

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

## **2000**



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

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**Drinking And Driving? . . .**



# EXECUTIVE SUMMARY

Alcohol-related traffic deaths decreased over 5 percent in 1999 compared to 1998. In 1999, 193 people died in alcohol related traffic crashes compared to 203 during 1998. In the first nine months of 2000, 141 people died in alcohol related traffic crashes.

During 1999, 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 14 percent of the deadly crashes, yet they comprised only 7.8 percent of all drivers. Underage drinking was also a problem in 1999. Drivers under age 21 were involved in over 6 percent of the alcohol-related fatal traffic crashes in 1999. (Statistics for 1999 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 fifth year, the campaign is planned through 2001. The results are encouraging. Since the campaign began in July 1996, DUI arrests have increased 29 percent and alcohol-related traffic deaths have decreased 26 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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# The Heat Is On! Campaign

Thanks to participating law enforcement agencies and sponsors, the "Heat is On!" DUI enforcement campaign was extraordinarily successful. The campaign ran over 6 holiday weekends throughout the year, as well as for "Heat Wave Weekend" in August, and Office Party weekend in December. During that time, enforcement agencies targeted certain weekends with large, multi-agency saturation patrols, sobriety checkpoints and increased patrols, resulting in 4,141 DUI arrests. The campaign targeted various holiday weekends, but is specifically increased during the summer. Colorado Department of Transportation (CDOT) research reveals that since 1995, most alcohol-related traffic deaths occur in the period beginning with Memorial Day Weekend through Labor Day Weekend. Throughout the year, CDOT and law enforcement representatives conducted news conferences, media tours and media events. On selected enforcement weekends, law enforcement agencies reported statistics from their saturation patrols and checkpoints to CDOT. CDOT, in turn, released the information to media outlets statewide.

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

In 1995, the year prior to the launching of the "Heat is On!" campaign, alcohol-related traffic accidents claimed 141 lives during the months of May through September. In 2000, 87 lives were lost during the same period to alcohol-related traffic accidents. This represents a reduction of over 38%. Overall, since the program began in 1996, statewide DUI arrests are up 28%, from 28,760 in 1995 to 36,676 in 1999. More importantly, alcohol-related traffic fatalities are down nearly 27%, from 262 in 1995, to 193 in 1999.

**Drinking And Driving? . . .**



# 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.

2000 LEAF Supported Activities:

- Certification of 227 EBAT devices;
- Performed repair and maintenance of 227 EBAT devices and 389 Simulators;
- Approved 139 EBAT facilities;
- Conducted 21 training classes to certify 186 EBAT Operator-Instructors and re-certified 101 Operator-Instructors by written examination;
- Provided materials for 230 Operator training classes certifying 2584 Operators;
- Prepared, distributed 2040 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 1949 subpoenas;
- Provided certified documents for 733 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-six percent of the devices in use are older than the seven-year practical life expectancy and sixty-one 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 2000 an additional 53 Intoxilyzer 5000EN units were placed into field service, for a total of 59 locations since 1998 when the unit was approved. All law enforcement agencies are expected to transition to the newer Intoxilyzer 5000EN by July 2002.

