



STATE OF COLORADO

Impaired Driving Program Assessment

January 22 – 26, 2024

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ACKNOWLEDGEMENTS

The Impaired Driving Program Assessment Team members acknowledge and thank Darryl Link, Colorado Department of Transportation (CDOT), Director of Transportation Safety, for his support in making this assessment possible. The team would particularly like to recognize and thank Glenn Davis, CDOT, Highway Safety Manager; Tuesday Black, CDOT Impaired Driving Program Manager; Brittany Janes, CDOT, Impaired Driving Program Manager; and Lisa Totman, CDOT, Program Support Technician IV, for their extraordinary efforts in planning and coordinating the assessment.

The team thanks the National Highway Traffic Safety Administration (NHTSA) for helping to give a national and regional perspective and support to the assessment. Caroline Cash, NHTSA Impaired Driving Division Senior Highway Safety Specialist, facilitated the assessment with input from Ross Washburn, Regional Program Manager, NHTSA Region 8. The team also thanks Belinda Oh, Administrative Assistant, for her coordination and management of the production of the final report and support to the team.

The team also thanks each of the participants for the time and energy invested in answering questions both virtually and on-site. Their candor and thoroughness in discussing their activities to address impaired driving in Colorado greatly assisted the team in conducting a complete review. The assessment team commends all who are involved in the day-to-day efforts to reduce impaired driving in Colorado.

This report is based on a review of the State's Impaired Driving Program. It is intended to assist Colorado's efforts to enhance the effectiveness of its impaired driving program by equipping the criminal justice community, prevention and treatment leaders, stakeholders, and law enforcement officials with the knowledge and skills to protect Coloradans from those who drive impaired.

The team believes that this report will contribute to Colorado's efforts to enhance the effectiveness of its impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Colorado's roadways.

INTRODUCTION

The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes. In its ongoing pursuit to reduce impaired driving traffic crashes and subsequent fatalities and injuries, NHTSA offers Highway Safety Program Assessments to the states.

The Highway Safety Program Assessment process is an assistance tool that reviews various highway safety and emergency medical services (EMS) programs. Program assessments are provided for EMS, occupant protection, impaired driving, traffic records, motorcycle safety, standardized field sobriety testing, driver education, and pedestrian and bicyclist safety.

The assessment report can be used as a management tool for planning purposes and for making decisions about how to best use available resources. The highway safety and EMS program assessments provide an organized approach, along with well-defined procedures, that states can use to meet these objectives. The assessments are cooperative efforts among state highway safety offices, state EMS offices, and NHTSA. In some instances, the private sector is also a partner in the effort.

Program assessments are based on the “Uniform Guidelines for State Highway Safety Programs,” which are required by Congress and periodically updated through a public rulemaking process. For each highway safety program area, the criteria against which each state program is assessed have been developed through use of the uniform guidelines, augmented by current best practices.

NHTSA staff facilitates the assessment process by assembling an assessment team of subject matter experts in traffic safety program development and evaluation, to review all components of a given highway safety or EMS program, note the program’s strengths and accomplishments, and note where improvements can be made.

The State of Colorado requested NHTSA’s assistance in assessing the State’s alcohol and drug impaired driving countermeasures program to comply with 23 CFR 1200.23 promulgated under Moving Ahead for Progress in the 21st Century (MAP-21) to qualify for the Impaired Driving Countermeasures Grant. Under MAP-21, states that have an average impaired driving fatality rate that is 0.60 or higher are considered high-range states. States are considered mid-range if their rate is lower than 0.60 but higher than 0.30 and low-range if their rate is 0.30 or lower. Colorado is considered a mid-range state and was therefore not required, but voluntarily requested a NHTSA-facilitated assessment of the State’s impaired driving program.

The on-site portion of the Colorado Impaired Driving Program Assessment was conducted at the Omni Interlocken Hotel in Broomfield, CO from January 22-26, 2024. Arrangements were made for program experts (see On-site Agenda) to deliver briefings and provide support materials to the team on a wide range of topics over a two and a half day period.

STATE BACKGROUND

In 2022, Colorado lost 764 lives to traffic fatalities – the most roadway deaths the State has seen in the last 41 years. This is a 61 percent increase from just 10 years ago and includes 286 lives lost to impaired driving. Traffic safety has been affected by a multitude of factors including decreased enforcement on roadways and riskier driving behavior including excessive speed, a lack of appropriate restraint use, and impaired driving.

The U.S. Census Bureau estimated the population of Colorado at 5,877,610 as of July 1, 2023, a 1.80 percent increase since the 2020 U.S. Census. Colorado saw a population growth of 19.25 percent from 2010 to 2023, making Colorado the state with the sixth fastest percentage rate of growth in the U.S. The 2022 race/ethnicity percentages for Colorado were Hispanic 22.52 percent; White alone, non-Hispanic 66.48 percent; Black or African American 4.11 percent; Asian 3.55 percent; Native Hawaiian or Other Pacific Islander 0.16 percent; American Indian and Alaska Native 0.63 percent.

According to the U.S. Census Bureau, the median income in Colorado for householders under 25 years old is \$38,851. Median income for householders aged 25 to 44 years old is \$79,428, those aged 45 to 64 years old is \$88,694, and those 65 and older is \$52,423. The cost of living in Colorado is six percent higher than the national average. Housing is 21 percent higher than the national average, while utilities are eight percent lower.

With a large surface area of 104,094 square miles, Colorado is the eighth largest state in the U.S., but it is relatively sparsely populated when compared to the overall size. Some of the terrain is harsh, and the vast Rocky Mountain range accounts for a significant proportion of the State's land mass. The Interstate Highway System covers approximately 956 miles (1,539 km) in Colorado which consists of three primary highways and two auxiliary highways. There are also a total of 17 active business routes in the State, 13 of which are business routes off I-70.

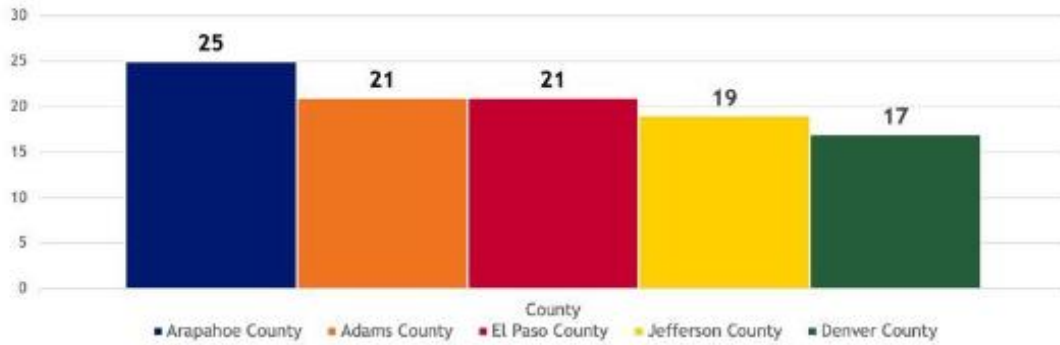
According to the 2022 annual tourism report published by the Colorado Tourism Office, Colorado saw a record high of \$27.7 billion in travel spending and 90 million visitors in 2022. Travel spending in Colorado grew \$5.6 billion from \$22.1 billion in 2021 to \$27.7 billion in 2022, a 25 percent increase. More than 70 percent of that growth is attributed to the Denver Metro Area alone. The Longwoods Travel USA Report indicates that visitation to Colorado increased by 5.8 million visitors from 84.2 million in 2021 to 90 million in 2022, a 6.5 percent increase. Colorado continues to experience increases in tourism and population growth, which cause stress on the transportation environment.

With a 2022 population estimate of 713,252 residents, the City of Denver remains the most populous municipality in Colorado. The five largest counties in Colorado by population are 1) El Paso, 2) Denver, 3) Arapahoe, 4) Jefferson, and 5) Adams. The same five counties also have the largest number of impaired driving fatalities in 2023 but the order changes.



2023 Impaired Driving Fatalities Highest Counties

Statewide Fatalities: 208



Data reported as of 12/5/23. Source: https://www.codot.gov/safety/traffic-safety/assets/fatal-crash-data-city-county/city-and-county-county_fatal_s_2021_20210106.pdf

PRIORITY RECOMMENDATIONS

I. Program Management and Strategic Planning

- Develop a monitoring plan to include more frequent on-site monitoring to ensure that State funds are being used to have the biggest impact on reducing the impaired driving problems in the State.
- Add a State Judicial Outreach Liaison to facilitate judicial education and outreach efforts by exploring state, regional, and national avenues to assist in the identification of a judge to serve in this position.
- Develop a centralized toxicology database to enable more in-depth analysis of blood and breath test results to include live and post-mortem samples.

II. Prevention

- Study the potential impact of increasing the excise tax on alcohol in Colorado.

III. Criminal Justice System

- Make the penalties for refusal of blood alcohol concentration (BAC) test at least as strict as a positive BAC test, making it a criminal offense, not just a civil offense.
- Review current research to determine the validity of having a delta 9 tetrahydrocannabinol permissible inference limit in a driver's blood.
- Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.
- Conduct at least two Drug Recognition Expert schools each year.
- Make plea negotiations to a lesser offense part of the record and count as a prior impaired driving offense.
- Add a State Judicial Outreach Liaison to facilitate judicial education and outreach efforts by exploring state, regional, and national avenues to assist in the identification of a judge to serve in this position.

IV. Communication Program

- Conduct a comprehensive paid media campaign focused on cannabis-impaired driving awareness and the consequences associated with it.

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation

- Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.

VI. Program Evaluation and Data

- Create an automated crash report submission application for all law enforcement statewide to ensure that crash incident reporting is both timely and accurate.
- Link traffic record systems to enable the tracking of each driving under the influence case from citation through to final post-disposition compliance.
- Develop a centralized toxicology database to enable more in-depth analysis of blood and breath test results to include live and post-mortem samples.

I. Program Management and Strategic Planning

Effective impaired driving programs begin with strong leadership, sound policy development, effective and efficient program management, and coordinated planning, including strategic planning. Program efforts should be data-driven, focusing on populations and geographic areas that are most at risk; are evidence-based; and determined through independent evaluation as likely to achieve success. Programs and activities should be guided by problem identification, carefully managed and monitored for effectiveness, and have clear measurable outcomes. Adequate resources should be devoted to the problem, and the costs should be borne, to the extent possible, by impaired drivers. Strategic planning should provide policy guidance; include recommended goals and objectives; and identify clear measurable outcomes, resources, and ways to overcome barriers.

A. State and Tribal DWI Task Forces or Commissions

Advisory

States and tribal governments should convene Driving While Impaired (DWI) task forces or commissions to foster leadership, commitment, and coordination among all parties interested in impaired driving issues. State-level and tribal task forces and commissions should:

- Receive active support and participation from the highest levels of leadership, including the governor and/or governor's highway safety representative.*
- Include members that represent all interested parties, both traditional and non-traditional, such as representatives of: government – highway safety, enforcement, criminal justice, liquor law enforcement, public health, education, driver licensing and education; business – employers and unions; the military; medical, health care and treatment; multi-cultural, faith-based, advocacy, and other community groups; and others.*
- Recommend goals and objectives, provide policy guidance and identify available resources, based on a wide variety of interests and through leveraging opportunities.*
- Coordinate programs and activities to ensure that they complement rather than compete with each other.*
- Operate continuously, based on clear authority and direction.*

Status

In 2006, the Colorado General Assembly established the Interagency Task Force on Drunk Driving (ITFDD). In 2014, through legislative action, the title of the ITFDD was changed to the Colorado Task Force on Drunk and Impaired Driving (CTFDID). The mission of the CTFDID is to support the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado through strong partnerships with public, private, and non-profit organizations. The task force was a result of a recommendation from a previous impaired driving program assessment.

The Colorado Highway Safety Office (HSO) serves as the lead agency for the task force and provides information concerning progress and performance. The CTFDID meets monthly to investigate methods to reduce the incidence of drunk and impaired driving and develop recommendations for Colorado regarding the enhancement of government services, education, and intervention to prevent drunk and impaired driving.

The Chair of the CTFDID serves for one year but can be re-elected for additional years. A Lieutenant Colonel with the Colorado State Patrol currently serves as the Chair.

CTFDID voting members include representatives from:

- Colorado Department of Revenue
- Colorado Department of Public Safety
- Statewide Criminal Defense
- Public Defender
- Statewide Alcohol Beverage Off Premises
- Statewide Alcohol Beverage On Premises
- Colorado Department of Public Health and Environment
- Colorado Sheriffs Association
- Peace Officers Standards and Training
- Mothers Against Drunk Driving
- Colorado Department of Transportation
- Colorado Police Chiefs Association
- Colorado State Patrol
- State Court Administration Office
- Colorado District Attorneys' Council
- Victim or Family Member
- Medical Marijuana Retail Dispensary
- Courts
- Marijuana Industry Group
- Colorado Behavioral Health Administration

There are additional task forces that deal with impaired driving on a regional, county, or city level, such as, Pikes Peak DUI Task Force, No DUI Larimer County, and CommonSpirit Health.

The Colorado Impaired Driving Strategic Plan is part of the FY24-26 Triennial Highway Safety Plan (3HSP). Colorado is currently designated as a mid-range state under the Bipartisan Infrastructure Law (BIL). During FY24, BIL allowed mid-range states that applied for 405(d) funds to use a previously submitted impaired driving strategic plan with certain restrictions. The major requirement per 23 CFR 1300.23(e)(3) was that the previously submitted plan must have been approved by the state's task force after the application due date of August 1, 2023. If a state's plan was approved prior to August 1, 2023, the state had the option of submitting an approved Impaired Driving Strategic Plan in compliance with BIL prior to application due date of August 1, 2024. The strategic plan due on August 1, 2024, must be written and approved by the CTFDID to be in compliance with 23 CFR 1300.23(e)(1).

The 3HSP includes the State's goals, objectives, and countermeasure strategies for improving traffic safety, as well as performance measures to evaluate progress. The 3HSP outlines priority highway safety projects and respective funding for a three-year period.

The HSO continues to develop a working relationship with the two federally recognized Native American tribes in the State.

Recommendations

- Develop an Impaired Driving Strategic Plan that is approved by the Colorado Task Force on Drunk and Impaired Driving. This Strategic Plan can assist with the implementation of the assessment recommendations and can serve as a roadmap for the Colorado impaired driving program.
- Ensure that the activities of regional, county, or city task forces and the Colorado Task Force on Drunk and Impaired Driving are mutually shared.
- Promote the participation of regional, county, or city task forces and coalitions in the Colorado Task Force on Drunk and Impaired Driving.

B. Strategic Planning

Advisory

States should develop and implement an overall plan for short- and long-term impaired driving activities. The plan and its implementation should:

- *Define a vision for the state that is easily understood and supported by all partners.*
- *Utilize best practices in strategic planning.*
- *Be based on thorough problem identification that uses crash, arrest, conviction, driver record, and other available data to identify the populations and geographic areas most at risk.*
- *Allocate resources for countermeasures determined to be effective that will impact the populations and geographic areas most at risk.*
- *Include short-term objectives and long-range goals. Have clear measurable outcomes.*
- *Be an integral part of or coordinate with and support other state plans, including the Highway Safety Plan and Strategic Highway Safety Plan.*
- *Establish or adjust priorities based on recommendations provided to the state as a result of reviews and assessments, including this impaired driving assessment.*
- *Assign responsibility and accountability among the state's partners for the implementation of priority recommendations.*

Status

The Colorado Highway Safety Office (HSO) has established specific instructions for the grantees who are applying for grant funds. Specific goals for law enforcement grants include: reduce serious injuries/fatalities and increase citations, contacts, arrests, and number of high-visibility enforcement (HVE) campaigns. Score sheets are completed by the reviewers in the HSO during application review.

The HSO conducts a risk assessment on their grantees to determine the level of monitoring needed. The following factors are considered in the risk assessment: whether it is a new grantee, amount of the award, and previous issues.

On-site monitoring is completed between February and September. A monitoring form must be completed and then approved by the management team. A letter is sent to the grantee within 30 days stating any issues that were identified during the site visit. The Law Enforcement Liaisons conduct monitoring for the grantees who are awarded state funds. Some grantees may only be monitored every two or three years. The federal awarded grants are monitored by HSO personnel; monitoring frequency is determined by the risk assessment completed by the State.

In 2020, alcohol-impaired drivers were involved in 30 percent of all motor vehicle fatalities in Colorado. In 2021, there were 691 motor vehicle fatalities, of those, 216 had a blood alcohol concentration (BAC) of 0.08 and above and 92 tested positive for five nanograms (ng) delta-9 tetrahydrocannabinol.

In 2021, the five counties with the highest number of fatalities in crashes involving a driver or motorcycle operator with a BAC above 0.08 were: Denver (24), Adams (22), Weld (22), El Paso (20) and Jefferson (20). Colorado law enforcement agencies participate in all seven national HVE campaigns as well as five statewide HVE campaigns during the year. These HVE campaigns have been created to address events in the State that have an impact on impaired

driving-related motor vehicle crashes and fatalities. Law enforcement agencies apply for HVE funding and are selected using data to identify the areas with a high number of impaired driving-related crashes and fatalities. Agencies deploy resources at their discretion during the enforcement periods, using local data to determine enforcement strategies as to location, day of week, time of day, etc. Law enforcement agencies report their activity through narrative reports and report arrest and citation data on the HSO “The Heat Is On” website.

Recommendations

- **Develop a monitoring plan to include more frequent on-site monitoring to ensure that State funds are being used to have the biggest impact on reducing the impaired driving problems in the State.**
- Use the State risk assessment to develop a monitoring plan for grantees receiving federal funds.

C. Program Management

Advisory

States should establish procedures and provide sufficient oversight to ensure that program activities are implemented as intended. The procedures should:

- *Designate a lead agency that is responsible for overall program management and operations;*
- *Ensure that appropriate data are collected to assess program impact and conduct evaluations;*
- *Measure progress in achieving established goals and objectives;*
- *Detect and correct problems quickly;*
- *Identify the authority, roles, and responsibilities of the agencies and personnel for management of the impaired driving program and activities; and*
- *Ensure that the programs that are implemented follow evidence-based best practices.¹*

Status

The Colorado Highway Safety Office (HSO) is the lead agency for the impaired driving program. The HSO has dedicated staff assigned to the Impaired Driving Program. A technician, two project managers and Law Enforcement Liaisons (LEL) report to the Impaired Driving Program Manager. Dedicated staff is assigned to the Drug Evaluation and Classification Program and Standardized Field Sobriety Testing (SFST) programs to provide training, recertification training, and updates.

Colorado has a Traffic Safety Resource Prosecutor (TSRP) to assist with the prosecution of impaired driving cases. The TSRP is responsible for providing technical assistance and training on impaired driving cases.

Colorado has one full-time and three part-time LELs.

Colorado does not have a State Judicial Outreach Liaison. They currently use the resources of the Regional Judicial Outreach Liaison.

Colorado Revised Statute (CRS) §42-2-132 designates a \$25 fee specific to DUI offenses to the First Time Drunk Driver Fund which partially funds the State's Ignition Interlock program. Colorado Revised Statute (CRS) §42-2-132 also designates \$22 of every reinstatement fee to the First Time Drunk Driver Fund with also funds the State's Ignition Interlock program.

Prior to the passage of H.B. 23-1102, the Colorado Department of Transportation (CDOT) received up to \$2 million to fund high-visibility enforcement (HVE). Currently, CRS §43-4-903 requires the Transportation Commission to annually allocate \$1.5 million from the State Highway Fund to CDOT for allocation to the Office of Transportation Safety (OTS) which then distributes the money to local governments that implement high-visibility alcohol and drug impaired driving enforcement activities. Local law enforcement agencies are required to follow written policies and procedures about racial profiling and use of force, complete in-service training annually, implement a recognizable pattern by which vehicles are stopped to prevent a bias-motivated stop, and locate checkpoints in areas where drunk or impaired driving crashes are

¹ See "Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Offices," Sixth Edition, 2011.

likely to occur. No money may be allocated to a law enforcement agency subject to a judicially-ordered consent decree. In collaboration with the Department of Public Safety, the OTS will publish an annual report. A law enforcement agency not complying with requirements may lose funding or be required to pay back funding. The Attorney General may bring a civil action.

Recommendations

- **Add a State Judicial Outreach Liaison to facilitate judicial education and outreach efforts by exploring state, regional, and national avenues to assist in the identification of a judge to serve in this position.**
- Review how other States are using their Law Enforcement Liaisons to determine if their roles and responsibilities could be expanded to address additional needs of the State.

D. Resources

Advisory

States should allocate sufficient funding, staffing, and other resources to support their impaired driving programs. Programs should aim for self-sufficiency and, to the extent possible, costs should be borne by impaired drivers. The ultimate goal is for impaired driving programs to be fully supported by impaired drivers and to avoid dependence on other funding sources. States should:

- *Allocate funding, staffing, and other resources to impaired driving programs that are:*
 - *Adequate to meet program needs and proportional to the impaired driving problem;*
 - *Steady and derived from dedicated sources, which may include public or private funds; and*
 - *Financially self-sufficient, and to the extent possible paid by the impaired drivers themselves. Some States achieve financial self-sufficiency using fines, fees, assessments, surcharges, or taxes. Revenue collected from these sources should be used for impaired driving programs rather than returned to the State Treasury or General Fund.*
- *Meet criteria to enable access to additional funding through various incentive programs.*
- *Identify opportunities and leverage resources on behalf of impaired driving efforts.*
- *Determine the extent and types of resources available from all sources (local, state, and federal; public and private) that are dedicated to impaired driving efforts.*
- *Designate a position and support the individual in that position with sufficient resources to adequately serve as a focal point for impaired driving programs and issues.*

Status

Under the Bipartisan Infrastructure Law, the Colorado Highway Safety Office (HSO) receives Section 405d funds for impaired driving (approximately \$2.6 million), Section 164 (approximately \$1 million), and may use a portion of the Section 402 funds. They also receive approximately \$1.5 million in State funds.

The goal of the HSO is to allocate approximately 80 percent of their funds annually with 20 percent for contingency spending or to carry forward.

Colorado has a state statute (CRS §43-4-401) that collects \$75 from people who are convicted or plead guilty to driving under the influence of alcohol or drugs. There is also a \$15 fee collected that goes back to the county where the arrest was made. These funds pay for evidentiary testing and toxicology program, with \$300,000 allocated to the Colorado Department of Public Safety. Of the remaining funds 20 percent is allocated the Colorado Department of Behavioral Health and the remaining funds are allocated to the HSO.

Colorado law requires 12 high-visibility alcohol and drug enforcement campaigns a year, and in 2023, was allocated \$1.5 million for high-visibility enforcement activities from Office of Transportation Safety funds.

Any municipality, city, or county that establishes a qualifying program is eligible to receive funds for alcohol and drug enforcement.

A portion of the fees charged to individuals convicted of impaired driving offenses is used to fund the Persistent Drunk Driver Cash Fund, Colorado Revised Statute §42-3-303. This fund supports programs that are intended to deter persistent drunk driving or educate the public, with

particular emphasis on educating young drivers, regarding the dangers of persistent drunk driving. Some of the funds are used to help provide court-ordered alcohol treatment programs for indigent and incarcerated offenders; provide approved ignition interlock devices, as defined in §42-2-132.5 (9)(a), for indigent offenders; and assist in providing continuous monitoring technology or devices for indigent offenders.

The HSO partners with the Colorado Department of Public Health and Environment to produce the Colorado Problem Identification Report annually. Data sources for this report include crash reports, hospitalization data provided by the Colorado Hospital Association, as well as data from the Fatality Analysis Reporting System.

There are three State labs that analyze blood samples for impaired driving cases. The Colorado Department of Public Safety publishes a report that documents trends for DUI toxicology results including blood alcohol content, delta-9 tetrahydrocannabinol results, and the presence of other substances.

There is no central repository for results of blood tests that are performed by coroners.

Recommendations

- **Develop a centralized toxicology database to enable more in-depth analysis of blood and breath test results to include live and post-mortem samples.**
- Enact a statute requiring coroners to report post-mortem blood test results.

II. Prevention

Prevention programs are most effective when they utilize evidence-based strategies, that is, they implement programs and activities that have been evaluated and found to be effective or are at least rooted in evidence-based principles. Effective prevention programs are based on the interaction between the elements of the public health model: 1) using strategies to develop resilient hosts, e.g., increase knowledge and awareness or altering social norms; 2) reducing exposure to the dangerous agent (alcohol), e.g., alcohol control policies and; 3) creating safe environments, e.g., reducing access to alcohol at times and places that result in impaired driving. Prevention programs should employ communication strategies that emphasize and support specific policies and program activities.

Prevention programs include responsible alcohol service practices, transportation alternatives, and community-based programs carried out in schools, at work sites, in medical and health care facilities, and by community coalitions. Programs should prevent underage drinking or drinking and driving for persons under 21 years of age, and should prevent over-service and impaired driving by persons 21 or older.

Prevention efforts should be directed toward populations at greatest risk. Programs and activities should be evidence-based, determined to be effective, and include a communication component.

A. Responsible Alcohol Service

Advisory

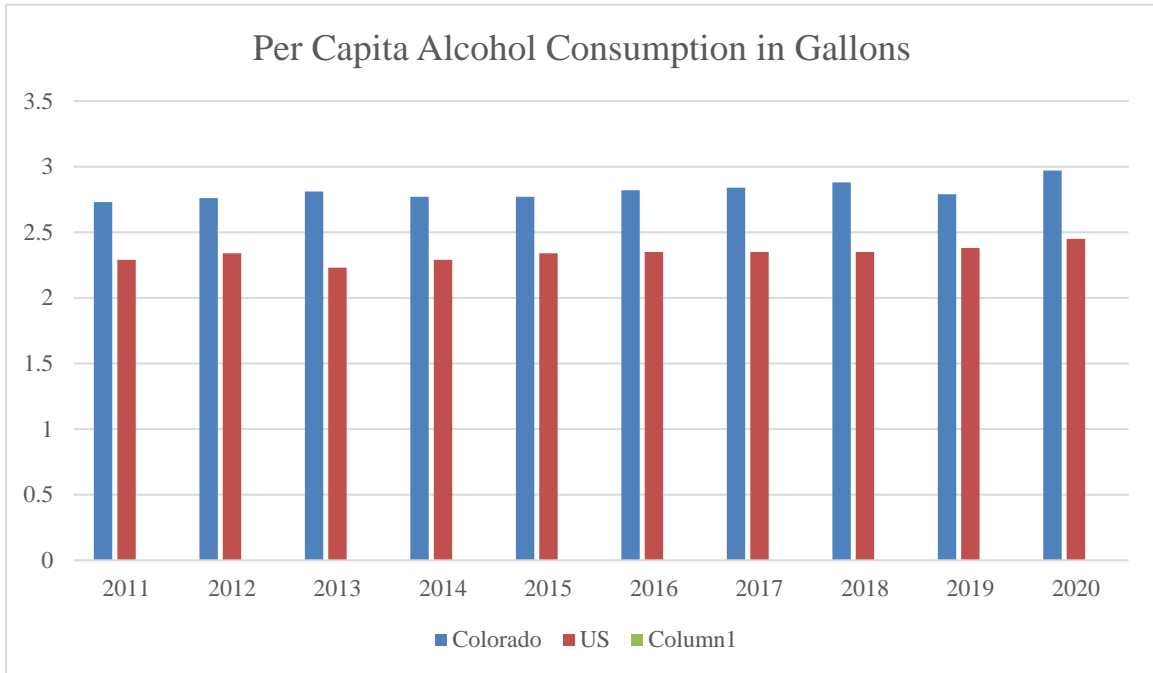
States should promote policies and practices that prevent underage drinking and over-service by anyone. States should:

- *Adopt and enforce programs to prevent sales or service of alcoholic beverages to persons under the age of 21. Conduct compliance checks and “shoulder tap” activities and support the proper use of technology in alcohol retail establishments, particularly those catering to youth, to verify proper and recognize false identification.*
- *Adopt and enforce alcohol beverage control regulations to prevent over-service, service in high-risk situations, and service to high-risk populations. Prohibit service to visibly intoxicated patrons; restrict alcohol sales promotions, such as “happy hours”; limit hours of sale; establish conditions on the number, density, and locations of establishments to limit impaired driving, e.g., zoning restrictions; and require beer keg registration.*
- *Provide adequate resources including funds, staff, and training to enforce alcohol beverage control regulations. Coordinate with state, county, municipal, and tribal law enforcement agencies to determine where impaired drivers had their last drink and use this information to monitor compliance with regulations.*
- *Promote responsible alcohol service programs, written policies, and training.*
- *Provide responsible alcohol service guidelines such as best practices tool kits to organizations that sponsor events at which alcohol is sold or provided.*
- *Encourage alcohol sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver and alternative transportation programs.*
- *Hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol when underage or visibly intoxicated.*

Status

According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), per capita consumption of alcohol in Colorado in 2020—the last year for which complete data were

available—was the equivalent of 2.97 gallons of ethanol per capita. The national average per capita is 2.45 gallons. Colorado ranked 10th in per capita alcohol consumption in the United States, and had the highest level of per capita consumption over a 10-year period from 2011 through 2020. Colorado ranked 16th nationally with 14.3 million gallons of alcohol consumed in 2020. These numbers show a gradual upward trend from the years 2011 through 2020 and are consistently higher than the national average.



Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Colorado	2.73	2.76	2.81	2.77	2.77	2.82	2.84	2.88	2.79	2.97
U.S.	2.29	2.34	2.33	2.32	2.33	2.35	2.35	2.35	2.38	2.45
Difference (Ratio)	.84	.85	.83	.84	.84	.83	.83	.82	.85	.82

According to the Substance Abuse Mental Health Services Administration (SAMHSA), in 2021, Colorado ranked 11th by percentage with 25.41 percent of adults in Colorado having consumed marijuana in the past year. Colorado ranked 5th in the number of juveniles (ages 12-17) with 6.6 percent having first used marijuana in the past year.

The Colorado Department of Revenue (DOR) has oversight in enforcing alcohol and marijuana rules. It includes the Liquor and Tobacco Enforcement Division whose mission is to “promote public safety, support economic growth, and the responsible sale and consumption of liquor and tobacco products, through the fair administration of liquor and tobacco/nicotine laws.” Colorado is a dual licensing authority for the State’s licensed retailers and special events permittees. Liquor licensing in Colorado requires retailers to first obtain license approval at the local level.

The Marijuana Enforcement Division is “tasked with licensing and regulating the Medical and Retail Marijuana industries in Colorado. Their mission is to promote public safety and reduce public harm by regulating the Colorado commercial marijuana industry through consistent

administration of laws, regulations, and strategic integration of process management, functional expertise, and innovative problem-solving.”

In reviewing the fine structure for liquor violations found in the DOR Colorado Liquor rules, establishments that serve underage individuals may be found to have committed Level Four Violations.

- “1. This category of violations is the most severe and includes violations that may directly affect the health, safety, and welfare of the public at large; sales to minors that are not a part of compliance check and that are a second or subsequent violation or that result in substantial bodily injury or death; sales to intoxicated persons that are a second or subsequent violation or that result in substantial bodily injury or death; substantial trade practice violations; substantial conduct of establishment violations; and permitting the consumption of marijuana or marijuana products on the licensed premises.
2. The range of penalties for this category of violation may include license suspension, license suspension held in abeyance, license revocation, a fine per individual violation, and/or a fine in lieu of suspension.”

To be considered a responsible alcohol beverage vendor at any licensed premises, the following standards must be complied with:

1. To be designated as a responsible alcohol beverage vendor, all employees of a licensee selling/serving alcohol beverages, and any owner or manager who directly supervises such employees, must attend a training program approved by the Division.
2. Once a licensee is designated a responsible alcohol beverage vendor, all new employees involved in the sale, handling, and service of alcoholic beverages must complete the training described in this regulation within 90 days of date of hire.
3. The program must include at least two hours of instruction time.
4. The program must provide written documentation of attendance and successful passage of a test on the knowledge of the required curriculum for each attendee.

Course core curriculum must include the following topics:

- Alcohol’s effects on the human body
- Liquor liability
- Sales to visibly intoxicated persons
- Sales to minors
- Acceptable forms of identification

Regulation 47-912 provides specific guidelines to determine adequate identification criteria for purposes of demonstrating age of a patron before they receive service.

Regulation 47-604. Compliance Check Penalties Basis and Purpose. The purpose of this regulation is to define standard penalties, and mitigating and aggravating considerations, for selling an alcohol beverage to a person less than 21 years of age in the course of a compliance check procedure. When a licensing authority finds that a licensee has sold alcohol beverages to a minor and that said violation was investigated or detected by using a person under 21 years of age to purchase alcohol beverages from the licensee, the licensing authority may consider the following penalties to be imposed for the violation:

- 1. First Offense - (within one year) A written warning, Assurance of Voluntary Compliance or, up to a 15-day suspension. Accepting a fine in lieu of actual suspension is at the discretion of the licensing authority, as is holding a portion of the suspension time in abeyance for a period of time.
- 2. As an inducement for licensees to provide training for servers, because server training has proven to be an aid in the reduction of violations, it is recommended that, where there are no aggravating circumstances, a licensee who has fulfilled the requirements of a Responsible Vendor pursuant to 12-47-1002, C.R.S. be issued a warning, Assurance of Voluntary Compliance, or up to five (5) days suspension on the first violation. CODE OF COLORADO REGULATIONS 1 CCR 203-2 Division of Liquor Enforcement 56
- Second Offense (within one year) – A five to 25-day suspension. If no fine was paid or suspension served at the time of the first offense, it would be within the discretion of the licensing authority to accept a fine in lieu of actual days of suspension and/or to hold a portion of the suspension time in abeyance for a period of time.
- Third Offense (within two years) – 15 to 40-day suspension.
- Fourth Offense (within two years) – 45-day suspension to revocation.

There is detailed information regarding the sale of marijuana to underage individuals. The laws include the following:

- Point-of-sale regulations: A valid ID proving customer is at least 21 years old.
- No minors allowed: According to the retail marijuana rules passed by the DOR, no one under 21 is allowed in the restricted portion of a retail store.
- Limited hours of sale: Under State rules, retail marijuana businesses can be open only between 8 a.m. and midnight. Municipalities can require stricter hours of operation.
- Packaging requirements: Retail and medical marijuana businesses are required to sell all marijuana products in packaging that's resealable, child-resistant and not see-through. The packaging protects children, teens, and adults from accidentally eating something that they don't realize contains marijuana.
- Labeling requirements: DOR requires that all retail marijuana products use the symbol pictured on packaging. Children may be taught not to eat or drink anything with the symbol on the package. Adults who can't read the ingredient label can use the symbol as a warning that the product contains marijuana.

Colorado has a minor decoy program for both alcohol retailers and marijuana dispensaries. This program is used by law enforcement agencies to reduce the sale of alcohol and marijuana to minors. The program uses individuals who are under the age of 20 to attempt to purchase alcoholic beverages or marijuana at licensed premises. If an individual sells to the minor decoy, the seller is issued a criminal citation. In addition, the Colorado DOR's enforcement personnel may file administrative disciplinary action against the licensee.

Employees at marijuana dispensaries are trained to identify fraudulent identification through ID scanners. Also, identification is checked to gain entrance to the dispensary and then again at the point of purchase. It was indicated that Colorado's dispensaries have a 99 percent ID compliance rate.

Employees at establishments that serve and sell alcohol or marijuana receive training to detect impaired customers and refuse service.

It appears that there is no program in place to determine the last place of service for impaired drivers. Through coordination with law enforcement and DOR, the collection of this information could be helpful in identifying those establishments that overserve their patrons.

Recommendations

- Actively collect place of last service data to share with Department of Revenue Enforcement Divisions.

B. Community-Based Programs

B-1. Schools

Advisory

School-based prevention programs, beginning in elementary school and continuing through college and trade school, can play a critical role in preventing underage drinking and impaired driving. These programs should be developmentally appropriate, culturally relevant, and coordinated with drug prevention and health promotion programs. States should:

- *Implement K-12 traffic safety education, with appropriate emphasis on underage drinking and impaired driving, as part of state learning standards and comprehensive health education programs;*
- *Promote alcohol-and drug-free events throughout the year, with particular emphasis on high-risk times, such as homecoming, spring break, prom, and graduation;*
- *Establish and enforce clear student alcohol and substance use policies including procedures for intervention with students identified as using alcohol or other substances, sanctions for students using at school, and additional sanctions for alcohol and substance use by students involved in athletics and other extra-curricular activities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI) to school personnel such as resource officers, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs;*
- *Encourage colleges, universities, and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities;*
- *Provide training for alcohol and drug impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs; and*
- *Establish and support student organizations that promote traffic safety and responsible decisions; encourage statewide coordination among these groups.*

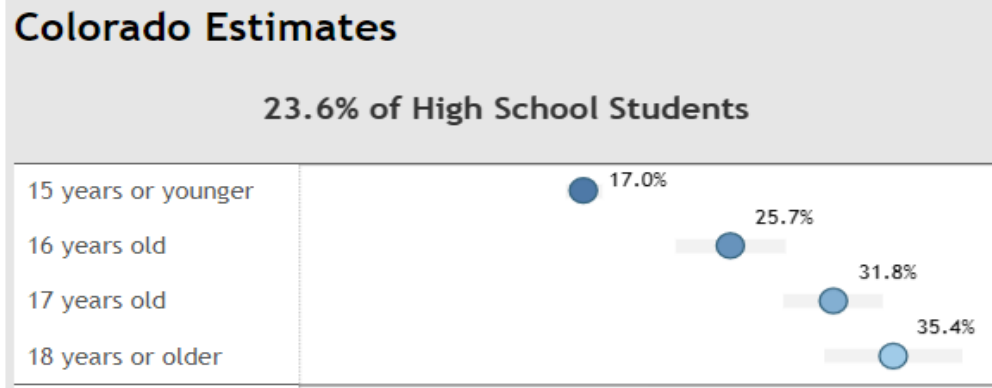
Status

The 2021 Colorado Healthy Kids Survey collected information from 52,799 students in 109 Colorado middle schools and high schools. In comparing results from the 2019 survey with the 2021 survey, there is a decline in both alcohol and drug use over this two-year period. For example, in 2021, 23.6 percent of youth used alcohol within the past month. This is a decrease from 29.6 percent in 2019. 53.1 percent of youth feel it would be easy to get alcohol if they wanted, a decrease from 59 percent in 2019. 79.9 percent of youth think daily alcohol use is risky, an increase from 69.6 percent in 2019.

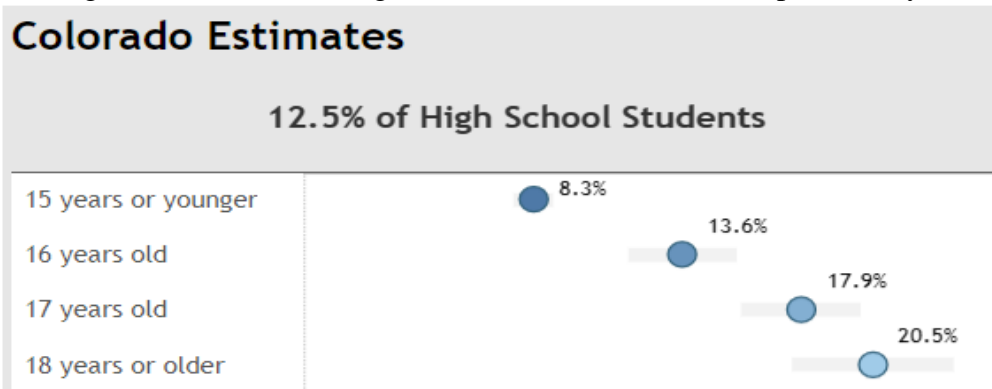
Regarding marijuana, 13.3 percent of youth used marijuana within the past month, a decrease from 20.6 percent in 2019. 40.3 percent of youth feel it would be easy to get marijuana if they wanted, a decrease from 51.4 percent in 2019. Finally, 60.4 percent of youth think regular marijuana use is risky, an increase from 50.1 percent in 2019.

The survey showed the following results, based on student age, regarding alcohol and marijuana use.

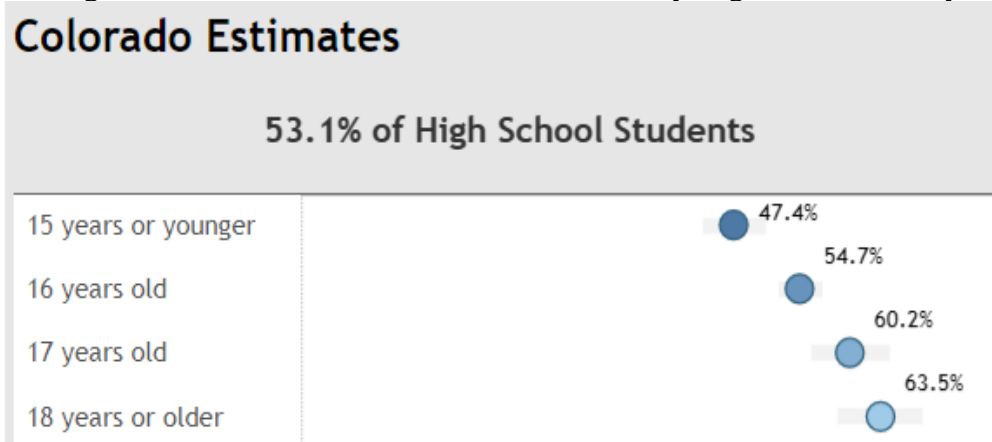
Percentage of students who had at least one drink of alcohol over the past 30 days.



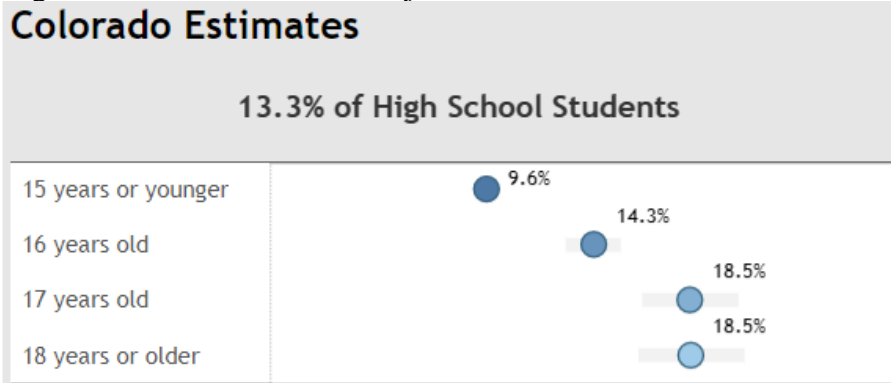
Percentage of students who binge drank on one or more of the past 30 days.



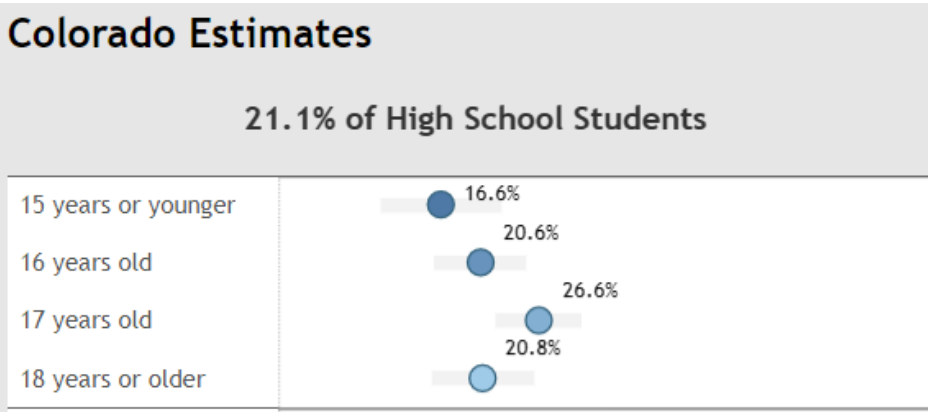
Percentage of students who feel it would be sort of easy to get alcohol if they wanted.



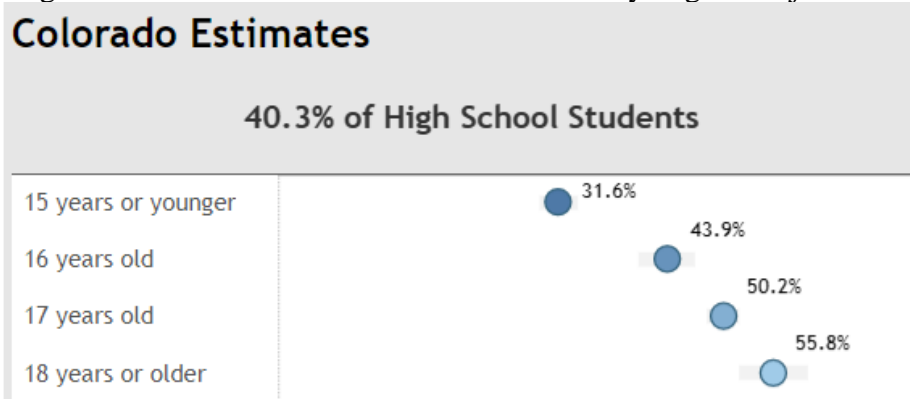
Percentage of students who used marijuana one or more times in the last 30 days.



Among students who used marijuana in the last 30 days, the percentage who got it from an adult.



Percentage of students who feel it would be sort of easy to get marijuana if they wanted.



The Colorado Department of Transportation (CDOT) provides funding to implement the Prevent Alcohol and Risk Related Trauma in Youth (P.A.R.T.Y.) Program. The program offers reality education to help teenagers recognize risk and make informed choices about activities and behaviors. The goal of the program is to provide young people with information about traumatic injury which will enable them to recognize potential injury producing situations, make safer choices, and adopt behaviors that reduce risk. The focus is on making good decisions while driving or riding as a passenger and the ripple effect

of those choices. Despite its potential to curb impaired driving and support traffic safety measures, it appears that information on the P.A.R.T.Y. Program is not widely shared throughout the State.

Colorado supports a number of student organizations that promote traffic safety and responsible decisions, and encourages statewide coordination among these groups. Cited programs vary in their missions but address substance use, teen driving, and destructive decision making. While it is unclear whether there is coordination/collaboration within these organizations, it is prioritized in the CDOT Triannual Highway Safety Plan for 2024-2026.

- Engage community and youth in developing positive social norming media campaigns, facilitate youth councils engaged in substance use prevention advocacy, and facilitate healthy pro-social events planned by and at no cost for teens of driving age and their parents.
- Education and awareness of impaired driving by promoting youth education and awareness and providing alternative transportation options during specific festivals and events to reduce impaired driving.

The Colorado Department of Public Health and Environment, with the assistance of CDOT, supports the Colorado Young Drivers Alliance. The mission is to promote young driver safety in Colorado through prevention education, data and research, and legislation. The group, which formed in 2005, is a coalition of State and local agencies, non-profits, and private-sector partners that work together to reduce teen motor vehicle crashes and improve teen motor vehicle safety. It is unclear if the availability of these resources is actively promoted.

There is an ongoing need for services in the public school system. School-based clinicians are in most schools, but they often have long waiting lists. This can especially impact students that have issues that do not necessarily rise to a critical level. Additional clinicians are needed.

For a variety of political reasons, there is a reluctance to support the hiring of school resource officers.

Additional funding is needed to provide more life skills and healthy choice programming to schools as well as courses on substance abuse.

The high cost of driver education programs limits their availability to teen drivers. While this was once part of high school curriculum, this is no longer the case. By providing scholarships or outside funding for driver education, teenagers could better learn the skills to become safer drivers.

Colorado encourages colleges, universities, and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus. There is a need to recruit more colleges to become engaged in this effort.

The Drug-Free Schools and Communities Act requires every higher education institution that receives any form of federal funding to implement a drug and alcohol abuse prevention program. An annual notification of this information is to be provided in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study. This is also an area that is addressed in the 2024-2026 Strategic Plan.

There is no information indicating that Colorado consistently provides training for alcohol and drug-impaired driving, and Screening and Brief Intervention, to college personnel. This information would enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have issues with alcohol or other drugs. This is considered a growth area for Colorado coalitions focused on impaired driving and safe communities.

Recommendations

- Promote programs such as the Prevent Alcohol and Risk-Related Trauma in Youth (P.A.R.T.Y.) Program to Colorado high schools, and consider including curriculum emphasizing the dangers of underage drinking and impaired driving.
- Explore ways to provide driver education courses at a reduced rate to encourage broader participation.
- Promote programs that provide training to school personnel to enable them to provide information to students about traffic safety, responsible decisions, and identify students who may have issues with alcohol or other drugs.
- Train school personnel on screening and brief intervention tools to assist them in better addressing alcohol and drug misuse.

B-2. Employers

Advisory

States should provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by employees and their families. These programs can be provided through Employee Assistance Programs (EAP) or Drug Free Workplace programs. These programs should include:

- *Model policies to address underage drinking, impaired driving, and other traffic safety issues, including seat belt use and speeding;*
- *Employee awareness and education programs;*
- *Management training to recognize alcohol and drug use and abuse, and appropriate responses;*
- *Screening and Brief Intervention, assessment and treatment programs for employees identified with alcohol or substance use problems (These services can be provided by internal or outside sources such as through an EAP with participation required by company policy.);*
- *Underage drinking and impaired driving prevention strategies for young employees and programs that address use of prescription or over-the-counter drugs that cause impairment.*

Status

There is no indication that Colorado offers information and technical assistance directly to employers to reduce underage drinking and impaired driving by employees and their families. However, this is addressed with task forces and community coalitions focused on reducing impaired driving while improving community health and safety. This information may also be available through employee assistance programs.

Recommendations

- None

B-3. Community Coalitions and Traffic Safety Programs

Advisory

Community coalitions and traffic safety programs provide the opportunity to conduct prevention programs collaboratively with other interested parties at the local level. Coalitions should include representatives of: government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups. States should:

- *Encourage communities to establish community coalitions or traffic safety programs, comprised of a wide variety of community members and leaders;*
- *Ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control, and other related coalitions, (e.g., Drug Free Communities, SPF-SIG), to assure that impaired driving is a priority issue;*
- *Provide information and technical assistance to these groups, including data concerning the problem in the community and information identifying evidence-based underage drinking and impaired driving programs;*
- *Encourage these groups to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving; and*
- *Encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving.*

Status

The Colorado Department of Transportation (CDOT), along with their behavioral health system, strongly supports the State's many coalitions and task forces. For example, the Colorado Department of Public Health and Environment and CDOT support the Colorado Young Drivers Alliance (CYDA) whose mission is to promote young driver safety in Colorado through prevention education, data and research, and legislation. Formed in 2005, CYDA is a coalition of state and local agencies, non-profits, and private-sector partners that work together to reduce teen motor vehicle crashes and improve teen motor vehicle safety. Areas of focus within CYDA include increasing enforcement of Colorado's Graduated Driver Licensing law, increasing seat belt use statewide, and providing technical assistance and consultation to local Colorado

communities. Alliance members participate in workgroups that focus on educating the public, raising awareness, and policy legislation. CYDA members continually receive education and training on issues surrounding teen driving safety, best practices, and evaluation techniques. Additionally, CYDA works to leverage funding and resources to complete a variety of teen driving safety projects.

It appears that there is inconsistency in sharing traffic safety data with coalitions as some may be unaware that this information is available. Colorado's Strategic Plan for Primary Prevention of Substance Abuse addresses the need to further expand coalitions; it indicates that "support will be provided to traffic safety partners through a variety of interventions including statistical data analyses, education and evaluation support, community engagement and partnership development, and communication support and implementation of State traffic safety priorities."

Colorado has funding in place to encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving. This is an area in need of further development and is identified as such in Colorado's Strategic Plan for Primary Prevention of Substance Abuse.

While the State appropriately disseminates impaired driving data and information that is shared with task forces, these are often large documents that may be difficult to navigate when attempting to identify specific information. Providing information in a more concise format (e.g., executive summaries or flyers) and more frequently (i.e., monthly) in a timely manner with up-to-date material can be more useful.

Information on social media campaigns is provided by the State to task forces. Funding is available at the local level to develop social media with guidelines and a best practices document provided to assist local vendors in developing materials.

CDOT offers the *Traffic Safety Pulse*, a monthly newsletter, to task forces and other interested parties to receive up-to-date information on traffic safety.

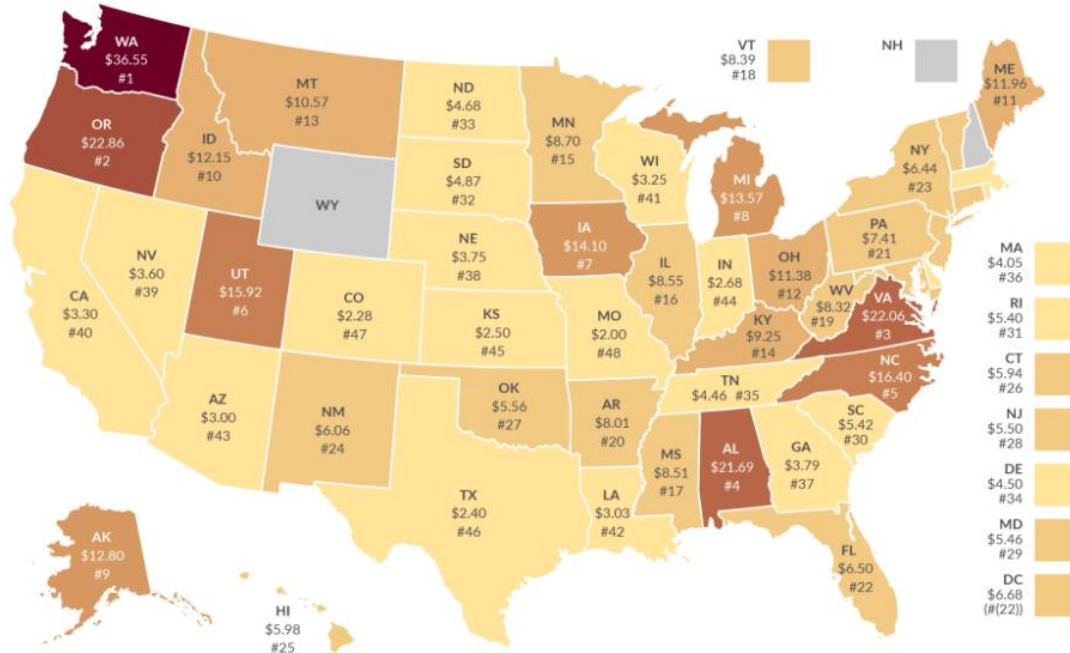
CDOT launched a campaign to raise awareness of personal breathalyzers as tools to reduce impaired driving and to encourage those who drink to "breathalyze before you drive." The campaign also focuses on educating people about the amount of time it takes for alcohol to be eliminated from the body.

Coalitions boast a diverse group of members that may include the marijuana industry, Mothers Against Drunk Driving, and liquor retailers. Coalitions in communities with military bases or a strong military presence are encouraged to include members of the armed forces.

Studies indicate that the higher the cost of alcoholic beverages, the lower the consumption of the product. In reviewing the distilled spirits excise tax rates (dollars per

gallon) by state, Colorado ranks 47th in the nation with a tax rate of \$2.25 per gallon. Colorado last raised the tax on beer from six to eight cents per gallon in 1981; on spirits from 22.5 cents per liter to 60.26 cents, also in 1981; and on wine in 1990, when it added taxes of either one cent or five cents, depending on the wine’s origin. By increasing this excise tax rate, Colorado would not only increase the price of alcoholic beverages, potentially reducing demand, the increased tax revenue could be used to increase funds for prevention programs and coalitions.

State Distilled Spirits Excise Tax Rates (Dollars per Gallon), as of January 2023



Recommendations

- Ensure that research and local data is consistently shared with coalitions throughout Colorado.
- **Study the potential impact of increasing the excise tax on alcohol in Colorado.**

B-4. Transportation Alternatives

Advisory

Alternative transportation describes methods by which people can get to and from places where they drink without having to drive. Alternative transportation includes normal public transportation provided by subways, buses, taxis, and other means. Designated driver programs are one example of these alternatives. States should:

- *Actively promote the use of designated driver and safe ride programs, especially during high-risk times, such as holidays or special events;*
- *Encourage the formation of public and private partnerships to financially support these programs;*

- *Establish policies and procedures that ensure designated driver and alternative transportation programs do not enable over consumption by passengers or any consumption by drivers or anyone under 21 years old; and*
- *Evaluate alternative transportation programs to determine effectiveness.*

Status

Studies have shown that approximately half of arrested intoxicated drivers had their last alcoholic drink at a licensed bar or restaurant. Current efforts to prevent intoxicated patrons from leaving licensed establishments and driving home have been only partially successful. Since a high proportion of drinkers drive to their drinking destination, promoting the use of alternative transportation – including safe ride shuttles, free or subsidized taxi and ridesharing services, voluntary or paid designated driver programs, and more accessible public transportation – is an important strategy for preventing impaired driving.

