

Law Enforcement Assistance Fund Annual Report

2005



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 2005 for LEAF Projects	12
Conclusions.....	13



EXECUTIVE SUMMARY

Alcohol-related traffic deaths in Colorado decreased by 2.8% in 2005 compared to 2004. **In 2005, 242 people died in alcohol related traffic crashes compared to 249 during 2004. In 2005 there were 224 alcohol related traffic crashes in which 242 people died.**

In 2005 the following age groups were over-represented in alcohol related traffic fatalities.

- Drivers under age 21 were involved in 12.75% of the alcohol-related fatal traffic crashes, but represent only 5% of all drivers.
- Drivers in the 21-24 range accounted for 15.16% of the alcohol related fatal traffic crashes, but represent only 6% of all drivers.
- Drivers in the 25-34 year-old age group were involved in 26.13% of the alcohol-related fatal traffic crashes, but represent only 18% of all drivers.

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 110 percent, from 22.73 billion miles in 1981 to 47.96 billion miles in 2005. If alcohol-related traffic deaths had increased at the same rate, over 892 people would have died as a result of impaired driving in 2005.

Responding to a surge in summertime alcohol related 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 Tenth year, the campaign is planned through 2006.

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 the Law Enforcement Assistance Fund (LEAF) and required anyone convicted of an alcohol or drug related traffic offense to pay a fine of \$65 into LEAF. LEAF monies would be used to assist local law enforcement who were making an effort to increasing both DUI arrests and public awareness of the problems created by impaired drivers. The 1990 legislative session saw the passing of Senate Bill 190 which increased the LEAF fine to \$90 and 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. Of the \$90 dollars, \$15 would be deposited into the country treasury of the county in which the conviction occurred. The remainder of the monies was to be broken in the following manner:

80 % ALLOCATED TO CDOT: towards improving law enforcement program efforts at the city and county level (see below):	20 % ALLOCATED TO THE DEPARTMENT OF HUMAN SERVICES, ALCOHOL AND DRUG ABUSE DIVISION
Counties: To receive 30 – 50 % of the monies	
Cities: To receive 50 – 70 % of the monies	
Administrative: Up to 8 % of the monies to be used by CDOT for own respective LEAF programs.	Administrative: Up to 8 % of the monies to be used by ADAD for own respective LEAF programs.

80 %: 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 improve enforcement of drunken driving laws 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.

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.

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.

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

The Heat Is On! Campaign

Thanks to participating law enforcement agencies and sponsors, the "Heat is On!" DUI enforcement campaign was extraordinarily successful in 2005. The campaign ran over 7 holiday enforcement periods throughout the year, as well as the National DUI Crackdown and DUI Checkpoint Colorado which runs from Memorial Day through Labor Day. During that time, enforcement agencies targeted certain weekends with large, multi-agency saturation patrols, sobriety checkpoints and increased patrols, resulting in 5450 DUI arrests, a 23 % increase from 2004. This is the highest yearly arrest total in the history of the "Heat is On!" campaign. The campaign targeted various holiday weekends, but is specifically increased during the summer. Colorado Department of Transportation (CDOT) research reveals that since 1995, a high number of 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 continues to be successful! 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 impaired 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 2005, 85 lives were lost during the same period to alcohol-related traffic accidents. This represents a reduction of 39%. DUI arrests statewide have fallen every year since 1999.



DUI Checkpoint Colorado

In 2005, 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 2005 to Labor Day Weekend 2005, checkpoints were scheduled throughout Colorado. At least 1 was scheduled each weekend. The most checkpoints in any weekend were Memorial Day weekend with 29 checkpoints. The level of checkpoints increased from 10 in 2002, 82 in 2003, 105 in 2004, and **154 checkpoints in 2005** 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 2006. The checkpoint activity was publicized considerably both through public service advertising and earned media.

Law enforcement agencies that received federal funds for Checkpoint Colorado in 2005 were the cities of Castle Rock, Denver, Golden, Greeley, Fort Collins, Lakewood, Longmont, Pueblo, and Thornton and Weld County.

During the program period over 40,000 vehicles passed through 154 checkpoints. From these activities, 542 people were arrested for DUI. It should be noted that arrests were also made for weapons violations, 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 miscellaneous reasons. As such, DUI Checkpoint Colorado's effect is not limited to specific DUI cases.

