

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

**2003**



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

# TABLE OF CONTENTS

Executive Summary .....	2
Background .....	3
The Heat is On! .....	4
DUI Checkpoint Colorado.....	5
Laboratory Improvement Program .....	6-7
LEAF Impact .....	8
DUI Arrests over the Years .....	9
The LEAF Budget.....	10
Selection Process.....	11
Dollars Obligated During 2003 For LEAF Projects .....	12
Conclusions.....	13

**Drinking And Driving? . . .**



## EXECUTIVE SUMMARY

Alcohol-related traffic deaths in Colorado decreased over 9 percent in 2002 compared to 2001. In 2001, 267 people died in alcohol related traffic crashes compared to 249 during 2002. In the first nine months of 2003, 143 people died in alcohol related traffic crashes.

During 2003, drivers in the 35-44 year-old age group were involved in more than 27 percent of the alcohol-related traffic deaths in which the driver's blood alcohol level was .05 or greater; Drivers in the 25-34 range accounted for 21 percent. Drivers in the 21 to 24 year-old age group were involved in 21 percent of the deadly crashes, yet they comprised only 8 percent of all drivers. Underage drinking was also a problem in 2003. Drivers under age 21 were involved in nearly 12 percent of the alcohol-related fatal traffic crashes in 2003.

Alcohol-related traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. In 2002, alcohol-related traffic crashes claimed 249 lives. Since 1981, vehicle miles traveled in Colorado increased 85 percent, from 22.3 billion miles in 1981 to 44 billion in 2002. If alcohol-related traffic deaths had increased at the same rate, over 884 people would have died as a result of drunken driving in 2002.

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 Eighth year, the campaign is planned through 2004. The results are encouraging. Since the campaign began in July 1996, DUI arrests have increased 16.2 percent and alcohol-related traffic deaths during the months of May through September have decreased 27 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 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 National Alcohol Mobilization in December. During that time, enforcement agencies targeted certain weekends with large, multi-agency saturation patrols, sobriety checkpoints and increased patrols, resulting in 4547 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 2003, 85 lives were lost during the same period to alcohol-related traffic accidents. This represents a reduction of 40%. Overall, since the program began in 1996, statewide DUI arrests are up 16.2%, from 28,760 in 1995 to 34,338 in 2002.

**Drinking And Driving? . . .**



# DUI Checkpoint Colorado

In 2003, the Colorado Department of Transportation, working in conjunction with local and state law enforcement, implemented an extensive statewide summertime sobriety checkpoint program (DUI Checkpoint Colorado). Every weekend from Memorial Day Weekend 2003 to Labor Day Weekend 2003, checkpoints were scheduled throughout Colorado. At least 4 were scheduled each weekend, with some weekends seeing as many as 10. The volume of checkpoints increased from about 7-10 in all of 2002 to 82 in the 14-week program period. Both federal and state grant funds were used to staff the checkpoints. Extensive checkpoint activity is expected to continue in 2004. The checkpoint activity was publicized extensively both through public service advertising and earned media. Program objectives were to reduce alcohol-related traffic fatalities during the summer by 20%.

During the program period, 34,464 vehicles passed through the 82 checkpoints. From these activities, 561 people were arrested for DUI/DUID; 9 on weapons charges; 7 for child abuse; 25 for drug violations; 27 warrant arrests; 2 stolen vehicles; 100 were cited for suspended/revoked licenses and 84 were arrested or cited for other miscellaneous reasons.

Survey cards were used by the Monte Vista PD and Grand Junction PD to determine the public's reaction to the checkpoints. 96% of those who returned the survey cards (165) approved of sobriety checkpoints as a measure to detect and remove drunk drivers from the road. 83% believed that checkpoints would deter some people from driving drunk. Only 2 of 165 respondents believed checkpoints violated driver's rights.