In Colorado, the use of designated drivers is promoted through press releases and media interviews during periods which correspond to high-risk times of the year, such as holidays. Coalitions have also been helpful in encouraging drinking establishments to allow impaired drivers to leave their vehicles and get a safe ride home without the threat of being towed or receiving parking tickets.

Colorado has received grants from the Governor's Highway Safety Association (GHSA) to provide rideshare discounts so drinkers can develop a habit of using this transportation alternative rather than driving impaired. These discounts are available throughout the State. These funds originally come from companies in the private sector. GHSA solicits, reviews, and awards grants to the most promising programs. While these programs are effective in urban areas, they are less so in rural areas due to the lack of rideshare drivers and the higher cost of using rideshare services (even with discounts) to get home.

Recommendations

- Increase available funding to promote and provide rideshare discounts and deter impaired driving.

III. Criminal Justice System

Each State should use the various components of its criminal justice system – laws, enforcement, prosecution, adjudication, criminal penalties, administrative sanctions, and communications, to achieve both specific and general deterrence.

Specific deterrence focuses on individual offenders and seeks to ensure that impaired drivers will be detected, arrested, prosecuted, and subject to swift, sure, and appropriate criminal penalties and administrative sanctions. Using these measures, the criminal justice system seeks to reduce recidivism. General deterrence seeks to increase the perception that impaired drivers will face severe and certain consequences, discouraging individuals from driving impaired.

A data-driven, evidence-based, integrated, multidisciplinary approach and close coordination among all components of the criminal justice system are needed to make the system work effectively. In addition, coordination is needed among law enforcement agencies, on the State, county, municipal and tribal levels to create and sustain both specific and general deterrence.

A. Laws

Advisory

Each State should enact impaired driving laws that are sound, rigorous, and easy to enforce and administer. The laws should clearly: define the offenses; contain provisions that facilitate effective enforcement; and establish effective consequences. Monitoring requirements should be established by law to assure compliance with sanctions by offenders and responsiveness of the judicial system.

Noncompliant offenders should be adjudicated swiftly. The offenses should include:

- Driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treating both offenses with similar consequences;*
- A Blood Alcohol Concentration (BAC) limit of .08, making it illegal per se to operate a vehicle at or above this level without having to prove impairment;*
- Zero Tolerance for underage drivers, making it illegal per se for persons under age 21 to drive with any measurable amount of alcohol;*
- High BAC (e.g., .15 or greater), with enhanced penalties above the standard impaired driving offense;*
- Repeat offender, with increasing penalties for each subsequent offense;*
- BAC test refusal, with administrative sanctions at least as strict as the state's highest BAC offense;*
- Driving with a license suspended or revoked for impaired driving (DWS), vehicular homicide or causing personal injury while driving impaired as separate offenses, with additional penalties;*
- Open container, which prohibits possession or consumption of any open alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way; and*
- Primary seat belt provisions that do not require that officers observe or cite a driver for a separate offense other than a seat belt violation.*

Facilitate effective enforcement by enacting laws that:

- Authorize law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs;*
- Authorize law enforcement to use passive alcohol sensors to improve the detection of alcohol in drivers;*
- Authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidentiary breath tests and screening and confirmatory tests for alcohol or other impairing drugs;*

- Authorize law enforcement to collect blood sample by search warrant in any chemical test refusal situation, consistent with other provisions of criminal jurisprudence which allows body fluids to be collected as evidence of a crime; and
- Require mandatory BAC testing of drivers involved in fatal and serious injury producing crashes.

Effective criminal penalties and administrative sanctions should include:

- Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test;
- Prompt and certain administrative license suspension of at least 90 days for first offenders determined by chemical test(s) to have a BAC at or above the State's per se level or of at least 15 days followed immediately by a restricted, provisional or conditional license for at least 75 days, if such license restricts the offender to operating only vehicles equipped with an ignition interlock;
- Enhanced penalties for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including: longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and imprisonment;²
- Separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case;
- Assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from use of alcohol and other drugs, and frequent monitoring.

Effective monitoring should include:

- supervision of out-of-state offenders;
- proven technology (e.g., ignition interlock device, electronic confinement and monitoring) and its capability to produce reports on compliance;
- impaired driver tracking systems; and
- periodic reports on offender compliance with administrative or judicially imposed sanctions;
- Driver license suspension for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs; and
- Statutory and rule support for DWI Courts as a sentencing alternative for persistent DWI offenders.

Status

Colorado has sound impaired driving statutes that are comprehensive with graduated sanctions, including incarceration, fines, license suspension, and probation monitoring with provisions for assessments/evaluation and treatment to include treatment courts. They can be found mostly in the 42 and 18 Sections of the Colorado Revised Statutes (CRS).

Colorado penalizes driving while impaired regardless of the substance causing impairment through its Driving Under the Influence Statute (§42-4-1301). The last change to the statute made in 2023 was a minor change allowing the department of public health to release nonpersonal identifying information from the database.

At the time of this assessment, Colorado was in its yearly legislative session and there was little clarity as to possible changes to traffic safety laws. Potential legislation includes higher penalties

² Limited exceptions are permitted under Federal statute and regulation, 23 U.S.C. 154 and 23 CFR Part 1270.

for refusal, hands free, lane filtering, and young drivers.

Colorado law prohibits a person from driving a motor vehicle or vehicle while under the influence of alcohol or drugs (DUI) or while the person's ability to drive is impaired by alcohol or drugs (DWAI). The DUI statute contains a blood alcohol concentration (BAC) limit of 0.08, making it illegal per se to operate or be in physical control of any motor vehicle or vehicle and a BAC limit of 0.04 for commercial motor vehicles. If at the time of the offense, or within a reasonable time thereafter, a driver's BAC exceeds 0.05 but is less than 0.08, there is a permissible inference of DWAI. Also, if at the time of the offense, or within a reasonable time thereafter, a person's blood contains five nanograms or more of delta-9 tetrahydrocannabinol (THC) per milliliter in whole blood, there is a permissible inference that the person was under the influence of one or more drugs.

Colorado law also prohibits a person under 21 years of age from driving when the person's BAC is at least 0.02 but not more than 0.05 at the time of driving or within two hours after driving, which is referred to as underage drinking and driving (UDD). This is punishable as a class A traffic infraction. The DUI statute makes it illegal per se for persons under age 21 to drive with any measurable amount of alcohol in their system, but it is not "Zero-Tolerance" allowing up to 0.02 BAC and first offense up to 0.05 BAC as a traffic infraction. According to the National Highway Traffic Safety Administration, a zero-tolerance law is any minimum legal drinking age law that prohibits drinking and driving by youths and sets a maximum BAC of 0.02 or less for youth.

Colorado has enhanced DUI penalties for any person convicted of an offense with a BAC of 0.15 or greater. There are further enhanced penalties for any person convicted of an offense with a BAC of 0.20 or more. In both instances, the person is classified as a persistent drunk driver (PDD). In the latter, the person shall serve a minimum of 10 days rather than the five-day minimum penalty due on a first offense. Penalties for violations of the DUI Statute can be found in §§42-2-125, 42-2-126, 42-2-127, and 42-4-1307 of the CRS.

While there is an increased penalty for high BAC at 0.15 or greater, there are no increased penalties for having multiple substances in the driver's system. The Colorado General Assembly does not appear to have any current plans to address multiple substances.

Colorado has graduated sanctions as repeat offenders face increasing penalties for each subsequent impaired driving offense, including jail time, fines, license suspension, and probation monitoring with provisions for assessments/evaluation and treatment to include treatment courts.

Criminal and Administrative Penalties for DUI:

Offense/Violation Level	Fines/Parole	Jail or Imprisonment	Public Service and Probation**	License Revocation	Interlock*** or Other Monitoring
First DWAI Misdemeanor	\$200-\$500	2 – 180 days	24-48 hours	None	May apply for early reinstatement of license with ignition interlock device (IID)
First DUI Misdemeanor	\$600-\$1,000	5 days* – 1 year	48-96 hours	9 months if BAC was 0.149 or less;	BAC .15 or greater, 2-year IID requirement
Elevated BAC 0.20 or more	\$600-\$1,000	10 days – 1 year	48-96 hours	12 months if BAC was .15 or greater	
Second DWAI or DUI Misdemeanor	\$600-\$1,500	10 days – 1 year	48-120 hours	12 months	May apply for early reinstatement of license with IID
Third DWAI or DUI Misdemeanor	\$600-\$1,500	60 days – 1 year	48-120 hours	2 – 5 years as habitual traffic offender	At least 90 days continuous alcohol monitoring
Fourth or more DWAI or DUI Class 4 Felony	3 years parole	2 – 6 years	48-120 hours, only if sentence to probation	2 – 5 years as habitual traffic offender	At least 90 days continuous alcohol monitoring

* Court may suspend mandatory first offense jail time if offender undergoes an alcohol and drug evaluation and satisfactorily completes and meets all financial obligations of a level I or level II program as is determined to be appropriate by the evaluation that is required pursuant to §42-4-1301.3.

** In addition to any penalty listed, the court may impose a period of probation that shall not exceed two years, which probation may include any conditions permitted by law, including but not limited to a suspended sentence; completion of safety education or treatment program; approved IID during the probation period; and continuous alcohol monitoring (second offense and greater).

*** Courts are encouraged to require offenders to use an approved IID as a condition of bond, probation, and participation in programs pursuant to §18-1.3-106. Ignition interlock is used extensively within the State, especially at the administrative level.

An alcohol and drug evaluation shall be conducted on all persons convicted of an impaired driving offense, either presentence or after sentencing and the offender must complete any education and/or treatment recommended. The Judicial Department provides education, evaluations, and monitoring for compliance (see §42-4-1301.3). Persons convicted are also subject to the costs and surcharges (up to \$500) imposed by the court.

The graduated sanctions include using out-of-state convictions and have no time limit for

considering prior offenses. The language of the statutes includes the use of "shall" for imposing penalties; however, there are some discretionary areas built in for the courts to use sentencing alternatives, namely treatment instead of incarceration, as an incentive.

There are separate enhancements if the person convicted of a DUI is accompanied by a minor (child under 16) at the time of the offense, with the offender possibly being charged with child abuse as a separate offense. Other aggravating factors are DUI as a violation of probation or parole and DUI while driving with a suspended, revoked, or restricted license. In addition, there are separate charges while under the influence for vehicular assault and vehicular homicide found in CRS §§18-3-205 and 18-3-106, respectively.

There are four ways a person can be designated as a PDD:

- (1) drive with a BAC greater than 0.15,
- (2) refuse to take a DUI chemical test,
- (3) receive multiple DUI convictions, or
- (4) drive on a license suspended for DUI.

In these scenarios, the offender's license is revoked until the completion of Level II alcohol education and treatment, there is an installation of an ignition interlock device (IID) for at least two years, and the offender must provide proof of financial responsibility (called SR-22 insurance).

Breath tests and blood tests play a prominent role in the enforcement of Colorado DUIs. CRS §42-4-1301.1 states any person who drives a motor vehicle in the state shall be deemed to have expressed consent for the taking of blood, breath, urine, or saliva samples. There is no criminal penalty for refusal; however, Colorado law requires submission to a blood or breath test when arrested for DUI. Not cooperating or refusing to take a chemical test can lead to an automatic one-year suspension of the driver license and being designated as a PDD. A mandatory alcohol and drug education and treatment program will be ordered along with an IID for at least one year. In addition, the refusal is admissible as evidence in any trial. The prosecutor can present the refusal as the reason they do not have any BAC results to show the judge or jury and the prosecutor can further argue that the reason for refusing the test was to try to hide intoxication.

CRS §42-2-138 prohibits driving under restraint (DUR), which is driving with a suspended, revoked, denied, or restrained license. If the reason for a suspension is drunk or drugged driving, DUR is a class 2 misdemeanor traffic offense carrying at least 10 days in jail. First offense is 10 to 90 days in jail, and \$150 to \$300 in fines. License reinstatement is also extended for another year. A subsequent offense (within five years of the first conviction) is 10 to 90 days of jail time and \$500 to \$3,000 in fines. Also, a driver may not get a license reinstatement for four years. Some restricted licenses are available under certain circumstances and involve IID.

Colorado's open container law, CRS §§42-4-1305 and 42-4-1305.5, state in part, "a person while in the passenger area of a motor vehicle that is on a public highway or the right-of-way of a public highway may not knowingly drink an alcoholic beverage or have in his or her possession an open alcoholic beverage container." The same is true for open marijuana containers, "a person may not consume or have in his or her possession an open marijuana container." A person who

violates these sections commits a class A traffic infraction and shall be punished by a fine of \$50 and a surcharge of \$16 for alcohol and \$7.80 for marijuana.

Colorado has a secondary enforcement seat belt law for adult drivers and front-seat passengers. Drivers can be ticketed for violating the seat belt law only if they are stopped for another traffic violation. However, Colorado's Graduated Driver Licensing (GDL) law requires all drivers under 18 and their passengers, regardless of their age, to wear seat belts. GDL is a primary enforcement law. Finally, Colorado's Child Passenger Safety law is also a primary enforcement law, so drivers can be stopped and ticketed if an officer sees an unrestrained or improperly restrained child under age 16 in the vehicle.

Colorado does not have laws that authorize nor specifically prohibit law enforcement to conduct sobriety checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether operators are driving while impaired by alcohol or other drugs. While there is no statute providing clear standards for law enforcement to conduct sobriety checkpoints, there is case law that does. That particular case law was established in 1990 (*People v. Rister*, 803 P.2d 483 (Col. 1990)), and there have not been any known successful challenges. Procedural guidelines must be followed if a roadblock is to be constitutional. It appears sobriety checkpoints, including having drug recognition experts present during the events, are effective tools, but due to staffing and public perception, they are not used consistently across the State. Instead, saturation patrols are more commonly used.

Colorado uses preliminary screening tests that detect alcohol at roadside to determine whether reasonable suspicion exists to believe a driver was DUI. It is a non-evidentiary test and drivers must be advised that they may either refuse or agree to the test.

The State has laws that authorize law enforcement to obtain more than one chemical test from an operator suspected of impaired driving, including preliminary breath tests, evidentiary breath tests, blood tests, and screening and confirmatory tests for alcohol or other impairing drugs; CRS §42-4-1301.1 is the express consent statute and allows for a test or tests. There is also case law supporting such. In addition, the law authorizes the testing of dead or unconscious persons or any blood that was obtained and not utilized by a healthcare provider and grants access to that portion of the analysis and results of any tests administered by a provider that shows alcohol or drug content within the person's system. Such test results are not considered privileged (see §42-4-1301.1(8)). This includes drivers involved in fatal and serious injury crashes.

Administrative license suspension or revocation (ALR), for failing or refusing to submit to a BAC or other drug test in the State is addressed in CRS §§42-2-125 and 126 which cover revocation/suspension/penalties administratively and for conviction, excess BAC, and refusal. A refusal results in a suspension (one year on first offense) regardless of any conviction for DUI. A first offense results in a minimum nine-month license suspension; however, a person may apply for an ignition interlock restricted license pursuant to the provisions of §42-2-132.5. The restricted license is then in effect for the remaining time of suspension for a first-time offense and a minimum of one year otherwise. First-time offenders can be eligible for early removal of the ignition interlock after four consecutive violation free months. PDDs face a two-year ignition interlock restricted license. A refusal can result in classification as a PDD. Underage drivers

arrested with a BAC of 0.08 or higher face the same DUI charges and license suspension that adults do, but without the option of obtaining a restricted license. In that instance, an underage defendant cannot drive for a full nine months.

The license revocation for UDD (where a person under 21 drives with a BAC of 0.02 to 0.05) is slightly different and increases with each successive conviction. The minor will receive a three-month revocation for a first conviction, a six-month revocation for a second conviction, and a one-year revocation for a third conviction of UDD. For a first-time offense, underage defendants have the option of requesting a probationary driver license (PDL) after only 30 days. For the remainder of the driver license revocation period, the defendant may then commute to and from work, school, medical appointments, or alcohol/drug classes and treatment. Second- and successive-time UDD defendants do not have the option of getting a PDL.

Colorado has enhanced penalties for test refusals, high BAC, PDD, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide, or causing personal injury while driving impaired, including: longer license suspension or revocation, installation of IID, designation as a PDD, vehicle seizure (in the case of a felony DUI), electronic monitoring, intensive supervision, and imprisonment.

An alcohol and drug evaluation shall be conducted on all persons convicted of a violation of the DUI statute, either presentence or after sentencing and the offender must complete any education and/or treatment recommended. This evaluation requirement applies also to any defendant who receives a diversion or deferred sentence in accordance with CRS §§18-1.3-101 and 102. The Judicial Department provides education, evaluations, and monitoring for compliance in each judicial district (see CRS §42-4-1301.3). The evaluations are normally done presentence giving the court useful sentencing information. The evaluation report contains the defendant's prior traffic record, characteristics and history of alcohol or drug problems, and amenability to rehabilitation. The report is required to include a recommendation as to alcohol and drug driving safety education or treatment.

Colorado is a member of the interstate compact – formally called the Interstate Compact for Adult Offender Supervision – which regulates if and how criminal defendants can have their probation or parole transferred between states. Probationers and parolees who move to or from Colorado in violation of the interstate compact face being remanded to jail or prison (CRS §18-1.3-202).

The State uses proven technology (e.g., IID, electronic confinement and monitoring) and its capability to produce reports on compliance. The technology is being used effectively, including using the technology pre-conviction as conditions of bond. The Colorado Judicial Department administers and provides adult and juvenile probation services including education, evaluations, and monitoring for compliance in each judicial district.

Colorado has statutory and rule support for DUI Courts as a sentencing alternative for persistent DUI offenders. Colorado follows the nationally recognized Guiding Principles for DUI Courts in their operations. Colorado has a set of best practices modeled after the national requirements. There are significant program materials and program manual/handbooks available. The Colorado

Judicial Branch website contains a listing of the State's treatment courts.

Recommendations

- **Make the penalties for refusal of blood alcohol concentration (BAC) test at least as strict as a positive BAC test, making it a criminal offense, not just a civil offense.**
- **Review current research to determine the validity of having a delta 9 tetrahydrocannabinol permissible inference limit in a driver's blood.**
- Make Colorado's seat belt law a primary enforcement law for adult drivers and front-seat passengers.
- **Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.**

B. Enforcement

Advisory

States should conduct frequent, highly visible, well publicized, and fully coordinated impaired driving (including zero tolerance) law enforcement efforts throughout the State, utilizing data to focus on locations where alcohol-related fatalities most often occur. To maximize visibility, the State should conduct frequent sobriety checkpoints, periodic saturation patrols, and sustained efforts throughout the year. Both periodic and sustained efforts should be supported by a combination of paid and earned media. To maximize resources, the State should coordinate highly visible, multi-jurisdictional efforts among State, county, municipal, and tribal law enforcement agencies to include liquor control enforcement officers. To increase the probability of detection, arrest, and prosecution, participating officers should receive training in the latest law enforcement techniques. States should:

- *Ensure that executive levels of law enforcement and State and local government make impaired driving enforcement a priority and provide adequate resources;*
- *Develop and implement a year-round impaired driving law enforcement plan supported by a strategic communication plan which includes:*
 - *periods of heightened enforcement, e.g., three consecutive weekends over a period of 16 days, and frequent sustained coverage throughout the year; and*
 - *high levels of participation and coordination among State, liquor enforcement, county, municipal, and tribal law enforcement agencies, such as through law enforcement task forces.*
- *Deploy enforcement resources based on problem identification, particularly at locations where alcohol-related fatal or other serious crashes most often occur;*
- *Conduct highly visible enforcement that maximizes contact between officers and drivers, including frequent, ongoing sobriety checkpoints and saturation patrols, and widely publicize these efforts - before, during, and after they occur;*
- *Use technology (e.g., video equipment, portable evidentiary breath tests, passive alcohol sensors, and mobile data terminals) to enhance law enforcement efforts;*
- *Require that law enforcement officers involved in traffic enforcement receive standardized state-of-the-art training in the latest law enforcement techniques such as Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), emerging technologies for the detection of alcohol and other drugs; selected officers should receive training in media relations and Drug Evaluation and Classification (DEC);*
- *Ensure that officers involved in traffic enforcement receive ongoing refresher training in SFST;*
- *Evaluate the effectiveness of advanced training in the identification and apprehension of drug impaired drivers;*
- *Provide training to enhance law enforcement officers understanding of ignition interlock devices;*
- *Expedite the arrest process, e.g., by reducing paperwork and processing time from the time of arrest to booking and/or release;*
- *Evaluate program effectiveness and efficiency through the use of both output and outcome based performance measures including:*
 - *the level of effort, e.g., number of participating agencies, checkpoints conducted, arrests made;*
 - *public awareness;*
 - *reported changes in behavior, e.g., reported number of drinking driving trips; and*
 - *consequences including alcohol-related fatalities, injuries, and crashes.*
- *Use law enforcement professionals to serve as law enforcement liaisons within the State. Their activities would include:*
 - *Serving as a communication bridge between the highway safety office and law enforcement agencies;*
 - *Enhancing law enforcement agencies coordination in support of traffic safety activities;*
 - *Encouraging participation in high visibility enforcement of impaired driving, occupant*

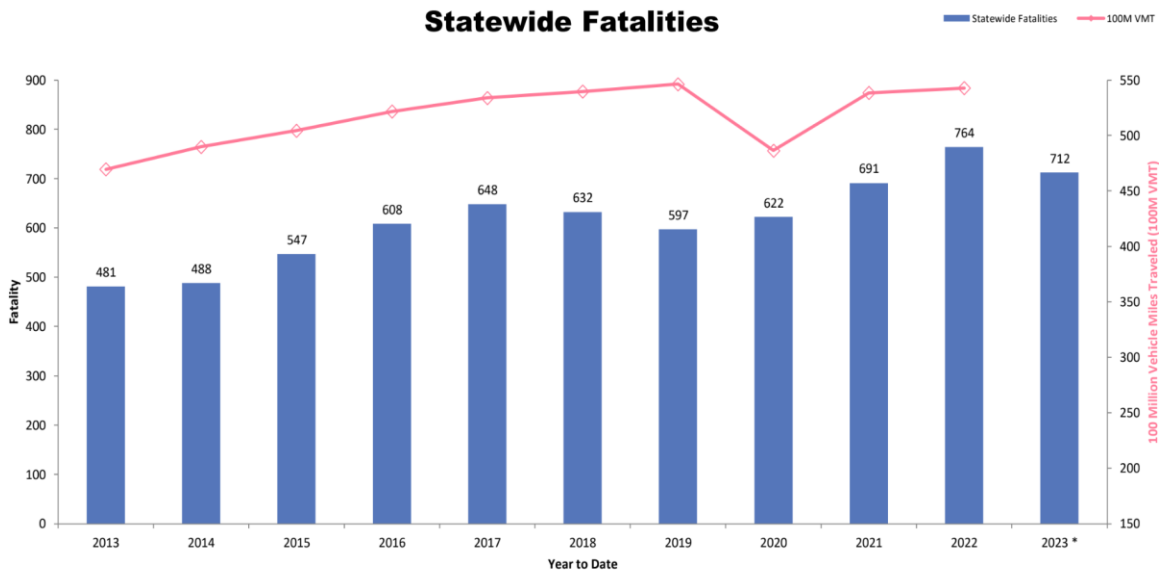
- *protection, and other traffic safety enforcement mobilizations; and*
- *Improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement.*

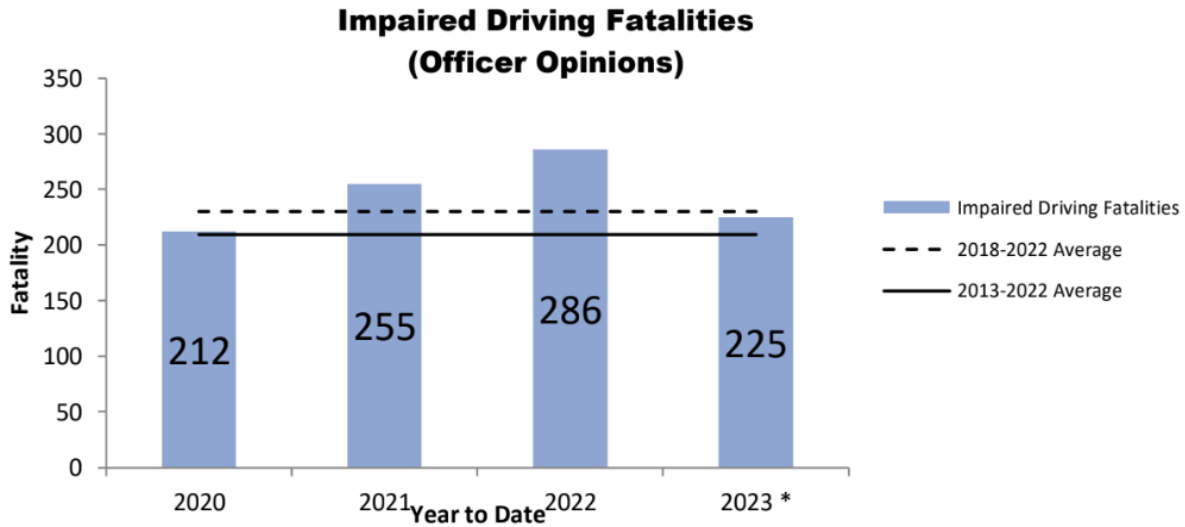
Status

The Colorado Highway Safety Office (HSO) works diligently with its law enforcement partners to ensure that impaired driving enforcement remains a priority objective for those agencies, but competing priorities and staffing limitations make it difficult for many agencies to make that commitment. Information, strategies, and statistics are regularly shared with partners to help them develop strategies and focus their efforts to achieve the best project outcomes. Crash data are available on the Colorado Department of Transportation (CDOT) website (www.codot.gov/safety/traffic-safety/data-analysis/crash-data). A number of queries are available on the website but they are somewhat limited in customization.

CDOT issues a Triennial Highway Safety Plan that includes the State’s goals, objectives, and countermeasure strategies for improving traffic safety, as well as performance measures to evaluate progress. Crash data and information from the annual CDOT Problem Identification Report are used to identify the most problematic areas for impaired driving and to encourage enforcement in those areas. Local jurisdictions are allowed some flexibility to address their unique circumstances. The HSO designates 16 high-visibility enforcement (HVE) periods each year through “The Heat is On” campaign. Grantees, except those receiving Law Enforcement Assistance Fund (LEAF) funds, are expected to participate in at least 12 of the events.

Following three years of increasing statewide traffic fatalities and impaired driving related crashes, preliminary 2023 crash data show a reduction in both.

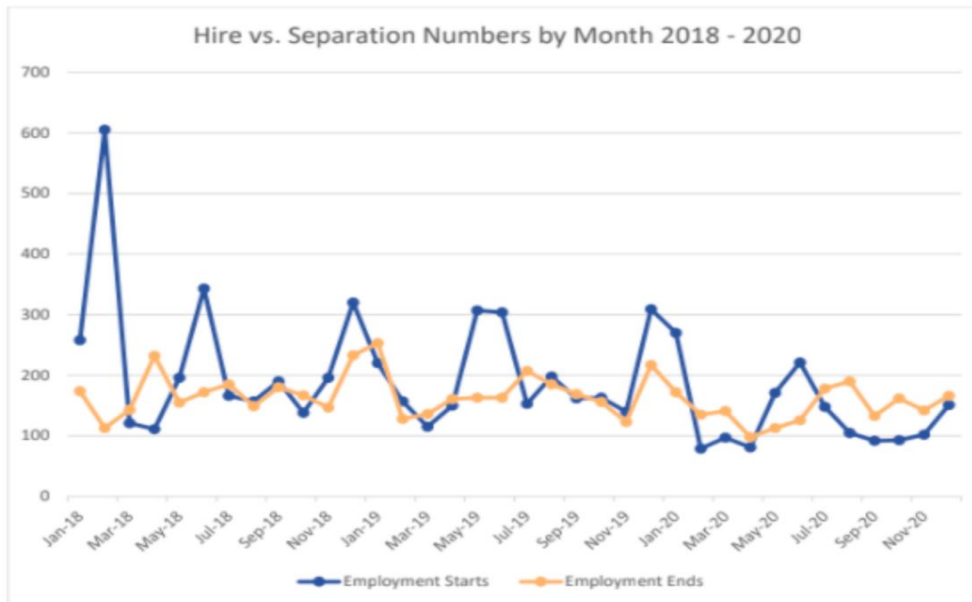




The collection of crash data is the responsibility of the Colorado Department of Revenue (DOR). Most crashes investigated by law enforcement are reported via electronic crash reports. While there is a standardized crash reporting form, there is no statewide standardized electronic crash reporting platform. Many small agencies still complete hardcopy crash reports and submit those to the DOR. They must then be manually read and entered into the crash database. This is time consuming and human error can potentially yield incomplete and faulty data.

