

Law Enforcement Assistance Fund Annual Report

2004



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 2004 for LEAF Projects 12

Conclusions..... 13

04/22/05 Version



EXECUTIVE SUMMARY

Alcohol-related traffic deaths in Colorado decreased by 3.7% in 2004 compared to 2003. In 2003, 258 people died in alcohol related traffic crashes compared to 317 during 2002. In 2004 there were 222 alcohol related traffic crashes in which 249 people died.

During 2004, drivers in the 25-34 year-old age group were involved in 24% percent of the alcohol-related traffic deaths. Drivers in the 21-24 range accounted for 16.4% percent. Drivers in the 21 to 24 year-old age group were involved in 22.5% percent of the deadly crashes yet they comprised only 6% percent of all drivers. Underage drinking was also a problem in 2004. Drivers under age 21 were involved in 22.2% percent of the alcohol-related fatal traffic crashes in 2004.

Alcohol-related traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. Since 1981, vehicle miles traveled in Colorado increased 85 percent, from 22.73 billion miles in 1981 to 43.46 billion in 2004. If alcohol-related traffic deaths had increased at the same rate, over 812 people would have died as a result of drunken driving in 2004.

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 Ninth year, the campaign is planned through 2005. The results are encouraging. Since the campaign began in July 1996, DUI arrests have increased 28.4 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 7 holiday weekends throughout the year, as well as for the National August DUI Crackdown and DUI Checkpoint Colorado in December. During that time, enforcement agencies targeted certain weekends with large, multi-agency saturation patrols, sobriety checkpoints and increased patrols, resulting in 4172 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 2004, 46 lives were lost during the same period to alcohol-related traffic accidents. This represents a reduction of 67%. Overall, since the program began in 1996, statewide DUI arrests are up 7.4%, from 28,760 in 1995 to 31,077 in 2004.



DUI Checkpoint Colorado

In 2004, 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 2004 to Labor Day Weekend 2004, checkpoints were scheduled throughout Colorado. At least 1 were scheduled each weekend, with some weekends seeing as many as 15. The volume of checkpoints increased from about 7-10 in all of 2002 to 82 to 105 in 2004 during 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 2005. 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%.

Law enforcement agencies that received federal funds for Checkpoint Colorado in 2004 were Arapahoe County, Douglas County, Larimer County, Mesa County, Carbondale and Littleton.

During the program period over 35,000 vehicles passed through the 105 checkpoints. From these activities, 542 people were arrested for DUI/DUID. Arrests were also made for weapons charges, child abuse, drug violations, warrants and motor vehicle theft. Many citations were also issued for suspended/revoked licenses and others were arrested or cited for other miscellaneous reasons.

Most importantly, during the program period (Memorial Day Weekend -Labor Day Weekend 2004), 46 people died in alcohol related traffic fatalities in Colorado. This is down from 81 during that period in 2001, 73 in 2002 and 51 in 2003. This represents a reduction of 43% from the 2001 total, 36% from the 2002 total and 9% from 2003.

CDOT will look to expand the program in 2005. The goal is to have over 150 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.



CERTIFICATION 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.

2004 LEAF Supported Activities:

- Certification of 332 EBAT devices
- Performed repair and maintenance of 332 EBAT devices and 130 Simulators
- Approved 147 EBAT facilities
- Conducted 6 training classes to certify 75 EBAT Operator-Instructors and 82 Operator-Instructors re-certified by written examination
- Provided materials for 180 Operator training classes certifying 1391 Operators
- Prepared and distributed 2000 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 737 subpoenas
- Provided certified documents for 907 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.