Most importantly, during the program period (Memorial Day Weekend -Labor Day Weekend 2003), 51 people died in alcohol related traffic fatalities in Colorado. This is down from 81 during that period in 2001 and is down from 73 that occurred during this period in 2002. This represents a reduction of 37% from the 2001 total and 30% from the 2002 figure.

CDOT will look to expand the program in 2004. The goal is to have 150-200 checkpoints conducted during the summer. Unfortunately, due to Colorado's fickle weather, a yearlong effort is not practical. Nonetheless, this program, when coupled with Colorado's other intensive yearlong counter-DUI programs such as the Heat is On! Campaign and LEAF program, improves the probability of achieving stated goals.



# 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 Certification 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:

- ❖ Approval 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.

2003 LEAF Supported Activities:

- Certification of 286 EBAT devices
- Performed repair and maintenance of 286 EBAT devices and 114 Simulators
- Approved 147 EBAT facilities
- Conducted 6 training classes to certify 82 EBAT Operator-Instructors and 82 Operator-Instructors re-certified by written examination
- Provided materials for 189 Operator training classes certifying 1223 Operators
- Prepared and distributed 180 units of certified EBAT standard solutions
- Certified seventeen laboratories
- Provided proficiency test samples to certified laboratories
- Prepared delayed breath alcohol standards for certified laboratories
- Processed 1,239 subpoenas
- Provided certified documents for 565 DUI cases
- Provided technical assistance, expert court testimony, to law enforcement and legal community

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 Enhanced called the 5000EN. Currently, all Law Enforcement agencies are using the Intoxilyzer 5000EN. The 5000EN uses advanced electronic technology for the analysis of breath to measure breath alcohol concentration. The 5000EN also allows for a computerized central data management system to collect, summarize and compile reports on DUI arrests for program effectiveness and efficiency. This new data management system, called CoBRA, is currently being developed to connect all Intoxilyzers in the state, for the purpose of collecting information in a central data management location by January 1, 2006.

## **TOXICOLOGY LABORATORY**

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.

### 2003 LEAF Supported Toxicology Activities

- 3335 blood specimens were analyzed for alcohol content
- 5932 urine specimens were analyzed for drug content
- Performed quality control analyses for alcohol and blood standard solutions provided by the Certification Program
- Participated in the College of American Pathologist Urine Drug Testing Proficiencies and Blood Alcohol Proficiencies
- Processed 964 subpoenas for the year 2003
- Provided legal records for 141 DUI and DUID cases
- Provided legal testimony in 43 DUI and DUID cases
- Provided routine consultation to law enforcement and the legal community regarding analytical testing performed
- Provided statistics for the DRE program regarding drug evaluations

