%
Total	12,758	100%

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

Table 46 shows findings from the linked DUI court case and toxicology data along with the probation dataset and describes the relationship between drug toxicology and prior arrests. Rates of prior arrests were higher in individuals who did not have toxicology results compared to all convicted drivers (43% vs 38%), which could mean that individuals who were arrested previously were more likely to refuse toxicology testing. Additionally, individuals who tested positive for a single other drug or in combination with alcohol and/or marijuana also had higher rates of prior arrests compared to all convicted drivers. Meanwhile, individuals who tested positive for THC only had the lowest rates of prior arrests (26%). This group also had the lowest mean age among individuals charged with DUI (see Table 22), and this pattern of younger drivers testing positive for marijuana could explain the lower rates of having a prior arrest.

Table 46: Prior arrests and drugs detected, 2020

Drug/Drugs	Drugs Detected	Prior DUI Arrest	No Priors	Prior DUI Arrest %	No Priors %
Not Tested	Not Tested	2,108	2,780	43.1%	56.9%
None Detected	None Detected	NA	49	NA	64.5%
One Drug	Alcohol Only	1,629	3,116	34.3%	65.7%
One Drug	THC Only	129	369	25.9%	74.1%
One Drug	Single Other Drug	90	120	42.9%	57.1%
Polydrug	Alcohol and THC	323	712	31.2%	68.8%
Polydrug	Alcohol and Other	221	320	40.9%	59.1%
Polydrug	THC and Other	115	167	40.8%	59.2%
Polydrug	Alcohol, THC, and Other	116	221	34.4%	65.6%
Polydrug	Polydrug Not Alcohol or THC	65	81	44.5%	55.5%
Total	Total	4,823	7,935	37.8%	62.2%

Note: NA 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: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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 BAC levels stratified by prior impaired driving arrests. Individuals who tested for alcohol below the per se level had lower rates of prior arrest compared to all convicted drivers. Additionally, those who had a prior arrest also had a higher BAC, as shown in Table 47.

Table 47: Prior arrests by Blood/Breath Alcohol Content (BAC) levels, 2020

BAC Level	Prior DUI Arrest	No Priors	Prior DUI Arrest %	No Priors %
None Detected	426	786	35.1%	64.9%
<0.05	53	127	29.4%	70.6%
0.05-0.079	147	320	31.5%	68.5%
0.08+	2,089	3,922	34.8%	65.2%
All Individuals	4,823	7,935	37.8%	62.2%
Mean BAC	0.179	0.155	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals screened for alcohol.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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

Those with a prior DUI arrest tended to have lower levels of Delta-9 THC. As seen in Table 48, 29% of individuals who tested at or above 5ng/mL had a prior DUI arrest, which was lower than the level of for all convicted individuals. Furthermore, those with prior arrests also had a lower mean Delta-9 THC (6.7 vs. 8.4 ng/mL).

Table 48: Prior arrests and Delta-9 THC groups, 2020

Delta-9 THC Level	Prior DUI Arrest	No Priors	Prior DUI Arrest %	No Priors %
None Detected	95	149	38.9%	61.1%
Present but <1.0	73	110	39.9%	60.1%
1.0 - 4.9	273	519	34.5%	65.5%
5.0+	337	840	28.6%	71.4%
All Individuals	4,823	7,935	37.8%	62.2%
Mean Delta-9 THC	6.7	8.4	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals who underwent confirmatory testing for Delta-9 THC.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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

Almost one in three DUI convicted drivers in 2020 were involved in a crash (31%), which is an increase from the level of crash involvement reported in 2019 (25%). In 2020, 46% of individuals who were involved in crashes did not report injuries or property damage associated with the events, as shown in Table 49. However, a total of 831 individuals were involved in crashes with injuries and/or fatalities; these events illustrate the public safety harms of impaired driving.

Table 49: Crash involvement for individuals convicted of a DUI, 2020

Crash Involvement	N	%
No Crash	8,854	69.4%
Crash with No Injuries or Property Damage	1,778	13.9%
Crash with Property Damage Only	1,295	10.2%
Crash with Fatality or Injury	831	6.5%
Total	12,758	100%

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

Table 50 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 (19%). In general, convicted drivers with polydrug toxicology findings had higher rates of crash involvement (36%) compared to convicted drivers who tested positive for only one substance (27%). Additionally, nearly four out of ten convicted drivers who either tested positive for either alcohol and an additional substance, or alcohol, another substance and Delta-9 THC were involved in a crash. These results underscore the danger of impaired driving, particularly involving polydrug use.

Table 50: Crash involvement and drugs detected, 2020

Drugs Detected	Crash	No Crash	Crash %	No Crash %
Not Tested	1,544	3,344	31.6%	68.4%
None Detected	NA	54	NA	71.1%
Alcohol Only	1,344	3,401	28.3%	71.7%
THC Only	92	406	18.5%	81.5%
Single Other Drug	59	151	28.1%	71.9%
Alcohol and THC	374	661	36.1%	63.9%
Alcohol and Other	211	330	39.0%	61.0%
THC and Other	78	204	27.7%	72.3%
Alcohol, THC, and Other	132	205	39.2%	60.8%
Polydrug Not Alcohol or THC	48	98	32.9%	67.1%
Total	3,904	8,854	30.6%	69.4%

Note: NA 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: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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 51, drivers who were involved in a crash had a higher BAC level compared to those who were not involved in a crash. Thirty-two percent of convicted drivers who tested at or above 0.08 BAC were involved in a crash, compared to 25% of convicted drivers who did not have any alcohol detected. Additionally, drivers who were involved in a crash had a mean BAC of 0.185; drivers who were not involved in a crash had a lower mean BAC of 0.157. Table 52 also shows that drivers who tested below 0.05 BAC had a slightly higher rate of crash involvement (29%) compared to drivers who tested between 0.05-0.79 (25%); the lack of consistency in the increase in crash involvement rates and BAC level in convicted drivers might be due to small numbers or the lack of accounting for polydrug use for those with a lower BAC.

Table 51: Crash involvement by Blood/Breath Alcohol Content (BAC) levels, 2020

BAC Level	Crash	No Crash	Crash %	No Crash %
None Detected	299	913	24.7%	75.3%
<0.05	52	128	28.9%	71.1%
0.05-0.079	118	349	25.3%	74.7%
0.08+	1,891	4,120	31.5%	68.5%
All individuals	3,904	8,854	30.6%	69.4%
Mean BAC	0.185	0.157	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals screened for alcohol.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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.

Convicted drivers with higher Delta-9 THC toxicology levels had lower rates of crash involvement compared to drivers with lower levels, as shown in Table 52. Twenty-seven percent of individuals who tested at or above 5 ng/mL were involved in crashes, which was lower than the rate of convicted drivers who had no Delta-9 THC detected (40%) and the rate of those who had minimal Delta-9 THC detected (43%). Additionally, the mean Delta-9 THC level was 6.5 for individuals who were involved in crashes and was below the mean level for individuals who were not involved in crashes (8.4).

Table 52: Crash involvement by Delta-9 THC ng/mL Toxicology, 2020

Delta-9 THC Level	Crash	No Crash	Crash %	No Crash %
None Detected	97	147	39.8%	60.2%
Present but <1.0	78	105	42.6%	57.4%
1.0 - 4.9	283	509	35.7%	64.3%
5.0+	315	862	26.8%	73.2%
All individuals	3,904	8,854	30.6%	69.4%
Mean Delta-9 THC ng/mL	6.5	8.4	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals who underwent confirmatory testing for Delta-9 THC.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE 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 53 shows the treatment track designations, which mark the intensity of treatment requirements for Level II therapy for impaired driving. These tracks were assigned based on risk factors identified in the probation assessment, history of impaired driving offenses, and toxicology testing results.[36] 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 to be completed within a minimum of 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 (37%), followed by Treatment Track D (24%). Approximately 5% were placed in Treatment Track F. About 15% 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.

