

EXECUTIVE SUMMARY

The Annual Report for the Law Enforcement Assistance Fund (LEAF) provides an update to the Colorado General Assembly's Transportation Legislative Review Committee on the status of the LEAF program and use of funding. In September 2009 LEAF funds being suspended by Governor Bill Ritter for use by law enforcement to conduct high-visibility enforcement. Without LEAF allocated to Colorado Department of Transportation's (CDOT) for high visibility enforcement, CDOT will suspend producing future annual reports.

The LEAF program was created by statute in 1983 to provide supplemental funding for local and county law enforcement agencies to enforce Colorado's impaired driving laws. The LEAF program funded overtime pay for Colorado law enforcement to conduct saturation patrols and sobriety checkpoints, as well as capitol equipment such as vehicles, breath-testing equipment, and checkpoint signage. The funds were supported by the CDOT's nationally-recognized "*Heat is On!*" public information campaign, which continues to inform the public about DUI laws and increases awareness regarding twelve high-visibility enforcement periods across Colorado. The LEAF was funded by a \$90 fine assessed to drivers convicted of impaired driving offenses.

The CDOT's Office of Transportation Safety administered the LEAF program. Participating law enforcement agencies were chosen to receive funding after undergoing a stringent selection process, which included submitting a detailed plan to address specific impaired driving problems in their community. Agencies received LEAF monies for three consecutive years, and then could reapply after a one-year hiatus. During the existence of LEAF over 31 million dollars was awarded for projects in nearly 70 cities and 40 counties.

The LEAF program was a major component of Colorado's strategy to address impaired driving. During the program's existence from 1983 to 2009, more than half of all DUI arrests in Colorado were made by agencies receiving LEAF funds. In 2008, LEAF agencies took 4596 impaired drivers off state roadways. In 2009, 31,472 impaired drivers were arrested.

The LEAF was successful in reducing alcohol-related crashes and fatalities. Despite the progress, there were still 213 people were killed in alcohol-related traffic crashes in 2008 and 194 in 2009. The need for ongoing increased DUI enforcement, as well as public education about the laws and the consequences, are vital to continue to see a decline in impaired driving fatalities and injuries.

When LEAF was suspended, the CDOT temporarily secured other state funds to continue its high-visibility enforcement programs.

BACKGROUND

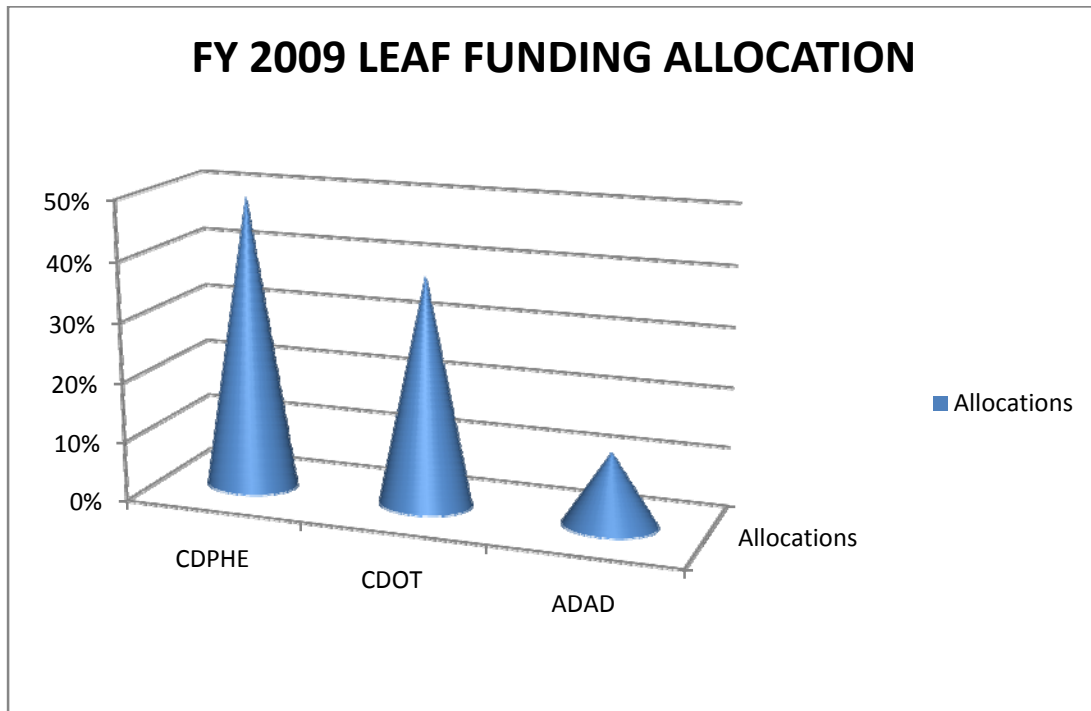
After alcohol-related traffic fatalities reached a record high (468 fatalities) in Colorado in 1981, major changes were made to Colorado's DUI laws during the 1982 and 1983 legislative sessions. Amendments to Colorado Revised Statutes, authorized the Law Enforcement Assistance Fund (LEAF), and required anyone convicted of an impaired driving traffic offense to pay \$75 into the fund.

