

***Law Enforcement Assistance Fund
Annual Report***

1999



***Transportation Safety and
Traffic Engineering Branch***

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Drinking And Driving? . . .



EXECUTIVE SUMMARY

Alcohol-related traffic deaths increased nine percent in 1998 compared to 1997. In 1998, 203 people died in alcohol related traffic crashes compared to 186 during 1997. In the first nine months of 1999, 141 people died in alcohol related traffic crashes.

During 1997, drivers in the 25-34 year-old age group were involved in more than 31 percent of the alcohol-related traffic deaths but accounted for only 28 percent of all drivers. Drivers in the 21 to 24 year-old age group were involved in nearly 19 percent of the deadly crashes, yet they comprised only 7.8 percent of all drivers. Underage drinking was also a problem in 1997. Drivers under age 21 comprised 8.5 percent of the licensed drivers in Colorado but were involved in nearly 13 percent of the alcohol-related fatal traffic crashes in 1997. (Statistics for 1997 are the latest available for ages of drivers involved in alcohol-related traffic crashes in Colorado.)

Alcohol-related traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. In 1997, alcohol-related traffic crashes claimed 186 lives - the fewest deaths recorded since the state began tracking such fatalities 23 years ago. Since 1981, vehicle miles traveled in Colorado increased 61 percent, from 22.3 billion miles in 1981 to 36 billion in 1997. If alcohol-related traffic deaths had increased at the same rate, over 680 people would have died as a result of drunken driving in 1997.

Responding to a surge in summertime drunken driving fatalities during 1995, the Colorado Department of Transportation's LEAF program and the Public Information Office and the Colorado State Patrol launched "The Heat Is On!" campaign. The campaign started with a coordinated strike against intoxicated drivers just prior to the 1996 July Fourth Holiday weekend. Now, completing its fourth year, the campaign is planned through 2000. The results are encouraging. Since the campaign began in July 1996, DUI arrests have increased 29 percent and alcohol-related traffic deaths have decreased 23 percent.

The purpose of this report is to comply with C.R.S. 43-4-404 which states in part: "The Office of Transportation Safety shall report annually to the general assembly on the distribution and expenditure of these funds and the nature and purpose of the programs".

BACKGROUND

Major changes in Colorado's DUI laws took place during the 1982 and 1983 legislative sessions. Amendments to Section 42-4-1202, Colorado Revised Statutes, authorized LEAF and required anyone convicted of an alcohol or drug related traffic offense to pay \$65 into a fund to help local law enforcement trying to increase DUI arrests while also increasing public awareness of the problems created by impaired drivers. Senate Bill 190, passed during the 1990 session, increased the LEAF fee to \$90 which provided funding to the Department of Health for laboratory services and implied consent specialists. These costs were previously paid out of the Highway Users Trust Fund.

The establishment of LEAF by the Colorado Legislature clearly showed the lawmakers' commitment to reducing the problem of impaired driving. The manner in which the monies were to be allocated to local political subdivisions was thoroughly debated by the committees of reference in both the House and Senate. Formula allocations based on population or other mathematical means were considered but not adopted.

The Colorado Department of Transportation (CDOT) was assigned responsibility for allocating money toward improving law enforcement program efforts at the city and county level. Eighty percent of the monies in the fund are appropriated by the General Assembly to CDOT to accomplish this task each year. A minimum of 30 percent and a maximum of 50 percent of these funds are allocated to counties. Conversely, a minimum of 50 percent and a maximum of 70 percent are allocated to cities. State statute requires these funds be used for drunken driving prevention and law enforcement improvement by cities and counties. The remaining 20 percent of LEAF monies are appropriated to the Department of Human Services, Alcohol and Drug Abuse Division (ADAD). Both CDOT and ADAD may use up to eight percent of the money allocated to them for administering their respective LEAF programs.

LEAF was patterned after a pilot project initiated by CDOT with federal funding support from the National Highway Traffic Safety Administration and conducted in Fort Collins. The two-year project, from October 1977 through September 1979, focused on increasing DUI arrest and conviction rates, reducing processing time, funding one full time officer and providing DUI enforcement training to all of their peace officers.

The stated intent of the Colorado General Assembly is that LEAF monies be "expended in a manner which will improve enforcement of drunken driving laws," as well as increasing prevention efforts concerning the problems created by drinking drivers. The enabling legislation required CDOT to establish and promulgate rules and regulations and to determine minimum requirements for qualified programs.