Table 53: Treatment track and individuals convicted of a DUI, 2020

Treatment Track	N	%
A	1,729	13.6%
B	4,769	37.4%
C	709	5.6%
D	3,084	24.2%
F	589	4.6%
Unassigned	1,878	14.7%
Total	12,758	100%

Notes: The treatment tracks are listed in order of intensity. Individuals who are not assigned are awaiting sentencing.
Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

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

Section Five: Conclusion

Our analysis of 2020 impaired driving court cases highlights the impacts of the COVID-19 pandemic on the criminal justice system. In 2020, case filings were at the lowest level since our office began reporting on impaired driving case filings. Similarly, DUI arrests have also dropped precipitously.[37] The depressed DUI enforcement and filings from 2019-2020 coincides with a one-year 4% increase in fatal crashes and a 16% increase in alcohol-impaired fatal crashes in Colorado;[38] the decline in enforcement did not indicate a waning threat of impaired driving in our state.

In addition to the overall decline in cases, the COVID-19 pandemic also impacted the length of case processing and disposition rates. Courts experienced the following disruptions in their proceedings such as postponed/canceled court appearances and the lack of availability of jury trials.[39] The mean time increased by nearly two months between case filing and disposition reached from 2018 to 2020. Felony charges in 2020 took on average 8 months to process. In 2020, 85% of DUI charges had reached a disposition, which was seven percentage points below the average disposition rate from 2016-2019. We intend to monitor the duration of impaired driving cases next year and assess whether this was just a short-term impact of the pandemic.

Along with the decrease in disposition rates, there was a decline in DUI case filings that matched with a toxicology record this year, which meant that toxicology and disposition information was only available for 51% of filings. This lack of data completeness undermines the reliability of the findings from this year. The low disposition rate will hopefully be improved in subsequent years, but the decline in matching toxicology records has been a stable trend from 2018 to 2020. The decline in toxicology matching could relate to increasing testing refusals or limitations with our data linking methods. The use of a primary key from citation to adjudication would greatly improve our linking methods and our impaired driving data.

Alongside these challenges, there were some noted data quality improvements including the adoption of free, comprehensive screening of blood samples for alcohol and drugs of abuse. This change resulted in 37% of case filings being screened for both alcohol and drugs, which was the highest prevalence recorded since 2016 when we began monitoring screening rates. With the increased screening, there were declines in alcohol and Delta-9 THC positivity; we expected these outcomes and may suggest that the new positivity rate better matches the actual prevalence of cannabinoid toxicology of all impaired drivers.

Despite these decreases in alcohol indicators, there are still concerning toxicology trends. Roughly 73% of these individuals had a BAC level over 0.08, and the mean BAC was well over the legal limit (0.138). In addition, 17% of DUI case filings tested positive for multiple substances in 2020, which is also all-time high. This increase in detection may not represent a true increase in the incidence of polydrug impaired driving over the past five years given the increase in screening. With the new information, we can better characterize polydrug DUI case filings. In 2020, the most prevalent combination of substances found was alcohol and cannabis, representing 40% of polydrug results. Stimulant detection also increased in

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[37] Colorado Bureau of Investigation (2020). [Dashboard]. *Colorado Crime Statistics*.

[38] Stewart, T. (2022). *Overview of Motor Vehicle Crashes in 2020* (Report No. DOT HS 813 266). *National Highway Traffic Safety Administration, March*.

[39] National Conference of State Legislatures. (2020, August 19*.) COVID-19 and the criminal justice system: a guide for state legislators*.

frequency in 2020, and individuals charged with a DUI and who tested positive for stimulants overwhelmingly tested positive for an additional substance. Polydrug toxicology results were associated with a higher prevalence of crash involvement, which aligns with findings in the literature on riskiness of polydrug impairment.[40]

This report is not mandated to report on the race and ethnicity of individuals charged with impaired driving. Given the overall pattern of over-representation of racial and ethnic minorities in arrest records and case filings and disparities in sentencing outcomes by race/ethnicity historically in Colorado[41], we feel it is important to understand whether there are disparate outcomes by race/ethnicity for DUI offenses. The creation of a new dataset on law enforcement contacts with civilians, pursuant to HB20-217, should provide better data on the racial and ethnic makeup of individuals involved in traffic stops, which is often the beginning of the DUI criminal justice process. Additional reporting on racial and ethnic identity is needed for DUI court case filings to be able to examine possible disparities in charging decisions, dispositions and sentencing. Currently, Colorado's court case files do not include consistent information about the ethnicity of defendants, which limits our ability to conduct these analyses. With this information missing, racial disparities in DUI filings, charging amendments, dispositions and sentencing is unknown.

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.[42] In addition, the National Academy of Sciences also endorses these strategies to reduce impaired driving.[43] Although not officially endorsed by the traffic safety community, similar approaches could be applied to marijuana to help reduce the threat of drug impaired driving.

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[40] Simmons, S. M., Caird, J. K., Sterzer, F., & Asbridge, M. (2022). *The effects of cannabis and alcohol on driving performance and driver behaviour: a systematic review and meta-analysis*. *Addiction*, *117*(7), 1843–1856.

[41] English, K; Flick, P; Lucero L. (2019). *Report on the CLEAR Act Community Law Enforcement Action Reporting Act*. *Colorado Department of Public Safety*.

[42] Community Prevention Services Task Force. (2013). *Preventing Excessive Alcohol Use | The Community Guide*.

[43] National Academies of Sciences, Engineering, and Medicine. 2018. *Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem*. Washington, DC: The National Academies Press.

Appendices

Appendix A: Drug Recognition Expert (DRE), Fatality Analysis Reporting System (FARS), Categories

Drug	Drug Category	DRE Category	FARS	Schedule
Bupivacaine	Anesthetic	Prescription Drug	NA	NA
Lidocaine	Anesthetic	Prescription Drug	NA	NA
Propofol	Anesthetic	Prescription Drug	NA	NA
Sevoflurane	Anesthetic	Prescription Drug	NA	NA
Flecainide	Antiarrhythmic agent	Prescription Drug	NA	NA
Trimethoprim	Antibiotic	Prescription Drug	NA	NA
Warfarin	Anticoagulent	Prescription Drug	NA	NA
Carbamazepine	Anticonvulsant	Prescription Drug	NA	NA
Gabapentin	Anticonvulsant	Prescription Drug	NA	NA
Lacosamide	Anticonvulsant	Prescription Drug	NA	NA
Lamotrigine	Anticonvulsant	Prescription Drug	NA	NA
Levetiracetam	Anticonvulsant	Prescription Drug	NA	NA
Phenytoin	Anticonvulsant	Prescription Drug	NA	NA
Topiramate	Anticonvulsant	Prescription Drug	NA	NA
Valproic Acid	Anticonvulsant	Prescription Drug	NA	NA
Amitriptyline/Nortriptyline	Antidepressant	Prescription Drug	NA	NA
Bupropion	Antidepressant	Prescription Drug	NA	NA
Clomipramine	Antidepressant	Prescription Drug	NA	NA
Desipramine	Antidepressant	Prescription Drug	NA	NA
Doxepin	Antidepressant	Prescription Drug	NA	NA
Duloxetine	Antidepressant	Prescription Drug	NA	NA
Imipramine	Antidepressant	Prescription Drug	NA	NA
Mirtazapine	Antidepressant	Prescription Drug	NA	NA
Trazodone	Antidepressant	Prescription Drug	NA	NA
Fluconazole	Antifungal	Prescription Drug	NA	NA
Cetirizine	Antihistamine	OTC drug	NA	NA
Chlorcyclizine	Antihistamine	Prescription Drug	NA	NA
Chlorpheniramine	Antihistamine	OTC drug	NA	NA