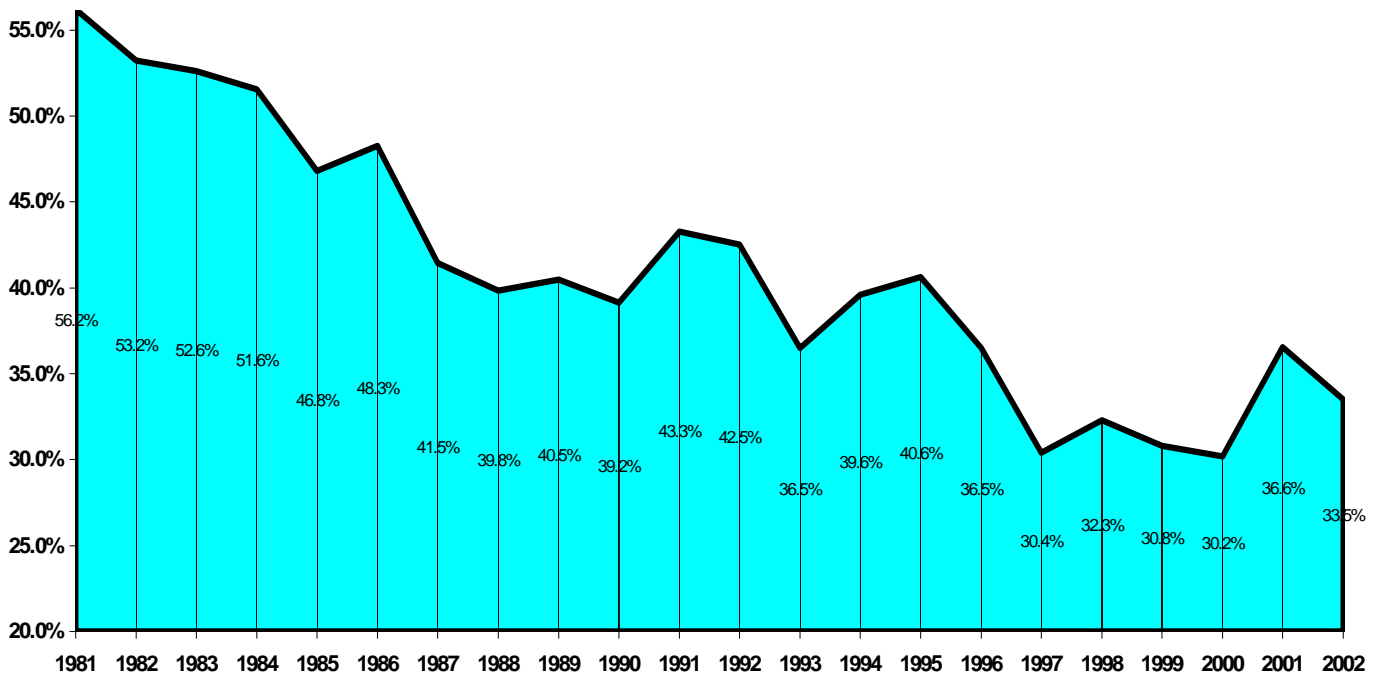




# LEAF IMPACT

In most LEAF communities DUI arrest rates have increased, some dramatically; DUI arrests made by Larimer County SO increased by 35%, Denver PD by 35% and Golden PD raised DUI arrests by 30% in 2003. 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 Fatalities 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 2002, alcohol related traffic crashes claimed 249 lives, which was 33.5% of all traffic fatalities in Colorado that year. Through 9 months of 2003, however, there have only been 143 alcohol-related traffic fatalities, representing 31% of all traffic fatalities during that period. 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