Due to DUI Checkpoint Colorado during the fiscal years 2003, 2004, and 2005 1647 amount of DUI drivers were taken off the roads. During the program period (Memorial Day Weekend - Labor Day Weekend 2005), 85 people died in alcohol related traffic fatalities in Colorado. In 2004, 77 people died in alcohol related traffic fatalities during this same time period. There were 85 alcohol related traffic fatalities during this time period in 2003.

CDOT will look to continue program in 2006. The goal is to have over **150 checkpoints** conducted during the summer. Due to Colorado's variable 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

Evidential Breath Alcohol Testing (EBAT)

LEAF monies fund the EBAT 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.
- ❖ Providing expert witness testimony

2005 LEAF Supported Activities:

- Certification of 368 EBAT devices
- Performed repair and maintenance of 368 EBAT devices and 55 Simulators
- Approved 147 EBAT facilities
- Conducted 7 training classes to certify 90 EBAT Operator-Instructors and 122 Operator-Instructors re-certified by written examination
- Provided materials for 195 Operator training classes certifying 1512 Operators
- Prepared and distributed 2160 units of certified EBAT standard solutions
- Certified 17 laboratories
- Provided proficiency test samples to certified laboratories
- Prepared delayed breath alcohol standards for certified laboratories
- Processed 124 subpoenas
- Provided certified documents for 727 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.

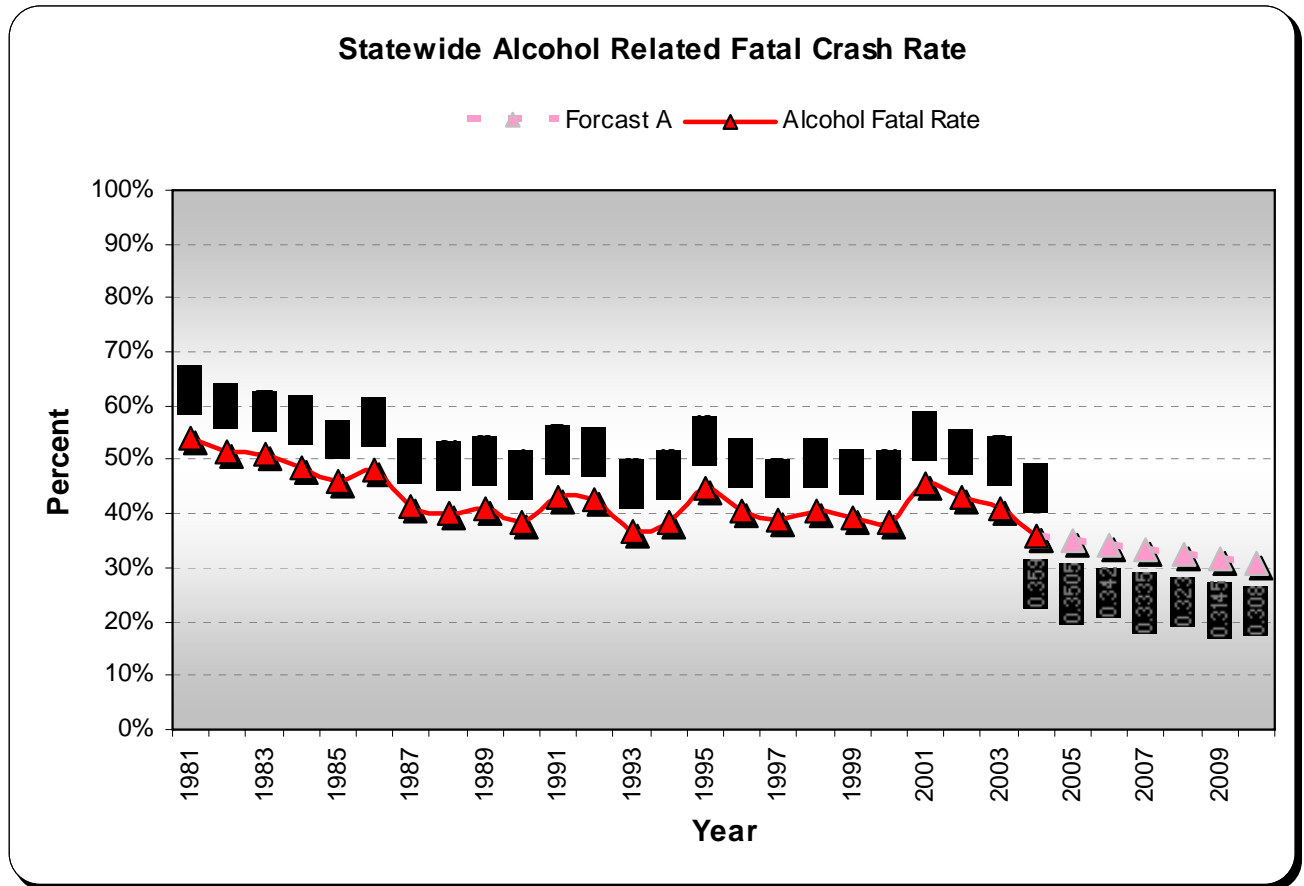
2005 LEAF Supported Toxicology Activities