Drug	Drug Category	DRE Category	FARS	Schedule
Diphenhydramine	Antihistamine	OTC drug	NA	NA
Doxylamine	Antihistamine	OTC drug	NA	NA
Hydroxyzine	Antihistamine	Prescription Drug	Depressant	NA
Promethazine	Antihistamine	Prescription Drug	NA	NA
Diltiazem	Antihypertensive	Prescription Drug	NA	NA
Metoprolol	Antihypertensive	Prescription Drug	NA	NA
Verapamil	Antihypertensive	Prescription Drug	NA	NA
Ticlopidine	Antiplatelet	Prescription Drug	NA	NA
Aripiprazole	Antipsychotic	Prescription Drug	NA	NA
Brexpiprazole	Antipsychotic	Prescription Drug	NA	NA
Clozapine	Antipsychotic	Prescription Drug	NA	NA
Lurasidone	Antipsychotic	Prescription Drug	NA	NA
Olanzapine	Antipsychotic	Prescription Drug	NA	NA
Quetiapine	Antipsychotic	Prescription Drug	NA	NA
Ziprasidone	Antipsychotic	Prescription Drug	NA	NA
Risperidone	Atypical Antipscyhotic	Prescription Drug	NA	NA
Butabarbital	Barbiturates	CNS Depressant	Depressant	NA
Butalbital	Barbiturates	CNS Depressant	Depressant	NA
Pentobarbital	Barbiturates	CNS Depressant	Depressant	NA
Phenobarbital	Barbiturates	CNS Depressant	Depressant	IV
Secobarbital	Barbiturates	CNS Depressant	Depressant	II
Alprazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Clonazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Clonazolam	Benzodiazepines	CNS Depressant	Depressant	NA
Delorazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Chlordiazepoxide/Demoxepam	Benzodiazepines	CNS Depressant	Depressant	IV
Diclazepam	Benzodiazepines	CNS Depressant	Depressant	NA
Estazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Etizolam	Benzodiazepines	CNS Depressant	Depressant	NA
Flualprazolam	Benzodiazepines	CNS Depressant	Depressant	NA
Flubromazepam	Benzodiazepines	CNS Depressant	Depressant	NA
Flubromazolam	Benzodiazepines	CNS Depressant	Depressant	NA

Drug	Drug Category	DRE Category	FARS	Schedule
Lorazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Lormetazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Midazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Diazepam/ Oxazepam/ Temazepam	Benzodiazepines	CNS Depressant	Depressant	IV
Triazolam	Benzodiazepines	CNS Depressant	Depressant	IV
Zolpidem	Benzodiazepines	CNS Depressant	Depressant	IV
Zopiclone	Benzodiazepines	CNS Depressant	Depressant	NA
Marijuana	Marijuana	Marijuana	Cannabinoid	NA
Donepezil	Cholinesterase Inhibitor	Prescription Drug	NA	NA
Dextromethorphan	Cough Suppressant	Dissociative Anesthetic	NA	NA
Dextrorphan	Cough Suppressant	Dissociative Anesthetic	NA	NA
Levamisole	Cutting Agent	NA	NA	NA
Pseudoepehdrine	Decongestant	OTC Drug	Stimulant	NA
Ketamine	Dissociative Anesthetic	Hallucinogen	Hallucinogen	III
Phencyclidine	Dissociative Anesthetic	Hallucinogen	Hallucinogen	II
Suvorexant	Hypnotic	CNS Depressant	NA	NA
Difluoroethane	Inhalant	Inhalant	Inhalant	NA
Difluoroethane	Inhalant	Inhalant	NA	NA
Toluene	Inhalant	Inhalant	Inhalant	NA
Carisoprodol	Muscle Relaxant	CNS Depressant	Depressant	IV
Cyclobenzaprine	Muscle Relaxant	Prescription Drug	NA	NA
Meprobamate/Carisoprodol	Muscle Relaxant	CNS Depressant	Depressant	IV
Orphenadrine	Muscle Relaxant	Prescription Drug	NA	NA
Synthetic Cannbinoid	Marijuana	Marijuana	Cannabinoid	NA
4anpp	Opioid	Narcotic Analgesic	Narcotic	NA
Acetylfentanyl	Opioid	Narcotic Analgesic	Narcotic	NA
Buprenorphine	Opioid	Narcotic Analgesic	Narcotic	V
Codeine	Opioid	Narcotic Analgesic	Narcotic	II
Fentanyl	Opioid	Narcotic Analgesic	Narcotic	II
Hydrocodone/Hydromorphone	Opioid	Narcotic Analgesic	Narcotic	II
Kratom	Opioid	Narcotic Analgesic	Narcotic	NA

Drug	Drug Category	DRE Category	FARS	Schedule
Methadone	Opioid	Narcotic Analgesic	Narcotic	II
Morphine/Heroin	Opioid	Narcotic Analgesic	Narcotic	I
Oxymorphone/Oxycodone	Opioid	Narcotic Analgesic	Narcotic	II
Tapentadol	Opioid	Narcotic Analgesic	Narcotic	NA
Tramadol	Opioid	Narcotic Analgesic	Narcotic	NA
U-47700	Opioid	Narcotic Analgesic	Narcotic	NA
Naltrexone	Opioid Antagonist	Prescription Drug	NA	NA
Lsd	Psychotomimetic	Hallucinogen	Hallucinogen	I
Ghb	Sedative Hypnotic	CNS Depressant	Depressant	I
Atomoxetine	SNRI	CNS Depressant	NA	NA
Citalopram/Escitalopram	SSRI	Prescription Drug	NA	NA
Fluoxetine	SSRI	Prescription Drug	NA	NA
Sertraline	SSRI	Prescription Drug	NA	NA
Venlafaxine	SSRI	Prescription Drug	NA	NA
Amphetamine/Methamphetamine	Stimulant	CNS Stimulant	Stimulant	II
Cathinone	Stimulant	CNS Stimulant	Stimulant	NA
Cocaine	Stimulant	CNS Stimulant	Stimulant	II
Ephedrine	Stimulant	CNS Stimulant	Stimulant	II
Fladrafinil	Stimulant	CNS Stimulant	Stimulant	NA
Mcpp	Stimulant	Hallucinogen	Hallucinogen	NA
MDA/MDMA	Stimulant	Hallucinogen	Hallucinogen	I
Methylphenidate	Stimulant	CNS Stimulant	Stimulant	II
Modafinil	Stimulant	CNS Stimulant	Stimulant	IV
Phentermine	Stimulant	CNS Stimulant	Stimulant	IV
Phenylpropanolamine	Stimulant	CNS Stimulant	NA	NA
Tadalfil	NA	Prescription Drug	NA	NA
Tetrahydrozoline	NA	NA	NA	NA

Note: Drugs were grouped into the DRE categories based on the physiological effects of the drugs and feedback from the Colorado Bureau of Investigation. FARS drug categories are enumerated in the FARS manual. See: National Highway Traffic Safety Administration. (2022, March). 2020 FARS/CRSS coding validation manual (Report No. DOT HS, 813 251).