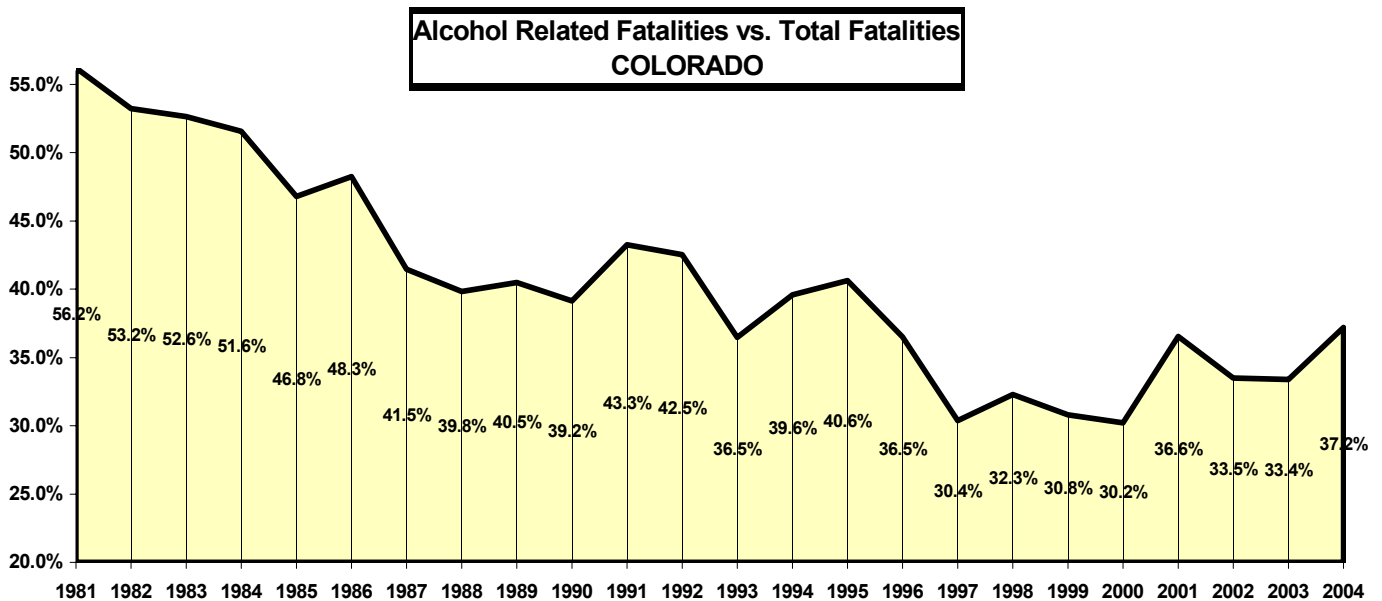
2004 LEAF Supported Toxicology Activities

- 3177 blood specimens were analyzed for alcohol content
- 3914 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 1124 subpoenas for the year 2004
- Provided legal records for 261 DUI and DUID cases
- Provided legal testimony in 47 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 Aurora Police increased by 21%, Avon Police by 32%, Boulder Police by 22%, Brighton Police by 69%, Gilpin County by 60%, Parker Police by 26%, Thornton Police 23%, and Woodland Park Police by 25% in 2004. 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 traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. In 2003, alcohol related traffic crashes claimed 258 lives, which was 33.4% of all traffic fatalities in Colorado that year. In 2004 there were 249 alcohol-related traffic fatalities, representing 37.2% of all traffic fatalities during that period.

Alcohol related traffic fatalities reached a record high in Colorado in 1981 when 425 people died in such crashes. In 2003, alcohol related traffic crashes claimed 258 lives, which was 33.4% of all traffic fatalities in Colorado that year. In 2004 there have been 249 alcohol-related traffic fatalities, representing 37.2% of all traffic fatalities during that period.

In 2004 alcohol-related fatalities include those where a driver involved in the crash had a blood alcohol content (BAC) of .01 or greater or where the accident report noted the crash was alcohol related. Previously, the Colorado Department of Transportation (CDOT) reported a crash as alcohol-related where a driver involved had a BAC of .05 or greater or where the accident report noted the crash was alcohol related. The change was made to have Colorado meet the definition of alcohol-related fatalities set by National Highway Traffic Safety Administration (NHTSA) guidelines.