During the 1990 legislative session, passage of Senate Bill 190 increased the LEAF fee from \$75 to \$90, and reallocated where the money would be deposited.

The general assembly made an annual appropriation out of the moneys in the fund to the department of Public Health and Environment in an amount sufficient to pay for the costs of laboratory services and implied consent specialists.

Eighty percent of the remaining funds shall be deposited in a special drunken driving account within the LEAF fund.

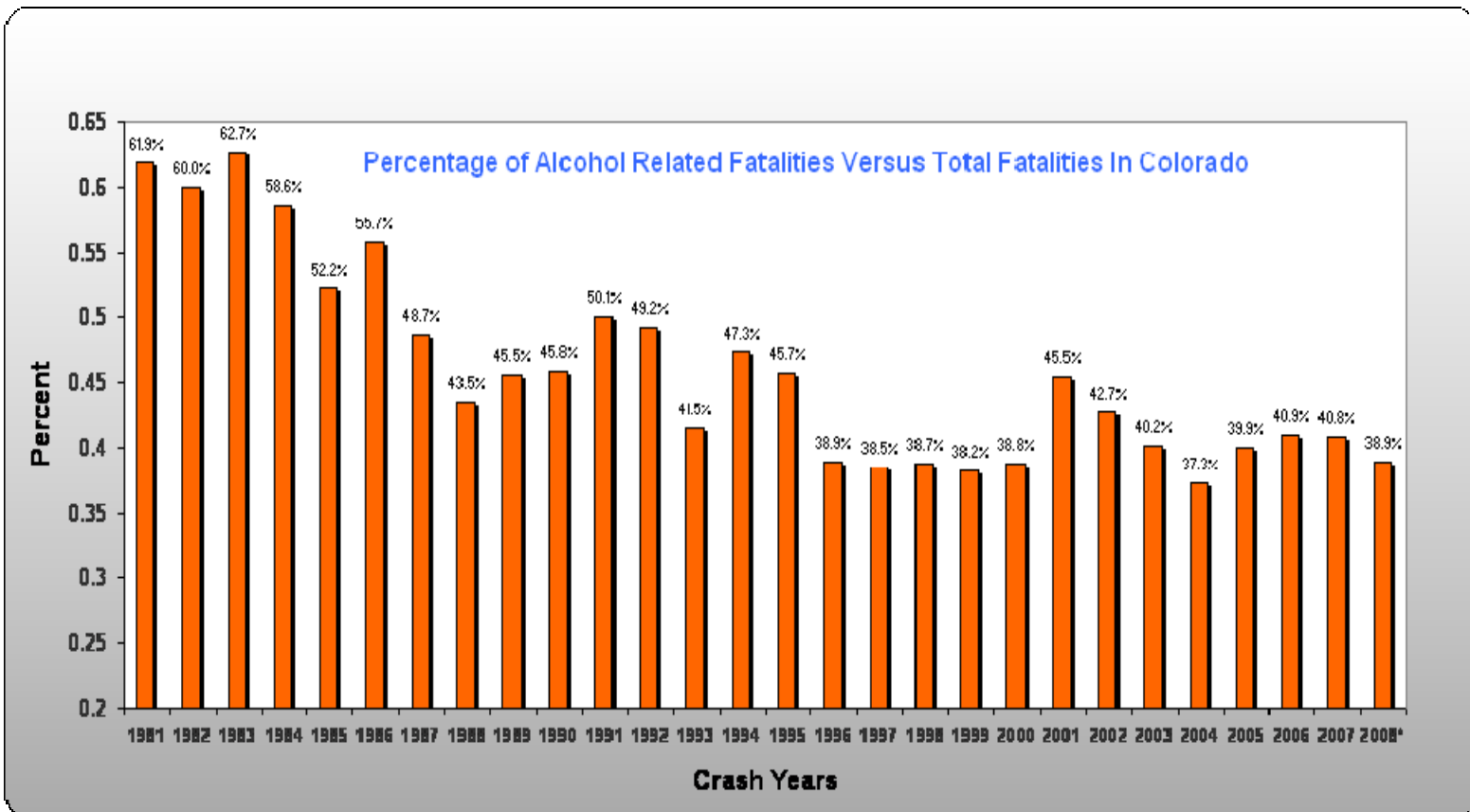
The remaining twenty percent shall be appropriated to the Division of Alcohol and Drug Abuse in the department of human services.