To support the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado, the Interagency Task Force on Drunk Driving (ITFDD) was established by the General Assembly in 2006 with the goal of developing strong partnerships between public, private, and non-profit organizations. In 2014, the General Assembly changed the name of the ITFDD to the Colorado Task Force on Drunk and Impaired Driving (CTFDID). There are currently 28 members on the CTFDID that is required to meet six times a year. The meetings are open to anyone who would like to attend with in-person and virtual attendance options. An annual report is prepared each year highlighting accomplishments made and recommendations for future action to help eliminate impaired driving in Colorado. The CTFDID was previously chaired by the HSO Safety Program Manager and is now chaired by a Lieutenant Colonel with the Colorado State Patrol (CSP).

Many law enforcement agencies in Colorado are suffering from a lack of adequate personnel. This makes it difficult for all but the larger agencies to regularly dedicate personnel to impaired driving enforcement.



To help augment the number of available personnel, the HSO annually awards grants to agencies and is always seeking new applicants. Grant funds for impaired driving enforcement efforts are available from three sources through the HSO. Federal grant funds are available through monies received from the National Highway Traffic Safety Administration (NHTSA) and are generally allocated to larger agencies that are better able to achieve all of the program requirements. LEAF funds are a source of State grant funding and are awarded to smaller agencies that often find it difficult to meet the requirements of a federally funded grant. Funding for LEAF comes from a percentage of the fees paid by first time driving under the influence (DUI) offenders. However, LEAF funding is very limited as the fee offenders pay hasn't changed since the fund was established in 1983 and the number of impaired driving arrests has decreased significantly during that time. Any agency that receives funding through a federal grant is ineligible to receive funds from LEAF. The third source of funding, as stipulated by Colorado Revised Statute §43-4-903, "High-visibility alcohol and drug impaired driving enforcement funding is from 1.5 million dollars that the Transportation Commission is required to annually allocate from the State Highway Fund to the Office of Transportation Safety in the Department of Transportation for high-visibility alcohol and drug impaired driving enforcement." This funding, and that from LEAF, may only be used for enforcement purposes.

The HSO seeks participation in its grant application process from law enforcement agencies across the State. Regular participation is obtained from the CSP, and all larger municipalities, but staffing limitations and reporting requirements prevent many smaller jurisdictions from being actively involved. The administrative and financial procedures involved in obtaining a federally funded grant are contained within the 40-page *Grant Management Manual* of the HSO.

To ensure compliance with grant requirements, grants awarded by the HSO are regularly monitored by HSO staff. The HSO *Grant Management Manual* makes it clear that the HSO will impose sanctions in the event of noncompliance or a violation of any grant provision. "Appropriate sanctions may include, but not be limited to, withholding payments, suspension or

termination of a portion or the entire grant. Grants terminated for cause will take effect immediately.”

Sobriety checkpoints are permitted in Colorado but are seldom employed outside of Denver and the surrounding metropolitan area. Saturation patrols are the most frequently used method to achieve HVE. Law enforcement in neighboring jurisdictions will occasionally partner with one another to achieve a greater HVE presence.

To help evaluate the effectiveness of HVE activities, law enforcement grantees must report the type of enforcement conducted, the number of officers participating, the start and end times of the event, which agencies participated, the number of vehicles stopped or contacted, the number of impaired driving arrests made, and the number of grant hours utilized. This reporting is accomplished via a dedicated secure online website: <https://socgov.my.salesforce-sites.com/tsreports/>. While a secure login is required to enter data into the system, the public may access much of the information from an enforcement period for occupant protection and impaired driving via the same website.

HSO impaired driving grants require grantees to disseminate information to the public and news media, prior to and after each HVE activity. Copies of the releases must be provided to the HSO with each reimbursement request. Unfortunately, it appears that most agencies rely almost exclusively on social media accounts to provide notice of upcoming enforcement and the outcomes of that enforcement. This only reaches an audience that seeks the information or that follows the social media accounts of the respective agency, which is likely not the audience that needs to see and be influenced by the information. CDOT communications personnel are evaluating the possibility of contracting with popular social media influencers to get messages in front of target audiences.

CDOT conducts an annual Driver Behavior Survey. The 2022 survey found that 21 percent of drivers reported driving a motor vehicle within two hours of consuming alcohol. Seventy percent believed they would be charged with a DUI for driving under the influence of alcohol while only 54 percent believed they would receive a DUI for driving while impaired by cannabis.

Colorado has robust impaired driving enforcement training requirements to help ensure law enforcement officers have the knowledge and skills to effectively identify an impaired driver. Successful completion of the 24-hour NHTSA/International Association of Chiefs of Police (IACP) Standardized Field Sobriety Testing (SFST) class is a requirement for all officers as part of their basic academy training. To remain eligible for advanced levels of training and to be eligible to work grant-funded impaired driving enforcement overtime, officers must complete two hours of SFST refresher training every two years. SFST instructors must complete eight hours of refresher training every other year. Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) instructors must maintain their DRE certification that requires refresher training every two years. Several ARIDE classes are offered throughout the State and one DRE school is conducted each year. In recent years it has been difficult to increase ARIDE and DRE training because of a lack of available instructors due to staffing limitations at law enforcement agencies employing those instructors. The number of certified DREs in Colorado, 122 in 2022, does not meet the need. There were 138 DRE evaluations

conducted in Colorado despite the fact that 40 percent of impaired driving deaths involve polysubstance use.

Training Classes Offered and (Number of Students Trained)

Training Class	2018	2019	2020	2021	2022
ARIDE	9 (139)	14 (242)	2 (44)	8 (120)	11 (165)
DRE	0	2 (35)	0	1 (13)	1 (16)

Source: IACP DECP Annual Reports at <https://www.theiacp.org/projects/the-international-drug-evaluation-classification-program>

The HSO has divided the State into four regions and contracts with retired law enforcement officers to serve as Law Enforcement Liaisons (LEL), one for each region. Three work part-time hours and one is full-time. The HSO also employs one LEL Coordinator who must also monitor other programs. These five personnel coordinate and monitor State-funded grant activities. The LELs promote and encourage participation in HSO projects and assist interested agencies with the grant application process. LELs report visiting law enforcement agencies within their region at least once every two to three years.

Ignition interlock devices are required in Colorado for all drivers convicted of impaired driving unless it is the driver's first offense and that driver has a low blood alcohol content. The requirement for an ignition interlock is indicated on the driver license and driver record. Aside from knowing to examine a driver license for an ignition interlock restriction, law enforcement officers in Colorado receive no standardized training concerning the operation of the devices or how to detect tampering or violations.

It does not appear that members of the Colorado judiciary receive information directly from law enforcement experts on the tools they use to detect impaired drivers. Education on SFST, ARIDE and the Drug Evaluation and Classification Program (i.e., DRE protocols) would be beneficial. Information on those programs is currently primarily received as part of trial testimony.

Suspected impaired drivers are refusing evidential chemical tests at a rate of 45 to 50 percent. A survey conducted by CDOT of drivers who refused a chemical test, and of law enforcement officers, revealed that both parties believe many refusals are the result of a driver not completely understanding the requirement to take a test and the ramifications of refusing a test. There is no standardized form or language for advising a driver of the requirement to take a test or the consequences of a refusal.

When a blood specimen is obtained as a form of evidential chemical test in an impaired driving case and submitted to one of the three forensic state laboratories, the specimen is tested for both alcohol and a full drug screen. This practice helps better determine the true extent of drug use and polysubstance use in the driving population. The current time between sample submission and results being distributed is about 90 days. There is a desire to lower that to about 60 days.

Although the HSO has outreach to law enforcement partners throughout the State, they currently have limited involvement with the State's federally recognized Native American tribes. CSP appears to have a working relationship with tribal law enforcement and are working towards a

mutual aid agreement.

Recommendations

- Adopt a standardized advice of right to chemical test form to advise offenders of their right to refuse a chemical test and the penalties for doing so.
- Collaborate with Colorado Judicial Education to offer educational opportunities to the Colorado judiciary on Standardized Field Sobriety Testing, Advanced Roadside Impaired Driving Enforcement, and Drug Evaluation and Classification Program by subject matter experts.
- **Conduct at least two Drug Recognition Expert schools each year.**
- Enhance collaboration between the Native American tribes, law enforcement, task forces, and the Colorado Highway Safety Office on highway safety initiatives.
- Provide ignition interlock device training to law enforcement officers that demonstrates concept of operation and provides insight into detecting tampering and other violations.
- Create an automated crash report submission application for all law enforcement statewide to ensure that crash incident reporting is both timely and accurate.

C. Prosecution

Advisory

States should implement a comprehensive program to visibly, aggressively and effectively prosecute, and publicize impaired driving-related efforts, including use of experienced prosecutors, to help coordinate and deliver training and technical assistance to those prosecutors handling impaired driving cases throughout the State. Effective prosecution can include participation in a DWI Court program.

Prosecutors who handle impaired driving cases often have little experience, are responsible for hundreds of cases at a time, and receive insufficient training.³ States should:

- Make impaired driving cases a high priority for prosecution and assign these cases to knowledgeable and experienced prosecutors;*
- Encourage vigorous and consistent prosecution of impaired driving (including youthful offender) cases, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes;*
- Provide sufficient resources to prosecute impaired driving cases and develop programs to retain qualified prosecutors;*
- Employ experienced prosecutors, such as State Traffic Safety Resource Prosecutors, to help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State;*
- Ensure that prosecutors who handle impaired driving cases receive state-of-the-art training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs. Prosecutors should learn about sentencing strategies for offenders who abuse these substances and participate in multi-disciplinary training with law enforcement personnel;*
- In drug-impaired driving cases, encourage close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including DRE). Their combined expertise is needed to successfully prosecute these cases;*
- Establish and adhere to strict policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense; and*
- Encourage prosecutors' participation in DWI Courts as a sentencing alternative for persistent DWI offenders.*

Status

Colorado has a comprehensive program for prosecution of impaired driving cases. Data from the Division of Criminal Justice Report shows the State moving toward the Zero Deaths plan.

The State makes impaired driving cases a priority for prosecution and assigns these cases to knowledgeable and experienced prosecutors where and when available. Colorado is experiencing high turnover in some of its prosecution offices. While prosecution may fall to new prosecutors in some areas, there is significant support. Cases are prosecuted in both county and district courts with both interoffice and statewide support. A Traffic Safety Resource Prosecutor (TSRP) provides significant technical advice, trainings, and useful resources. In addition, there are some specific or special driving under the influence (DUI) divisions/staff in some larger metro areas.

³ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution." Ottawa, Traffic Injury Research Foundation, 2002.

Colorado law discourages plea deals to lesser offenses. Colorado Revised Statutes (CRS) §42-1301(4) states “No court shall accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or guilty to the offense of underage drinking and driving (UDD) from a person charged with DUI or DUI per se; except that the court may accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or to UDD upon a good faith representation by the prosecuting attorney that the attorney could not establish a prima facie case if the defendant were brought to trial on the original alcohol-related or drug-related offense.” In addition, most jurisdictions have plea guidelines which include provisions on impaired and intoxicated cases. The guidelines have remained consistent even through leadership changes. However, there are some variations in individual offices due to geographic and cultural differences within the State.

The Colorado TSRP program is housed in the Colorado District Attorneys’ Council (CDAC) and currently employs one TSRP and a program coordinator. Both individuals have significant and extensive experience in impaired driving. The program website (<https://coloradoprosecutors.org/cdac/programs/tsrp/>) indicated that in 2020, the TSRP office provided training for 903 prosecutors, 4,928 law enforcement officers, and held 9,387 total training hours.

The State provides sufficient resources to prosecute impaired driving cases and develop programs to retain qualified and experienced prosecutors; DUI prosecutors receive training and support from the TSRP office and CDAC in general. The TSRP website contains numerous resources, extensive training areas, a calendar of upcoming trainings, and a member portal. Inside the member portal, there is a resource database of case law, sample motions, appellate materials, Division of Motor Vehicles case law, and materials on specific subjects such as preliminary breath tests, drug recognition experts (DRE), blood draws, and standardized field sobriety tests (SFST). It also has an online database of DUI-related expert materials and a video library. The TSRP program maintains the Prosecutor's DUI/DWAI Manual and also the DUI manual for Colorado law enforcement. Each year, there are several training and teaching opportunities available to each prosecutor. The TSRP program also works hard to provide updates via newsletter and email.

The State ensures that prosecutors who handle impaired driving cases receive state-of-the-art training on topics including SFST, DRE, and emerging technologies for the detection of alcohol and other drugs. The TSRP program provides many of these training classes. Prosecutors have the opportunity to learn about sentencing strategies for offenders who abuse substances and participate in multi-disciplinary training with law enforcement personnel.

Colorado encourages close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including DREs). However, there are communication silos in some areas. Many trainings with prosecutors and law enforcement officers are offered together. From October 2022 through September 2023, out of 129 training classes provided by CDAC, 41 were attended by both prosecutors and law enforcement personnel. TSRP courses are open to all traffic safety professionals in an effort to foster these partnerships. This cooperation helps law enforcement build better cases, charging becomes more of a team effort, and court becomes easier though there are still battles with the bench accepting SFST and DRE-related evidence.

Colorado toxicologists help whenever they are able and attend when they can; they are approachable and transparent.

Although they may vary slightly from office to office, Colorado prosecutors have established and adhere to policies on plea negotiations and deferrals in impaired driving cases, but there is no requirement that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense. Prosecutorial discretion is a player here, even if limited by CRS §42-4-1301(4). While diversions and deferrals may not count as a prior impaired driving offense, those defendants must still complete an alcohol and drug evaluation and any recommended education or treatment as part of their sentence.

Colorado encourages prosecutors' participation in DUI Courts as a sentencing alternative for persistent DUI offenders. Prosecutors are part of every treatment court team. Understanding addiction/mental health and the drivers and motivations, along with the treatment of such, can be powerful tools for a prosecutor seeking to make lasting change.

Recommendations

- **Make plea negotiations to a lesser offense part of the record and count as a prior impaired driving offense.**
- Continue to provide impaired driving specific training and support to existing and especially new prosecutors.
- **Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.**

D. Adjudication

Advisory

States should impose effective, appropriate, and research-based sanctions, followed by close supervision, and the threat of harsher consequences for non-compliance when adjudicating cases. Specifically, DWI Courts should be used to reduce recidivism among repeat and high BAC offenders. DWI Courts involve all criminal justice stakeholders (prosecutors, defense attorneys, probation officers, and judges) along with alcohol and drug treatment professionals and use a cooperative approach to systematically change participant behavior. Where offender supervision⁴ is housed within the judicial branch, the guidelines of Section V(A)(1) should be utilized by the judiciary.

The effectiveness of enforcement and prosecution efforts is strengthened by knowledgeable, impartial, and effective adjudication. Each State should provide the latest state-of-the-art education to judges, covering Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE), alternative sanctions, and emerging technologies, such as ignition interlock devices (IID).

Each State should utilize DWI Courts to help improve case management and to provide access to specialized personnel, speeding up disposition and adjudication. DWI Courts also improve access to assessment, treatment, and sentence monitoring. Each State should provide adequate staffing and training for community supervision programs with the necessary resources, including technology, such as IID, to monitor and guide offender behavior. States should:

- *Involve the State's highest court in taking a leadership role and engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges;*
- *Encourage consistency in the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury;*
- *Provide sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges;*
- *Ensure that judges who handle criminal or administrative impaired driving cases receive state-of-the-art education, such as in technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders;*
- *Use court strategies to reduce recidivism through effective sentencing and close monitoring by either establishing DWI Courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug Court practice. These courts increase the use of drug or alcohol assessments; identify offenders with alcohol or drug use problems; apply effective and appropriate sentences to these offenders, including abstinence from alcohol and other drugs; and closely monitor compliance, leading to a reduction in recidivism;⁵*
- *Eliminate ethical obstacles, such as ex parte or commitment communications, by adopting the current Model Code of Judicial Conduct so that judges can participate more freely in DWI Court administration;*
- *Provide adequate staffing and training for community supervision programs with the necessary resources, including technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance; and*

⁴ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002.

⁵ Freeman-Wilson, Karen and Michael P. Wikosz, "Drug Court Publications Resource Guide, Fourth Edition." Alexandria, VA: National Drug Court Institute, 2002.

- *Incorporate into judicial education and outreach administration the position of Judicial Outreach Liaison as a judicial educator and resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.*

Status

The Colorado court system is overseen by the State Supreme Court. There is one appellate court below the Supreme Court. The trial courts are divided into 22 judicial districts. Each district contains one or more of the State's counties. Each county has its own county court, that is overseen by one or more county judges. Any tribal courts are outside of the State's court system.

The State's highest court takes a leadership role, engaging judges in effectively adjudicating impaired driving cases and ensuring that these cases are assigned to knowledgeable and experienced judges.

Colorado has a unified court system which is evidenced by the general consistency of the adjudication of impaired driving (including youthful offender) cases, and the imposition of effective and appropriate sanctions, particularly when impaired driving resulted in a fatality or injury. Any inconsistencies are largely due to resource availability across jurisdictions.

The State seems to find sufficient resources to adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges. There are some staffing shortages in various areas, but this seems to be across the board and not just the result of problems in one particular area.

Judges who handle criminal or administrative impaired driving cases receive opportunities for participation in state-of-the-art education, such as in technical evidence presented in impaired driving cases, including standardized field sobriety tests and drug recognition expert; emerging technologies, such as ignition interlock devices (IID), for the detection of alcohol and other drugs; and sentencing strategies for this class of offenders. Judges are required to maintain the normal continuing legal education requirements for the practice of law. While there are specialized training opportunities, there are no requirements for those who handle driving under the influence (DUI) cases. The State does not currently employ a State Judicial Outreach Liaison (SJOL) who can assist in this area, providing education, training, and technical assistance regarding impaired driving cases and issues.

Colorado has adult and juvenile drug courts, DUI courts, felony DUI (RESTART) courts, hybrid Drug/DUI courts, misdemeanor sobriety courts, and other treatment courts, including veterans, family treatment, and adult mental health, and wellness courts (69 in total as of May 2023) and they use them effectively. As of May 2023, 20 judicial districts have a treatment court and the State has 13 DUI specific courts plus two hybrid Drug/DUI courts. The courts continue to operate using the best practices standards and utilize the strategies put forth by All Rise (formerly the National Association of Drug Court Professionals) and the State's own treatment court standards. The Colorado Judicial Branch has a Problem-Solving Court Advisory Committee that was established in March 2008. The Committee is charged with the tasks of addressing compliance to the key components of problem-solving courts, staffing models, funding models, program evaluation, and sustainability. The Problem-Solving Court Advisory

Committee developed a Colorado Problem-Solving Courts Best Practices Manual to guide and inform problem-solving court operations across the State. While there is no formal statewide association for treatment court professionals in Colorado, there is an annual statewide training conference. Colorado is hosting a DUI Tune-up training this summer for its DUI Courts provided by All Rise staff. This training will provide updates on best practices and standards.

Colorado provides adequate staffing and training (40 hours per year) for their community supervision programs with necessary resources, including technology such as breathalyzers, IID, and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance. There is rather robust community supervision programming especially in the metro areas, including DUI specific caseloads, and good cooperation between supervision and behavioral health. The Colorado Division of Criminal Justice and its Community Corrections Department manages most of this programming.

Colorado has not currently incorporated into judicial education and outreach an SJOL position to serve as a judicial educator and resource on highway traffic safety issues including impaired driving, and as an agent to create more DUI Courts. While Colorado has access to the Region 8 JOL, incorporating a state judge brings much more to the table, given the state-specific experience and knowledge of the Colorado dynamics and judiciary that person would bring. An SJOL can bring a judicial perspective to many of the traffic safety program planning committees, meetings, and provide valuable insight and input into judicial education. An SJOL can bridge the gaps in judicial education and involvement in highway/road safety.

When identifying an SJOL within Colorado it is important to seek a candidate who exhibits leadership in relevant committee work, has judicial education and/or teaching experience, has treatment court experience (particularly DUI Court), and has implemented innovative programs within their own courts.

Recommendations

- **Add a State Judicial Outreach Liaison to facilitate judicial education and outreach efforts by exploring state, regional, and national avenues to assist in the identification of a judge to serve in this position.**
- Educate the judiciary on the need for consistent evidence-based impaired driving adjudication.
- Provide additional impaired driving education to the judiciary.
- **Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.**
- Ensure that treatment courts follow the national best practice standards.

E. Administrative Sanctions and Driver Licensing Programs

Advisory

States should use administrative sanctions, including the suspension or revocation of an offender's driver's license; the impoundment, immobilization, or forfeiture of a vehicle; the impoundment of a license plate or suspension of a vehicle registration; or the use of ignition interlock devices. These measures are among the most effective actions that can be taken to prevent repeat impaired driving offenses.⁶

In addition, other driver licensing activities can prove effective in preventing, deterring, and monitoring impaired driving, particularly among novice drivers.

E-1. Administrative License Revocation and Vehicle Sanctions

Advisory

Each state's Motor Vehicle Code should authorize the imposition of administrative penalties by the driver licensing agency upon arrest for violation of the state's impaired driving laws. Administrative sanctions allow the licensing agency to maintain its authority to determine the safety and competence of the driver to whom it has issued a license and to determine whether, at any time, continued provision of driving privileges is warranted. Administrative sanctions provide for consistency and uniformity of both sanction and treatment of offenders, apart from the political or social viewpoints of the various judicial jurisdictions within a state. The code should provide for:

- *Administrative suspension of the driver's license for alcohol and/or drug test failure or refusal;*
- *The period of suspension for a test refusal should be longer than for a test failure;*
- *Prompt suspension of the driver's license within 30 days of arrest, which should not be delayed, except when necessary, upon request of the State;*
- *Vehicle sanctions, including suspension of the vehicle registration, or impoundment, immobilization, or forfeiture of the vehicle(s) of repeat offenders and individuals who have driven with a license suspended or revoked for impaired driving; and*
- *Installation of ignition interlock device(s) on the offender's vehicle(s) until a qualified professional has determined that the licensee's alcohol and/or drug use problem will not interfere with their safe operation of a motor vehicle. Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.*

Status

The Colorado Department of Revenue, Division of Motor Vehicles (DMV) is responsible for driver licensing processes from testing of drivers and issuance of credentials to suspension or revocation of licenses. Colorado has an express consent statute and administrative license suspension (ALS) related to impaired driving offenses. The

⁶ Robertson, Robyn D. and Herb M. Simpson "DWI System Improvement for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa, Traffic Injury Research Foundation, 2002

administrative process is independent of the judicial process and associated criminal penalties for impaired driving. ALS appeals are heard by hearing officers, separating criminal and administrative processes and allowing for uniform administrative sanctions apart from any criminal proceedings.

Upon detection of any amount of alcohol for individuals under 21 years of age or a positive test result of 0.08 percent or more for those 21 years of age or older, or the refusal of any express consent test, the operator faces ALS. The following ALS sanctions will be imposed for persons who fail or refuse an alcohol test.

Chemical test result of 0.079 percent or less and under 21 years of age

- 1st offense: three months administrative license suspension
- 2nd offense: 24 months administrative license suspension
- 3rd offense: 36 months administrative license suspension

Chemical test result of 0.08 percent or more and 21 years of age or older

- 1st offense: nine months administrative license suspension
- 2nd offense: 12 months administrative license suspension
- 3rd offense: 24 months administrative license suspension
- Early reinstatement is possible on first offense with voluntary installation of an ignition interlock device (IID)

Chemical test refusal

- 1st offense: 12 months administrative license suspension
- 2nd offense: 24 months administrative license suspension
- 3rd offense: 36 months administrative license suspension
- Early reinstatement is possible after serving two months of no driving privileges with voluntary installation of IID

The enhanced second and subsequent offense ALS penalties are applied for a previous positive test result or a refusal of a chemical test regardless of when the prior offense occurred.

Vehicle seizure sanctions are provided for by statute in Colorado related to felony driving under the influence (DUI) offenders. Additionally, there are requirements to have an IID installed for failure or refusal of a chemical test beginning with the first DUI offense.

A restricted driver license indicating that an IID is required is issued to drivers participating in the IID program. Additionally, a notation is made on the licensee's driver record that is visible to an officer in the driver history query.

Recommendations

- Enact vehicle sanctions for driving under the influence violators to revoke vehicle registration or provide for vehicle forfeiture.

E-2. Driver Licensing Programs

Advisory

Each state's driver licensing agency should conduct programs that reinforce and complement the state's overall program to deter and prevent impaired driving, including:

- (1) Graduated Driver Licensing (GDL) for novice drivers. GDL programs have been widely evaluated and all studies, although results vary significantly, have shown a reduction in crash and fatality rates.*

States' GDL program should involve a three-stage licensing system for beginning drivers (stage 1 = learner's permit; stage 2 = provisional license; and stage 3 = full license) that slowly introduces the young, novice driver to the driving task by controlling exposure to high risk driving situations (e.g., nighttime driving, driving with passengers, and driving after drinking any amount of alcohol). The three stages of the GDL system include specific components and restrictions to introduce driving privileges gradually to beginning drivers. Novice drivers are required to demonstrate responsible driving behavior during each stage of licensing before advancing to the next level.

Each stage includes recommended components and restrictions for States to consider when implementing a GDL system.

Stage 1: Learner's Permit

- State sets minimum age for a learner's permit at no younger than 16 years of age;*
- Pass vision and knowledge tests, including rules of the road, signs, and signals;*
- Completion of basic driver training;*
- Licensed adult (who is at least 21 years old) required in the vehicle at all times;*
- All occupants must wear seat belts;*
- Zero alcohol while driving;*
- Learner's permit is visually distinctive from other driver licenses;*
- Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed, and other GDL provisions, for at least six consecutive months to advance to the next level;*
- Parental certification of 30 to 50 practice hours; and*
- No use of portable electronic communication and entertainment devices while driving.*

Stage 2: Intermediate (Provisional) License

- Completion of Stage 1;*
- State sets minimum age of 16.5 years of age;*
- Completion of intermediate driver education training (e.g., safe driving decision-making, risk education);*
- All occupants must wear seat belts;*
- Licensed adult required in the vehicle from 10 p.m. until 5 a.m. (e.g., nighttime driving restriction) with limited exceptions (i.e., religious, school, medical, or employment related driving);*
- Zero alcohol while driving;*
- Driver improvement actions are initiated at lower point level than for regular drivers;*
- Provisional license is visually distinctive from a regular license;*
- Teenage passenger restrictions – not more than 1 teenage passenger for the first 12 months of Intermediate License. Afterward, limit the number of teenage passengers to 2*

until age 18;

- *Must remain crash and conviction free, including violations of the seat belt, zero tolerance, speed, and other GDL provisions, for at least six consecutive months to advance to the next level; and*
- *No use of portable electronic communication and entertainment devices while driving.*

Stage 3: Full Licensure

- *Completion of Stage 2;*
- *State sets minimum age of 18 for lifting of passenger and nighttime restrictions;*
- *Zero alcohol while driving; and*
- *Visually distinctive license for drivers under the age of 21.*

(2) *A program to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or altered driver's license including:*

- *Training for alcoholic beverage sellers to recognize fraudulent or altered licenses and IDs and what to do with these documents and the individuals attempting to use them;*
- *Training for license examiners to recognize fraudulent documents and individuals seeking to apply for them; and*
- *A means by which to ensure that individuals cannot obtain driver licenses using multiple identities.*

Status

Colorado has a Graduated Driver Licensing (GDL) program consisting of three stages of licensure. The stage of licensure depends on the applicant's age. An Instruction Permit can be obtained as early as 15 years of age, a minor license at a minimum of 16 years, and at age 18 a full license can be obtained. The requirements and restrictions associated with each stage are:

Instruction Permit

- Must be at least 15 to 15-1/2 years of age and completed a 30-hour state-approved driver education program
- Must be at least 15-1/2 and successfully complete a four-hour driver awareness course
- Must be at least 16 if no driver training is completed

Minor License

- Must be at least 16 years of age
- Must have held an Instruction Permit for at least 12 months
- Must have logged 50 hours of supervised driving experience with at least 10 hours being nighttime driving
- If under 16-1/2, must have six additional driving hours with a state-approved instructor or 12 additional driving hours with a parent if no instructor is within 30 miles of the licensee's home
- Restrictions for younger than 18 years of age:
 - May not drive between midnight to 5:00 a.m. unless licensed for at least one year;

- May not carry any passengers under 21 years of age for the first six months unless the passengers are family members or in a medical emergency;
- May not carry more than one passenger under 21 years of age other than family members or in a medical emergency unless licensed at least one year;
- Driver and all passengers must be properly restrained;
- Prohibited from using wireless communication device except for emergency calls;
- No trace of alcohol

Class C Driver License

- At least 18 years of age

A full driver license issued to a minor under 21 years of age has distinguishing characteristics in the format of the license that enable alcohol sellers or servers to readily determine that the person is underage for purchasing or consuming alcoholic beverages. However, there is no provision to deny an Instruction Permit, Minor License, or a Class C license to persons under 21 who are convicted of non-traffic alcohol offenses such as underage purchasing of alcohol, minor in possession of alcohol, or using fraudulent identification to purchase alcohol.