Appendix B: DUI cases by judicial district and county, 2016-2020

Judicial District	County	2016	2017	2018	2019	2020	2016-2020 Mean	2020 Percentage Change from Mean
1	Gilpin	117	164	238	197	97	163	-68
1	Jefferson	2,489	2,597	2,409	2,306	1,846	2,329	-26
2	Denver	2,269	1,792	1,887	1,817	1,345	1,822	-35
3	Huerfano	68	53	81	106	95	81	15
3	Las Animas	111	101	114	112	101	108	-7
4	El Paso	2,750	3,074	3,150	3,616	3,262	3,170	3
4	Teller	176	207	238	219	242	216	11
5	Clear Creek	110	120	164	146	92	126	-37
5	Eagle	568	527	483	453	388	484	-25
5	Lake	70	81	69	53	56	66	-18
5	Summit	395	411	470	455	331	412	-24
6	Archuleta	85	70	75	104	81	83	-2
6	La Plata	671	486	505	465	343	494	-44
6	San Juan	8	1	4	8	12	7	42
7	Delta	204	166	156	155	122	161	-32
7	Gunnison	186	187	153	172	130	166	-28
7	Hinsdale	NA	2	1	3	2	2	0
7	Montrose	224	220	298	288	210	248	-18
7	Ouray	58	56	56	42	30	48	-60
7	San Miguel	115	66	59	51	39	66	-69
8	Jackson	6	10	16	16	10	12	-20
8	Larimer	1,789	2,052	2,160	2,344	1,787	2,026	-13
9	Garfield	633	681	618	643	436	602	-38
9	Pitkin	150	173	159	153	81	143	-77
9	Rio Blanco	43	78	60	42	30	51	-70
10	Pueblo	656	556	628	633	551	605	-10
11	Chaffee	115	173	165	153	149	151	-1
11	Custer	18	44	54	52	16	37	-131
11	Fremont	281	216	225	262	247	246	0

Judicial District	County	2016	2017	2018	2019	2020	2016-2020 Mean	2020 Percentage Change from Mean
11	Park	78	85	126	147	103	108	-5
12	Alamosa	189	192	156	127	150	163	-9
12	Conejos	35	32	44	37	32	36	-12
12	Costilla	25	28	31	24	22	26	-18
12	Mineral	4	8	8	9	5	7	-40
12	Rio Grande	72	64	84	64	56	68	-21
12	Saguache	24	19	33	20	27	25	7
13	Kit Carson	65	52	35	39	32	45	-41
13	Logan	103	113	145	128	106	119	-12
13	Morgan	165	209	130	185	160	170	-6
13	Phillips	15	24	29	25	19	22	-16
13	Sedgwick	11	6	12	14	17	12	29
13	Washington	23	15	15	7	13	15	-15
13	Yuma	37	27	28	35	50	35	30
14	Grand	167	200	227	199	180	195	-8
14	Moffat	149	139	113	73	76	110	-45
14	Routt	165	229	263	218	129	201	-56
15	Baca	19	11	13	13	12	14	-17
15	Cheyenne	20	10	7	5	6	10	-67
15	Kiowa	9	7	3	25	43	17	60
15	Prowers	121	89	93	135	122	112	8
16	Bent	15	27	41	33	38	31	18
16	Crowley	14	37	25	18	32	25	22
16	Otero	96	143	113	140	91	117	-29
17	Adams	2,853	2,830	2,579	2,817	2,053	2,626	-28
17	Broomfield	235	202	233	206	145	204	-41
18	Arapahoe	3,157	2,413	2,035	1,763	1,382	2,150	-56
18	Douglas	1,016	910	809	936	888	912	-3
18	Elbert	98	97	89	65	86	87	-1
18	Lincoln	37	41	50	59	63	50	21
19	Weld	1,378	1,527	1,650	1,507	1,247	1,462	-17

Judicial District	County	2016	2017	2018	2019	2020	2016-2020 Mean	2020 Percentage Change from Mean
20	Boulder	1,426	1,277	1,281	1,063	722	1,154	-60
21	Mesa	834	811	786	751	642	765	-19
22	Dolores	11	8	5	6	7	7	0
22	Montezuma	213	237	269	206	179	221	-23

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, 2016-2020

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Adams County Sheriff's Office	576	566	370	492	202	-58.9
Adams District Attorney	0	0	0	3	0	NA
Adams State Public Safety	4	4	2	1	1	0.0
Alamosa Police Dept	79	91	72	47	45	-4.3
Alamosa Sheriff's Office	22	44	29	19	27	42.1
Alma Police Dept	2	0	0	0	1	NA
Antonito Police Dept	8	1	3	0	1	NA
Arapahoe County Sheriff's Office	280	204	301	293	280	-4.4
Arapahoe District Attorney	5	1	0	1	1	0.0
Archuleta County Sheriff's Office	19	15	21	29	34	17.2
Arvada Police Dept	459	467	388	429	340	-20.7
Aspen Police Dept	41	50	62	67	31	-53.7
Ault Police Dept	8	7	3	2	3	50.0
Aurora Police Dept	2,221	1,570	1,255	983	649	-34.0
Avon Police Dept	101	130	107	99	69	-30.3
Baca County Sheriff's Office	4	4	8	3	3	0.0
Basalt Police Dept	47	27	22	19	22	15.8
Bayfield Police Dept	9	3	5	9	9	0.0
Bent County Sheriff's Office	5	18	19	19	21	10.5
Berthoud Police Dept	2	1	3	3	1	-66.7
Black Hawk Police Dept	31	40	29	25	19	-24.0
Blanca Police Dept	0	0	0	2	0	NA
Blue River Police Dept	0	0	4	2	1	-50.0
Boulder County Sheriff's Office	217	190	150	148	93	-37.2
Boulder District Attorney	1	3	1	2	2	0.0
Boulder Police Dept	479	351	279	180	123	-31.7
Breckenridge Police Dept	62	74	78	41	28	-31.7
Brighton Police Dept	233	222	210	168	230	36.9
Broomfield County Sheriff's Office	234	199	229	202	143	-29.2

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Brush Police Dept	32	12	11	24	9	-62.5
Buena Vista Police Dept	27	27	23	19	16	-15.8
Burlington Police Dept	18	19	10	11	11	0.0
Calhan Town Marshal	6	1	1	2	2	0.0
Campo Police Dept	1	0	0	0	0	NA
Canon City Police Dept	52	62	62	42	48	14.3
Carbondale Police Dept	86	102	147	92	40	-56.5
Castle Rock Police Dept	181	163	128	97	99	2.1
Cedaredge Marshall Office	3	5	5	5	4	-20.0
Centennial Police Dept	280	174	7	11	15	36.4
Center Police Dept	10	3	6	2	4	100.0
Chaffee County Sheriff's Office	22	26	37	39	35	-10.3
Cherry Hills Police Dept	34	53	41	24	14	-41.7
Cheyenne County Sheriff's Office	19	7	4	5	4	-20.0
Clear Creek Sheriff's Office	21	28	64	27	19	-29.6
Co Div Of Gaming-Gilpin	0	0	1	0	0	NA
Co Div Of Parks And Wildlife	21	33	41	35	41	17.1
Co Mh Institute At Pueblo	2	5	0	0	0	NA
Co School Of Mines Police Dept	6	1	1	0	0	NA
Co Springs Police Dept	1,614	1,899	1,899	1,808	1,671	-7.6
Co State University Police Dept	181	200	129	112	58	-48.2
Collbran Town Marshall	3	1	0	0	0	NA
Colorado Attorney General	1	0	0	0	0	NA
Colorado State Patrol	4,586	4,821	5,220	5,242	4,747	-9.4
Columbine Valley Police Dept	16	17	25	4	6	50.0
Commerce City Police Dept	201	219	229	304	286	-5.9
Conejos County Sheriff's Office	12	4	9	5	10	100.0
Cortez Police Dept	133	126	159	124	73	-41.1
Costilla County Sheriff's Office	19	21	13	6	15	150.0
Craig Police Dept	75	51	42	31	31	0.0