Copies of the Rules and Regulations may be obtained from CDOT or visit our web site at <http://www.dot.state.co.us/public/transportationsafety>.

THE DUI PROBLEM

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HOT FRIDAY NIGHTS

Thanks to participating law enforcement agencies and sponsors, the "Hot Friday Nights" DUI summer enforcement campaign was extraordinarily successful. The campaign ran for 17 Friday nights from Memorial Day through mid-September. During that time, enforcement agencies targeted Friday nights with large, multi-agency saturation patrols, sobriety checkpoints and increased patrols, resulting in 2,674 DUI arrests. The campaign targeted Friday nights because Colorado Department of Transportation (CDOT) research showed that the odds of being involved in a deadly crash with a drunken driver double on Friday evenings. During 1998, 32 percent of all of the traffic fatalities involved drunken driving, but on Friday nights, 58 percent of the fatalities were alcohol-related. Throughout the summer, CDOT and law enforcement representatives conducted news conferences, media tours and media events. On selected Saturday mornings, law enforcement agencies reported statistics from their saturation patrols and checkpoints to CDOT. CDOT, in turn, released the information to media outlets in each region in the state that had DUI enforcement the night before.

The campaign worked! Statistics given to the media during the "Hot Friday Nights" campaign and regional campaign events resulted in numerous television stories, newspapers articles and radio interviews. "Hot Friday Nights" became a recognizable force against drunken driving.

Alcohol-related traffic fatalities decreased 37 percent from June through September in Colorado during 1999, compared to the same four-month period in 1998. Sixty-two people died in alcohol-related traffic crashes in Colorado during the four-month period in 1999 compared to 98 such victims during the same four-month period in 1998.

For the second year, CDOT received funding cooperation from major, high profile corporate sponsors: KUSA-9News, Progressive Insurance and Pepsi-Cola. 9News and Progressive supported the enforcement portion of the campaign with hard-hitting television commercials that illustrated the economic cost of a DUI arrest and the most the tragic consequences of drinking and driving. It was the second year a Colorado DUI enforcement campaign had a fully supported, prime-time television campaign to increase public awareness - and it made a difference. In addition, Colorado's Pepsi-Cola bottlers provided a substantial cash grant to underwrite a display about the economic costs associated with a DUI arrest, along with coupons for free Pepsi products to be given out to sober drivers by participating police officers. Many officers called CDOT to express their appreciation for the Pepsi coupons and report the good will created when motorists received the vouchers for Pepsi products. We can never know how many families were spared the pain of losing a loved one during the summer of '99 because a drunken driver was arrested before fate intervened. But we do know that because of the dedication of law enforcement officers and the commitment of our "Hot Friday Nights" campaign sponsors, it was one of the safest summers on Colorado roads.

LABORATORY IMPROVEMENT PROGRAM

LEAF monies fund the Certification Program in the Colorado Department of Public Health and Environment, Laboratory and Radiation Services (LARS) Division. Governing statutes empower the Colorado Board of Health to enact Rules and Regulations administered by the Program. This rule establishes the minimum standards for the certification and approval of entities and processes utilized for alcohol and drug testing of suspected impaired drivers.

The Department is responsible for:

- approving and certification of Evidential Breath Alcohol Test (EBAT) devices;
- training and certifying EBAT Operators and Operator Instructors;
- maintaining a centralized repair facility for EBAT devices and equipment;
- establish standards of performance and certification of public and private laboratories;
- providing certified records and documents to legal community.

1999 LEAF Supported Activities:

- Certification of 199 EBAT devices;
- Performed repair and maintenance of 199 EBAT devices and 350 Simulators;
- Approved 127 EBAT facilities;
- Conducted ten training classes to certify 98 EBAT Operator-Instructors and re-certified 105 Operator-Instructors by written examination;
- Provided materials for 178 Operator training classes certifying 1295 Operators;
- Prepared, distributed 1920 units of certified EBAT standard solutions;
- Certified fourteen laboratories;
- Provided proficiency test samples to certified laboratories;
- Prepared delayed breath alcohol standards for certified laboratories;
- Processed 1519 subpoenas;
- Provided certified documents for 739 DUI cases;
- Provided technical assistance, expert court testimony, to law enforcement and legal community;
- Approved one additional Preliminary Breath Testing (PBT) device.

