



Colorado Department of Transportation
Office of Transportation Safety
Highway Safety Office
FY 2013 Law Enforcement Assistant Fund
Annual Report

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Introduction

The Law Enforcement Assistance Fund (LEAF) was created by the Colorado General Assembly for the prevention of drunken driving and to improve the enforcement of laws pertaining to driving under the influence of alcohol and other drugs. The fund is derived from penalties assessed and paid by every person who is convicted of, pleads guilty to, or receives a deferred sentence pursuant to Section 16-7-403 C.R.S. for a violation of any of the offenses specified in Section 42-4-1202 (1) or (1.5). Municipalities, cities and counties, or counties which have established qualified programs to coordinate efforts to prevent drunken driving and enforce drunken driving laws, are eligible to receive moneys from the Fund.

Nature and Purpose of Program

A portion of funding collected from Driving Under the Influence (DUI) of alcohol and/or drug(s) offenders is allocated the Colorado Department of Transportation for distribution to eligible Colorado Law Agencies to be used for focused impaired driving enforcement.

LAW ENFORCEMENT ASSISTANCE FUND (LEAF)
2 CCR 601-21

Statement of Basis and Purpose and Statutory Authority

Section 43-4-403 C.R.S. (2011) provides the Department of Transportation with the authority to promulgate rules regarding the Law Enforcement Assistance Fund.

These Rules became effective on March 2, 1983 with the enactment of § 43-4-401 et seq. C.R.S. creating the Law Enforcement Assistance Fund ("LEAF"). The rules have not been amended since inception. While at present the department of transportation does not receive any of the collected funds, the Department is amending the rules in order to update them to conform to changes in statute and to eliminate any unnecessary language, in the event the program receives funding in the future.

The purpose of the LEAF is to:

1. Increase and improve the enforcement of the laws pertaining to Impaired Driving offenses;
2. Increase public awareness of the problems and impacts created by impaired Driving and the consequences resulting from arrest and conviction of Impaired Driving - offenses; and
3. Coordinate the efforts of a municipality, county or city and county within its own jurisdiction and with other jurisdictions in establishing and administering a qualified program.

1.00 Definitions

1.01 "Impaired Driving" shall mean driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle. See § 42-4-1301(g) C.R.S. (2011).

1.02 "Department of Transportation" ("Department" or "CDOT") shall mean the department created pursuant to § 24-1-128.7 C.R.S. (2011).

1.03 "Office of Transportation Safety" ("OTS") shall mean the Office at the Department of Transportation pursuant to § 24-42-101 et seq. C.R.S. (2011).

2.00 Application Requirements and criteria for funding allocations

2.01 Eligible applicants are Colorado municipalities, city and counties, or counties which establish a qualified program to coordinate efforts to prevent impaired driving and enforce laws pertaining to Impaired Driving. Code of Colorado Regulations 2.

2.02 The OTS will review each application and evaluate which applicants can most effectively demonstrate that an award of funds from the LEAF shall have the greatest impact on impaired driving related crashes, injuries and fatalities. The application shall be evaluated based on the following elements:

2.02.1 A complete description of proposed program activities, goals and objectives to be achieved.

2.02.2 Project Goals: Provide A broad statement about what the program expects to achieve. The goal is the description of the final anticipated outcome or result.

2.02.3 Objectives: Include objectives which are clear, realistic, specific and measurable. Objectives expound on how the goal(s) will be met.

2.02.4 Activities Include Activities which will comprise the plan of operation for the project. In a detailed and concise way describe how the activities will achieve each objective.

2.02.5 Community Collaboration and Support: The Application should demonstrate that partnerships exist or are being developed. Identify partnerships and planning groups that were included in the planning and implementation of this program.

2.02.6 Agency Qualifications: Describe the applicant agency's resources and skills to adequately manage the project.

2.02.7 Project Evaluation: Describe the evaluation strategy that will be used to show project effectiveness and document successful activities. An evaluation plan should be designed so that an independent observer can confirm or measure whether or not the objectives have been met and progress was made toward the goal(s).