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Creede Police Dept	1	0	0	0	0	NA
Crested Butte Marshal	18	13	15	16	7	-56.2
Cripple Creek Police Dept	12	24	41	31	51	64.5
Crowley County Sheriff's Office	11	30	19	13	20	53.8
Custer County Sheriff's Office	16	41	48	50	15	-70.0
Dacono Police Dept	70	41	30	39	24	-38.5
Debeque Police Dept	6	3	1	2	4	100.0
Del Norte Police Dept	16	6	4	6	4	-33.3
Delta County Sheriff's Office	20	26	17	17	32	88.2
Delta District Attorney	1	0	0	0	0	NA
Delta Police Dept	50	42	40	39	23	-41.0
Denver Police Dept	2,269	1,791	1,888	1,815	1,346	-25.8
Dillon Police Dept	39	23	20	27	12	-55.6
Dinosaur Police Dept	0	0	0	3	1	-66.7
Dolores County Sheriff's Office	7	4	2	5	3	-40.0
Douglas County Sheriff's Office	397	360	289	373	400	7.2
Douglas District Attorney	1	0	0	2	0	NA
Durango Police Dept	280	221	201	186	141	-24.2
Eagle County Drug Task Force	1	0	0	0	0	NA
Eagle Police Dept	73	49	40	23	23	0.0
Eagle Sheriff's Office	96	67	85	78	65	-16.7
Eaton Police Dept	11	14	11	5	14	180.0
Edgewater Police Dept	194	128	61	49	33	-32.7
El Paso County Sheriff's Office	424	359	451	836	693	-17.1
El Paso District Attorney	23	15	11	46	8	-82.6
Elbert County Sheriff's Office	76	68	58	45	68	51.1
Elizabeth Police Dept	11	7	9	7	4	-42.9
Empire Police Dept	0	0	1	0	0	NA
Englewood Police Dept	180	173	147	146	94	-35.6
Erie Police Dept	83	69	71	95	68	-28.4

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Estes Park Police Dept	58	45	46	55	25	-54.5
Evans Police Dept	90	104	112	135	95	-29.6
Fairplay Police Dept	3	3	1	4	3	-25.0
Federal Heights Police Dept	37	72	59	56	23	-58.9
Firestone Police Dept	21	18	40	34	23	-32.4
Florence Police Dept	22	15	24	17	32	88.2
Fort Lupton Police Dept	112	148	182	87	96	10.3
Fort Morgan Police Dept	52	90	56	85	57	-32.9
Fountain Police Dept	141	185	157	132	143	8.3
Fowler Police Dept	14	0	1	0	0	NA
Frederick Police Dept	52	42	49	48	23	-52.1
Fremont County Sheriff's Office	150	88	75	89	75	-15.7
Fremont District Attorney	1	0	0	0	17	NA
Frisco Police Dept	48	42	36	28	17	-39.3
Fruita Police Dept	20	27	19	21	0	NA
Ft Collins Police Dept	464	441	495	505	393	-22.2
Ft Lewis St College Security	3	10	6	3	1	-66.7
Garden City Police Dept	0	0	12	13	11	-15.4
Garfield County Sheriff's Office	107	101	115	153	83	-45.8
Garfield District Attorney	5	6	1	0	1	NA
Georgetown Police Dept	8	11	8	9	5	-44.4
Gilpin County Sheriff's Office	48	92	144	120	48	-60.0
Glendale Police Dept	23	27	18	15	15	0.0
Glenwood Springs Police Dept	155	211	110	130	57	-56.2
Golden Police Dept	131	189	199	122	72	-41.0
Granby Police Dept	15	21	17	10	9	-10.0
Grand County Sheriff's Office	55	69	91	65	45	-30.8
Grand District Attorney	1	0	0	1	0	NA
Grand Junction Police Dept	400	346	275	296	246	-16.9
Greeley Police Dept	350	442	493	444	367	-17.3

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Green Mountain Falls Marshall	2	0	0	0	0	NA
Greenwood Village Police Dept	136	124	123	114	81	-28.9
Gunnison County Sheriff's Office	38	47	24	29	18	-37.9
Gunnison Police Dept	58	71	57	68	51	-25.0
Haxtun Police Dept	2	0	3	1	3	200.0
Hayden Police Dept	1	4	5	8	4	-50.0
Hinsdale County Sheriff's Office	0	2	1	3	2	-33.3
Holyoke Police Dept	10	11	8	9	6	-33.3
Hotchkiss Police Dept	1	4	4	1	2	100.0
Hudson Municipal Court	0	1	0	0	1	NA
Hudson Police Dept	2	4	23	20	8	-60.0
Huerfano County Sheriff's Office	2	11	39	59	49	-16.9
Huerfano District Attorney	3	0	0	0	0	NA
Hugo Marshal	1	2	1	2	2	0.0
Idaho Springs Police Dept	25	33	37	42	28	-33.3
Ignacio Police Dept	5	3	5	7	1	-85.7
Jackson County Sheriff's Office	5	9	14	15	8	-46.7
Jefferson County Sheriff's Office	313	384	307	297	206	-30.6
Jefferson District Attorney	0	1	0	0	0	NA
Johnstown Police Dept	32	28	42	45	35	-22.2
Keenesburg Police Dept	3	2	3	1	3	200.0
Kersey Police Dept	5	10	12	5	7	40.0
Kiowa City Police Dept	2	4	1	0	0	NA
Kiowa County Sheriff's Office	8	3	1	20	42	110.0
Kit Carson County Sheriff's Office	26	21	10	15	6	-60.0
Kremmling Police Dept	4	7	8	6	8	33.3
La Jara Police Dept	3	3	13	7	1	-85.7
La Junta Police Dept	18	49	45	47	23	-51.1
La Plata County Sheriff's Office	198	113	116	97	63	-35.1
La Veta Marshal	0	0	0	0	1	NA