LEAF monies partially fund activities of toxicology scientists. The laboratory provides analyses of blood specimens for alcohol content and urine specimens for drug content of suspected impaired drivers. Staff supports these analytical results in courts of law when needed. Education and training are provided to the legal and law enforcement communities of Colorado regularly.

BREATHTESTING

Individuals arrested for impaired driving are offered a chemical test of their blood or breath to determine the alcohol content. The majority of individuals elect a breath alcohol test. Evidential Breath Alcohol Testing is accomplished by using the Intoxilyzer Model 5000 64 Series or the recently approved Intoxilyzer Model 5000 Enhanced called the 5000EN. The 5000EN uses design advancements and additional electronic technology for the analysis of breath to measure breath alcohol concentration. The 5000EN will also allow for a computerized central data management system to collect, summarize and compile reports on DUI arrests for program effectiveness and efficiency.

Currently, Ninety-four percent of the devices in use are older than the seven-year practical life expectancy and fifty-two percent are older than ten years. It is expected that parts for the older model 5000 will become unavailable over the next few years. During 1999 eighteen Intoxilyzer 5000EN units were placed into field service, for a total of twenty locations since 1998 when the unit was approved.



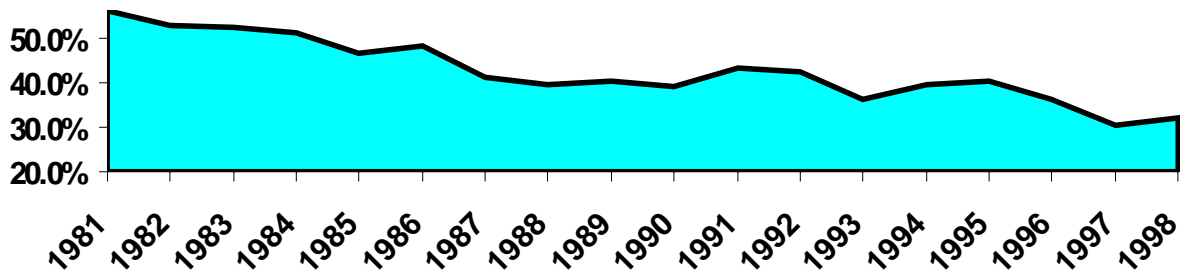
LEAF IMPACT

In most LEAF communities DUI arrest rates have increased, some dramatically; in Eagle County the Sheriff's Office increased arrests from 166 in 1998 to 263 in 1999; a 63% increase. Another example is the Monte Vista Police Department which increased its 1998 DUI arrest total of 116 to 185 in 1999. In a few of the other communities arrests decreased because of the saturation effect of several years of intense DUI enforcement efforts. Logic indicates this increased level of DUI enforcement has achieved its goal of reducing the number of instances where people drive after drinking. This is further substantiated by the fact alcohol related fatal traffic crashes have decreased substantially since 1981.

Alcohol Related Fatal Crashes

as a percentage to the total

Colorado



Alcohol related traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. In 1988, alcohol related traffic crashes claimed 198 lives - - the second fewest deaths recorded in the state. (The lowest year was 1997 with 186 alcohol related traffic fatalities.) The LEAF program has played an important role in preventing these deaths by removing impaired drivers before a crash occurs.