2.02.8 A statement of how the applicant will educate the public regarding impaired driving offenses.

2.02.9 Budget Narrative: Provide a detailed justification and explanation of budget items.

3.00 Application Procedures

3.01 The OTS will make application forms available through an announcement on the Department's website.

3.02 Applications must be received by the OTS annually on or before the third Friday of April.

3.03 Applications received after the deadline shall not be considered.

3.04 Each applicant will receive written notification of the action taken on its application.

4.00 Fiscal and Accounting Requirements

4.01 Reimbursement to entities shall be made on a quarterly basis for costs incurred as specified in the agreement between the OTS and the entity.

4.02 The entities must present itemized accountings to the OTS with billings and other records and receipts as required to support each item claimed. The OTS shall provide reimbursement forms on request. Code of Colorado Regulations 3.

4.03 Capital equipment purchased with funds from the LEAF must be used for LEAF purposes throughout the useful life of the equipment and maintained in accordance with the rules and guidelines established and approved by the Colorado Department of Transportation. If the equipment is used for other purposes, the value of the equipment at that time it is no longer used for its intended purpose shall be repaid to the LEAF.

43-4-402. Source of revenues - allocation of moneys

(1) The general assembly shall appropriate moneys annually to the fund in the general appropriation bill. In addition to any other penalty imposed pursuant to [section 42-4-1307, C.R.S.](#), every person who is convicted of, pleads guilty to, or receives a deferred sentence pursuant to [section 18-1.3-102, C.R.S.](#), for a violation of any of the offenses specified in [section 42-4-1301 \(1\) or \(2\), C.R.S.](#), shall be required to pay seventy-five dollars, which shall be deposited into the fund, and fifteen dollars, which shall be deposited into the county treasury of the county in which the conviction occurred.

(2) (a) The general assembly shall make 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, which costs were previously paid out of the highway users tax fund. Of the moneys remaining in the fund, eighty percent shall be deposited in a special drunken driving account within the fund, which account is hereby created, and shall be available immediately, without further appropriation, for allocation by the transportation commission to the office of transportation safety, which shall allocate such moneys in accordance with the provisions of [section 43-4-404 \(1\) and \(2\)](#). The remaining twenty percent shall be appropriated by the general assembly to the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, which shall use such moneys for the purposes stated in [section 43-4-404 \(3\)](#). The office of transportation safety and the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, may use such amounts from the moneys allocated or appropriated to them by this subsection (2) as may be necessary for the purpose of paying the costs incurred by the office and unit in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor said unit may use for such purpose an amount which exceeds eight percent of the moneys allocated or appropriated.

FINANCING
ARTICLE 4.FINANCING
PART 4. LAW ENFORCEMENT ASSISTANCE FUND FOR THE PREVENTION OF
DRUNKEN DRIVING

C.R.S. **43-4-403** (2013)

43-4-403. Drunken driving prevention and law enforcement program - minimum requirements

Any municipality, city and county, or county which establishes a qualified program to coordinate efforts to prevent drunken driving and enforce the laws pertaining to alcohol- and drug-related traffic offenses shall be eligible to receive moneys from the fund. The minimum requirements for such a qualified program shall be established by rules and regulations promulgated by the office of transportation safety in the department of transportation, which rules and regulations shall provide for programs, including but not limited to, programs to educate the public regarding alcohol- and drug-related traffic offenses

TITLE 43. TRANSPORTATION
FINANCING
ARTICLE 4.FINANCING
PART 4. LAW ENFORCEMENT ASSISTANCE FUND FOR THE PREVENTION OF
DRUNKEN DRIVING

C.R.S. **43-4-404** (2013)

43-4-404. Formula for allocation of moneys

(1) The office of transportation safety shall allocate not less than thirty percent and not more than fifty percent of the moneys allocated to the office pursuant to [section 43-4-402 \(2\)](#) to counties that have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner that will improve enforcement of drunken driving laws. To this end, rules for the distribution of these moneys shall be developed by the office of transportation safety. The office shall report annually to the transportation legislation review committee on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by counties and not for statewide programs.