Liquor licensing and primary enforcement is administered through the Department of Revenue (DOR), Liquor Enforcement Division. There are no State mandated server training requirements, but they are encouraged. Alcohol vendors who have their employee servers trained as responsible servers are eligible for lesser penalties if over serving violations are detected. DOR-approved server training courses must be presented live and include information regarding over service and refusal to serve underage individuals.

The driver licensing program is supported by fraudulent document recognition training for licensing personnel and by facial image verification technology for license applicants. A one-to-many verification analyzes a new applicant's facial image against the file of all currently licensed driver facial images to identify individuals seeking to obtain multiple licenses under different identities, while a one-to-one image verification validates the license applicant to their previous facial image.

The driver licensing program adheres to national standards and utilizes systems to deter identity fraud including the Systematic Alien Verification for Entitlements, the Social Security Online Verification, the Commercial Driver License Information System, and the State Pointer Exchange Service databases. These systems enable Colorado to determine if individuals who have lost or are ineligible for driving privileges in another state are attempting to obtain a Colorado driver license and enable Colorado to exchange driver history and conviction information with other states including driving under the influence arrest and conviction information.

Recommendations

- Establish driver license privilege penalties for minors who violate alcohol sale or use requirements under age 21.
- Create a statewide mandate for responsible server and sale training for all persons who serve or sell alcoholic beverages.

IV. Communication Program

States should develop and implement a comprehensive communication program that supports priority policies and program efforts, including high visibility enforcement (HVE). Communication strategies should specifically support efforts to increase the public perception of the risks of detection, arrest, prosecution, and sentencing for impaired driving. Additional communication strategies should address underage drinking, impaired driving, and reducing the risk of injury, death, and the resulting medical, legal, social, and other costs if there are specific programs underway in the community. Communications should highlight and support specific program activities underway in the community and be culturally relevant and appropriate to the audience.

Advisory

States should:

- *Focus their publicity efforts on creating a perception of risk of detection, arrest, prosecution, and punishment for impaired driving;*
- *Use clear, concise enforcement messages to increase public awareness of enforcement activities and criminal justice messages that focus on penalties and direct costs to offenders such as loss of license, towing, fines, court costs, lawyer fees, and insurance;*
- *Employ a communications strategy that principally focuses on increasing knowledge and awareness, changing attitudes, and influencing and sustaining appropriate behavior;*
- *Develop a year-round, data-driven, strategic, and tactical communication plan that supports the state's priority policies and programs such as alcohol's effects on driving and consequences of being caught driving impaired or above the state's zero tolerance limit;*
- *Implement a communication program that:*
 - *Uses messages that are coordinated with National campaigns and messages that are culturally relevant and linguistically appropriate;*
 - *Considers special emphasis during holiday periods and other high-risk times throughout the year, such as New Year's, 4th of July, Labor Day, Halloween, prom season, and graduation;*
 - *Uses paid, earned, and donated media coordinated with advertising, public affairs, news, and advocacy; and*
 - *Encourages communities, businesses, and others to financially support and participate in communication efforts.*
- *Direct communication efforts at populations and geographic areas at highest risk or with emerging problems such as youth, young adults, repeat and high BAC offenders, and drivers who use prescription or over-the-counter drugs that cause impairment;*
- *Use creativity to encourage earned media coverage, use of a variety of messages or "hooks" such as inviting reporters to "ride-along" with law enforcement officers, conducting "happy hour" checkpoints or observing under-cover liquor law enforcement operations, and use of social media;*
- *Monitor and evaluate the media efforts to measure public awareness and changes in attitudes and behavior; and*
- *Ensure that personnel who are responsible for communications management and media liaison are adequately trained in communication techniques that support impaired driving activities.*

Status

The Colorado Highway Safety Office (HSO) uses a communications contractor for their media campaigns. The HSO and contractor discuss the messaging tactics and strategies to be used for the various campaigns.

In FY 2023, the following objectives were established:

- Achieve a 30 percent awareness of campaign slogans such as “The Heat Is On”
- Decrease self-reported impaired driving behavior by five percent
- Decrease the number of alcohol-related fatalities
- Achieve over 500,000 earned media impressions to ensure broad coverage for the campaign
- Achieve over 500,000 paid media impressions to ensure broad coverage for the campaign

The HSO does not develop a comprehensive communications plan in advance of their campaigns. They typically:

- Hold a team meeting to debrief the previous year’s campaign, identify priorities for current year based on best practices or new data, and identify new partners;
- Finalize a paid media plan;
- Develop a public relations plan for 16 high-visibility enforcement (HVE) campaigns;
- Develop a public relations plan for non-HVE earned media;
- Launch the campaign; and
- Track results (impressions, news stories, online engagement, fatality data, annual surveys pre and post campaign).

The HSO discusses the consequences of traffic safety violations (e.g., medical, legal, etc.) in press releases and their media talking points.

The HSO has developed the following campaigns:

- Consequences of a DUI – This campaign features offenders who are serving prison time. The offenders express their regret for what they did and also how it has drastically altered their life plans. The campaign is to get both the news media and the public engaged in a conversation about the consequences of a DUI. A display was developed to show the various consequences, including jail time, fines, and an ignition interlock.
- Victim voices – This ad campaign features a woman whose daughter was killed in a DUI crash. Her story is paired with an expert explaining how drugs and alcohol impair the ability to drive by reducing reaction time.
- “Meet the Effects” – This campaign focuses on the evidence-based impacts of driving under the influence of cannabis.

Efforts have been made to work with the news media to cover stories on polydrug impairment by presenting data on the number of crashes that involve more than one drug.

The HSO has partnered with Uber and the Governor’s Highway Safety Association to promote rideshare discounts to get people in the habit of using the service to avoid driving impaired. The HSO has also promoted free rides offered by light rail and reimbursed by local law firms.

The HSO promotes the purchase of smartphone breathalyzers as a way for people to better understand how blood alcohol concentration effects their ability to drive.

One of the paid media campaigns focuses on alcohol impaired driving and uses National Highway Traffic Safety Administration funds. Another campaign focuses on marijuana impaired

driving and uses State funds. The marijuana impaired driving campaign is separate because research shows that many cannabis consumers do not believe driving high is dangerous. The consumer also wants to know how law enforcement officers can identify high drivers. The alcohol campaign “It’s Not Complicated” focuses on the point of decision-making about driving and helps people overcome common excuses they make about driving impaired. This campaign ran for three years and in 2023 was replaced by “Shift into Safe,” which features a victim and expert discussing impairment.

Currently, underage drinking is not a major component in the State’s communication outreach.

The paid media contractor ensures that all campaign messaging is leveraged via a variety of proven communication channels, including social media, digital, radio, and billboards. The contractor has also been successful in obtaining added buys with paid media buys. Currently, focus group testing is not conducted and could assist with ensuring the proper messaging is being developed and delivered.

About 20 percent of paid media efforts are developed to reach Spanish-preferred and Spanish-dominant Hispanic/Latino audiences across the State. This percentage is based on population density associated with ethnicity (22 percent) and language preference (17 percent). Partnerships with Telemundo, Univision and other Spanish media outlets help extend the reach of these messages. Creative development is frequently adapted by the HSO’s multicultural communications contractor to ensure maximum cultural and linguistic relevance. When data supports a unique messaging effort targeting a specific underserved audience, a stand-alone message may be designed for that audience. Messages are placed in communities with higher concentrations of Hispanic households. Messages are also placed on radio and digital channels that cater to Hispanic audiences.

Young males are an important target audience for impaired driving.

The HSO conducts a yearly evaluation to assess the impact of seasonal marketing and enforcement campaigns. In 2023, the HSO hired Corona Insights to conduct this evaluation. Drugged driving and anti-DUI campaigns were part of this evaluation.

The HSO is beginning to use social influencers to increase the reach of impaired driving messaging.

Positive social norming is another promising tactic that is being explored.

The communications campaign is reaching out to the tribal communities and the two federally recognized Native American tribes.

The State is exploring the need for the campaigns to be available in additional languages to address emerging immigrant populations.

Recommendations

- Develop and execute a year-round communication plan that addresses alcohol and other drugged driving.
- Conduct focus groups to ensure that messaging resonates with the intended audience.
- Determine if the data supports a media campaign for youth on the consequences of driving impaired by alcohol or other drugs.
- **Conduct a comprehensive paid media campaign focused on cannabis-impaired driving awareness and the consequences associated with it.**
- Develop press materials that law enforcement agencies can use to publicize their high-visibility enforcement campaigns.

V. Alcohol and Other Drug Misuse: Screening, Assessment, Treatment, and Rehabilitation

Impaired driving frequently is a symptom of the larger problem of alcohol or other drug misuse. Many first-time impaired driving offenders and most repeat offenders have alcohol or other drug abuse or dependency problems. Without appropriate assessment and treatment, these offenders are more likely to repeat their crime. One-third of impaired driving arrests each year involve repeat offenders.⁷ Moreover, on average, individuals with alcohol or other drug abuse problems, drive several hundred times within two hours of drinking before they are arrested for driving while impaired.⁸

States should have a system for identifying, referring, and monitoring convicted impaired drivers who are high risk for recidivism for impaired driving.

Nationally, the number and diversity of problem solving courts has grown dramatically. One such problem solving model is the DWI Court. These courts provide a dedicated docket, screening, referral, and treatment and intensive monitoring of impaired driving offenders. States and localities that implement DWI Courts should ensure that they are established and operated consistent with the Guiding Principles recommended by the National Center for DWI Courts. https://allrise.org/wp-content/uploads/2023/06/Guiding_Principles_of_DWI_Court.pdf

In addition, alcohol use leads to other injuries and health care problems. Almost one in six vehicular crash victims treated in emergency departments are alcohol positive, and one third or more of crash victims admitted to trauma centers—those with the most serious injuries - test positive for alcohol. Studies report that 24-31percent of all emergency department patients screen positive for alcohol use problems. Frequent visits to emergency departments present an opportunity for intervention, which might prevent these individuals from being arrested or involved in a motor vehicle crash, and result in decreased alcohol consumption and improved health.

Each State should encourage its employers, educators, and health care professionals to implement a system to identify, intervene, and refer individuals for appropriate substance abuse treatment.

A. Screening and Assessment

Each State should ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency. The most immediate screening should take place in the criminal justice system. However, states should also encourage its health care professionals, employers, and educators to have a systematic program to screen and/or assess drivers to determine whether they have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment. Many individuals who are drivers and who have alcohol or other drug abuse problems present themselves in a variety of settings, e.g., emergency departments, in which Screening and Brief Intervention (SBI) and referral are appropriate and serve to prevent the individual from being involved in a future impaired driving crash or arrest.

⁷ Repeat DWI Offenders in the United States. “Washington, DC: NHTSA Technology Transfer Series, Traffic Tech No. 85, February 1995.

⁸ On average, 772 such episodes, according to Zador, Paul, Sheila Krawchuck, and Brent Moore, “Drinking and Driving Trips, Stops by Police, and Arrests: Analyses of the 1995 National Survey of Drinking and Driving Attitudes and Behavior.” Washington, DC: U.S. Department of Transportation, NHTSA Technical Report No. DOT HS 809 184, December 2000.

A-1. Criminal Justice System

Advisory

Within the criminal justice system, people who have been convicted of an impaired driving offense should be assessed to determine whether they have an alcohol or drug abuse problem and to determine their need for treatment. The assessment should be required by law and completed prior to sentencing or reaching a plea agreement. The assessment should be:

- *Conducted by a licensed counselor or other alcohol or other drug treatment professional or by a probation officer who has completed training in risk assessment and referral procedures;*
- *Used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate;*
- *Based on standardized assessment criteria, including validated psychometric instruments, historical information (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews; and*
- *Appropriate for the offender's age and culture using specialized assessment instruments tailored to and validated for youth or multi-cultural groups.*

Status

Following a placement evaluation by Probation Services, consisting of the criteria noted above, individuals convicted of impaired driving offenses are referred to independently licensed treatment providers who are required to conduct additional screening and assessment to determine treatment needs, as part of the treatment process. Behavioral health documentation indicates that a comprehensive best practices assessment shall be completed as soon as is reasonable upon admission and no later than seven business days after admission into services. Assessment shall continue throughout the course of treatment and shall be reviewed and updated when there is a change in the person's level of care or functioning, or, must occur at minimum, every six months. For individuals convicted of Felony DUI offenses, a review of treatment and competency progress is required every 60 days. All methods and procedures used to assess and evaluate an individual shall be developmentally and age appropriate, culturally responsive, and conducted in the individual's preferred language and/or mode of communication. It is unclear if specific assessment tools are being used to address these unique populations or if these tools exist.

Colorado law, §42-4-1301.3, requires that during the court process, individuals are evaluated by a trained Alcohol Drug Driving Safety program evaluator and recommendations are made to the court regarding education and/or treatment placement. Once the court process is completed, convicted individuals must present themselves to licensed DUI treatment and education providers who are governed by Behavioral Health Standards, created by Colorado Behavioral Health Administration, for personnel, training, process, and procedures.

Individuals convicted of a DUI must complete a set number of hours for both education and treatment. Those hours must be completed over the course of a minimum time period. Program requirements are based on the following criteria:

Track	Prior DUI?	BAC	Total Education & Treatment (hours, period)	Length of Treatment (hours)	Minimum Treatment Period (weeks)	Length of Education (hours)	Minimum Education Period
A	No	< .15	66 hours, 8 months	42	21	24	12
B	No	≥.15 or Refusals	76 hours, 9 months	52	36	24	12
C	Yes	< .15	92 hours, 11 months	68	34	24	12
D	Yes	≥ .15 or Refusals	110 hours, 13 months	86	43	24	12

(Note: Felony DUI criteria is not included in this chart)

Individuals who commit a DUI are assessed using the Adult Substance Use Driving Survey (ASUDS). Probation officers in Colorado receive a multi-day DUI training that includes conducting the ASUDS along with additional training on ignition interlocks.

Recommendations

- Evaluate whether effective assessment tools exist and are being used relative to gender, age, and cultural sensitivity.

A-2. Medical and Other Settings

Advisory

Within medical or health care settings, any adults or adolescents seen by health care professionals should be screened to determine whether they have an alcohol or drug abuse problem. The American College of Surgeons mandates that all Level I trauma centers, and recommends that all Level II trauma centers, have the capacity to use Screening and Brief Intervention (SBI). SBI is based on the public health model which recognizes a continuum of alcohol use from low risk, to high risk, to addiction. Research from the Centers for Disease Control and Prevention indicates that an estimated 25 percent of drinkers are at risk for some harm from alcohol including impaired driving crashes. These individuals' drinking can be significantly influenced by a brief intervention. An estimated four percent of the population has a serious problem with alcohol abuse or dependence. A brief intervention should be conducted and, if appropriate, the person should be referred for assessment and further treatment.

SBI can also be implemented in other settings including: Employee Assistance Programs (EAP), schools, correctional facilities, at underage drinking party dispersals, and any setting in which at-risk drinkers are likely to make contact with SBI providers. Screening and brief intervention should be:

- *Conducted by trained professionals in hospitals, emergency departments, ambulatory care facilities, physicians' offices, health clinics, employee assistance programs, and other settings;*
- *Used to decide whether an assessment and further treatment is warranted;*
- *Based on standardized screening tools (e.g., CAGE, AUDIT or the AUDIT-C) and brief*

- intervention strategies;⁹ and*
- *Designed to result in referral to assessment and treatment when warranted.*

Status

Colorado started implementation of Screening, Brief Intervention and Referral to Treatment (SBIRT) as a standard of care in 2005 and has supported that program's development and implementation across the State since. SBIRT programs are currently managed and supported by the Colorado Department of Public Health and Environment. The Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment awarded the Colorado Office of the Governor \$2.8 million per year for five years to expand the existing continuum of care to include SBIRT in medical and other settings, support clinically appropriate services for people at risk for or diagnosed with a substance abuse disorder, and identify and implement systems and policy changes to increase access to treatment in generalist and specialist settings in both urban and rural/frontier communities. Peer Assistance Services, Inc. was selected to manage the project. A Policy Steering Committee is responsible for developing a strategic plan for expansion and sustainability.

SBIRT in Colorado offers resources to promote SBIRT implementation and conversations about substance use, including training and technical assistance.

There are three points in the SBIRT process when a patient may be referred to a more intensive or specialized treatment program: during the initial screening, after the motivational interview, and during or at completion of the brief intervention. A referral coordinator facilitates placing the patient in the right level and type of treatment option.

Impaired driving interventions (education and treatment) are provided by privately owned and operated agencies licensed by the Colorado Department of Human Services, Behavioral Health Administration (BHA). State statute §statu42-4-1301.3(3)(c)(IV), requires that persons convicted of impaired driving offenses seek services from agencies approved by the BHA. The BHA establishes and maintains standards for agencies seeking approval to provide services to persons convicted of driving under the influence/driving while ability impaired. Documentation is provided via Colorado code.

Recommendations

- None.

⁹ For a discussion of assessment instruments, see: Allen, John and M. Columbus (Eds.), NIAAA Handbook on Assessment Instruments for Alcohol Researchers (2nd) edition). Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 2003. For an overview of alcohol screening, see: "Screening for Alcohol Problems – An Update," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, Alcohol Alert No. 56, April 2002. For a primer on helping patients with alcohol problems, see: "Helping Patients with Alcohol Problems: A Health Practitioner's Guide," Bethesda, MD: National Institute on Alcohol Abuse and Alcoholism, NIH Publication No. 04-3769, Revised February 2004.

B. Treatment and Rehabilitation

Advisory

Each State should work with health care professionals, public health departments, and third party payers, to establish and maintain programs for persons referred through the criminal justice system, medical or health care professionals, and other sources. This will help ensure that offenders with alcohol or other drug dependencies begin appropriate treatment and complete recommended treatment before their licenses are reinstated. These programs should:

- *Match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria;*
- *Provide assessment, treatment, and rehabilitation services designed specifically for youth;*
- *Provide culturally appropriate treatment and rehabilitation services;*
- *Ensure that offenders that have been determined to have an alcohol or other drug dependence or abuse problem begin appropriate treatment immediately after conviction, based on an assessment. Educational programs alone are inadequate and ineffective for these offenders;*
- *Provide treatment and rehabilitation services in addition to, and not as a substitute for, license restrictions and other sanctions; and*
- *Require that offenders, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined the offender has met treatment goals before license reinstatement.*

Status

Driving under the influence (DUI)/Driving while ability impaired (DWAI) intervention programs are heavily based on the placement evaluation conducted by Probation Services. It is expected that in the near future, American Society of Addiction Medicine (ASAM) evaluations will be integrated into the assessment and placement process for impaired drivers. Behavioral Health Rules, Volume 2 Code of Colorado Regulations (CCR) 502-1, require that licensed Behavioral Health Entities (BHE) establish admission and discharge criteria:

For applicable services, the BHE shall develop and implement admission and discharge policies. Such policies may be for the BHE as a whole, a particular endorsement, and/or a specific physical location, as appropriate, and must include, at a minimum:

1. Criteria to ensure the BHE, endorsement, and/or location only treats individuals for whom it can provide immediate assessment and treatment based on the individual's needs.
2. Admission criteria to ensure treatment in the least restrictive setting based on the individual's level of care needs. The following must not be the sole reason for treatment ineligibility:
 - a. Relapse;
 - b. Leaving previous treatment against advice or lack of engagement in previous treatment;
 - c. Pregnancy;
 - d. Drug use;
 - e. Involuntary commitment;
 - f. Current utilization of any medication-assisted treatment (MAT) or interest in beginning MAT services;

- g. Previous or pending disputes, grievances, or appeals; or
- h. Place of residence.

Chapter 10 establishes the standards for and applies to BHEs providing services to criminal justice involved individuals, including specific criminal justice programs. Services for criminal justice-involved individuals must generally be intended for individuals who are referred into education and/or treatment services as a result of, or in connection to, involvement with the criminal justice system. This does not include juvenile justice system services that are regulated by the responsible state agencies as indicated in Section 19-2.5-1401, C.R.S.

Services for criminal justice-involved individuals must involve a continuum of education and/or treatment options available to individuals as they proceed through the criminal justice system. These services must be available across multiple settings, including community-based and locked facility-based settings. Services offered must vary depending upon the needs of the individual and the specific criminal justice program endorsement.

BHEs must develop and implement policies and procedures related to the provision of DUI/DWAI services. Personnel must have access to and be knowledgeable about the BHEs policies, procedures, and state and federal laws and regulations relevant to their respective duties.

- A. Screening tools/approaches must be culturally and linguistically appropriate and trauma-informed and should accommodate an individual's disability/disabilities (hearing disability, cognitive limitations, visual impairment, etc.) as required.
- B. The BHE must complete a comprehensive best practices assessment that focuses on person-centered care, which is signed and/or approved by a licensee, licensed addiction counselor (LAC), a certified addiction specialist (CAS), or a licensure candidate performing within the scope of their practice. BHEs must meet timeline requirements set forth in applicable endorsement Chapters. See endorsement Chapters four through 10 for additional requirements.
- C. Treatment facilities are to ensure that all services and locations operate in compliance with applicable federal, state, and local laws and regulations, including but not limited to, the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Colorado has several agencies that are specifically licensed/approved to provide education and treatment services to children and youth. Licensing/Endorsement requirements define standards for age-appropriate assessment, education, treatment, etc., for this population. Specific language regarding the screening, assessment of treatment of children and youth can be found in Volume 2 CCR 502-1. This code also indicates that all methods and procedures used to assess and evaluate an individual shall be developmentally and age appropriate, culturally responsive, and conducted in the individual's preferred language and/or mode of communication. The CCR mandates that client service plans “reflect findings of a cultural assessment, to include, but not limited to: gender, sexual orientation, socio-economic status, ethnicity, personal values, level of acculturation and/or assimilation, spirituality, linguistics, age, family systems, interpretation of trauma, and coping skills. This has been an ongoing challenge given the difficulties in hiring treatment providers, especially in rural communities.

While prescribed treatment may be required upon completion of assessment, there is no information indicating when treatment must begin.

With the exception of felony DUI convictions, individuals convicted for impaired driving offenses are primarily placed in intervention programs that are curricula driven and designed to meet court and driver license reinstatement requirements.

Colorado's express consent law indicates that:

“If your chemical test was 0.150 or higher, you will be required to have the interlock ignition device for a minimum of 2 years following reinstatement. You will also be required, in order to reinstate your license at the appropriate time, to provide an Affidavit of Enrollment in a Level II Alcohol/Education program. You may also be required to get an SR22 insurance, an insurance policy rider in which the insurance company guarantees you will keep insurance in effect for a certain period of time.

If you were arrested for driving under the influence or while your ability was impaired, and you refused to provide a chemical sample for testing, the penalties differ if the case is sustained, as refusing to provide a chemical sample is contrary to Colorado law.

If you refused to provide a chemical sample for testing, you will be required to have the interlock ignition device for 2 years following reinstatement. You will also be required, in order to reinstate your license at the appropriate time, to provide an Affidavit of Enrollment in a Level II Alcohol/Education program. You may also be required to get an SR22 insurance, an insurance policy rider in which the insurance company guarantees you will keep insurance in effect for a certain period of time.”

Colorado has four treatment Tracks designed to provide services to misdemeanor impaired driving convictions, and one designed for felony DUI offenders. Except for Track F, treatment tracks consist of Level II DUI Education and Level II DUI treatment. Level II Therapy generally follows completion of Level II Education, unless clinically contraindicated. Tracks range in length from eight to 18+ months, depending on the track assigned. Track assignment depends on whether a person has prior impaired driving offenses, their blood alcohol concentration (BAC), refusal to test, and other clinical indicators. These track recommendations are made by the Alcohol Drug Driving Safety program evaluator (probation) or in the absence of an evaluation, the DUI licensed treatment agency using Behavioral Health Administration (BHA) guidelines for placement.

The following are the Level II therapy track guidelines for impaired driving offenses on or after January 1, 2014:

- Track A: A minimum of 42 hours over at least 21 weeks, usually for a first-time offender with a BAC below 0.15,
- Track B: A minimum of 52 hours over at least 26 weeks, usually for a first-time offender with a BAC of 0.15 or above or refusal,
- Track C: A minimum of 68 hours over at least 34 weeks, usually for someone with a prior DWAI/DUI, and a BAC below 0.15,

- Track D: A minimum of 86 hours over at least 43 weeks, usually for someone with a prior DWAI/DUI, and a BAC of 0.15 or above or refusal.
- Track F: Conviction of four or more impaired driving offenses.

In response to the felony DUI legislation passed in 2015, the Office of Behavioral Health (OBH), in conjunction with the Colorado Task Force on Drunk and Impaired Driving, created the new level of DUI treatment, Level II Four Plus. Level II Four Plus is a specialized treatment program for individuals who have been convicted of four or more impaired driving offenses. It establishes a more comprehensive, clinically-based treatment regimen that does not regularly include Level I and Level II Education, or Therapy, but is assessment-based treatment. Level II Four Plus consists of the following components.

1. A minimum of 180 clinical contact hours over a minimum of 18 months.
2. In addition to treatment requirements, individuals are also required to demonstrate proficiency in a set of competencies in each of four phases throughout the treatment episode.
3. Agencies are required to conduct additional screening and assessments beyond what is normally required, these include cognitive functioning, traumatic brain injury, adverse childhood experiences, grief & loss, and co-occurring mental health issues.
4. The entire service plan and service delivery must be based on each client's clinical assessment. As a result, it is anticipated that most Felony offenders will not engage in any traditional Level II DUI Education or Therapy programming.
5. Individualized service planning is conducted more frequently and is done in collaboration with the supervising probation officer, or other referral agencies, at a minimum of every 60 days to discuss an individual's service plan, treatment and competency progress, and make adjustments in the planned treatment activities.

Colorado is lacking in the number of available residential treatment beds needed to satisfy the number of individuals in need of this intensive service. There is an ongoing need for detox centers for individuals going through physical withdrawal of drugs and/or alcohol. There is an ongoing need for treatment providers, especially in rural areas. The cost of living in these communities can have a chilling effect on recruitment. Coupled with this is the need for more diversity among providers. The rate of provider reimbursement in these communities also hampers the ability to recruit.

Colorado supports the use of DUI Courts within the State. As of May 2023, there were 15 DUI Courts located throughout Colorado.

The RESTART (Recognizing and Establishing Smart Treatment Alternatives for Recovery and Transition) Program is for individuals arrested on their fourth or subsequent DUI, DWAI or DUI Per Se offense. Some felony DUI Courts will take individuals at the time of their third DUI conviction though it would not be a felony.