- 4281 blood specimens were analyzed for alcohol content
- 3440 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 1384 subpoenas for the year 2004
- Provided legal records for 221 DUI and DUID cases
- Provided legal testimony in 62 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 many LEAF communities DUI arrest rates have increased. DUI arrests made by Chaffee County, Colorado Springs, Fountain, Jefferson County, and Northglenn increased by over 15% in 2005. Loveland dramatically increased their arrests by 47%. The data indicates that the 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 2004, alcohol related traffic crashes claimed 249 lives, which was 37.2% of all traffic fatalities in Colorado. In 2005 alcohol related traffic fatalities decreased to 242, though alcohol related traffic fatalities in 2005 were 35.3 % of all traffic fatalities.

DUI ARRESTS OVER THE YEARS

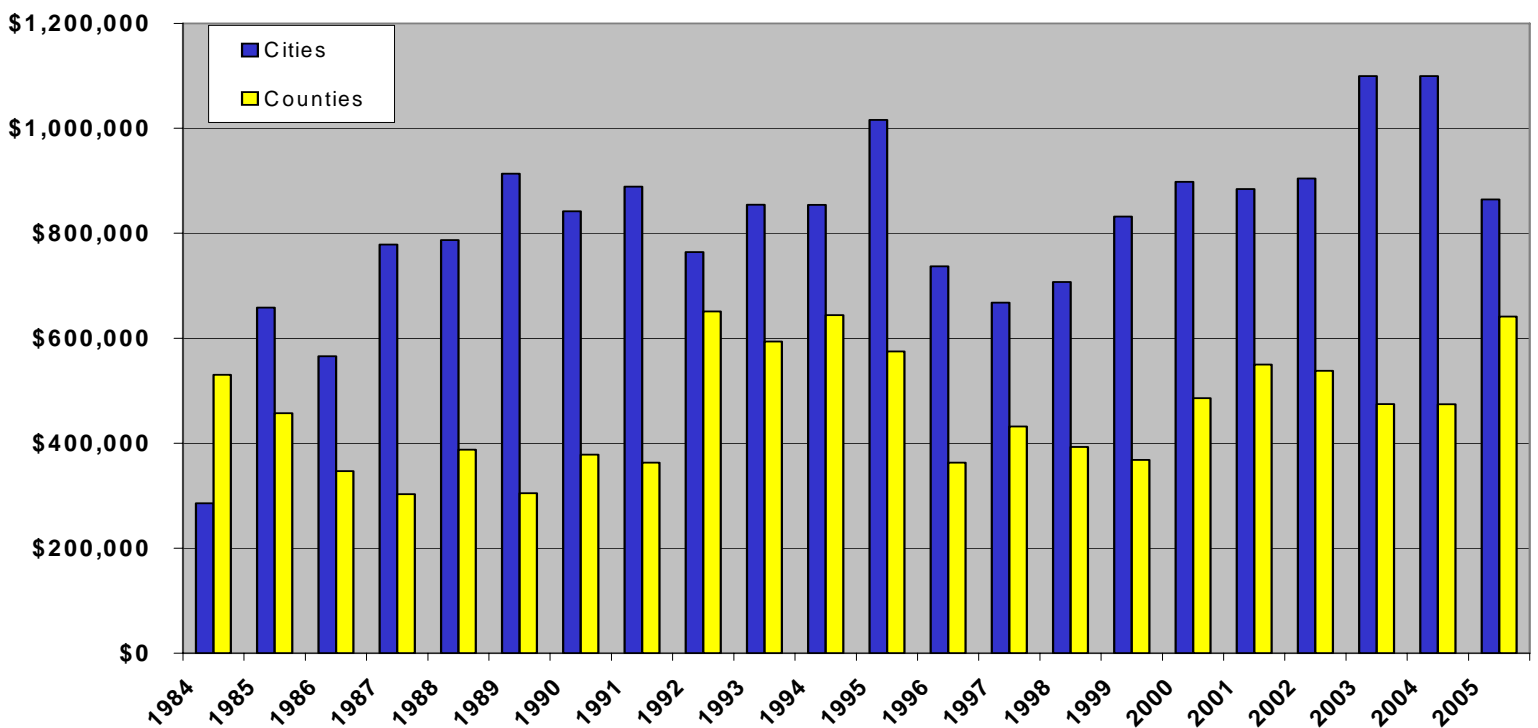
During 2005, LEAF agencies comprised less than 20% of all law enforcement agencies in the state, but they made just over 48% of all the Colorado DUI arrests. Consistent enforcement of Colorado's laws and strong public awareness will be needed to keep the gains that have been made in reducing these deaths.