(2) The office of transportation safety shall allocate not less than fifty percent

and not more than seventy percent of the moneys to municipalities and city and counties that have established a qualified drunken driving prevention and law enforcement program. The intent of the general assembly is that these moneys be expended in a manner that will improve enforcement of drunken driving laws. To this end, rules for the distribution of these moneys shall be developed by the office of transportation safety. The office shall report annually to the transportation legislation review committee on the distribution and expenditure of these funds and the nature and purpose of the programs. All moneys appropriated hereunder shall be used for drunken driving prevention and law enforcement improvement by municipalities and city and counties and not for statewide programs.

(3) The moneys in the fund appropriated to the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, pursuant to [section 43-4-402 \(2\)](#) shall be used to establish a statewide program for the prevention of driving after drinking, which includes educating the public in the problems of driving after drinking, training of teachers, health professionals, and law enforcement in the dangers of driving after drinking, preparing and disseminating educational materials dealing with the effects of alcohol and other drugs on driving behavior, and preparing and disseminating education curriculum materials thereon for use at all levels of school. The unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, is authorized to contract with a qualified private corporation to provide all or part of these services and shall promulgate standards for said program.

Funds may be used for enforcement during events or times that would have an effect on traffic safety because of impaired driving offenses, outside of the impaired driving High Visibility Enforcement (HVE) periods.

Total LEAF Allocations

Colorado Department of Transportation \$ 459,000.00

CDOT LEAF FY2013 Budget

In fiscal year 2013 CDOT received \$459,000 in total revenue from LEAF.

LEAF Administration \$ 33,720 (7.3%)

LEAF Out of State Travel \$ 3,000 (8%)

LEAF Contracts Total \$422,280

2013 LEAF ENFORCEMENT DATES

DAYS OF ENFORCEMENT	AFTER 0300 HOURS ON:	UNTIL 1800 HOURS ON:	ENFORCEMENT <u>BETWEEN</u> THE BELOW HVE PERIODS:	CLAIM, REPORTING, AND MISCELLANEOUS INFORMATION
30	JANUARY 2 WEDNESDAY	FEBRUARY 1 FRIDAY	NEW YEAR'S AND SUPER BOWL	CLAIMS FOR REIMBURSEMENT AND PROGRESS REPORTS ARE DUE <u>QUARTERLY</u> .
39	FEBRUARY 4 MONDAY	MARCH 15 FRIDAY	SUPER BOWL AND ST. PATRICK'S	
19	MARCH 18 MONDAY	APRIL 6 SATURDAY	ST. PATRICK'S AND PROM	1st QTR (JULY THROUGH SEPTEMBER) 11/14 2nd QTR (OCTOBER THROUGH DECEMBER) 02/14 3rd QTR (JANUARY THROUGH MARCH) 05/15 FINAL (APRIL THROUGH JUNE) 08/14
5	MAY 19 SUNDAY	MAY 24 FRIDAY	PROM AND MEMORIAL DAY	
36	MAY 28 TUESDAY	JULY 3 TUESDAY	MEMORIAL DAY AND 4TH OF JULY	FUNDING ENDS AT MIDNIGHT ON JUNE 30
39	JULY 8 MONDAY	AUGUST 16 FRIDAY	4TH OF JULY AND LABOR DAY	AGENCIES CAN WORK LEAF DURING CHECKPOINT COLORADO, AS LONG AS IT IS NOT DURING THE MEMORIAL DAY, JULY 4TH, OR LABOR DAY ENFORCEMENT PERIODS
3	SEPTEMBER 3 TUESDAY	SEPTEMBER 6 FRIDA	LABOR DAY AND FALL FESTIVALS	
9	OCTOBER 21 MONDAY	OCTOBER 30 THURSDAY	FALL FESTIVALS AND HALLOWEEN	
21	NOVEMBER 4 MONDAY	NOVEMBER 26 TUESDAY	HALLOWEEN AND THANKSGIVING	
3	DECEMBER 2 MONDAY	DECEMBER 6 FRIDAY	THANKSGIVING AND HOLIDAY PARTIES	
14	DECEMBER 16 MONDAY	DECEMBER 27 FRIDAY	HOLIDAY PARTIES AND NEW YEAR'S EVE	
217	DAYS OF ENFORCEMENT			