DUI ARRESTS OVER THE YEARS

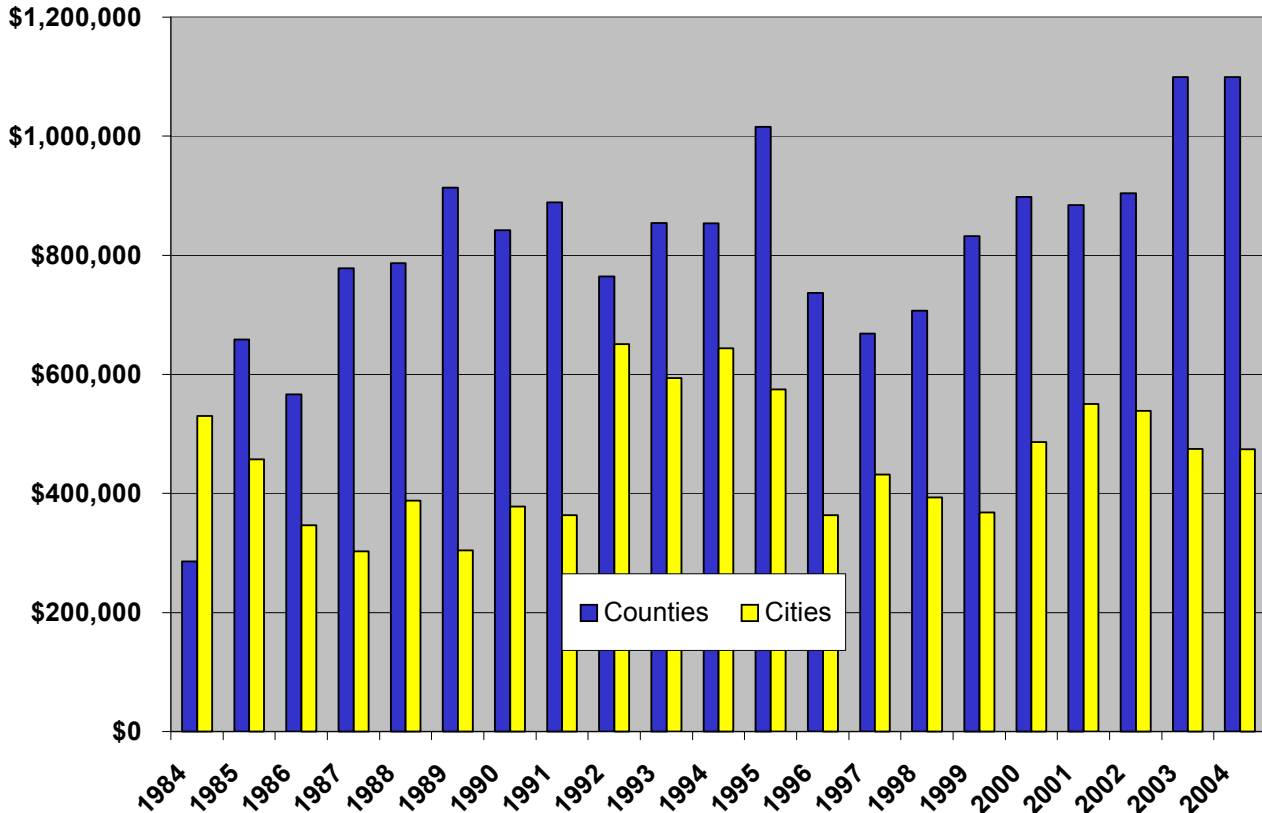
During 2003, LEAF agencies comprised only 21 percent of all law enforcement agencies in the state, but they made just over 62% of all the Colorado DUI arrests. Consistent enforcement of Colorado's laws and strong public awareness will be needed to keep the gains that have been made in reducing these deaths.

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	36,676	19,512	53
2000	36,135	27,714	60
2001	34,408	20,985	61
2002	34,338	21,241	62
2003	31,077	19,856	63
2004	31,279	19,464	62
TOTAL	788,859	409,410	51.8%

- **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 2004 \$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 2004

ADAMS COUNTY	\$40,000
ASPEN	\$35,000
AURORA	\$50,000
AVON	\$10,000
BASALT	\$13,000
BOULDER COUNTY	\$54,000
BOULDER	\$50,000
BRIGHTON	\$30,000
BROOMFIELD	\$20,000
CASTLE ROCK	\$27,000
CHAFEE COUNTY	\$12,000
COLORADO SPRINGS	\$66,000
COMMERCE CITY	\$21,000
CROWLEY COUNTY	\$16,000
DENVER	\$150,000
DURANGO	\$50,000
EAGLE COUNTY	\$35,000
EDGEWATER	\$15,000
EL PASO COUNTY	\$48,000
ELIZABETH	\$13,000
FEDERAL HEIGHTS	\$33,000
FOUNTAIN	\$20,000
FRUITA	\$10,000
FORT COLLINS	\$40,000
GILPIN COUNTY	\$14,000
GOLDEN	\$39,000
GRAND COUNTY	\$10,000
GRAND JUNCTION	\$27,000
GUNNISON	\$10,000
JEFFERSON COUNTY	\$51,000
LAKESWOOD	\$55,000
LONGMONT	\$30,000
LOVELAND	\$12,000
MILLIKEN	\$6,000
MONTE VISTA	\$14,000
MONTEZUMA COUNTY	\$23,000
MORGAN COUNTY	\$16,000
NORTHGLENN	\$28,000
PAGOSA SPRINGS/ ARCHULETA COUNTY	\$27,000
PARKER	\$27,000
PUEBLO COUNTY	\$50,000
PUEBLO	\$62,000
ROUTT COUNTY	\$26,000
SHERIDAN	\$18,000
STEAMBOAT SPRINGS	\$15,000
SUMMIT COUNTY	\$45,000
THORNTON	\$26,000
VAIL	\$22,000
WELD COUNTY	\$37,000
WOODLAND PARK	\$17,000
YUMA	\$9,000

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 law enforcement vehicles, which are clearly marked "LEAF 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.

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, trespassing and criminal mischief. 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.