LEAF IMPACT

In 1981, there were 468 alcohol-related traffic fatalities in Colorado a record high. Since that time, the population of Colorado has increased 64% and vehicle travel in Colorado has increased exponentially rising 110 percent. However, 194 people were killed in alcohol-related traffic crashes in 2009, a 54.5% decrease from the 1981 record high. This also reflects a 47.4% decrease from the number of fatalities (405) that occurred in 1983 when the LEAF program was introduced.

The chart below shows that during the existence of the LEAF program, traffic fatalities related to alcohol decreased significantly as a percentage of all motor vehicle fatalities.



DUI ARRESTS OVER THE YEARS

Arrest data is another indicator that enforcement efforts by LEAF agencies were effective strategy in taking impaired drivers off our roadways and make a safer Colorado. In 2008, LEAF agencies comprised only 18% of the 250 law enforcement agencies in the state law enforcement agencies in the state, but they made more than 46% of all annual DUI arrests. In 2009, LEAF agencies comprised only 18% of all law enforcement agencies in the state, but they made more than 46% of all annual DUI arrests. More than half of all DUI arrests from 1983 to 2009 were made by LEAF agencies.

Percentage of LEAF Arrests 1983-2009

YEAR	Colorado POPULATION	STATEWIDE ARRESTS	LEAF ARRESTS	% of ARRESTS BY LEAF
1983	2,889,964	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	3,294,394	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	4,301,261	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		31,442	19,148	48
2006		31,395	19,835	63
2007	4,753,000	39,568	18,248	46
2008		30,958	18,005	58
2009		31,472	2,155	14
TOTAL		953,644	454,398	51

LEAF Projects Funded in 2009

Adams County SO	\$20,000.00
Alamosa PD	\$15,000.00
Arapahoe County SO	\$40,000.00
Arvada PD	\$30,000.00
Aurora PD	\$45,000.00
Basalt PD	\$ 5,500.00
Boulder PD	\$40,000.00
Boulder County SO	\$40,000.00
Brighton PD	\$25,000.00
Brush PD	\$ 5,500.00
Chaffee County SO	\$12,600.00
Cherry Hills Village PD	\$15,000.00
Colorado Springs PD	\$85,000.00
Commerce City PD	\$15,000.00
Cortez PD	\$12,000.00
Crested Butte Marshal's Office	
Custer County SO	\$ 5,000.00
Douglas County SO	\$25,000.00
Durango PD	\$15,000.00
Edgewater PD	\$ 7,000.00
El Paso County SO	\$20,000.00
Elbert County SO	\$ 5,000.00
Erie PD	\$ 5,000.00
Estes Park PD	\$ 5,000.00
Evans PD	\$10,000.00
Fountain PD	\$10,000.00
Fremont County SO	\$ 5,000.00
Gilpin County SO	\$10,000.00
Glenwood Springs PD	\$ 5,000.00
Gore Rage DUI Task Force - Avon PD, Vail PD, Eagle PD, Minturn PD, Basalt PD, Eagle SO	\$50,000.00
Grand Junction PD	\$20,000.00
Greenwood Village PD	\$10,000.00
Gunnison PD	\$ 5,000.00
Jefferson County SO	\$45,000.00
Lafayette PD	\$20,000.00
Lamar PD	\$ 5,000.00
Larimer County SO	\$45,000.00
Las Animas County SO	\$10,000.00
Littleton PD	\$15,000.00
Loveland PD	\$20,000.00
Manitou Springs PD	\$ 7,500.00