Funded in FY2013

Sheriff's Offices (SO) received \$191,000 in LEAF funds. SO's received 45% of funds

Sheriff's Offices

	<u>Funded Amount</u>	<u>Total Funds Spent</u>	<u>LEAF Arrests</u>
Arapahoe County SO	\$ 20,000.00	\$ 17,852.90	388
Boulder County SO	\$ 20,000.00	\$ 19,421.80	55
Gore Range DUI Task Force (Eagle County SO)	\$ 25,000.00	\$ 16,438.00	22
Jefferson County SO	\$ 9,000.00	\$ 7,105.36	9
Larimer County SO	\$ 40,000.00	\$ 8,543.42	10
Mesa County SO	\$ 20,000.00	\$ 4,724.32	57
Montezuma County SO	\$ 5,000.00	\$ 663.00	4
Pitkin County SO	\$ 10,000.00	\$ 3,578.70	6
Pueblo County SO	\$ 23,000.00	\$ 2,184.62	3
Teller County SO	\$ 10,000.00	\$ 1,142.08	14
Weld County SO	\$ 9,000.00	\$ 2,930.00	13
SO Received	\$191,000.00	\$ 84,584.20	
SO's Spent		\$ 84,584.20	
SO's Total Arrests			581

Police Departments received \$231,280 in LEAF funds. PDs receive 55% of funds.

Police Departments

	<u>Funded Amount</u>	<u>Total Funds Spent</u>	<u>LEAF Arrests</u>
Colorado Springs PD	\$ 12,000.00	\$ 6,599.75	28
Cortez PD	\$ 5,000.00	\$ 4,621.41	13
Erie PD	\$ 1,300.00	\$ 813.90	2
Fort Collins PS	\$ 20,000.00	\$ 4,745.90	67
Frisco PD	\$ 10,000.00	\$ 4,100.00	7
Glenwood Springs PD	\$ 2,800.00	\$ 606.12	10
Golden PD	\$ 5,000.00	\$ 1,817.80	58
Grand Junction PD	\$ 10,280.00	\$ 10,683.00	97
Greenwood Village PD	\$ 17,000.00	\$ 12,150.29	35
Lafayette PD	\$ 8,000.00	\$ 4,889.31	81
Lakewood PD	\$ 29,000.00	\$ 29,227.00	227
Longmont PD	\$ 15,000.00	\$ 7,197.84	309
Parker PD	\$ 10,000.00	\$ 9,203.52	73
Salida PD	\$ 7,500.00	\$ 1,288.20	20
Silt PD	\$ 3,400.00	\$ 1,569.34	0
Thornton PD	\$ 35,000.00	\$ 34,002.46	114
Westminster PD	\$ 24,000.00	\$ 22,183.56	63
Wheat Ridge PD	\$ 10,000.00	\$ 7,729.70	1
Woodland Park PD	\$ 6,000.00	\$ 5,305.82	5
Police Departments Received	\$ 231,280.00	\$168,734.92	
Police Department Spent		\$ 168,734.92	
Total PD's Arrest			1,210
Total LEAF for PD's and SO's arrests			1,791

LEAF Summary

- In 2013, CDOT/OTS received \$422,280 in LEAF funding to allocate to Sheriff's Offices and Police departments.
- The Sheriff's Offices received \$191,000. \$ 84,584.20 of those funds were spent. Which amounts to 45% of the funds allocated.
- The Police Department's received \$231,280 in funding. \$ 168,734.92 of those allocated funds was spent. Which amounts to the 55% of the funds allocated.
- The total amount of arrest made using LEAF funds was 1,791. 1210 of those arrest were made by Police Departments and the remaining 581 were made by the Sheriff's Offices.

For more information, contact:

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