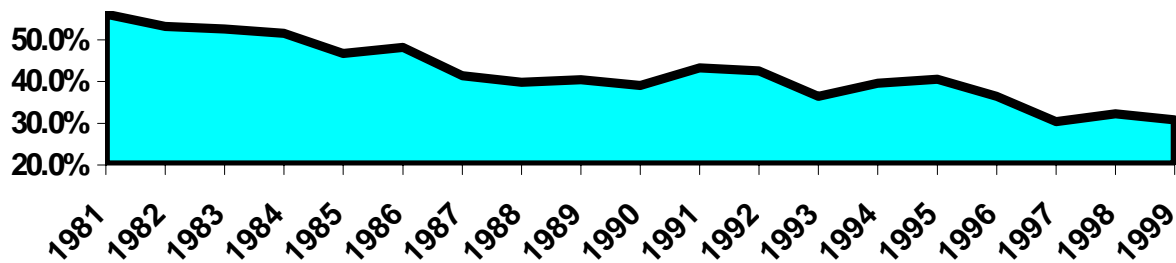




# LEAF IMPACT

In most LEAF communities DUI arrest rates have increased, some dramatically; Brush PD's number of DUI arrests increased from 60 in 1999 to 111 in 2000. Another example is the Woodland Park Police Department, which increased its 1999 DUI arrest total of 113 to 183 in 2000. 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 1999, alcohol related traffic crashes claimed 193 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

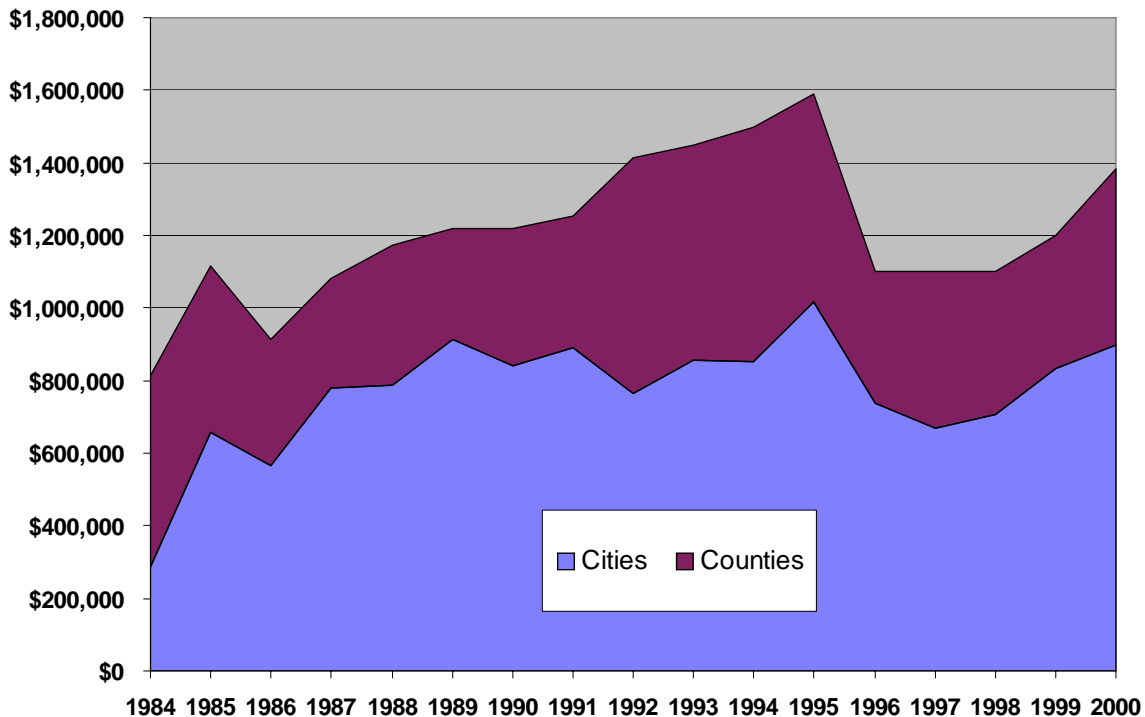
During 1999, LEAF agencies comprised only 19 percent of all law enforcement agencies in the state, but they made just over 53% of all the Colorado DUI arrests. Consistent enforcement of Colorado's laws and strong public awareness will be needed to keep the gains that have been made in reducing these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