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Lafayette Police Dept	81	97	92	73	45	-38.4
Lake County Sheriff's Office	38	51	37	17	20	17.6
Lakeside Police Dept	6	18	17	16	8	-50.0
Lakewood Police Dept	606	534	532	487	469	-3.7
Lamar Police Dept	67	41	43	62	63	1.6
Larimer County Sheriff's Office	487	548	665	725	547	-24.6
Larimer District Attorney	2	0	4	4	1	-75.0
Las Animas County Sheriff's Office	11	8	17	11	5	-54.5
Lasalle Police Dept	33	27	26	17	9	-47.1
Leadville Police Dept	18	12	18	28	23	-17.9
Limon Police Dept	6	15	17	20	25	25.0
Lincoln County Sheriff's Office	7	5	5	9	10	11.1
Littleton Police Dept	126	91	96	109	75	-31.2
Lochbuie Police Dept	33	29	19	20	55	175.0
Log Lane Police Dept	4	24	7	1	5	400.0
Logan County Sheriff's Office	46	31	70	57	44	-22.8
Lone Tree Police Dept	92	83	74	79	53	-32.9
Longmont Police Dept	380	340	350	323	246	-23.8
Louisville Police Dept	65	99	95	75	36	-52.0
Loveland Police Dept	359	490	474	605	523	-13.6
Manassa Police Dept	0	1	0	2	0	NA
Mancos Police Dept	2	2	0	5	13	160.0
Manitou Springs Police Dept	60	122	94	128	73	-43.0
Manzanola Police Dept	0	1	0	0	0	NA
Mead Police Dept	0	1	1	8	11	37.5
Meeker Police Dept	8	7	12	4	7	75.0
Mesa County Sheriff's Office	158	153	175	134	103	-23.1
Mesa District Attorney	0	2	9	9	6	-33.3
Metro Auto Theft Task Force	1	0	0	0	0	NA
Milliken Police Dept	38	37	19	18	8	-55.6

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Mineral County Sheriff's Office	1	0	1	0	3	NA
Moffat County Sheriff's Office	28	17	7	7	15	114.3
Moffat District Attorney	1	0	0	2	1	-50.0
Monte Vista Police Dept	29	18	37	27	22	-18.5
Montezuma County Sheriff's Office	31	54	37	18	19	5.6
Montrose County Sheriff's Office	43	38	52	47	45	-4.3
Montrose Police Dept	84	81	108	132	81	-38.6
Monument Police Dept	21	20	33	23	24	4.3
Morgan County Sheriff's Office	32	34	17	20	21	5.0
Morrison Police Dept	20	26	85	106	50	-52.8
Mountain View Police Dept	22	15	6	19	7	-63.2
Mountain Village Police Dept	4	3	3	4	3	-25.0
Mt. Crested Butte Police Dept	33	29	24	38	31	-18.4
Nederland Marshal's Office	8	0	5	1	7	600.0
New Castle Police Dept	18	7	19	13	10	-23.1
North Metro Task Force	2	5	0	4	1	-75.0
Northglenn Police Dept	258	224	264	196	184	-6.1
Norwood Police Dept	0	3	1	0	2	NA
Nunn Police Dept	1	0	4	2	0	NA
Oak Creek Police Dept	1	5	5	3	6	100.0
Olathe Police Dept	7	7	7	7	7	0.0
Otero County Sheriff's Office	7	19	5	3	1	-66.7
Ouray Police Dept	5	5	7	0	1	NA
Ouray Sheriff's Office	21	14	14	12	12	0.0
Pagosa Springs Police Dept	37	29	24	35	17	-51.4
Palisade Police Dept	17	21	11	15	12	-20.0
Palmer Lake Police Dept	4	4	0	1	4	300.0
Paonia Police Dept	2	4	5	8	7	-12.5
Parachute Police Dept	43	27	21	16	8	-50.0
Park County Sheriff's Office	50	57	99	0	64	NA

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Park District Attorney	0	1	0	0	0	NA
Parker Police Dept	189	158	114	143	91	-36.4
Phillips County Sheriff's Office	1	13	17	16	8	-50.0
Pikes Peak Community College	0	0	1	0	0	NA
Pitkin County Sheriff's Office	58	70	67	56	22	-60.7
Pitkin District Attorney	1	5	0	0	0	NA
Platteville Police Dept	32	21	21	33	17	-48.5
Prowers County Sheriff's Office	31	31	24	34	26	-23.5
Pueblo Community College Police Dept	1	0	0	0	0	NA
Pueblo County Sheriff's Office	173	148	136	158	146	-7.6
Pueblo Police Dept	334	269	318	317	227	-28.4
Rangely Police Dept	16	44	19	8	6	-25.0
Red Rocks Community College Police Dept	3	1	4	2	0	NA
Ridgway Marshall's Office	3	1	3	5	3	-40.0
Rifle Police Dept	63	55	64	72	99	37.5
Rio Blanco County Sheriff's Office	14	21	21	15	6	-60.0
Rio Grande County Sheriff's Office	9	16	7	8	10	25.0
Rocky Ford Police Dept	8	6	6	9	10	11.1
Routt County Sheriff's Office	21	34	32	24	22	-8.3
Sagauche County Sheriff's Office	8	5	7	1	7	600.0
Salida Police Dept	39	83	67	51	56	9.8
San Juan County Sheriff's Office	6	1	4	7	10	42.9
San Miguel County Sheriff's Office	16	15	15	25	20	-20.0
San Miguel District Attorney	1	0	0	0	0	NA
Sedgwick County Sheriff's Office	7	6	10	13	12	-7.7
Severance Police Dept	0	0	0	7	13	85.7
Sheridan Police Dept	74	49	48	80	30	-62.5
Sheriff's Office	0	0	0	85	0	NA
Silt Police Dept	8	9	27	35	16	-54.3

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
Silverthorne Police Dept	29	34	26	35	31	-11.4
Simla Police Dept	2	6	8	0	1	NA
Snowmass Village Police Dept	16	20	14	8	12	50.0
South Fork Police Dept	0	2	2	0	4	NA
Southern Ute Tribal Police	1	0	0	0	0	NA
Springfield Police Dept	8	2	3	3	3	0.0
Steamboat Springs Police Dept	74	80	92	90	59	-34.4
Sterling Police Dept	34	58	51	42	31	-26.2
Stratton Police Dept	2	0	1	0	0	NA
Summit County Sheriff's Office	84	88	132	192	134	-30.2
Teller County County Court	0	0	1	0	0	NA
Teller County District Court	0	0	1	0	0	NA
Teller County Sheriff's Office	80	86	81	93	95	2.2
Teller District Attorney	2	1	0	0	0	NA
Telluride Marshal	81	31	22	13	7	-46.2
Thornton Police Dept	455	514	467	571	398	-30.3
Timnath Police Dept	6	7	11	5	2	-60.0
Towaoc Police Dept	0	0	0	1	0	NA
Trinidad Police Dept	31	33	29	32	42	31.2
Two Rivers Drug Enforcement	0	0	0	0	1	NA
Univ Co At Co Springs	1	5	6	24	12	-50.0
Univ Co Health Sciences Police Dept-Denver	13	7	8	21	8	-61.9
Univ Of Co Police	65	30	101	51	28	-45.1
Univ Of Northern Co Police Dept	3	4	0	4	1	-75.0
Vail Police Dept	61	52	30	38	20	-47.4
Walsh Police Dept	0	0	0	1	0	NA
Washington County Sheriff's Office	0	0	7	2	9	350.0
Weld County Sheriff's Office	134	166	161	148	84	-43.2
Weld District Attorney	0	1	1	0	0	NA

Agency	2016	2017	2018	2019	2020	2019-2020 % Difference
West Metro Task Force	40	44	48	48	26	-45.8
Westminster Police Dept	341	441	460	488	297	-39.1
Wheat Ridge Police Dept	121	114	112	111	122	9.9
Wiggins Police Dept	0	1	1	3	4	33.3
Windsor Police Dept	44	56	57	71	57	-19.7
Winter Park/Fraser Police Dept	55	74	66	78	53	-32.1
Woodland Park Police Dept	48	67	70	48	51	6.2
Wray Police Dept	1	4	3	3	0	NA
Yuma County Sheriff's Office	6	9	11	16	28	75.0
Yuma Police Dept	14	4	4	8	10	25.0

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.