An alternative to lengthy incarceration, RESTART is a multi-phase program that includes conviction, jail, and probation sentence; intensive community supervision; treatment; and substantial judicial oversight. Potential participants undergo a separate presentence screening by the District Attorney's Office to determine their eligibility for the program.

Upon entry into the program, participants serve a jail sentence, and while in jail, participate in a substance use treatment program. Upon release, participants are referred for treatment with one of the contracted providers which includes but is not limited to individual counseling and group therapy. While the RESTART docket is part of the Denver Adult Drug Court, RESTART has a different phase structure and other requirements that differ from those in the drug court program. The RESTART Program has had several independent evaluations, all with positive results.

Sobriety Court – County Court

Sobriety Court is a special treatment court in Denver County for misdemeanor offenders. It was developed to reduce the recidivism of drunk driving in Denver. This program is voluntary and eligibility for the program is based on legal screening. It consists of three phases and is approximately 19-24 months in length.

There is some concern that high-risk impaired drivers may have to wait until their fourth conviction to receive intensive treatment and services. It was suggested that these specialty court interventions occur earlier in the criminal justice process.

To ensure that all convicted impaired drivers are monitored from the time of arrest through screening, referral, and completion of sanctions, a number of interventions are in place. Colorado SB22-055 created a statute requiring the use of continuous alcohol monitoring for DUI and DWAI offenders. Continuous alcohol monitoring technology, such as SCRAM Continuous Alcohol Monitoring, are wearable devices that can detect the presence of ingested alcohol around the clock. Unlike other alcohol testing technologies such as urinalysis or portable breathalyzers, continuous alcohol monitoring devices remove the need for in-person testing and eliminate the possibility of wearers drinking around testing schedules. This type of alcohol monitoring technology may support long-term behavior change by assisting those who suffer from alcohol misuse or abuse with rehabilitation and maintaining sobriety. Individuals with three prior convictions are required to have continuous monitoring for at least 90 days.

While Hybrid Drug and DUI Courts are vital tools in addressing the high-risk/high needs impaired driver population, they make up a small percentage of the DUI population under community supervision (pretrial, probation, and parole). According to the Colorado Probation Recidivism Study for Fiscal Year 2022, as of June 30, 2021, there were 66,008 individuals on probation in Colorado, including 63,372 adults and 2,636 juveniles in both regular and intensive programs, and 2,739 monitored DUI cases. These DUI cases are those in which there are no other non-DUI convictions involved. As such it does not include other DUIs that may include other conviction types.

Trained probation staff conduct DUI assessments that determine treatment type for sentenced offenders. Some offenders may begin treatment prior to sentencing. Prior to assessment, probation staff will receive arrest history, court requirements, access to a police report including information as to whether the offender submitted a blood or breath test. Sentenced offenders typically present themselves to their supervising probation officer within 30 days of sentencing. Some jurisdictions have a probation office within the court building to “encourage” compliance. DUI probation caseloads may be used in urban communities with larger probation populations.

These probation officers have the ability to receive specialized training on understanding and managing these populations. Breath testing instruments are available in office as needed. Drug testing is done on this population as well. Smaller Colorado counties may not have the ability to establish specialized DUI caseloads. While DUI specific training may be available in these settings, they may be optional unless directed by probation management. Probation officers in smaller departments may not have the expertise to supervise DUI cases.

Colorado's Toxicology labs test for drugs on every blood test submitted on a DUI. This information can reflect trends in drug, polydrug, and designer (synthetic) drug use. Information on these trends could be helpful to both treatment agencies and probation departments in determining an appropriate response via therapy and drug testing protocols.

Colorado has an ignition interlock program which is managed by the Division of Motor Vehicles (DMV). Information regarding program non-compliance, including consumption of alcohol and driving, is reported to DMV. This information is not readily available to probation, parole, or the treatment community.

Nationally, approximately 40 percent of individuals ordered to install an ignition interlock device fail to do so. In Colorado, that number is approximately 20 percent.

Recommendations

- Establish an auditing process to ensure that brief interventions are offered consistently throughout the State.
- Address ongoing challenges in providing assessment treatment curriculum that is culturally sensitive.
- **Establish more DUI courts that can be available to high-risk impaired drivers earlier in the court process.**
- Share ignition interlock information, including issues of non-compliance, with the Division of Motor Vehicles, community supervision, and the treatment community.
- Select probation officers who can serve as subject matter experts to receive training on the supervision of the impaired driving population where there are no DUI specific supervision caseloads.
- Share drug trends that are identified in toxicology testing with all stakeholders to include treatment providers, community supervision, law enforcement, and the courts.
- Establish specific timeframes that determine when a client must begin treatment upon completion of assessment.

VI. Program Evaluation and Data

A. Evaluation

Advisory

Each State should have access to and analyze reliable data sources for problem identification and program planning as well as to routinely evaluate impaired driving programs and activities in order to determine effectiveness. Development of a Strategic Highway Safety Plan and a Highway Safety Plan, are starting points for problem identification and evaluation efforts. Problem identification requires quantifying the problem, determining the causes, and identifying available solutions. Strategies should be evaluated for their cost effectiveness and potential for reducing crash risk. Evaluations should include measurement of activities and outputs (process evaluation) as well as the impact of these activities (outcome evaluation). Evaluations are central to the State's traffic safety endeavors and provide a guide to future projects and evaluations. Evaluations should:

- Be planned before programs are initiated to ensure that appropriate data are available and adequate resources are allocated to the programs;*
- Identify the appropriate indicators to answer the question: What is to be accomplished by this project or program?*
- Be used to determine whether goals and objectives have been met and to guide future programs and activities;*
- Be organized and completed at the State and local level; and*
- Be reported regularly to project and program managers and policy makers.*

The process for identifying problems to be addressed should be carefully outlined. A means for determining program/project priority should be agreed upon, and a list of proven methodologies and countermeasures should be compiled. Careful analysis of baseline data is necessary and should include historical information from the crash system. Other data that are useful for evaluation include data from other records systems as well as primary data sources such as surveys. Record systems data include state and driver demographics, driver histories, vehicle miles traveled, urban versus rural settings, weather, and seat belt use. Survey data can include attitudes knowledge and exposure to risk factors.

The Traffic Records Coordinating Committee can serve as a valuable resource to evaluators by providing information about and access to data that are available from various sources.

Status

The Highway Safety Office (HSO) within the Colorado Department of Transportation, Office of Transportation Safety and Risk Management administers approximately \$12.5 million in federal and state highway safety funds annually with approximately \$5.6 million going toward impaired driving initiatives. Impaired driving grant project proposal solicitations are evaluated by HSO leadership and program managers to determine the proposals to be funded. A risk assessment of selected projects is performed to determine the level of oversight that may be required to verify that activity levels and reporting meet program requirements.

HSO project evaluations include documentation and tracking of deliverables for each project. Grantees must comply with monitoring and auditing practices. The evaluation of enforcement projects is based on a count of the activities conducted during project hours. Evaluations based on fatality and serious injury crash rates in project areas to determine whether or not efforts are having their desired impact on highway safety are not currently completed. Serious injury

crashes should be evaluated along with fatality crashes since serious injuries could have resulted in fatalities if a small characteristic in the crash or emergency response were different.

HSO highway safety activities are directed by two Program Managers. The Program Managers share impaired driving project responsibilities with one focusing more on administration of grant activities and the other on directing program functions. The Impaired Driving Program Manager has two project managers who are responsible for contracted impaired driving activities. These project managers oversee funded impaired driving projects, including traffic safety projects, communications and outreach, a traffic safety resource prosecutor, a judicial outreach liaison position, and coordination of impaired driver law enforcement training. There are also four Law Enforcement Liaison (LEL) personnel who are contract employees. One LEL is a full-time position; the other three work in a part-time capacity. The LELs engage law enforcement agency managers to support and coordinate enforcement activity within each of their assigned geographical areas of the State.

HSO funding of traffic safety activities is primarily delivered through 16 high-visibility enforcement (HVE) campaign periods that encompass 200 calendar days per year. HVE program grants awarded to many local police agencies and sheriffs are funded with state highway safety funds that may only be expended during the HVE campaign periods. Other HVE and enforcement overtime projects are approved for the Colorado State Patrol and some larger local and county law enforcement agencies utilizing federal funds which allow the activities to be conducted throughout the year. Larger agencies can utilize federal funds better than smaller ones due to the amount of recordkeeping and reporting necessary to meet federal fund expenditure compliance requirements.

The HSO contracts communication and media activities to vendors who prepare and deliver public information campaigns regarding impaired driving and other safety program messaging that are culturally relevant and focused on intended target audiences. The HSO has also contracted with a commercial marketing firm to place media buys and procure earned media coverage concurrent with ad placements. Public information campaigns are evaluated to determine their influence on public attitudes and behaviors.

Recommendations

- Require outcome analyses of law enforcement projects to evaluate their effectiveness in reducing serious injury and fatal crash rates.

B. Data and Records

Advisory

The impaired driving program should be supported by the State's traffic records system and use data from other sources, such as the U.S. Census, the Fatality Analysis Reporting System (FARS), and the Crash Outcome Data Evaluation System (CODES). The traffic records system should be guided by a statewide traffic records coordinating committee that represents the interests of all public and private sector stakeholders. The state traffic records system should:

- *Permit the State to quantify:*
 - *the extent of the problem, e.g., alcohol-related crashes and fatalities;*
 - *the impact on various populations;*
 - *the level of effort dedicated to address the problem, e.g., level of enforcement activities, training, paid and earned media; and*
 - *the impact of the effort, e.g., crash reduction, public attitudes, awareness, and behavior change.*
- *Contain electronic records of crashes, arrests, dispositions, driver licensing actions, and other sanctions of DWI offenders;*
- *Permit offenders to be tracked from arrest through disposition and compliance with sanctions; and*
- *Be accurate, timely, linked, and readily accessible to persons authorized to receive the information, such as law enforcement, courts, licensing officials, and treatment providers.*

Status

Colorado has an active Statewide Traffic Records Advisory Committee (STRAC) that is a comprehensive, functional body of data system managers and stakeholders. The STRAC includes representation from all six core traffic record systems (crash, citation/adjudication, driver, vehicle, roadway, injury surveillance systems) which hold a wide range of data that are useful for highway safety evaluations; however, they are not currently accessible and correlated.

The Colorado Department of Revenue, Division of Motor Vehicles (DMV) maintains the driver license and vehicle records in the Colorado Driver License, Record, Identification and Vehicle Enterprise Solution (Colorado DRIVES). The driver history file includes driver demographics, license restrictions, a license status, and conviction information including impaired driving convictions. Additionally, driver histories contain ignition interlock device (IID) program indicators to notify officers that an IID is required for the licensee. DMV participates in the State-to-State driver history exchange program and the State Pointer Exchange Services to assign Colorado as the licensee's state of record for driver licensing purposes. DMV driver history conviction reports and IID compliance information are processed electronically while police express consent case documents are received and processed manually.

The Colorado crash system is also in Colorado DRIVES and is the repository of all police crash reports within the State. Police crash reports are received and processed both manually and electronically. Approximately 85 percent of crash reports are processed electronically and the remainder are processed via optical character reading (OCR) technology. OCR data capture requires data correction due to issues interpreting handwritten documents. Colorado DRIVES has real time interfaces with the driver and vehicle files to assist with correction and validation of crash report information and supports automated uploads of crash reports from law enforcement

record management systems. However, there is no automated crash report entry function that officers could utilize to complete and submit crash reports in a timely manner. Timely, direct data entry of police crash reports containing latitude and longitude data creates the ability to provide accurate and timely information to highway safety planners and law enforcement managers to identify problems and establish timely and effective enforcement strategies or countermeasures to improve highway safety. Colorado DRIVES contains data fields for latitude and longitude information which could be utilized to geospatially map crashes; however, completion of these fields is not mandatory.

Colorado does not have a statewide citation processing and tracking system available for use by all law enforcement agencies within the State. Traffic citation information is housed within individual agency record management systems (RMS) and there is no linkage to any central citation repository statewide. Citation data are not contained in a single database and RMS systems are not linked, so it is difficult to determine the actual number of impaired driving-related charges filed. Automated merging of citation data would facilitate electronic routing of the citation data to the court and prosecutor case management systems. Latitude and longitude information is not captured in citation information to facilitate geospatial mapping of arrest locations.

The ACTION case management system is utilized by prosecuting attorneys to manage cases. ACTION contains imaged copies of case paperwork, enabling prosecutors to manage cases through to final disposition without handling paper files. Denver Police Department cases are auto-populated directly into ACTION; however, it is unclear if ACTION has linkage or capability to transmit conviction information to DMV for inclusion on driver record histories.

Colorado has both a Statewide Hospital Reporting System and a Trauma Registry System that can provide injury and toxicology data for individuals who are injured and receive treatment resulting from crashes. There is no statewide standard for toxicology testing of injured persons arriving at the hospital so data may not include all intoxicating substances. Hospital and trauma data are not currently correlated to crash incidents and insufficient or missing information in the systems impacts evaluation of crash outcomes.

There are different toxicology data repositories in Colorado that are managed by different agencies. The Laboratory Information Management System contains all blood test toxicology information for samples examined by the Colorado Department of Public Safety, Colorado Bureau of Investigation Laboratories; the Colorado Department of Public Health and Environment, Evidentiary Breath Alcohol Testing program maintains all toxicology from breath alcohol samples; and the Colorado Department of Transportation, Fatality Analysis Reporting System, contains the toxicology results from coroners for fatally injured drivers involved in crashes. These systems are not linked to traffic record datasets and require a good deal of matching effort to obtain meaningful analyses.

Similarly, there are multiple probation and treatment data systems for managing individuals on probation after being sentenced in impaired driving cases. The Colorado Behavioral Health Administration, Treatment Information Management System contains treatment recommendations and treatment records for individuals assigned to treatment resulting from

driving under the influence (DUI) related convictions. Additionally, there are third-party systems used to track clients and to record treatment information. The third-party systems are funded by the users or are procured by treatment facilities, but none of these systems are linked to traffic record data.

DMV manages the statewide IID Program that currently has approximately 35,000 participants. IID participation is required for all persons convicted of DUI but is not applicable to those convicted of Driving While Ability Impaired (DWAI) offenses. Voluntary participation is allowed for individuals who elect to enroll in IID in lieu of serving a full express consent license suspension. Program compliance is monitored via analysis of the data from each of the IID instruments which is uploaded to Colorado DRIVES and analyzed for violations. The period of violation detection is by each calendar year and three or more violations will result in the licensee's compliance period being extended. The consolidated management of the IID program providers and oversight of program participants ensure that drivers are complying with program requirements as they are intended in order to re-establish their driver license eligibility. The centralized oversight provides the capability to evaluate the effectiveness of IID as a deterrence to DUI recidivism.

Colorado traffic record systems and other systems supporting impaired driver processing meet the intended needs of their users but are not linked to exchange interoperable data nor can they be readily used for in-depth problem evaluation analysis. The only systems that are interoperably linked are those in Colorado DRIVES. Other data from citations, court case management, and post sentence monitoring are not linked or interoperable, and as a result, there is no way to determine if every DUI arrest is processed through to a final adjudicated disposition and that probation requirements have been satisfactorily completed. There is no comprehensive DWI (DUI) Tracking System that links citations, prosecution and court records, and post sentence monitoring compliance records with the Colorado DRIVES datasets which could be used to evaluate the effectiveness of impaired driving programs.

Colorado does not have a database identifying the place of last service for persons arrested for DUI. This information is obtained by many officers in the course of their investigation of the events surrounding a person's intoxication but may not be used for any other purpose. In instances of alcohol investigations, a "Place of Last Drink" database has proven useful in other states for identifying locations that overserve alcohol to customers and provides information to liquor control enforcement personnel to target facilities with a documented history of overserving customers.

Recommendations

- **Create an automated crash report submission application for all law enforcement statewide to ensure that crash incident reporting is both timely and accurate.**
- Require the capture of latitude and longitude information on crash reports to accurately identify crash locations.

- Require the capture of latitude and longitude information to accurately identify citation locations.
- Automate the completion and submission of express consent documentation from law enforcement to the Division of Motor Vehicles.
- **Link traffic record systems to enable the tracking of each driving under the influence case from citation through to final post-disposition compliance.**
- Create a database of “Place of Last Drink” information to identify facilities with a documented history of overserving customers.
- Develop a centralized toxicology database to enable more in-depth analysis of blood and breath test results to include live and post-mortem samples.

C. Driver Records Systems

Advisory

Each State's driver licensing agency should maintain a system of records that enables the State to: (1) identify impaired drivers; (2) maintain a complete driving history of impaired drivers; (3) receive timely and accurate arrest and conviction data from law enforcement agencies and the courts, including data on operators as prescribed by the commercial driver licensing (CDL) regulations; and (4) provide timely and accurate driver history records to law enforcement and the courts. The driver license system should:

- Include communication protocols that permit real-time linkage and exchange of data between law enforcement, the courts, the State driver licensing and vehicle registration authorities, liquor law enforcement, and other parties with a need for this information;*
- Provide enforcement officers with immediate on-the-road access to an individual's licensing status and driving record;*
- Provide immediate and up-to-date driving records for use by the courts when adjudicating and sentencing drivers convicted of impaired driving;*
- Provide for the timely entry of any administrative or judicially imposed license action and the electronic retrieval of conviction records from the courts; and*
- Provide for the effective exchange of data with State, local, tribal, and military agencies, and with other governmental or sovereign entities.*

Status

The Colorado Department of Revenue, Division of Motor Vehicles (DMV) maintains all driver license and driver history information for State residents. All traffic convictions, including impaired driving, are transmitted from the courts to DMV and are posted to the driver record. Express consent documentation is transmitted to DMV for appropriate driver license suspension actions; however, these cases are processed manually.

DMV applies driver license suspension and revocation actions based on conviction information and orders from courts. Ignition interlock device program participation is indicated on the driver record and by the issuance of a specially restricted driver license. Traffic crashes are not recorded on the driver record but are indicated on conviction records where the citation was issued as a result of a crash.

The driver system is supported by fraudulent document recognition training for licensing personnel and by facial image verification technology for license applicants. A one-to-many verification analyzes a new applicant's facial image against the file of all currently licensed driver facial images to identify individuals seeking to obtain multiple licenses under different identities, while a one-to-one image verification validates the license applicant to their previous facial image.

The driver licensing program adheres to national standards and utilizes systems to deter identity fraud including the Systematic Alien Verification for Entitlements, the Social Security Online Verification, the Commercial Driver License Information System, and the State Pointer Exchange Service databases. These systems enable Colorado to determine if individuals who have lost or are ineligible for driving privileges in another state are attempting to obtain a Colorado driver license and enable Colorado to exchange driver history and conviction information with other states including driving under the influence arrests and convictions.

Recommendations

- Automate the completion and submission of express consent documentation from law enforcement to the Division of Motor Vehicles.

ON-SITE AGENDA

Colorado Impaired Driving Assessment

Omni Interlocken Hotel
500 Interlocken Boulevard
Broomfield, CO 80021

DAY 1 Monday, January 22, 2024

8:00 a.m. – 8:45 a.m. Introduction | State Leadership Panel

- Darryl Lingk – Colorado Department of Transportation (CDOT), Director of Transportation Safety
- Crystal Soderman – Colorado Department of Revenue (DOR), Division of Motor Vehicle, Driver Services, Operations Manager (*Virtual*)
- Josh Downing – Colorado State Patrol (CSP), Lieutenant Colonel
- Glenn Davis – CDOT Highway Safety Manager

8:45 a.m. – 10:00 a.m. Program Management

- Glenn Davis – CDOT Highway Safety Manager, Colorado Task Force on Drunk & Impaired Driving (CTFDID), Past Chair
- Tuesday Black – CDOT Impaired Driving Program Manager, CTFDID/TSRP
- Josh Downing – CSP, Lieutenant Colonel, CTFDID, Chair
- Glenn Thomas – Colorado Springs Police Department, Sergeant – CTFDID
- Shayna Kefalas – Partners, Inc. Program Director - CTFDID (*Virtual*)
- Ian Danielson – Colorado Department of Public Health and Environment (CDPHE), Prevention Services Division, Violence, and Injury Epidemiology Supervisor (*Virtual*)

10:00 a.m. – 10:15 a.m. BREAK

10:15 a.m. – 11:00 a.m. Data and Evaluation/Administrative Sanctions & Driver Licensing Programs | Trauma and Hospital Database info

- Crystal Soderman – DOR, Division of Motor Vehicle, Driver Services, Operations Manager (*Virtual*)
- Ginna Jones – CDPHE, Prevention Services Division, Motor Vehicle Safety Manager (*Virtual*)
- Ian Danielson – CDPHE, Prevention Services Division, Violence, and Injury Epidemiology Supervisor (*Virtual*)

11:00 a.m. – 12:15 p.m. WORKING LUNCH

12:15 p.m. – 1:15 p.m. Data and Records

- David Swenka – CDOT-Traffic and Safety Engineering Services Branch
- Allison Rosenthal – Colorado Department of Public Safety (CDPS), Statistical Analyst (*Virtual*)
- Rita Rochelle – CDPS, Statistical Analyst
- Ian Danielson – CDPHE, Prevention Services Division, Violence, and Injury Epidemiology Supervisor (*Virtual*)
- Elizabeth Stolfus – Stolfus and Associates
- Paul Clayton – CDOT, FARS Analyst
- Sarah Paliwoda – District Courts (RESTART program), Problem Solving court Coordinator (*Virtual*) speaking to Criminal Justice |Treatment & Probation

1:15 p.m. – 2:15 p.m. Communication Program

- Samuel Cole – CDOT, Communications, Marketing & Communications Manager
- Wendy Forbes – Colorado State Patrol, Director of Strategic Communications (*Virtual*)
- Nora Anderson – Communications Infrastructure Group (CIG)
- Margaret Robinson – Communications Infrastructure Group (CIG)
- Laura Sonderup – Heinrich/Hispanidad Marketing, Managing Director & Senior Strategist

2:15 p.m. – 2:30 p.m. BREAK

2:30 p.m. – 3:30 p.m. Criminal Justice System | Treatment and Probation

- Sasha Cafaro – State Court Administration Office, Division of Probation Services
- Webster Hendricks – Behavioral Health Administration, Statewide Programs Division, Persistent Drunk Driving Program Specialist
- Bonnie Holladay – CDPHE, Prevention Services Division, Manager of Community Prevention Programs (*Virtual*)

3:30 p.m. – 3:55 p.m. Debrief with State

4:00 p.m. Team Meeting and Report Writing

DAY 2 Tuesday, January 23, 2024

8:00 a.m. – 8:50 a.m. Toxicology

- Heather Krug – CDPHE-Laboratory Services Division (*Virtual*)

- Vanessa Beall – CBI, Toxicological Program Manager
- Paul Clayton – CDOT, FARS Analyst (*Virtual*)
- Glenn Davis – CDOT Highway Safety Manager

9:00 a.m. – 10:00 a.m. Criminal Justice System | Enforcement

- Lee Birk – CDOT, Law Enforcement Liaison
- Erin Brannan – CDOT, Law Enforcement Liaison
- Jason Haag – El Paso County Sheriff’s Office, Deputy
- Alan Ma – Denver Police Department, Sergeant, DUI Unit
- Kim Ferber – Aspen Police Department, Chief of Police

10:00 a.m. – 10:15 a.m. BREAK

10:15 a.m. – 11:00 a.m. Impaired Driving Law Enforcement Training

- Brittany Janes – CDOT, Impaired Driving Program Manager, DUI/DRE Program
- Mark Ashby – LEAD Impairment Training, Law Enforcement Coordinator
- Mike Duncan – CSP, Sergeant
- Nicola Erb – Colorado Office of the Attorney General (COAG), Police Officer Standardization Training (*Virtual*)

11:00 a.m. – 12:00 p.m. WORKING LUNCH

12:00 p.m. – 1:00 p.m. Criminal Justice System | Prosecution

- Thain Bell – Denver, Deputy District Attorney’s Office
- Michael Fisher – 21st Judicial District, Chief Deputy District Attorney
- Andy Vaughn – 4th Judicial District, Chief Deputy District Attorney (*Virtual*)
- Glenn Davis – CDOT Highway Safety Manager
- Tuesday Black – CDOT TSRP Grant Manager

1:00 p.m. – 2:00 p.m. Criminal Justice System | Laws

- Crystal Soderman – DOR, Division of Motor Vehicle, Driver Services, Operations Manager (*Virtual*)
- Mike Honn – CSP, Captain (*Virtual*)
- Brandon Nathlich – CSP, Sergeant (*Virtual*)
- Glenn Davis – CDOT, Highway Safety Manager

2:00 p.m. – 2:15 p.m. BREAK

2:15 p.m. – 3:10 p.m. Criminal Justice System | Adjudication

- Honorable Judge Monica Gomez – El Paso County (*Virtual*)
- Honorable Judge Scott Pearson – Region 8 JOL (*Virtual*)

- Sarah Keck – Colorado State Court Administrator’s Office
(*Virtual*)

3:15 p.m. – 3:45 p.m.

Criminal Justice System | Adjudication | Tox Refusal

- Samuel Cole – CDOT Communications, Marketing & Communications Manager
- Crystal Soderman – DOR, Division of Motor Vehicle, Driver Services, Operations Manager (*Virtual*)
- Tuesday Black – CDOT Impaired Driving Program Manager, CTFDID/TSRP

3:45 p.m. – 4:10 p.m.

Debrief with State

4:15 p.m.

Team Meeting and Report Section Writing

DAY 3 Wednesday, January 24, 2024

8:00 a.m. – 9:30 a.m.

Alcohol and Other Drug Misuse | Screening and Assessment| Treatment and Rehabilitation

- Webster Hendricks – Behavioral Health Administration (BHA), Statewide Programs Division, Persistent Drunk Driving Program Specialist
- Kathy Paquet –District Probation Supervisor (Adams & Broomfield County)
- Aaron Pendergraft – 8th Judicial Probation Office (Larimer & Jackson County) (*Virtual*)
- Matthew Law – Smart Start, Business Development Representative
- Brandy Nannini – Smart Start, Vice President of Government Relations (*Virtual*)

9:35 a.m.-10:30 a.m.

Prevention

- Webster Hendricks – BHA, Statewide Programs Division, Persistent Drunk Driving Program Specialist
- Ginna Jones – CDPHE, Prevention Services Division, Motor Vehicle Safety Manager
- Fran Lanzer – MADD Colorado, Regional Executive Director (*Virtual*)
- Kelly Martinez – Weld County Department of Public Health & Environment, Communication and Planning Division, Public Health Communication Manager
- Kari Commerford – Gunnison County Substance Abuse Prevention, Programming Manager (*Virtual*)
- Alex Castro Croy – Drug & Alcohol Counselor, Consultant

10:30 a.m. – 10:45 a.m. BREAK

10:45 a.m. – 11:45 a.m. Prevention | Community Based Programs

- Heather Vesgaard – No DUI Larimer County (*Virtual*)
- Christy Tennant – CommonSpirit Health, Injury Prevention Specialist
- Ginna Jones – CDPHE, Prevention Services Division, Motor Vehicle Safety Manager
- Brooke Rohde – CDOT, Community Traffic Safety Program Manager

11:45 a.m. – 12:30 p.m. State Leadership Panel Returns (Questions/Answers)

- Glenn Davis – CDOT, Highway Safety Manager
- Carol Gould – CDOT, Highway Safety Manager
- Tuesday Black – CDOT Impaired Driving Program Manager, CTFDID/TSRP
- Brittany Janes – CDOT, Impaired Driving Program Manager, DUI/DRE
- Josh Downing – CSP, Lieutenant Colonel

12:45 p.m. – 1:45 p.m. WORKING LUNCH

1:45 pm – 3:15 p.m. Assessment Team Writes Consensus Report

3:15 p.m. – 3:45 p.m. Prevention (continued)

- Hank Hasler – CDOR, Marijuana Enforcement Division, Agent in Charge

3:35 p.m. – on Assessment Team Writes Consensus Report

DAY 4 Thursday, January 25, 2024

All Day Assessment Team Writes Consensus Report

DAY 5 Friday, January 26, 2024

8:00 a.m. – 9:30 a.m. Assessment Team Report Out

APPENDIX

Questions

Question:	1. Is there a Driving While Impaired (DWI) Task Force or Commission?
Evidence:	Suggested evidence: Provide the Task Force/Commission charter, bylaws, membership roster.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	In 2006, the Colorado General Assembly established the Colorado Task Force on Drunk and Impaired Driving. The mission of the Colorado Task Force on Drunk and Impaired Driving is to support the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado through strong partnerships with public, private and non-profit organizations. In addition to the Statewide Task Force there are some regional, county and city task forces for impaired driving.
Question:	2. Does the Task Force/Commission lead the overall impaired driving program?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission charter, bylaws, or minutes where this expectation is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	The Colorado Highway Safety Office manages the overall impaired driving program. The Colorado Task Force on Drunk and Impaired Driving meets regularly to investigate methods of reducing the incidents of drunk and impaired driving and develop recommendations for the state of Colorado regarding the enhancement of government services, education, and intervention to prevent drunk and impaired driving.
Question:	3. Does the Task Force/Commission assist the SHSO in the management of the impaired driving program, project selection, and media efforts?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission minutes or HSP development/planning description process where this activity is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	The Task Force doesn't assist in the selection of the projects for implementation.
Question:	4. Does the Task Force/Commission have the authority to hold state agencies, local agencies, and non-profits accountable for the completion of tasks or initiatives?

Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission charter, bylaws, or minutes or where this action is expected or has taken place.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	The authority to hold state agencies and local agencies accountable falls strictly to the Colorado Department of Transportation. The Task Force doesn't have that authority.
Question:	5. Are there any long-term lingering issues that the Task Force/Commission has been frustrated with?
Evidence:	Suggested evidence: Identify the sections in the Task Force/Commission minutes or agendas where this is noted.
Section:	Program Management and Strategic Planning - State and Tribal Task Forces or Commissions
Level of Progress:	Completed
Status:	No lingering issues identified.
Question:	6. Is impaired driving part of the Strategic Highway Safety Plan (SHSP) or Highway Safety Improvement Plan (HSIP)?
Evidence:	Suggested evidence: Identify the sections in the most recently adopted SHSP where impaired driving is recognized, including in the data analysis report.
Section:	Program Management and Strategic Planning - Strategic Planning
Level of Progress:	Completed
Status:	Impaired driving is part of the SHSP.
Question:	7. Is there an impaired driving Strategic Plan that has been developed by, or approved by, the Task Force/Commission and/or the SHSO?
Evidence:	Suggested evidence: Provide a copy of the impaired driving Strategic Plan and note where the Task Force/Commission and/or the SHSO were part of the development and/or approval of the document.
Section:	Program Management and Strategic Planning - Strategic Planning
Level of Progress:	Underway
Status:	Colorado's impaired driving strategic plan is part of the Highway Safety Plan but is not approved by the Task Force. The HSO stated that it was not required for the strategic plan to be approved by the Task Force. If CO is a mid-range State, approval by the Task Force is required to qualify for 405d funding.
Question:	8. Are there high-priority short-term activities in the impaired driving Strategic Plan?
Evidence:	Suggested evidence: Identify the sections in the impaired driving Strategic Plan where short-term activities are covered.
Section:	Program Management and Strategic Planning - Strategic Planning

Level of Progress: Completed
Status: The Highway Safety Plan is a three year plan. The only short term activities would be for a year.

Question: 9. Does the impaired driving Strategic Plan include a section for problem identification or data analysis?

Evidence: Suggested evidence: Identify the sections in the impaired driving Strategic Plan where the data analysis is noted.

Section: Program Management and Strategic Planning - Strategic Planning

Level of Progress: Completed

Status: The strategic planning and data analysis for the impaired driving program is a section in the Highway Safety Plan.

Question: 10. Does the SHSO have a process for selecting impaired driving projects?

Evidence: Suggested evidence: Provide the steps the SHSO uses to select projects in the impaired driving program area. This could be a flowchart or text.

Section: Program Management and Strategic Planning - Program Management

Level of Progress: Completed

Status: The CO DOT has very specific instructions for the subgrantees who are applying for grant funds. There are specific goals for law enforcement grants - reduce serious injuries/fatalities, increase citations, contacts, arrests and number of checkpoints. Score sheets are completed by the reviewers in the HSO. Responsibilities are described for the majority of the HSO personnel.

Question: 11. Does the SHSO have a project monitoring policy?

Evidence: Suggested evidence: Provide a copy of the project monitoring policy, steps, and forms.

Section: Program Management and Strategic Planning - Program Management

Level of Progress: Completed

Status: On site monitoring is completed between February and September. A monitoring form must be completed and then approved by the management team. A letter is sent to the grantee within 30 days stating any issues that were identified during the site visit. The Law Enforcement Liaisons conduct monitoring on the grantees who are awarded state funds. Some grantees may only be monitored every two or three years. The Federal awarded grants are monitored by Highway Safety Office personnel. The frequency is determined by the Risk Assessment completed by the State.

Question: 12. Does the SHSO have dedicated funding for the impaired driving program area?

Evidence: Suggested evidence: Provide the SHSO funding for the past five years in the impaired driving program area, how much was actually spent by each project, and the current year project plans.

Section: Program Management and Strategic Planning - Resources

Level of Progress: Completed

Status: CO has a special account that collects \$75 from people who are convicted or plead guilty for driving under the influence of alcohol or drugs. There is also a \$15 fee collected that goes back to the county where the arrest was made. These funds pay for evidentiary testing and toxicology. They also have a law that requires 12 episodes of high visibility alcohol and drug enforcement activities. Any municipality, city or county that establishes a qualifying program is eligible to receive funds for alcohol and drug enforcement. After July 2023, the Transportation Commission shall allocate from the Office of Transportation Safety funds one million five hundred thousand dollars for high visibility enforcement activities.

Question: 13. Does the SHSO employ, or contract for, staff dedicated to the impaired driving program area?

Evidence: Suggested evidence: Supply a copy of the SHSO organizational chart noting the impaired driving staff/contractor(s).

Section: Program Management and Strategic Planning - Resources

Level of Progress: Substantial Progress

Status: The OHS has dedicated staff assigned to the Impaired Driving Program. A technician, two project managers and four LELs report to the Impaired Driving Program Manager Grant Specialist. Dedicated staff is assigned to the DRE/SFST program to conduct training, recertification training and updates.

Question: 14. Are the fines, fees, and penalties that are paid by impaired drivers used to support impaired driving countermeasures?

Evidence: Suggested evidence: Provide a flowchart of how fines, fees, and penalties from impaired driving are allocated to government services that combat impaired driving.

Section: Program Management and Strategic Planning - Resources

Level of Progress: Substantial Progress

Status: 43-4-402. (1) The general assembly shall appropriate moneys annually for persons who are convicted of, pleads guilty to, or receives a deferred sentence 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 money in the fund to the department of public health and environment in an amount sufficient to pay for the costs of evidential breath alcohol testing, including any education needs associated with testing, and implied consent specialists, the costs of which were previously paid out of the highway users tax fund. The general assembly shall also make an annual appropriation out of the money in the fund to the Colorado bureau of investigation to pay for the costs of toxicology laboratory services, including any education needs associated with the services. Of the money remaining in the fund, eighty percent shall be deposited in a special

alcohol and drug impaired driving account in the fund, which account is created, and be available immediately, without further appropriation, for allocation by the transportation commission to the office of transportation safety. The office of transportation safety shall allocate the money 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 office of behavioral health in the department of human services, which shall use the money for the purposes stated in section 43-4-404 (3). The office of transportation safety and the office of behavioral health in the department of human services may use amounts from the money allocated or appropriated to them pursuant to this subsection (2) as necessary for the purpose of paying the costs incurred by the office of transportation safety and the office of behavioral health in administering the programs established pursuant to this part 4; except that the office of transportation safety and the office of behavioral health may not use for the purposes of this part 4 an amount exceeding eight percent of the money allocated or appropriated.

Question:	15. Does the SHSO use data sources for problem identification purposes?
Evidence:	Suggested evidence: Provide a list of the data sources used in problem identification for impaired driving.
Section:	Program Management and Strategic Planning - Data and Records
Level of Progress:	Substantial Progress
Status:	The HSO uses various data sources to include, NHTSA, FARS, crash data, Judicial Impaired Driving Data, citation and arrest, BAC data, Blood Analysis, census and hospital discharge. 31 percent of the fatalities are alcohol impaired. There was a 14 percent increase of impaired driving fatalities from 2020 to 2021. The HSO partners with the Colorado Department of Public Health and Environment to produce the annual Problem Identification Report.

Question:	16. Does the SHSO use data sources for project selection?
Evidence:	Suggested evidence: Provide the grant selection process (list or flowchart) indicating where the data is used to determine the final list of projects that are funded for the upcoming HSP.
Section:	Program Management and Strategic Planning - Data and Records
Level of Progress:	Undetermined
Status:	Alcohol-impaired drivers were involved in 31 percent of all fatalities. In 2021, there were 691 fatalities, of those 216 had a blood concentration of .08 and above and 92 tested positive for 5 nanograms (ng) Delta 9 tetrahydrocannabinol (THC). In 2021, the five counties with the highest number of fatalities in crashes involving a driver or motorcycle operator with a BAC above 0.08 were: Denver (24), Adams (22), Weld (22), El Paso (20) and Jefferson. Colorado law enforcement agencies participate in all seven National high visibility enforcement (HVE) campaigns as well as five statewide high visibility enforcement campaigns during the year.

These HVE enforcement campaigns have been created to address events in the State that have an impact on impaired driving-related motor vehicle crashes and fatalities. Law enforcement agencies apply for HVE funding and are selected using FARS and other data sources to identify the areas with a high number of impaired driving-related crashes and fatalities. Agencies deploy their resources at their discretion during the enforcement periods, using local data to determine enforcement strategies as to location, day of week, time of day, etc. Law enforcement agencies report their activity through narrative reports and report arrest and citation data on the CDOT “Heat Is On!” website.

Question: 17. Does the State implement enforcement programs to prevent sales or service of alcoholic beverages or marijuana (in states with recreational marijuana sales) to persons under the age of 21?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent provides ample evidence of compliance via documentation on laws and rules related to both alcohol and marijuana sales and possession in the state.

Question: 18. Do these enforcement strategies include conducting compliance checks and/or “shoulder tap” activities?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent cites specific statute indicating the potential penalties for establishments selling alcohol to minors. When a licensing authority finds that a licensee has sold alcohol beverages to a minor and that said violation was investigated or detected by using a person under twenty-one years of age to purchase alcohol beverages from the licensee, the licensing authority may consider the following penalties to be imposed for the violation: No such language was found for the underage sale of marijuana. It is recommended that language be changed to include the underage sale of marijuana for licensed dispensaries.

Question: 19. Is there support for the proper use of technology in retail establishments, particularly those catering to youth, to verify proper and recognize false identification?

Evidence: Suggested evidence: Provide program descriptions, materials, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent refers to state statute detailing the following information. A

training program must be attended by the resident on-site owner (if applicable) or a manager, and all employees selling/serving alcohol beverages. Once a licensee is designated a “Responsible Vendor,” all new employees involved in the sale, handling and service of alcoholic beverages must complete the training described in this regulation within 90 days of date of hire. The respondent indicates that there is no language related to the use of technologies. It is recommended that this be incorporated as part of future trainings.

Question: 20. Does the State have and enforce alcohol beverage and marijuana (in states with recreational marijuana sales that allow on-premise use) control regulations to prevent over-service through such strategies as prohibiting service to visibly intoxicated patrons, restricting sales promotions (such as “happy hours”), limit hours of sale, and establishing conditions on the locations of establishments to limit impaired driving (e.g., zoning restrictions)?

Evidence: Suggested evidence: Provide beverage/marijuana control legislation, policies, procedures, and enforcement statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent provided documentation for the Colorado Department of Revenue regarding violation of liquor sales. The respondents did provide language in 12-47-801 which specifies when a licensee is civilly liable for overservice. There is no language regarding overservice of Marijuana. It would be helpful to know if dispensaries have guidelines regarding the sales to an individual who appeared incapacitated similar to requirements for the sale of packaged liquor.

Question: 21. Does the State provide resources (including funds, staff, and training) to enforce alcohol beverage and marijuana (in states with recreational marijuana sales) control regulations?

Evidence: Suggested evidence: Provide revenue distribution information for enforcement of sales, implementation manuals, and annual report with enforcement statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent provides a list of training programs for dispensary employees. The MED has approved the following businesses' Responsible Vendor Training Programs. Only the Training Programs listed below have been approved by the MED to administer Responsible Vendor training and to confer Responsible Vendor designation to Medical Marijuana Stores and Retail Marijuana Stores. Please note, approved Responsible Vendor Providers may elect to add additional, value-added, material outside of the scope of what MED requires in Rules 3-515 and 3-520. However, this material has not been reviewed by MED or CDPHE and is, therefore, the sole responsibility of the Provider to ensure accuracy. It is unknown if this

is a state mandated or voluntary system that is in place. The respondent cites the department of revenue liquor code regarding alcohol sales.

Question: 22. Does the State ensure coordination among traditional State, county, municipal, and tribal law enforcement agencies to determine where impaired drivers had their last drink or last used marijuana and use this information to monitor compliance with regulations?

Evidence: Suggested evidence: Provide descriptions of coordination efforts, officer reporting, implementation manuals, and annual reports with enforcement statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Undetermined

Status: There is no documentation regarding the "last drink" or use of marijuana. If this is not part of CO policy, it is recommended that this be considered.

Question: 23. Does the State mandate or promote responsible alcohol and marijuana (in states with recreational marijuana sales) service programs, written policies, and training?

Evidence: Suggested evidence: Provide State statute, description of approved programs, program manuals, and implementation statistics.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent provides ample information on alcohol and marijuana service programs, written policies, and training

Question: 24. Does the State require or promote alcohol and marijuana (in states with recreational marijuana sales) sales and service establishments to display educational information to discourage impaired driving and to actively promote designated driver or alternative transportation programs?

Evidence: Suggested evidence: Provide State statutes, policies, and guidelines for promotional materials. Also, provide sample posters, signs, or materials.

Section: Prevention - Responsible Alcohol Service

Level of Progress: Underway

Status: The respondent provides documentation that materials are available. It is unclear if there is any requirement to display these materials.

Question: 25. Does the State have statutes that hold commercial establishments and social hosts responsible for damages caused by a patron or guest who was served alcohol or marijuana when underage or when visibly intoxicated?

Evidence: Suggested evidence: Provide State statutes and/or case law (often called the Dram Shop law).

Section: Prevention - Responsible Alcohol Service

Level of Progress: Substantial Progress

Status: The respondent provides statute demonstrating the penalty for non-compliance with alcohol service. There is no language in statute regarding the sale of marijuana

Question:	26. Do these programs actively promote the use of designated drivers and safe ride programs, especially during high-risk times, such as holidays or special events, and are alternative transportation programs designed so that they do not enable or promote over-consumption by non-drivers as well as drivers?
Evidence:	Suggested evidence: Provide promotional materials.
Section:	Prevention - Community-Based Programs
Level of Progress:	Substantial Progress
Status:	The respondent provides documentation regarding safe driving programs and discounts for ride programs. Plan to Drink? Plan a sober ride home before heading out. Consider getting a sober ride to your destination so you won't be tempted to later drive impaired. Options available include taxis, Uber, Lyft and public transit. If you have a designated driver, ensure they are truly sober, not simply more sober than you are. Buzzed driving is still drunk driving. If you're ever unsure whether you are safe to drive, always err on the side of caution and find a sober ride home.
Question:	27. Does the State encourage the formation of public and private partnerships to financially support these programs?
Evidence:	Suggested evidence: Provide examples of partnership documents and program materials.
Section:	Prevention - Community-Based Programs
Level of Progress:	Substantial Progress
Status:	The respondent indicates that they have received grants from the Governor's Highway Safety Association to promote rideshare discounts. These funds originally come from companies in the private sector.
Question:	28. Does the State implement K-12 traffic safety education, with appropriate emphasis on underage drinking and alcohol and other drug-impaired driving, as part of a comprehensive health education program?
Evidence:	Suggested evidence: Provide State education policies, learning standards, or curriculum.
Section:	Prevention - Community-Based Programs
Level of Progress:	Underway
Status:	The respondent indicates that there is funding from the Colorado Department of Transportation to implement our Prevent Alcohol and Risk Related Trauma in Youth (P.A.R.T.Y.) Program. The P.A.R.T.Y. Program is an injury awareness and prevention program for high school students. The goal of the program is to provide young people with information about traumatic injury which will enable them to recognize potential injury producing situations, make safer choices and adopt behaviors that reduce risk. We focus on making good decisions while driving or riding as a passenger and the ripple effect of those choices. Based on responses, this information is not known throughout the state. In addition, it is not specific to impaired driving or traffic safety.

Question:	29. Has the State established and supported student organizations that promote traffic safety and responsible decisions and encourage statewide coordination among these groups?
Evidence:	Suggested evidence: Provide a list of organizations with their goals and sample activities.
Section:	Prevention - Community-Based Programs
Level of Progress:	Underway
Status:	The respondent indicates that Colorado has a group of peers that appears to be working on these issues. Partnership Youth Development in trying to incorporate the voice of youth in the issues that they are facing. The Colorado young Driver Alliance was cited as an example.
Question:	30. Does the State provide training to school personnel (such as resource officers, health care providers, counselors, health educators, and coaches) to enable them to provide information to students about traffic safety, responsible decisions, and identify students who may have used alcohol or other drugs (e.g., Drug Impairment Training for Education Professionals)?
Evidence:	Suggested evidence: Provide examples of programs with descriptions and materials.
Section:	Prevention - Community-Based Programs
Level of Progress:	Early Progress
Status:	The respondent indicates that he Colorado Department of Public Health and Environment, with the assistance of the Colorado Department of Transportation supports the Colorado Young Drivers Alliance (CYDA). The mission is to promote young driver safety in Colorado through prevention education, data and research, and legislation. The group, which formed in 2005, is a coalition of state and local agencies, non-profits, and private-sector partners that work together to reduce teen motor vehicle crashes and improve teen motor vehicle safety. Based on other responses, this information is not widely known. It is unsure if this information is provided to teachers or directly to students.
Question:	31. Does the State encourage colleges, universities, and trade schools to establish and enforce policies to reduce alcohol, other drug, and traffic safety problems on campus, and to work with local businesses and law enforcement agencies to reduce such problems in neighboring communities?
Evidence:	Suggested evidence: Provide examples of programs with descriptions and materials.
Section:	Prevention - Community-Based Programs
Level of Progress:	Early Progress
Status:	The respondent indicates the state does not currently work with colleges, universities, and trade schools, however there may be opportunities to work with these groups through the HSO's involvement with the Strategic Highway Safety Plan. Documentation shows CO. State Univ. participates

in the drug free schools act. It is unknown at this point if SADD participates in programs to reduce alcohol or drug usage on campus.

Question: 32. Does the State provide training for alcohol and drug-impaired driving, and Screening and Brief Intervention (SBI), to college personnel such as student affairs, student housing, health care providers, counselors, health educators, and coaches to enable them to provide information to students about traffic safety and responsible decisions, and identify students who may have used alcohol or other drugs?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Not Started

Status: There is no indication that the respondent has addressed the use of SBI in Colorado.

Question: 33. Does the State provide information and technical assistance to employers and encourage them to offer programs to reduce underage drinking and impaired driving by employees and their families?

Evidence: Suggested evidence: Provide examples of programs with descriptions and materials.

Section: Prevention - Community-Based Programs

Level of Progress: Not Started

Status: There is no indication that the State provides information and technical assistance to employers and encourages them to offer programs to reduce underage drinking and impaired driving by employees and their families.

Question: 34. Does the State encourage and support community traffic safety coalitions or traffic safety programs, comprised of a wide variety of community members and leaders such as representatives of government; highway safety; enforcement; criminal justice; liquor law enforcement; public health; education; driver licensing and education; employers and unions; the military; medical, health care and treatment communities; multi-cultural, faith-based, advocacy and other community groups?

Evidence: Suggested evidence: Provide a list of and descriptions of coalitions specific to impaired driving/traffic safety.

Section: Prevention - Community-Based Programs

Level of Progress: Early Progress

Status: While individuals in prevention are mentioned, there is only one coalition listed for Colorado.

Question: 35. Does the State ensure that representatives of local traffic safety programs participate in existing alcohol, substance abuse, injury control, mental health, and other related coalitions, (e.g., Drug-Free Communities, SPF-SIG), to assure that impaired driving is a priority issue?

Evidence: Suggested evidence: Provide a list of coalitions and examples of strategies

	specific to impaired driving/traffic safety.
Section:	Prevention - Community-Based Programs
Level of Progress:	Undetermined
Status:	The respondents provide conflicting information on the status of this question. It's unclear how much information, if any, is shared regarding coalitions.

Question:	36. Does the State provide information and technical assistance to community coalitions and prevention programs, including data concerning the problem in the community and information identifying evidence-based underage drinking and impaired driving programs?
Evidence:	Suggested evidence: Provide examples of data and/or information sharing or technical assistance.
Section:	Prevention - Community-Based Programs
Level of Progress:	Early Progress
Status:	One respondent indicated that each year the Colorado Department of Transportation (CDOT) releases the latest Problem Identification Report. This report highlights data on: serious injury and fatal traffic crashes, urban and rural crashes and fatalities, injury hospitalizations, mode of transportation, occupant protection, seat belt compliance, impaired driving, young drivers, speed enforcement, distracted driving, and older drivers. Based on other responses, this is not widely known in Colorado.

Question:	37. Does the State encourage community coalitions and prevention programs to provide support for local law enforcement and prevention efforts aimed at reducing underage drinking and impaired driving?
Evidence:	Suggested evidence: Provide examples of collaborative efforts between local coalitions and the law enforcement community.
Section:	Prevention - Community-Based Programs
Level of Progress:	Underway
Status:	One respondent provided that impaired driving toolkit as an example of information to enhance coalitions.

Question:	38. Does the State encourage professionals, such as prosecutors, judges, nurses, doctors, emergency medical personnel, law enforcement officers, and treatment professionals, to serve as community spokespeople to educate the public about the consequences of underage drinking and impaired driving?
Evidence:	Suggested evidence: Provide examples of programs with sample materials.
Section:	Prevention - Community-Based Programs
Level of Progress:	Early Progress
Status:	The respondent indicates this is still part of the strategic plan. Examples of Prevention Types Primary prevention: Training is offered to all students in a school to help them better manage their emotions. Secondary prevention: A primary care provider conducts Screening, Brief Intervention, and Referral to Treatment (SBIRT) to identify at-risk patients and connect them

to substance use counseling. Tertiary prevention: A person who injects drugs is connected to treatment services and a peer recovery group.

Question: 39. Are the statutes comprehensive and consistent with other criminal-level legislation so that they will effectively discourage impaired driving?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: CRS 42-4-1301 and 42-4-1307 along with other attached statutes are fairly extensive in their attempt to effectively discourage impaired driving. There appears to be graduated sanctions and a permissible inference (not per se) level for delta 9 THC. The attached statutes are annotated (listing out cases). Colorado has sound impaired driving statutes that are comprehensive with graduated sanctions, found mostly in the 42 and 18 Sections of the Colorado Revised Statutes.

Question: 40. Do the statutes clearly criminalize driving while impaired by alcohol or other drugs (whether illegal, prescription, or over-the-counter), and treat those offenses, regardless of the substance causing impairment, with similar consequences?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Yes, the statutes clearly criminalize driving while impaired by alcohol or other drugs, and treats those offenses, regardless of the substance causing impairment, with similar consequences. However, it is noted that CRS 42-4-1301(d)(I) does indicate that it is a class A traffic infraction for any person under twenty-one years of age to drive a motor vehicle or vehicle when the person's BAC, as shown by analysis of the person's breath, is at least 0.02 but not more than 0.05 at the time of driving or within two hours after driving.

Question: 41. Does a statute clearly set a Blood Alcohol Concentration (BAC) limit of 0.08 percent, making it illegal per se to operate a vehicle at or above this level without having to prove impairment?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: C.R.S. 42-4-1301 sets a per se limit for DUI at 0.08 blood/breath alcohol content (BAC) and a permissible inference of impairment level for DWAI

at 0.05 BAC; Additionally, Colorado statutes include a felony law classification for DUI charges with four or more prior convictions of DUI, DWAI, vehicular assault, or vehicular homicide. In 2013, the legislature amended the impaired driving statute (C.R.S. 42-4-1301 (6)(a)(IV)) to create a section addressing driving under the influence of marijuana. The law established the following: “If at such time the driver’s blood contained five nanograms or more of delta 9- tetrahydrocannabinol [...Delta 9- THC...] per milliliter in whole blood, as shown by analysis of the defendant’s blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs.”

Question: 42. Is there Zero Tolerance for underage drivers, making it illegal per se for persons under age 21 to drive with any measurable amount of alcohol or other impairing substance?

Evidence: Suggested evidence: Copies of underage impaired driving statutes and regulations. Copies of cases that interpret or apply the underage impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Illegal limit for underage driver starts at 0.02. CRS 42-4-1301(2)(d)(I) indicates that it is a class A traffic infraction for any person under twenty-one years of age to drive a motor vehicle or vehicle when the person's BAC, as shown by analysis of the person's breath, is at least 0.02 but not more than 0.05 at the time of driving or within two hours after driving. The DUI statute makes it illegal per se for persons under age 21 to drive with any measurable amount of alcohol in their system.

Question: 43. Are there enhanced penalties for poly-substance use as well as High BAC (e.g., 0.15 percent or greater)?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Substantial Progress

Status: I did not see anything indicating increased penalties for poly-substance use, but there is increased penalty for high BAC at 0.15. Persistent Drunk Drivers are specifically defined and there are mandatory penalties.

Question: 44. Are penalties increased and imposition of the increased penalties required for each subsequent offense of impaired driving?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred. Copy of the sentencing guidelines or matrix.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: 42-4-1301 and 1307 list out graduated sanctions for multiple offenses. Most sanctions are mandatory but there is some discretion for the court in sentencing built into the statute.

Question: 45. Does a statute specify that a chemical test refusal that is treated with administrative sanctions is at least as strict as the state's highest impaired driving offense?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: 42-2-126(3)(c) / 42-1-102(68.5) Yes, if driver refuses the chemical breath/blood test, strict laws include revoking the license of a person for refusal for one year for a first violation, two years for a second violation, and three years for a third or subsequent violation; mandatory 2-year interlock requirement and mandatory enrollment/completion of Level 2 education and therapy treatment. Refusals are also classified/defined under the Persistent Drunk Driver definition. However, it is noted that there is no criminal penalty for refusal.

Question: 46. Does a statute define driving with a suspended or revoked license (DWS) due to impaired driving, vehicular homicide, or causing personal injury while driving impaired as separate offenses?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Yes, any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is guilty of a class A traffic infraction. Upon a second or subsequent conviction within five years after the first conviction thereunder, in addition to any penalty imposed except as may be permitted by section 42-2-132.5, the defendant shall not be eligible to be issued a driver's or minor driver's license or extended any driving privilege in this state for a period of three years after such second or subsequent conviction. C.R.S. 42-2-202 will also classify any person who has accumulated convictions for separate and distinct offenses described in subsection (2) of this section committed during a seven-year period or committed during a five-year period for separate and distinct offenses. (2) (a) An habitual offender is a person having three or more convictions of any of the following separate and distinct offenses arising out of separate acts committed within a period of

seven years: (I) DUI, DUI per se, or DWAI; (II) Driving a motor vehicle in a reckless manner, in violation of section 42-4-1401; (III) Driving a motor vehicle upon a highway while such person’s license or privilege to drive a motor vehicle has been denied, suspended, or revoked, in violation of section 42-2-138 (1); (IV) Knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the motor vehicle laws or as to information required in the administration of such laws; (V) Vehicular assault or vehicular homicide, or manslaughter or criminally negligent homicide which results from the operation of a motor vehicle, or motor vehicle theft, as such offenses are described in title 18; (VI) Conviction of the driver of a motor vehicle involved in any accident involving death or personal injuries for failure to perform the duties required of such person under section 42-4-1601.