Mesa County SO	\$35,000
Milliken PD	\$ 5,000
Montezuma SO	\$10,000
Monument PD	\$ 5,000
Northglenn PD	\$10,000
Parker PD	\$ 7,500
Pitkin County SO	\$20,731
Platteville PD	\$ 5,000
Pueblo County SO	\$28,000
Saguache County SO	\$ 5,000
Steamboat Springs PD	\$10,000
Summit County SO, Breckenridge PD, Frisco PD, Silverthorne PD and Dillon PD	\$15,000
Teller County SO	\$15,000
Weld County SO	\$23,000
Woodland Park PD	\$ 7,000

Total \$998,331

CERTIFICATION PROGRAM

Evidential Breath Alcohol Testing (EBAT)

Individuals arrested for impaired driving are offered a chemical test of their blood or breath to determine the alcohol concentration in their blood. . Many of individuals select a breath test. Evidential Breath Alcohol Testing (EBAT) is accomplished by using the Intoxilyzer Model 5000 Enhanced called the 5000EN. Currently, all law enforcement agencies use the Intoxilyzer 5000EN, which employs advanced electronic technology 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. The instruments were first put into service in 1998 and have a 7 year manufacturer service life. Due to the EBAT Program being certified by the manufacturer to repair the instrumentation down to the component level, the service life will be doubled. During FY2010, the EBAT Program will start the evaluation process for instrumentation replacement in conjunction with seeking funding sources. Projected implementation is expected by July 1, 2012.

LEAF monies fund the Certification Program for Evidential Breath Alcohol Testing (EBAT) at the Colorado Department of Public Health and Environment's Laboratory Services Division (CDPHE/LSD). Governing statutes empower the Colorado Board of Health to approve and enact the Rule 5 CCR 1005-2 which is promulgated by the Department's Certification and EBAT Programs. 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.

LSD is responsible for:

- ❖ Certification of Evidential Breath Alcohol Test (EBAT) Instruments;
- ❖ Training and certification of EBAT Instructors and Operators who perform EBAT tests;
- ❖ Inspection and approval of every facility where EBAT instrumentation is used for testing on an annual basis. Currently about 150 facilities are approved by the Department;
- ❖ Maintaining a centralized, factory certified, repair facility at the state lab that is used for the EBAT instrumentation and associated equipment.
- ❖ Establish and enforce the forensic toxicology laboratory standards of performance and certification procedures used for both EBAT testing and of public and private forensic toxicology laboratories performing testing for DUI/DUID purposes;
- ❖ Providing certified records and documents to legal community;
- ❖ Providing expert witness testimony.

2010 LEAF Supported Activities:

- Performed repair, maintenance and certification of 403 Intoxilyzer 5000EN's in addition to the repair and maintenance of the approximately 400 Simulators used for EBAT testing;
- Conducted 6 training classes and certified 92 EBAT Instructors;

- Provided materials for 196 Operator training classes initially certifying 1381 Operators and re-certified 494 Instructors;
- Prepared and distributed 2360 bottles of certified EBAT standard alcohol solutions;
- Inspected and certified 10 forensic toxicology laboratories performing testing for DUI/DUID purposes;
- Processed 808 individual record requests for discovery and/or CORA purposes;
- Contacted approximately 600 times to provide technical support and/or regulatory guidance.
- Received and processed 250 individual subpoenas.
- Provided expert witness court testimony 37 in most Judicial Districts throughout the state.

The Table below was taken from the Laboratory Services Division Annual Report.

EVIDENTIAL BREATH ALCOHOL TESTING	FY 09	FY 10
<i>Alcohol Test Program (LEAF)</i>		
Alcohol standard solutions	2,240	2,360
Breath test operator/instructor certification	1,575	1,875
<i>Certification of EBAT Instructors</i>	N/A	494
<i>Certification of EBAT Operators</i>	N/A	1,381
Instrument Certification	320	403
Facility on-site inspections	133	195
Number of facilities cited for deficiencies	53	60
Proficiency Testing/QA	N/A	N/A
Certified record requests and subpoenas processed	1,190	1,058
Alcohol Class Kits Prepared	212	196
Technical and Court Assistance/Expert Testimony	645	887
<i>Subpoenas Processed</i>		250
<i>Legal Testimony (Court Appearances/Affidavits/Opinions)</i>	N/A	37
<i>Stakeholder Contacts (Technical/Regulatory Assistance)</i>	N/A	600
Number of law enforcement officers trained annually in the proper usage and maintenance of breathalyzer equipment.	1,575	1,875

The information above was obtained from the Colorado Department of Public Health and Environment – Laboratory Services.