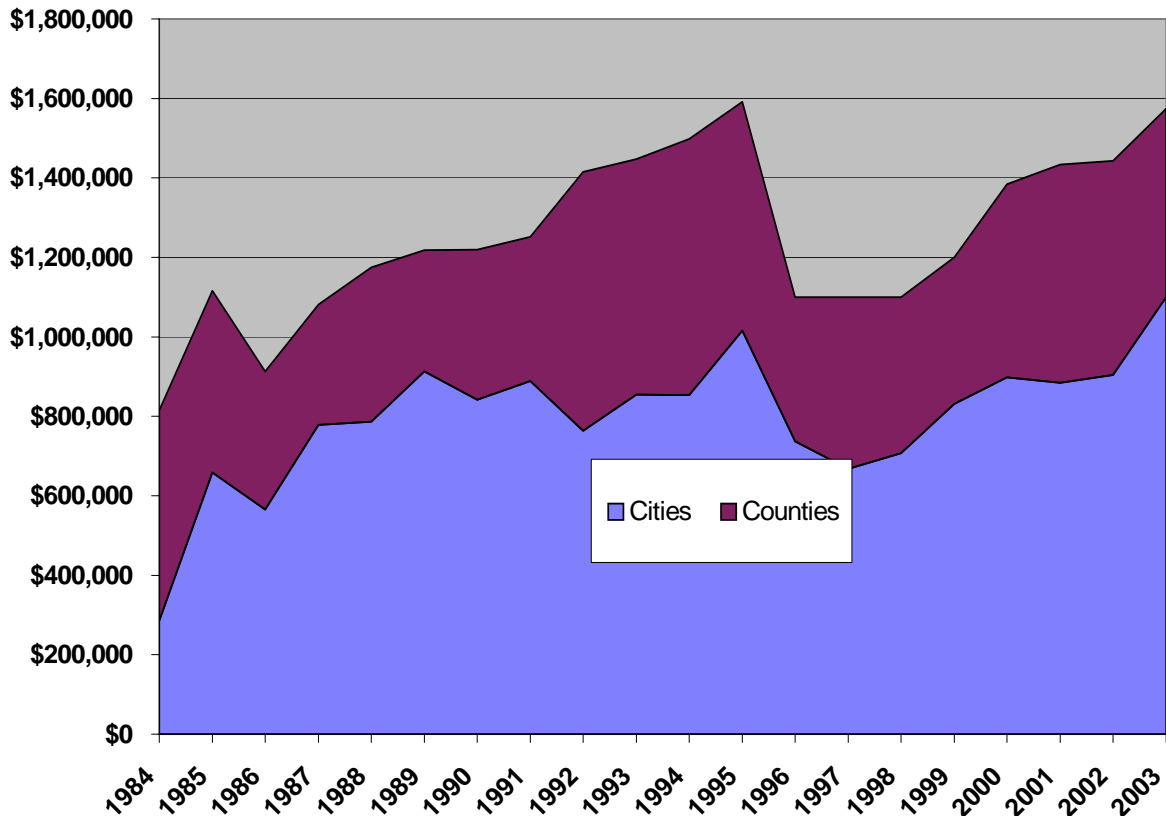
During 2002, LEAF agencies comprised only 25 percent of all law enforcement agencies in the state, but they made just over 62% of all the Colorado DUI arrests. Consistent enforcement of Colorado's laws and strong public awareness will be needed to keep the gains that have been made in reducing these 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>2000</b>	36,135	21,714	60
<b>2001</b>	34,408	20,985	61
<b>2002</b>	34,338	21,241	62
<b>TOTAL</b>	691,542	348,854	50%

- **2003 statewide totals unavailable at time of report**
- **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 (112 cities and counties) have been awarded totaling \$25,016,822. During calendar year 2003 \$1,574,000 was awarded for 37 city and 14 county LEAF projects. The majority of the money (95 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 could 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.)

## LEAF Projects funded in 2003

<i>Agency</i>	<i>Funded</i>
Arapahoe County SO	44,000
Archuleta County SO	25,000
Aspen PD	40,000
Ault PD	10,000
Avon PD	12,000
Basalt PD	17,000
Buena Vista PD	10,000
Carbondale PD	45,000
Castle Rock PD	32,000
Clear Creek County SO	15,000
Colorado Springs PD	60,000
Crested Butte Marshal's Office	10,000
Crowley County SO	20,000
Denver PD	100,000
Douglas County SO	30,000
Durango PD	45,000
Eagle County SO	35,000
Elizabeth PD	15,000
Englewood PD	30,000
Federal Heights PD	30,000
Florence PD	10,000
Fremont County SO	23,000
Fruita PD	20,000
Ft. Morgan PD	14,000
Golden PD	40,000
Greeley PD	40,000
Greenwood Village PD	37,500
Gunnison PD	15,000
Lafayette PD	33,000
Lakewood PD	62,500
Lamar PD	5,000
Larimer County SO	58,000
Littleton PD	33,000
Longmont PD	30,000
Mesa County SO	45,000
Milliken PD	8,000
Monte Vista PD	15,000
Northglenn PD	32,600
Parker PD	33,000
Pueblo PD	65,000
Routt County SO	35,000
Sheridan PD	19,800
Steamboat Springs PD	15,000
Summit County SO	50,000
Teller County SO	30,000
Thornton PD	29,000
Weld County SO	40,000
Windsor PD	11,600
<b>TOTAL</b>	<b>\$1,474,500</b>



## 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 that 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 Ft. Collins, Larimer County, Denver, Mesa County and Jefferson County.

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 that they have under LEAF.