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	31,852	19,464	61
2005	31,395	15,148	48
TOTAL	820,204	430,563	52%

- **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 \$28,156,122. During calendar year 2005 \$1,318,509 was awarded for 29 city and 21 county LEAF projects. Due to rising DUI enforcement costs and because the fine has not kept up with the rising DUI enforcement costs, a majority of 2005 LEAF funds were allocated for enforcement. In the past, capital equipment, including DUI vehicles and breath testing instruments, could be purchased. The LEAF fine paid by DUI offenders has remained at \$90.00 since 1990. Operating funds can be used to purchase 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 DUI problems. It is strongly urged that attention be given to the achievement of measurable accomplishments resulting from LEAF projects. In other words, how will the impaired driver be affected and

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/Safety/alcohol/rulesand.htm> or you call us at 303 757-9462.)

LEAF Projects funded in 2005

Adams County SO	40,000
Arapahoe County SO	40,000
Aspen PD	35,000
Aurora PD	65,000
Boulder County SO	54,000
Boulder PD	50,000
Brighton PD	61,000
Buena Vista PD	8,000
Chaffee County SO	12,000
Clear Creek Co. SO	18,000
Colorado Springs PD	70,000
Commerce City PD	30,000
Conejos County SO	10,600
Crested Butte Marshall	10,000
Douglas County SO	40,000
Durango PD	50,000
Eagle County SO	35,000
Edgewater PD	21,300
El Paso County SO	50,000
Erie PD	18,000
Federal Heights PD	33,000
Fountain PD	23,500
Ft. Lupton PD	22,000
Gilpin County SO	15,000
Grand County SO	12,000
Grand Junction PD	35,000
Greenwood Village PD	30,000
Idaho Springs PD	10,000
Jefferson County SO	52,500
Lafayette PD	30,000
Lake County SO	7,300
Littleton PD	35,000
Larimer County SO	40,000
Loveland PD	20,000
Manitou Springs PD	6,000
Mesa County SO	40,000
Monte Vista PD	19,000
Montezuma County SO	24,000
Monument PD	9,000
Northglenn PD	30,000
Pagosa Springs PD	28,000
Park County SO	18,000
Parker PD	58,000
Pueblo County SO	55,000
Rio Grande County SO	18,000
Sheridan PD	22,000
Steamboat Springs PD	15,600
Summit County SO	45,000
Teller County SO	15,000
<u>Woodland Park PD</u>	<u>20,000</u>
TOTAL	\$1,505,800

* Counties (21) – Total \$641,400. * Cities (29) – Total \$864,400. The total funds allocated differs from the \$1,318,509 total LEAF funds (p. 11), as the result of incorporating unutilized LEAF funds from past years to 2005 grant funds.

CONCLUSION

This report reflects LEAF agencies have demonstrated that grant funding can assist law enforcement in decreasing the incidences of impaired driving, as well as increase the number of impaired drivers removed from the roadway. Impaired driving continues to be a significant social problem, requiring continuation of the aggressive impaired driving campaign. Long term, 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. The laws that have made a difference in saving lives are in place, but efforts should continue to advocate stronger DUI legislation. The most difficult task remains 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 impaired 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", strengthens this perception of risk.

The Heat Is On! Campaign has promoted coordinated patrols and sobriety checkpoints by municipal police agencies, county sheriffs and the Colorado State Patrol.

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