THE HEAT IS ON! 2009 CAMPAIGN

The *Heat Is On* campaign is the high-visibility component of Colorado's DUI enforcement efforts and was a critical part of the LEAF program. It continues to publicize at least 12 high-visibility enforcement periods each year to deter impaired drivers and educate the public about the state's impaired driving laws. The *Heat Is On* campaign is conducted by CDOT's public relations office. It is federally funded and employs the use of media relations, advertising and community outreach to reach a target audience of men, ages 18 to 34. Since 1996, this campaign has been extremely successful in helping reduce the number of impaired driving fatalities.

In 2009, CDOT's public relations office generated more than 750 news stories about the *Heat Is On* enforcement through media outreach. LEAF agencies were instrumental in ensuring media coverage for the campaign. Law enforcement officers participated in media events and were interviewed by the media in both English and Spanish.

Highlights of the 2009 campaign included the continuation of "Plan Ahead Colorado" to encourage holiday party-goers to designate a sober driver or take alternative transportation. The campaign had a special Web site, as well as partnerships with businesses to distribute cab vouchers. During the summer of 2009, CDOT launched "100 Days of Heat" summer DUI campaign, which resulted in a record-low number of alcohol-related fatalities over the summer.

CDOT partnered with the Colorado Rockies in a sponsorship that included ballpark signage, announcements and a news conference at Coors Field. A statewide media tour was held during the national DUI crackdown in August 2009, which kicked off with a news conference at Cherry Creek State Park to remind folks that from "Roads to Reservoirs, the

Heat is On!" CDOT also continued its Spanish-language outreach with interactive booths at community events such as Cinco de Mayo, the Adams County Fair Charreada and El Grito. A campaign targeting college-age students was also conducted 2009.



The Heat Is On campaign was also supported by a paid media effort, which included advertising on gas pump toppers, wrapped ice chests, convenience store windows, buses and radio spots statewide.

2009 high-visibility enforcement periods included:

Super Bowl Weekend
St. Patrick's Day Weekend
Prom Season
Memorial Day Weekend
June Checkpoints
Independence Day Weekend
NHTSA National Crackdown in August
Labor Day Weekend
Halloween Weekend
Thanksgiving Week
Holiday Party Enforcement
New Year's Eve

Checkpoint Colorado

LEAF was complimented by the DUI Checkpoint Colorado program. In 2009, there were 10 law enforcement agencies selected to participate in DUI Checkpoint Colorado, including the police departments of Aurora, Colorado Springs, Denver, and Westminster and the Sheriff's departments of El Paso, Jefferson, Larimer, Pueblo and Weld counties. These agencies were chosen based on areas of the state identified as having a high rate of alcohol-related fatalities and crashes. NHTSA research shows that in locations where checkpoints routinely occur, the number of alcohol-related traffic fatalities and crashes decline. The 10 agencies worked cooperatively with LEAF agencies to conduct high visibility sobriety checkpoints between Memorial Day and Labor Day 2008.

In the 2009 Checkpoint Colorado campaign, there were 10 agencies that conducted 91 checkpoints around the state during a 123 day period, where 64,644 vehicles were contacted. Overall, law enforcement dedicated approximately 5,129 hours to this DUI enforcement effort, which resulted in 548 DUI arrests, numerous felony, drug, and warrant arrests, and several persistent drunk drivers and habitual traffic offenders. Preliminary data that has not yet been finalized from Colorado FARS indicates a 4% decrease in fatalities from alcohol related crashes in 2009 from 2008, although the number of alcohol related crashes remains unchanged. This effort will continue in 2010.

Due to Colorado's variable weather, a yearlong effort is not practical. Nonetheless, when coupled with Colorado's other intensive yearlong counter-DUI programs such as the *Heat is On!* Campaign and LEAF program, *DUI Checkpoint Colorado* improves the probability of achieving stated goals and plays an integral role in the continuous effort to combat impaired driving.

CONCLUSION

The LEAF program has played a significant role in reducing both the number of impaired drivers on Colorado roadways and the number of alcohol-related crashes and fatalities. While the population of Colorado doubled during the existence of LEAF, the number of people killed in impaired driving crashes declined by 50 percent.

In September 2009, LEAF was suspended by Governor Bill Ritter. See Governor's order link below.

<http://www.colorado.gov/cs/Satellite/GovRitter/GOVR/1251570038724>