| <b>YEAR</b>  | <b>STATEWIDE</b> | <b>LEAF</b> | <b>PERCENTAGE</b> |
|--------------|------------------|-------------|-------------------|
| <b>1983</b>  | 37,618           | 5,833       | 15*               |
| <b>1984</b>  | 38,830           | 14,128      | 36                |
| <b>1985</b>  | 42,330           | 19,089      | 45                |
| <b>1986</b>  | 34,202           | 17,354      | 51                |
| <b>1987</b>  | 35,429           | 14,038      | 40                |
| <b>1988</b>  | 31,820           | 17,253      | 54                |
| <b>1989</b>  | 38,579           | 22,801      | 59                |
| <b>1990</b>  | 39,988           | 20,752      | 52                |
| <b>1991</b>  | 37,557           | 19,632      | 52                |
| <b>1992</b>  | 37,824           | 17,334      | 46                |
| <b>1993</b>  | 37,550           | 25,203      | 66                |
| <b>1994</b>  | 33,475           | 20,291      | 61                |
| <b>1995</b>  | 28,760           | 19,476      | 67                |
| <b>1996</b>  | 36,398           | 16,293      | 45                |
| <b>1997</b>  | 36,726           | 16,737      | 46                |
| <b>1998</b>  | 37,237           | 20,429      | 55                |
| <b>1999</b>  | 36,676           | 19,512      | 53                |
| <b>TOTAL</b> | 620,999          | 306,155     | 49%               |

- 2000 statewide totals unavailable at time of report
- 2000 LEAF arrests were 21,714(3<sup>rd</sup> highest ever)
- LEAF started on July 1, 1983

# 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, projects (106 cities and counties) have been awarded totaling \$20,596,122. During calendar year 2000 \$1,384,000 was awarded for 29 city and 16 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 2000 LEAF PROJECTS

|  |          |
|--|----------|
| Adams County Sheriff's Office          | \$41,000 |
| Alamosa County Sheriff's Office        | 31,000   |
| Arvada Police Department               | 41,000   |
| Aurora Police Department               | 41,000   |
| Basalt Police Department               | 21,000   |
| Bent County Sheriff's Office           | 21,000   |
| Boulder County Sheriff's Office        | 41,000   |
| Boulder Police Department              | 41,000   |
| Broomfield Police Department           | 21,000   |
| Brush Police Department                | 11,000   |
| Burlington Police Department           | 11,000   |
| Center Police Department               | 11,000   |
| Colorado Springs Police Department     | 51,000   |
| Commerce City Police Department        | 21,000   |
| Conejos County Sheriff's Office        | 11,000   |
| Costilla County Sheriff's Office       | 11,000   |
| Denver Police Department               | 131,000  |
| Durango Police Department              | 31,000   |
| Eagle County Sheriff's Office          | 41,000   |
| Edgewater Police Department            | 21,000   |
| El Paso County Sheriff's Office        | 51,000   |
| Federal Heights Police Department      | 21,000   |
| Fort Collins Police Department         | 41,000   |
| Fort Lupton Police Department          | 21,000   |
| Gilpin County Sheriff's Office         | 31,000   |
| Grand County Sheriff's Office          | 21,000   |
| Gunnison Police Department             | 21,000   |
| Hinsdale County Sheriff's Office       | 21,000   |
| Longmont Police Department             | 31,000   |
| Monte Vista Police Department          | 11,000   |
| Montezuma County Sheriff's Office      | 31,000   |
| Morgan County Sheriff's Office         | 11,000   |
| Northglenn Police Department           | 41,000   |
| Parker Police Department               | 31,000   |
| Pueblo Police Department               | 51,000   |
| Pueblo County Sheriff's Office         | 51,000   |
| Sheridan Police Department             | 41,000   |
| Steamboat Springs Police<br>Department | 21,000   |
| Summit County Sheriff's Office         | 31,000   |
| Thornton Police Department             | 41,000   |

## 2000 LEAF Grants con't

|                                 |        |
|---------------------------------|--------|
| Vail Police Department          | 21,000 |
| Westminster Police Department   | 21,000 |
| Woodland Park Police Department | 21,000 |
| Yuma Police Department          | 10,000 |

TOTAL LEAF Grants \$1,384,000



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## CONCLUSION

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 Grand County, Denver, Vail and Broomfield.

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.