Appendix D: Final DUI charges by initial charge, 2020

Final Charge	Initial UDD	Initial DWAI	Initial DUI	Initial DWAI 1-2 Prior(s)	Initial DUI 1-2 Prior(s)	Initial DWAI 3+ Priors	Initial DUI 3+ Priors	Initial VEH ASSAULT	Initial VEH HOMICIDE	Initial Other
Final UDD	65	5	45	0	0	0	0	0	0	0
Final DWAI	0	1,987	4,199	0	13	1	6	0	0	20
Final DUI	0	13	11,066	0	14	0	29	0	0	4
Final DWAI 1-2 Prior(s)	0	21	553	100	28	2	4	0	0	1
Final DUI 1-2 Prior(s)	0	4	1,126	1	517	2	22	0	0	3
Finial DWAI 3+ Priors	0	0	0	1	1	19	19	0	0	1
Final DUI 3+ Priors	0	0	16	0	9	0	884	0	0	2
Final VEH ASSAULT	0	0	1	0	0	0	0	87	0	0
Final VEH HOMICIDE	0	0	0	0	0	0	0	0	23	0
Final Other	0	21	126	1	3	0	1	0	0	0
Total	65	2,051	17,132	103	585	24	965	87	23	31

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 E: Common final charges, excluding DUI charges, 2020

Final Charge	N
Careless Driving	6,383
Failure To Display Proof Of Insurance	3,465
Lane Usage Violation	3,451
Driving Under Restraint	2,494
Alcohol-Open Container/Drink In Vehicle	2,068
Driver's License-Driving W/Out	1,634
Reckless Driving	1,424
Speeding 10-19 Over Limit	1,133
No Insurance-Driver	905
Driving Under Restraint-Alcohol-Related	794
Failing To Report Accident-Call Police	793
Controlled Substance-Possession Sch I/Ii/Iii/Iv/V	718
Drug Paraphernalia-Possess	642
No Insurance-Owner	593
Violation P/O-Criminal	586
Leaving Scene/Accident-Damage Only	563
Marijuana-Possess Open Container In Vehicle	486
Speeding 25-39 Over Limit	484
Alcohol-Under 21- Possess/Consumption	478
Seat Belt Not Used	472
Child Abuse-Knowingly/Reckless-No Injury	470
Weapon-Prohibited Use-Drunk W/Gun	460
Driving After Revocation Prohibited (Habitual Traffic Offender)	455
License Plates-Expired	455
Headlamps-Failure To Display	450
Obstructing A Peace Officer	439
Leaving Scene/Accident-Unattended Vehicle	418
Speeding 20-24 Over Limit	418

Final Charge	N
Careless Driving Resulting In Injury	321
Registration-Fictitious Plate	320
Red Light-Fail To Stop	307
Resisting Arrest	301
Vehicular Eluding	285
Signaling Violation	274
Fail Obey Traffic Control Device	272
Marijuana-Under21- Possess/Consumption	230
Turning Improperly	219
Registration-Unregistered Vehicle	214
Reckless Endangerment	213
Assault 3-Know/Reckless Cause Injury	211

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 F: Percent of DUI case filings with matching toxicology reports, 2020

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Adams	2,053	54.8	54.8	31.9
Alamosa	150	51.3	51.3	21.3
Arapahoe	1,382	57.0	57.0	39.6
Archuleta	81	74.1	74.1	43.2
Baca	12	66.7	66.7	NA
Bent	38	47.4	47.4	28.9
Boulder	722	53.5	53.5	44.6
Broomfield	145	40.7	40.7	21.4
Chaffee	149	67.1	67.1	37.6
Cheyenne	6	NA	NA	NA
Clear Creek	92	52.2	52.2	35.9
Conejos	32	68.8	68.8	37.5
Costilla	22	31.8	31.8	22.7
Crowley	32	62.5	62.5	31.2
Custer	16	81.2	81.2	50.0
Delta	122	66.4	66.4	33.6
Denver	1,345	56.1	56.1	12.3
Dolores	7	NA	NA	NA
Douglas	888	57.8	57.8	34.5
Eagle	388	62.6	62.6	36.1
El Paso	3,262	61.4	61.4	51.0
Elbert	86	58.1	58.1	36.0
Fremont	247	59.1	59.1	34.8
Garfield	436	57.8	57.8	35.1
Gilpin	97	63.9	63.9	39.2
Grand	180	56.7	56.7	33.3

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Gunnison	130	63.1	63.1	30.0
Hinsdale	NA	NA	NA	NA
Huerfano	95	54.7	54.7	36.8
Jackson	10	NA	NA	NA
Jefferson	1,846	61.4	61.4	41.7
Kiowa	43	51.2	51.2	51.2
Kit Carson	32	68.8	68.8	34.4
La Plata	343	66.2	66.2	36.4
Lake	56	66.1	66.1	48.2
Larimer	1,787	65.1	65.1	37.7
Las Animas	101	54.5	54.5	37.6
Lincoln	63	52.4	52.4	34.9
Logan	106	58.5	58.5	37.7
Mesa	642	60.7	60.7	41.9
Mineral	5	NA	NA	NA
Moffat	76	63.2	63.2	27.6
Montezuma	179	60.3	60.3	22.3
Montrose	210	61.9	61.9	29.0
Morgan	160	54.4	54.4	28.1
Otero	91	58.2	58.2	29.7
Ouray	30	56.7	56.7	30.0
Park	103	58.3	58.3	40.8
Phillips	19	63.2	63.2	26.3
Pitkin	81	50.6	50.6	18.5
Prowers	122	50.8	50.8	42.6
Pueblo	551	51.5	51.5	34.1
Rio Blanco	30	73.3	73.3	36.7
Rio Grande	56	58.9	58.9	26.8

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Routt	129	52.7	52.7	24.0
Saguache	27	59.3	59.3	29.6
San Juan	12	75.0	75.0	58.3
San Miguel	39	48.7	48.7	30.8
Sedgwick	17	58.8	58.8	58.8
Summit	331	55.9	55.9	32.9
Teller	242	67.8	67.8	33.9
Washington	13	61.5	61.5	NA
Weld	1,247	59.3	59.3	30.3
Yuma	50	66.0	66.0	26.0

Note: NA represents cell counts under five that were suppressed.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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, 2020

Drugs Detected	Total	Speeding charge	Speeding charge %
Not Tested	8,626	902	10.5%
None Detected	205	20	9.8%
Alcohol Only	7,360	1,031	14.0%
THC Only	831	227	27.3%
Single Other Drug	398	18	4.5%
Alcohol and THC	1,471	192	13.1%
Alcohol and Other	842	69	8.2%
THC and Other	556	68	12.2%
Alcohol, THC, and Other	499	52	10.4%
Polydrug Not Alcohol or THC	278	16	5.8%
Total	21,066	2,595	12.3%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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, 2016-2020