DUI ARRESTS OVER THE YEARS

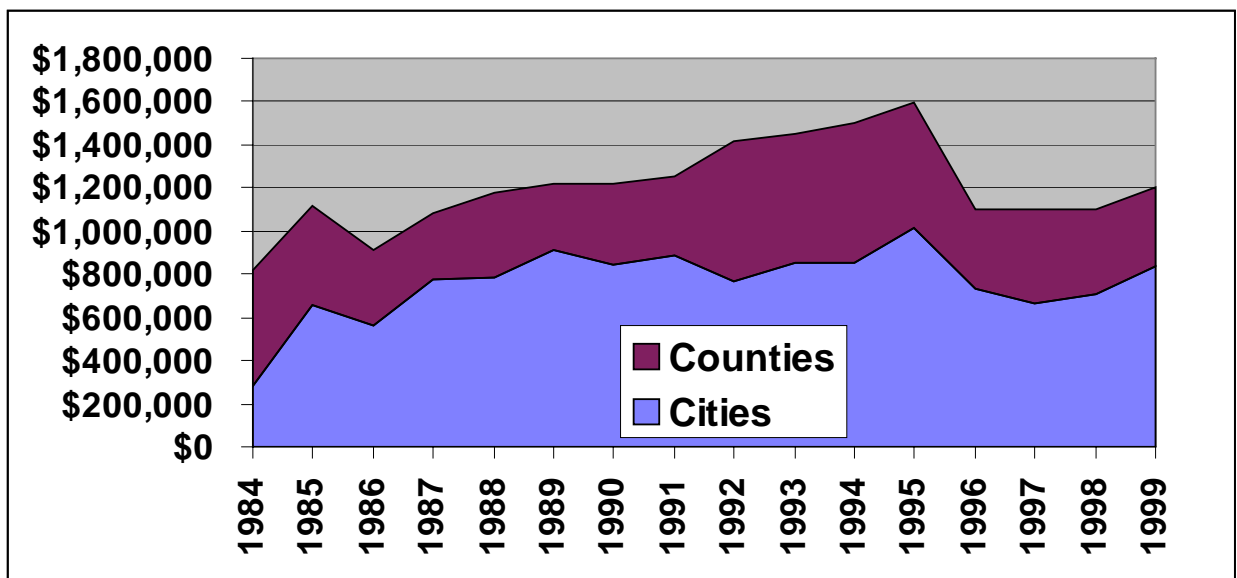
During 1999, LEAF agencies comprised only 19 percent of all law enforcement agencies in the state, but they made just over 53% of all the Colorado DUI arrests. Consistent enforcement of Colorado's laws and strong public awareness will be needed to keep the gains that have been made in reducing these deaths.

YEAR	STATEWIDE	LEAF	PERCENTAGE
1983	37,618	5,833	15*
1984	38,830	14,128	36
1985	42,330	19,089	45
1986	34,202	17,354	51
1987	35,429	14,038	40
1988	31,820	17,253	54
1989	38,579	22,801	59
1990	39,988	20,752	52
1991	37,557	19,632	52
1992	37,824	17,334	46
1993	37,550	25,203	66
1994	33,475	20,291	61
1995	28,760	19,476	67
1996	36,398	16,293	45
1997	36,726	16,737	46
1998	37,237	20,429	55
1999	37,400*	19,512	53
TOTAL	621,723	306,155	49%

- LEAF started on July 1, 1993
- 1999 statewide total is an estimate

THE LEAF BUDGET

Collection of revenues for the Fund began July 1, 1982. Other activities beginning on July 1 included the promulgation of rules and regulations, designing the contract management manual, soliciting communities to participate in the program and evaluating applications. Also during this time, revenue trends were established in order to set realistic funding levels for the program. The first funds for LEAF activities were obligated in May 1983. They covered activities for the fiscal year ending June 30, 1984. During the first year of LEAF operations, 28 cities and counties were funded. In its second year, 44 projects were funded for the year January 1 through December 31, 1984. Subsequent LEAF projects have remained on the calendar year basis as opposed to state fiscal year budget schedules. LEAF procedures were designed to accommodate the calendar year budget cycle of cities and counties.



Since the inception of LEAF, 633 projects (106 cities and counties) have been awarded totaling \$20,596,122. During calendar year 1999 \$1,200,000 was awarded for 27 city and 12 county LEAF projects. The majority of the money (89 percent) was used to pay for DUI officer's salary and overtime DUI enforcement. Capital equipment purchases include DUI vehicles and breathtesting instruments, where needed. Operating funds purchased supplies, blood testing kits and vehicle maintenance for DUI cars. Travel funds supported court appearances and training seminars.

SELECTION PROCESS

Successful applications for LEAF funds provide a solution to identified problems. It is strongly urged attention be given to the achievement of measurable accomplishments resulting from LEAF projects. In other words, how will the impaired driver be affected and what reduction in alcohol and drug related crashes can be expected.

Proposals are reviewed by CDOT in the following areas:

1. How does the project propose to increase and improve the enforcement of the laws pertaining to alcohol and drug related traffic offenses?
2. How does the project propose to increase prevention efforts concerning problems created by impaired drivers and to emphasize the consequences resulting from arrest and conviction of alcohol and drug related traffic offenses?
3. How does the project propose to coordinate the efforts of a municipal, county, or city and county within their own jurisdictions and with other jurisdictions in establishing and administering a qualified program?
4. How does the project propose to increase the efficiency and effectiveness of the administrative systems which support drinking driving countermeasures programs?

The objective for each LEAF project is:

***TO INCREASE AND IMPROVE THE ENFORCEMENT
OF LAWS PERTAINING TO ALCOHOL AND DRUG
RELATED TRAFFIC OFFENSES.***

Some of the major tasks include:

- 1) increase DUI enforcement;
- 2) increase coordination of efforts among law enforcement agencies;
- 3) assign officers to special DUI responsibilities;
- 4) designate a patrol vehicle for DUI enforcement;
- 5) increase DUI arrest rates; and
- 6) train officers in DUI detection and apprehension.

(LEAF Rules and Regulations, guidelines and application forms are available on our web site at <http://www.dot.state.co.us/public/transportationsafety> or you call us at 303 757-9462.)

DOLLARS OBLIGATED FOR 1999 LEAF PROJECTS

Alamosa County Sheriff's Office	\$24,000
Arapahoe County Sheriff's Office	24,000
Black Hawk Police Department	24,000
Brighton Police Department	24,000
Burlington Police Department	12,000
Castle Rock Police Department	24,000
Central City Police Department	24,000
Colorado Springs Police Department	58,000
Denver Police Department	131,000
Douglas County Sheriff's Office	47,000
Durango Police Department	24,000
Eagle County Sheriff's Office	33,000
Evans Police Department	12,000
Federal Heights Police Department	33,000
Florence Police Department	12,000
Fort Lupton Police Department	24,000
Gilpin County Sheriff's Office	24,000
Golden Police Department	24,000
Grand Junction Police Department	24,000
Greeley Police Department	40,000
Hinsdale County Sheriff's Office	12,000
Lafayette Police Department	33,000
Larimer County Sheriff's Office	24,000
Littleton Police Department	33,000
Longmont Police Department	33,000
Mesa County Sheriff's Office	24,000
Monte Vista Police Department	12,000
Montezuma County Sheriff's Office	24,000
Northglenn Police Department	33,000
Parker Police Department	24,000
Pitkin County Sheriff's Office	33,000
Pueblo Police Department	58,000
Rifle Police Department	33,000
Sheridan Police Department	24,000
Summit County Sheriff's Office	33,000
Teller County Sheriff's Office	33,000
Thornton Police Department	47,000
Vail Police Department	33,000
Windsor Police Department	12,000
TOTAL LEAF Grants	\$1,200,000

CONCLUSIONS

Because of the work done by LEAF agencies, this report contains encouraging information, but the drunk and drugged driving campaign is far from over. In the long run, in addition to LEAF efforts, substantial improvement of our DUI system can best be attained by enhanced public education and awareness of the dangers of impaired driving and the laws that exist to deter and control the loss of life and property which result from this problem. For the most part, the laws which have made a difference in saving lives are in place. The most difficult need remains unfulfilled however; that is to change behavior patterns and societal attitudes associated with driving after drinking.

LEAF operations around the state have experienced a high visibility in the media, creating an increased perception of risk that drinking drivers will not go undetected. This higher perception of risk translates directly into deterring the impaired driver. Additionally, the presence of police vehicles which are clearly marked "DUI ENFORCEMENT" further strengthens this perception of risk. This occurs whenever the vehicle is in public view whether or not the vehicle is in service.

The Heat Is On! campaign has promoted coordinated patrols and sobriety checkpoints by municipal police agencies, county sheriffs and the Colorado State Patrol. This kind of cooperation has been rare in the past and may lead to improved coordination in the future for other areas of law enforcement. Notable examples of this cooperative effort can be found in Alamosa, Douglas, Garfield, and Summit counties.

Some LEAF agencies have reported the presence of DUI enforcement activity has, in their judgment, had a beneficial effect of reducing other types of crime such as burglary and vagrancy. This is an unforeseen advantage of LEAF.

We have found 36 months is usually not a sufficient time in which to establish a meaningful level of operation or to continue DUI countermeasures when LEAF funding ends. Ideally, a four to five year funding cycle would allow more time in which to integrate a DUI countermeasure program into agency operations. However, LEAF budget constraints prevent this approach. If it were not for LEAF, we believe some communities would have little DUI enforcement due to lack of resources. If these monies are curtailed, many local police and sheriff agencies say they do not have the money to continue the coverage which they have under LEAF.