Drugs	2016	2017	2018	2019	2020
ALCOHOL	15,495	15,088	14,484	13,900	10,172
DELTA-9 THC	2,489	2,739	2,900	2,848	3,357
AMPHETAMINE/METHAMPHETAMINE	600	672	829	700	1,110
COCAINE	337	354	449	551	768
ALPRAZOLAM	481	367	273	188	231
DIAZEPAM/OXAZEPAM/TEMAZEPAM*	NA	137	174	169	195
MORPHINE/HEROIN	152	139	96	144	192
CLONAZEPAM	206	184	150	153	181
FENTANYL	6	8	15	52	151
LORAZEPAM	115	128	100	127	104
BUPRENORPHINE	NA	21	16	32	80
OXYMORPHONE/OXYCODONE	126	105	68	6	78
ZOLPIDEM	107	105	106	77	75
HYDROCODONE/HYDROMORPHONE	49	42	35	43	56
METHADONE	33	21	29	49	50
MDA/MDMA	20	26	19	16	40
TRAMADOL	49	45	42	52	39
PHENOBARBITAL	5	5	10	15	37
CHLORDIAZEPOXIDE/DEMOXEPAM*	NA	21	19	27	33
KRATOM	NA	NA	NA	NA	21
QUETIAPINE	15	5	NA	NA	15
MEPROBAMATE/CARISOPRODOL	51	30	18	12	14
PSEUDOEPEHDRINE	NA	NA	NA	NA	13
BUTALBITAL	15	11	13	12	11
CARISOPRODOL	41	21	14	10	8
KETAMINE	NA	7	8	NA	8
BUPROPION	5	NA	NA	NA	6
CODEINE	16	34	35	48	6

Drugs	2016	2017	2018	2019	2020
ETIZOLAM	NA	NA	NA	NA	6
GABAPENTIN	NA	NA	NA	NA	6
AMITRIPTYLINE	7	NA	NA	NA	NA
CITALOPRAM/ESCITALOPRAM	33	11	8	NA	NA
CYCLOBENZAPRINE	7	NA	NA	NA	NA
DEXTROMETHORPHAN	5	NA	NA	NA	NA
DIAZEPAM	NA	131	121	82	NA
DIPHENHYDRAMINE	15	18	8	NA	NA
FLUOXETINE	14	10	NA	NA	NA
HYDROXYZINE	13	5	7	NA	NA
LAMOTRIGINE	20	14	5	NA	NA
LIDOCAINE	9	NA	NA	NA	NA
MIDAZOLAM	12	12	17	8	NA
MIRTAZAPINE	6	NA	NA	NA	NA
OXAZEPAM	NA	NA	NA	45	NA
POLYFLUORINATED ETHANE	8	20	16	NA	NA
PROMETHAZINE	6	NA	NA	NA	NA
PROPOFOL	NA	5	NA	NA	NA
SERTRALINE	11	7	NA	NA	NA
TEMAZEPAM	NA	NA	9	32	NA
TOPIRAMATE	13	6	NA	NA	NA
TRAZODONE	29	5	NA	6	NA
VENLAFAXINE	23	17	NA	NA	NA

Note: Drug classifications were changed for a few benzodiazepines to reduce double counting, and few categories marked with an [*] were unable to be recalculated. `NA` 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: DUI/DWAI Charge Conviction Rate (CR) for Alcohol Only Filings by BAC Toxicology Level, 2020

Final Charge	BAC Level	N	CR
DUI	0.05-0.079	75	29.3
DUI	0.08+	3,427	91.2
DWAI	0.05-0.079	424	83.3
DWAI	0.08+	2,387	99.8

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation and Vehicular Assault and Vehicular Homicide DWAI charge. Only one charge was selected from each case filing, and the charge needed to have the most serious disposition.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 J: DUI/DWAI Charge Conviction Rate (CR) for Delta-9 THC Only Filings by Delta-9 THC Toxicology Level, 2020

Final Charge	Delta-9 THC Level	N	CR
DUI	1.0 - 4.9	104	10.6
DUI	5.0+	204	57.4
DWAI	1.0 - 4.9	36	97.2
DWAI	5.0+	312	100.0

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation and Vehicular Assault and Vehicular Homicide DWAI charge. Only one charge was selected from each case filing, and the charge needed to be the most serious disposition.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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 K: DUI/DWAI Charge Conviction Rate (CR) for Polydrug Delta-9 THC Filings by Delta-9 THC Toxicology Level, 2020

Final Charge	Delta-9 THC Level	N	CR
DUI	1.0 - 4.9	621	84.9
DUI	5.0+	602	89.2
DWAI	1.0 - 4.9	288	99.3
DWAI	5.0+	359	100.0

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation and Vehicular Assault and Vehicular Homicide DWAI charge. Only one charge was selected from each case filing, and the charge needed to have the most serious disposition.
Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE 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, 2020

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Victims Assistance Fund	Surcharges	14,169	2,469,935	174.23
Rural Youth Alc/Sub Abuse	Surcharges	13,986	72,142	5.16
Brain Injury Trust Fund	Surcharges	13,872	344,800	24.85
LEAF Assessment	Fine	13,841	1,245,620	89.99
Persistent Drunk Driving	Surcharges	13,714	1,433,390	104.47
Alcohol Eval Fee	Surcharges	13,660	2,734,100	200.02
Victim Compensation Fund	Surcharges	13,509	551,503	40.81
Restorative Justice Surcharge	Surcharges	13,505	135,142	10.00
Genetic Testing Surcharge	Surcharges	13,499	40,512	3.00
DUI/DWAI	Fine	12,840	6,279,618	461.70
Subst Affect Driving Data	Surcharges	12,333	24,682	2.00
Court Costs	Surcharges	12,285	274,144	22.31
Court Security Cash Fund	Surcharges	12,233	61,181	5.00
E-Discovery	Surcharges	9,318	47,075	5.05
Probation Supervision Fee	Surcharges	9,214	8,919,704	964.50
Cost of Prosecution-Crg Agncy	Surcharges	2,737	177,667	64.65
Public Defender Accts Rcvable	Surcharges	2,685	67,340	25.01
Useful Public Service	Surcharges	2,421	213,662	88.22
Request for Time to Pay	Surcharges	1,196	29,975	25.00
Cost of Care - Probation/Adult	Surcharges	769	1,045,704	1,358.06
Drug Standardized Assessment	Surcharges	301	15,315	50.54
Restitution	Restitution	297	1,259,617	4,011.52
Cost of Prosecution-Sheriff	Surcharges	270	26,328	97.15
Family Friendly Surcharge	Surcharges	229	408	1.77
Traffic Fine	Fine	139	29,655	205.94
District Atty Cost Recovery	Surcharges	77	3,282	42.62
Cost of Care - Jail	Surcharges	75	35,011	466.81
Drug Test - Cost Recovery	Surcharges	56	1,056	18.53

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Misdemeanor Fine	Fine	36	18,075	488.51
Cost of Prosecution – Other	Surcharges	35	2,522	72.06
Address Confidentiality Fund	Surcharges	28	784	28.00
REST-Insurance Co	Restitution	19	425,796	19,354.36
Court Ordered Contribution	Surcharges	16	3,200	200.00
Warrant/Extradition Fee Sheriff	Surcharges	16	5,300	331.25
Felony Fine	Fine	14	28,900	1,926.67
REST-Victims Compensation	Restitution	8	51,594	6,449.25
Juvenile Fine	Fine	5	775	155.00
Minor in Poss of Alcohol	Fine	3	75	25.00
Cost of Prosecution-Jud Pd Cst	Surcharges	2	116	58.00
Offender Identification Fund	Surcharges	2	384	128.00
Cost of Care - Outside Agency	Surcharges	1	12	12.00
Dist Atty Local Payment	Surcharges	1	500	500.00
Drug Offender Surcharge	Surcharges	1	1,000	1,000.00
Req to Transfer Probation Fee	Surcharges	1	100	100.00
Sex Offender Evaluation Fee	Surcharges	1	1,500	1,500.00

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

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