Question: 47. Does the statute set out and mandate the imposition of additional penalties for the offenses of driving with a license suspended or revoked (DWS) for impaired driving, vehicular homicide, or causing personal injury while driving impaired?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: Yes. See CRS 42-2-138 and 42-2-202. An habitual offender is any person, resident or nonresident, who has accumulated convictions for separate and distinct offenses described in subsection (2) of this section committed during a seven-year period or committed during a five-year period for separate and distinct offenses: (2) (a) An habitual offender is a person having three or more convictions of any of the following separate and distinct offenses arising out of separate acts committed within a period of seven years: (I) DUI, DUI per se, or DWAI; (II) Driving a motor vehicle in a reckless manner, in violation of section 42-4-1401; (III) Driving a motor vehicle upon a highway while such person’s license or privilege to drive a motor vehicle has been denied, suspended, or revoked, in violation of section 42-2-138 (1); (IV) Knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the motor vehicle laws or as to information required in the administration of such laws; (V) Vehicular assault or vehicular homicide, or manslaughter or criminally negligent homicide which results from the operation of a motor vehicle, or motor vehicle theft, as such offenses are described in title 18; (VI) Conviction of the driver of a motor vehicle involved in any accident involving death or personal injuries for failure to perform the duties required of such person under section 42-4-1601.

Question: 48. Is there an “Open Container” statute that prohibits possession or consumption of any open alcoholic beverage in the passenger area of a

motor vehicle while located on a public highway or right-of-way?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: 42-4-1305 and 1305.5 address open containers in vehicles both for alcohol and marijuana.

Question: 49. Does the State have Statutes that include those shown on the document titled "Question 49"?

Evidence: Suggested evidence: Please complete the document titled "Question 49" and upload it along with copies of statutes and regulations highlighted for each offense and each penalty/sanction that applies.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: One of the attachments does a good job of listing out the statutes that apply to the test refusals; high BAC; repeat offenders; driving under suspension; and vehicular homicide or injury while driving impaired and the enhanced penalties attached. There is nothing in statute that specifically addresses driving impaired with a minor in the vehicle.

Question: 50. Are enhanced penalties set out and mandated for test refusals, high BAC, repeat offenders, driving with a suspended or revoked license, driving impaired with a minor in the vehicle, vehicular homicide or causing personal injury while driving impaired, including: longer license suspension or revocation; installation of ignition interlock devices; license plate confiscation; vehicle impoundment, immobilization or forfeiture; intensive supervision and electronic monitoring; and imprisonment?

Evidence: Suggested evidence: Please complete the document titled "Question 50" and upload it along with copies of statutes and regulations highlighted for each offense and each penalty/sanction that applies.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: 42-2-126(3)(c) / 42-1-102(68.5) DMV administrative action requires mandatory 2-year interlock requirement and mandatory Level 2 education and therapy treatment enrollment/completion if driver has high BAC, is a repeat offender or refusal.

Question: 51. Does the State or Territory have statutes that provide separate and distinct criminal penalties for alcohol- and drug-impaired driving to be applied individually or in combination to a single case?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations or a Chief Justice Order. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation
Level of Progress: Substantial Progress
Status: The statute does not have separate and distinct criminal penalties, rather the penalties are the same for alcohol and drug impaired driving or a combination. 42-4-1301.

Question: 52. Do the statutes mandate assessment for alcohol or other drug abuse problems for all impaired driving offenders and, as appropriate, treatment, abstention from the use of alcohol and other drugs, and frequent monitoring?
Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation
Level of Progress: Completed
Status: Yes, DMV administrative actions requires drivers to enroll in Level 2 education and therapy treatment after a DUI offense with high BAC, multiple offender or refusal. Driver must stay actively enrolled in order to maintain a valid restricted interlock only license. 42-2-132 (B) and (C) requires enrollment in level II education and treatment through the Office of Behavioral Health, who monitors the progress. 42-2-122(1)(i) states we can cancel the license if the driver fails to complete Level 2. 42-2-144 reporting of Level 2 and if noncompliance, the department will send a letter notifying the driver of the pending cancellation and indicates they need to provide proof of completion or re-enrollment prior to the cancellation date, we give them 20 days to comply. Colorado law, 42-4-1301.3(B)(3)(a) Alcohol and drug driving safety program, requires that convicted impaired driving offenders are evaluated. This evaluation is primarily directed at level of care and length of stay placement. Treatment providers are also required to conduct various screening and assessments to determine treatment need, and possibly level of care - BHA Behavioral Health Rules 2 CCR 502-1, pp 27.

Question: 53. What statutory provisions mandate the supervision of out-of-state offenders?
Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.
Section: Criminal Justice System - Legislation
Level of Progress: Completed
Status: Colorado is a member of the interstate compact which regulates if and how criminal defendants can have their probation or parole transferred between states.

Question: 54. Does the state or territory have statutory requirements to use proven technology (e.g., ignition interlock device, electronic confinement, and

monitoring) and the capability to produce reports on compliance both judicially and administratively?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or, assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: 42-2-132.5 DMV administrative action requires ignition interlock device installation for any DUI offense in CO. The breath log activity reports are reviewed as needed for compliance-based performance during the interlock requirement. The courts are encouraged to used IID and frequently due in addition to the admin action.

Question: 55. Are periodic reports on offender compliance with administrative or judicially imposed sanctions required by statute?

Evidence: Suggested evidence: Copies of statutes, regulations, or reports.

Section: Criminal Justice System - Legislation

Level of Progress: Substantial Progress

Status: 42-2-132.5 DMV administrative action requires ignition interlock device installation for any DUI offense in CO. The breath log activity reports are reviewed as needed for compliance-based performance during the interlock requirement.

Question: 56. Are there statutory provisions for driver license suspensions for persons under age 21 for any violation of law involving the use or possession of alcohol or illicit drugs?

Evidence: Suggested evidence: Copies of impaired driving statutes and regulations. Copies of cases that interpret or apply the impaired driving statutes and regulations, or assurances that no such adjudication has occurred.

Section: Criminal Justice System - Legislation

Level of Progress: Completed

Status: There are provisions for use if convicted of DUI for a person under 21 in C.R.S. 42-2-125 (1)(b.5).

Question: 57. Are impaired driving cases a high priority for prosecution?

Evidence: Suggested Evidence: Resolutions or other high-level statements from the prosecutors' professional association for that State or Territory. A State or Territory strategic plan adopted by a majority of the prosecutors of the State or Territory to prioritize the prosecution of impaired driving cases.

Section: Criminal Justice System - Prosecution

Level of Progress: Completed

Status: It appears that impaired driving prosecution is a priority and receives significant support from the TSRP Program. Most jurisdictions have plea guidelines which include provisions on impaired and intoxicated cases.

Question: 58. Who is responsible for prosecuting impaired driving cases and are there

any “special prosecutors” who have authority to prosecute impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the impaired driving courses, seminars, or webcasts that are made available for prosecutors. Include an agenda and bios of presenters of training on impaired driving by the knowledgeable and experienced prosecutors of that jurisdiction.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: Cases are prosecuted in both county and district court at the state level (no municipal prosecutions of DUI/DWAI). The Traffic Safety Resource Prosecutor (TSRP) may be sworn in as a special district attorney, but there are no specific or special prosecutors. Some of the larger metro areas do have DUI teams. Often times the newer attorneys are doing the prosecution which is not unlike other states. There is significant support for these attorneys.

Question: 59. Is the vigorous and consistent prosecution of impaired driving (including youthful offender) cases encouraged, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes?

Evidence: Suggested Evidence: Recognition at the State or Territorial levels of prosecutors, including Tribal prosecutors, who are vigorously and consistently engaged in the prosecution of impaired driving cases. Such recognition could be modeled after the Lifesaver awards. A sign-on memo or statement by at least seventy five percent of the elected official (prosecuting attorney, state’s attorney, or Attorney General) that they support the vigorous and consistent prosecution of impaired driving (including youthful offender) cases encouraged, particularly when they result in a fatality or injury, under both impaired driving and general criminal statutes.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: Again, most jurisdictions have specific guidelines and procedures in place for misdemeanor and felony crimes. Other than a few jurisdictions where prosecutors are assigned to treatment court dockets and perhaps Denver, no state level prosecutors specialize (e.g., assigned only to traffic/crashes) in these crimes. There are three jurisdictions with teams of prosecutors who will go to crash scenes and or be on call to answer phone calls from law enforcement at scenes. CDAC gives six awards annually (all which could be given for work in traffic). MADD and CDOT recognize a prosecutor of the year. Last year the TSRP team got the Dr. Robert E. Weltzer award presented to a non-law enforcement individual or agency in recognition of years of outstanding commitment and service to improving traffic safety. We also circulate the National Association of Prosecutor Coordinator Prosecutor of the Year nomination forms for our folks as well as other national awards. CDAC is addressing retention issues like most across the

country, but it's a tough time.

Question: 60. What continuing educational requirements are there for prosecutors who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the requirements for continuing education for prosecutors of impaired driving cases.

Section: Criminal Justice System - Prosecution

Level of Progress: Completed

Status: Continuing Legal Education (CLE) (45 every 3 years including 5 ethics and 2 equity, diversity, and inclusivity). The Colorado District Attorneys' Council (CDAC) and the TSRP program provide enough educational credits annually to meet CLE requirements for prosecutors.

Question: 61. What support organizations exist for judges and prosecutors who handle impaired driving cases and what do these organizations do to assist in the adjudication of impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the support organizations for prosecutors of impaired driving cases and how they support prosecutors.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: The TSRP Program and CDAC: Provides trainings for prosecutors as well as a member website for prosecutors (ColoradoDA.org). This provides a resource database of case law, sample motions, appellate materials, DMV case law and materials, and materials on specific subjects such as PBTs, DREs, blood draws and SFSTs. It also has an online database of DUI-related expert materials and a video library. The TSRP program has developed toolkits for LOC, MRB, FTN, DRE, and SFST non-alc drugs to aid prosecutors and maintains The Prosecutor's DUI/DWAI Manual and DUI manual for Colorado law enforcement. No specific training for judicial officers noted.

Question: 62. Are there programs to retain qualified impaired driving prosecutors?

Evidence: Suggested Evidence: Provide a list of the programs that are in place to support the prosecutors of impaired driving cases.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: The Colorado District Attorneys' Council (including the TSRP program) and the National District Attorneys Association (including the Nat'l Traffic Law Center) are the main programs our prosecutors go to for support in prosecuting these cases. At CDAC, we host a one week Trial Techniques School (TTS) three times a year, which uses DUI fact patterns and the TSRP teaches a DUI session. Other courses to help with the prosecution of felonies include major course, felony prosecution, and more. Each year there are multiple courses at CDAC's fall conference to help prosecutors in these cases as well. Here is a link to our web site (most is for members only so you can only see portions): <https://ColoradoProsecutors.org>. The TSRP

program provides technical assistance, 24/7 recorded video training on topics for court (e.g., how to admit a breath test result), researches defense experts, will sit second chair, and more. The TSRP is a member of the NAPC Traffic Safety Committee and provides our prosecutors with national resources she helps create like TSRP Tuesday webinars, cross examination materials on defense experts, mentoring, etc. CDAC and the TSRPs make a great effort but retention is always difficult in the field.

Question: 63. Does the State have Traffic Safety Resource Prosecutors, Law Enforcement Liaisons, and a Judicial Outreach Liaison?

Evidence: Suggested Evidence: Provide a list of the Names of those holding these positions.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: Colorado currently has a TSRPs; LELs; but they do not have a SJOL. They do have a Region 8 RJOL who is a seated Judge in Nevada responsible for all of Region 8.

Question: 64. Do the State Traffic Safety Resource Prosecutors, Law Enforcement Liaisons, and Judicial Outreach Liaisons help coordinate and deliver training and technical assistance to prosecutors handling impaired driving cases throughout the State?

Evidence: Suggested Evidence: Provide specific details of trainings offered for the last two years by the TSRP, LELs, and JOL in the impaired driving program area.

Section: Criminal Justice System - Prosecution

Level of Progress: Substantial Progress

Status: The State's TSRP has an extensive list of trainings and webinars completed and/or available. Colorado does not currently have a Judicial Outreach Liaison, relying on a RJOL who is a sitting judge in Nevada (responsible for all of Region 8). The LEL provides training and assistance.

Question: 65. Have the prosecutors who handle impaired driving cases received evidence-based training, such as Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs?

Evidence: Suggested Evidence: Provide the training calendar for the previous two years that shows evidence-based training, such as in Standardized Field Sobriety Test (SFST), Drug Recognition Expert (DRE), and emerging technologies for the detection of alcohol and other drugs opportunities for prosecutors and include the number of participants enrolled in each training.

Section: Criminal Justice System - Prosecution

Level of Progress: Completed

Status: There are significant resources and trainings available. It is up to the prosecutors to take advantage of these.

Question:	66. Do Prosecutors seek dispositions that employ sentencing strategies for offenders who abuse impairing substances other than alcohol?
Evidence:	Suggested Evidence: Provide samples of dispositions that employ sentencing strategies for offenders who abuse substances other than alcohol.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	Penalties are listed out, sentencing strategies are employed. I suspect this varies from office to office, depending on jurisdiction and area of the state.
Question:	67. Do Prosecutors, including tribal prosecutors, participate in multi-disciplinary training with law enforcement personnel?
Evidence:	Suggested Evidence: Provide training logs that demonstrate the participation of the prosecutors in multi-disciplinary training with law enforcement personnel.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Completed
Status:	There are significant resources and trainings offered. From October 2022 through September 2023, out of 129 training classes provided by CDAC, 41 were attended by both prosecutors and law enforcement personnel (nearly 32%). No tribal prosecutors.
Question:	68. Is there close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (such as the DRE)?
Evidence:	Suggested Evidence: Provide examples of the methods and results of close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including the DRE).
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	In many instances, however, turnover is great on all sides so perhaps not as much as some times historically. Denver is an example of good cooperation. The DUI/DRE unit works very closely with the county court (misdemeanor) prosecutors and a lot of the felony level attorneys and DA investigators handling crashes. In some small jurisdictions, prosecutors will even remain close with former DREs after the DRE lets their certification lapse. CDAC has a class about working with law enforcement in TTS. One rural DA Office hired a former Colorado State Patrol Vehicular Crimes Unit member, which has helped relationships in that area between crash teams and their prosecutors. Others have hired former DREs with the same results. All TSRP courses are open to all traffic safety professionals as we want to foster these partnerships. Such cooperation helps law enforcement build better cases, charging becomes more of a team effort, and court is easier though we still have battles with the bench accepting SFST and DRE related evidence. Our scientists help whenever they are able and attend what they can. They are approachable and transparent.

Question:	69. Is there close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers with Tribes?
Evidence:	Suggested Evidence: Provide examples of the methods and results of close cooperation between prosecutors, state toxicologists, and arresting law enforcement officers (including the DRE).
Section:	Criminal Justice System - Prosecution
Level of Progress:	Underway
Status:	The jurisdictions here boarding tribes report that it is difficult to get cooperation from tribes, especially in getting records and locating people. Occasionally law enforcement from tribes will attend training, but it has not happened for a while. I don't believe we have many (if any) DREs near tribal lands and, if so, they are not active. This appears to be common level across plains tribes.
Question:	70. Do strict policies on plea negotiations and deferrals in impaired driving cases require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense established and adhered to as routine?
Evidence:	Suggested Evidence: Provide a copy of the impaired driving statute or ruling that prohibits plea negotiations to a lesser offense. Provide a copy of the statute or court rule setting out the policies on plea negotiations and deferrals in impaired driving cases and require that plea negotiations to a lesser offense be made part of the record and count as a prior impaired driving offense established and adhered to as routine.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Substantial Progress
Status:	Under Colorado law, deferred sentences do not count as a prior offense (if successfully completed and plea is withdrawn). If the plea is to something other than a DUI then there must be a statement on the record why in good faith the DUI cannot be proven. The same is not true for DWAI. See section 42-4-1301(4), CRS. No, plea negotiations are not part of the record. Any plea offers to charges other than DUI or DWAI do require the DA to present justification in court.
Question:	71. Is there a statewide repository for DWI information and statistics?
Evidence:	Suggested Evidence: Please provide the data in the "DWI Information and Statistics" form (saved in the document library as Question 71). You may enter the numbers here or fill out the form and upload it as an attachment for this question.
Section:	Criminal Justice System - Prosecution
Level of Progress:	Completed
Status:	The answers to the requested questions come from three different sources (attached), which when taken together constitute a large portion of the state's repository on DUI information. Other statewide resources include traffic fatality data from the CO Department of Transportation. Colorado

Crime Stats DUI_Drugs 2022 Colorado Dept of Revenue FY22 Annual Report Colorado Judicial Branch FY22 Annual Report While ideally there would be one source, the information is obtainable.

Question: 72. What is the court structure for your state?

Evidence: Suggested Evidence: Provide a copy of the court organizational structure starting with the State's Supreme Court. Include Tribal courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: The Colorado Court system is overseen by the State Supreme Court. There is one appellate court below the Supreme Court. The trial courts are divided up into 22 judicial districts. Each district contains one or more of the states' 60+ counties. Each county has its own county court, that is overseen by one or more county judges. Any tribal courts are outside of the State's Court system.

Question: 73. Does the State have DWI Courts?

Evidence: Suggested Evidence: Number of Jurisdictions.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: https://www.courts.state.co.us/Administration/Custom.cfm?Unit=prbsolcrt&Page_ID=447

<https://www.courts.state.co.us/Administration/Unit.cfm?Unit=prbsolcrt>
The Colorado Judicial Branch Website contains a listing of the State's problem-solving courts. Yes, Colorado has 13 jurisdictions with DUI/DWI Courts- Denver County (misdemeanor offenses), Denver District Court (Felony DUI), Huerfano/Las Animas County, El Paso County, Eagle County, Larimer County, Chaffee County, Alamosa County, Arapahoe/Douglas County, Weld County, Pitkin County, San Miguel County, and Montezuma County. There are additional hybrid and misdemeanor courts.

Question: 74. Are DWI Courts accessible to all citizens within the State?

Evidence: Suggested Evidence: Provide a list of the DWI Courts and the geographical locations of DWI courts as well as the availability of Tribal DWI courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Substantial Progress

Status: DUI Courts are available to individuals who are both convicted in and reside in the jurisdiction that has a DUI court. Each jurisdiction may have additional requirements that are specific to their program.

Question: 75. Do the DWI Courts in the state follow the 10 Guiding Principles for DWI Court in their operations?

Evidence: Suggested Evidence: Share operations guides from DWI Courts.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: Colorado follows the 10 Guiding Principles for DUI Court in their operations. Colorado has a set of best practices modeled after the national requirements. There are significant program materials and program manual/handbooks.

Question: 76. What courts handle pleas, trials and appeals of impaired driving cases?

Evidence: Suggested Evidence: Provide a copy of the Highest Court's orders regarding assignment of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: For misdemeanor DUIs (the 1st, 2nd or 3rd DUI offenses) all trials and pleas are handled by the county courts. Any appeals of those cases go to the district court. The felony DUIs (4th offenses or greater) pleas and trials are normally handled by the district court. Those appeals go to the Colorado Appellate Court.

Question: 77. Does the highest court in the State or Territory take a leadership role in effective adjudication of impaired driving cases?

Evidence: Suggested Evidence: Provide copies of the Highest Court's annual report to the legislature. Provide copies of any Highest Court's orders that are intended to support effective adjudication of impaired driving cases. Provide copies of opinions that promote effective adjudication of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: Yes, establishing DUI and other treatment courts including a problem-solving courts advisory committee.

Question: 78. What are the qualifications of judges who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a copy of the Highest Court's orders regarding assignment of impaired driving cases to knowledgeable and experienced judges.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: County and District Judges must have practiced law for 5 years and be under the age of 72. In smaller counties a county judge is only required to have a high school diploma. There are no special training requirements to handle DUI cases.

Question: 79. What continuing educational requirements are there for judges who handle impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the requirements for continuing education for judges of impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Completed

Status: Judges are required to maintain the normal CLE requirements for the practice of law. There are no specialized requirements for those who handle DUI/DWAI cases. Specialized training is available to those who want it.

Question: 80. What support organizations exist for judges who handle impaired driving cases and what do these organizations do to assist in the adjudication of impaired driving cases?

Evidence: Suggested Evidence: Provide a list of the support organizations for judges of impaired driving cases and how they support judges.

Section: Criminal Justice System - Adjudication

Level of Progress: Not Started

Status: Does not appear to be any at the State level. There are at the national level, see ABA Judicial Division's Judicial Outreach Liaison Program.

Question: 81. Are impaired driving cases adjudicated in a timely manner?

Evidence: Suggested Evidence: Describe how courts adjudicate impaired driving cases in a timely manner and effectively manage dockets brought before judges. Explain the expected timelines from arrest through adjudication.

Section: Criminal Justice System - Adjudication

Level of Progress: Substantial Progress

Status: There are no set standard requirements regarding the timely resolution of those type cases beyond the state's general case guidelines.

Question: 82. Are the judges who handle criminal or administrative impaired driving cases receiving evidence-based education, covering the technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders?

Evidence: Suggested Evidence: Provide a list of the training or continuing legal education courses or workshops for judges who handle criminal or administrative impaired driving cases where the judges received evidence-based education, covering technical evidence presented in impaired driving cases, including SFST and DRE testimony, emerging technologies, such as IID, for the detection of alcohol and other drugs, and sentencing strategies for this class of offenders. Include the agendas showing presenters and expertise in the subject matter presented if possible.

Section: Criminal Justice System - Adjudication

Level of Progress: Underway

Status: Some trainings are available but are not requirements.

Question: 83. Are tribal judges included in the proffered training?

Evidence: Suggested Evidence: Provide a list of the tribal courts that have participated in the training or continuing legal education for criminal or administrative impaired driving cases.

Section: Criminal Justice System - Adjudication

Level of Progress: Undetermined

Status: There is no answer to indicate whether this happens.

Question: 84. Are court strategies used to reduce recidivism through evidence-based sentencing and close monitoring?

Evidence: Suggested Evidence: List the courts that have adopted strategies to be used to reduce recidivism through effective sentencing and close monitoring and identify the strategies adopted by each court. Provide caseload impact numbers for each strategy adopted.

Section: Criminal Justice System - Adjudication

Level of Progress: Underway

Status: The availability and use of such strategies varies between jurisdictions, mostly due to resources available.

Question: 85. Are both DWI and non-DWI courts utilizing screening and assessment tools specific to DWI offenses? (RANT, IDA, CARS)

Evidence: Suggested Evidence: Provide a detailed description of the court strategies to reduce recidivism through effective sentencing and close monitoring, by either establishing DWI Courts, encouraging drug courts to hear impaired driving cases, or encouraging other courts to adopt DWI/Drug Court practice. Include the number of judges in the courts that hear the impaired driving cases, the number of cases filed and completed for the last two years, and the number of offenders who received drug or alcohol assessments. Provide documentation such as court orders and revocation citations to demonstrate whether effective and appropriate sentences were imposed on these offenders. Documentation of the number of offenders who were abstinent from alcohol and other drugs and who were closely monitored for compliance should also be included.

Section: Criminal Justice System - Adjudication

Level of Progress: Substantial Progress

Status: DWI Courts utilize the DUI-RANT, IDA, and CARS assessments. Some DWI Courts will conduct a clinical evaluation in addition to the DWI specific assessments. Non-DWI Courts will typically use probation assessments including the ASUDS and LSI pre-sentence. The statute requires an alcohol evaluation is completed on all DWI cases prior to sentencing, the extent of the evaluation is up to individual districts, many will just utilize the ASUDS but some counties will complete a pre-sentence investigation as part of the alcohol evaluation process.

Question: 86. Have ethical obstacles, such as ex parte or commitment communications been eliminated to allow the judges to participate more freely in DWI Court administration?

Evidence: Suggested Evidence: Attach copies of the Judicial Code of Ethics and any disciplinary cases that demonstrate whether ethical obstacles, such as ex parte or commitment communications, have been eliminated to allow the judges to participate more freely in DWI Court administration.

Section:	Criminal Justice System - Adjudication
Level of Progress:	Undetermined
Status:	The only answer received is no. One would hope the national principles for DUI courts are being followed.
Question:	87. Are there community supervision programs?
Evidence:	Suggested Evidence: Provide a list of the community supervision programs. Include their use of technology and the training on the technology such as IID and electronic confinement, to monitor and guide offender behavior and to produce periodic reports on offender compliance.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Completed
Status:	Per C.R.S. 42-4-1301.3 the Judicial Department shall administer in each Judicial District an alcohol and drug driving safety program that provides presentence and post sentence alcohol and drug evaluations on all persons convicted of a violation of section C.R.S. 42-4-1301. The alcohol and drug driving safety program shall further provide supervision and monitoring of all such persons whose sentences or terms of probation require completion of a program of alcohol or drug driving safety education or treatment. Probation supervision is provided by the state of Colorado. Additionally, probation supervision may be provided by private agencies that contract with Colorado state probation. In the course of supervision probation officers may use interlock and/or continuous alcohol monitoring while supervising clients.
Question:	88. Does the court staff receive training for technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance?
Evidence:	Suggested Evidence: Provide training rosters and agendas for the last two years for all court staff receiving the recommended training on technology such as IID and electronic confinement, to monitor and guide offender behavior and produce periodic reports on offender compliance.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Substantial Progress
Status:	Probation staff will typically receive training on monitoring DWI offenders. Additional staff may receive training on this in a DUI Court setting. No training rosters or agendas provided.
Question:	89. Is there a State Judicial Outreach Liaison?
Evidence:	Suggested Evidence: Provide documentation that indicates the judicial experience of the Judicial Outreach Liaisons.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Not Started
Status:	There is not a SJOL but there is a R8 RJOL. However, the RJOL is not directly connected to the judicial officers in Colorado and the State would benefit from having its own SJOL.

Question:	90. Does the Judicial Outreach Liaison serve as a judicial educator and resource on highway traffic safety issues including impaired driving, as well as act as an agent to create more DWI Courts?
Evidence:	Suggested Evidence: Attach the reports from the Judicial Outreach Liaison for the last two years. The report should include the budget and demonstrate that the Liaison has been integrated into the judicial education and outreach administration. Include the position description of the judicial educator demonstrating that the liaison is utilized as a resource on highway traffic safety issues including impaired driving, and as an agent to create more DWI Courts.
Section:	Criminal Justice System - Adjudication
Level of Progress:	Not Started
Status:	There is not a current SJOL, but there is a R8 RJOL. However, the RJOL is not directly connected to the judicial officers in Colorado and the State would benefit from having its own SJOL.

Question:	91. Does the State have a Graduated Driver Licensing (GDL) Program?
Evidence:	Suggested evidence: Describe each stage of licensing program. Include specific components and restrictions that are required or imposed at each stage of the program.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Completed
Status:	Colorado has a Graduated Driver License for young drivers.

Question:	92. Does the State have a program in place to prevent individuals from obtaining and using a fraudulently obtained, counterfeit, or Altered Driver license?
Evidence:	Suggested evidence: Describe the process by which the State ensures that individuals cannot obtain driver licenses with multiple identities.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Substantial Progress
Status:	Colorado driver licensing procedures are supported by a detailed and documented fraud detection policy relating to the detection of fraudulent source identity documents, file image verification and system queries.

Question:	93. Does the State provide training for alcoholic beverage sellers and servers to recognize fraudulent/altered IDs
Evidence:	Suggested evidence: Describe the nature, extent, and frequency of training provided to alcohol beverage retailers.
Section:	Criminal Justice System - Administrative Sanctions and Driver Licensing Programs
Level of Progress:	Completed
Status:	The Colorado Department of Revenue's Liquor and Tobacco Enforcement

Division provides bi-monthly industry-wide virtual training to alcohol sellers and servers free of charge. One aspect of the training focuses solely on identification requirements.

Question: 94. Does the State suspend the driver license for alcohol or drug test refusal and is the period of suspension longer than that for a test failure?

Evidence: Suggested evidence: Provide a copy of the statute or code

Section: Criminal Justice System - Administrative Sanctions and Driver Licensing Programs

Level of Progress: Completed

Status: 42-2-125/42-2-126 Yes, the revocation period for BAC offense on the first offense is 9 months, drug test refusal is 1 year revocation period. However, in both cases, driver is eligible to early reinstate their driving privileges with the ignition interlock device and complying with all other reinstatement requirements. Refusals are required to serve a 60-day hard revocation period before they can reinstate with interlock. If a minor has BAC 0.08 to 0.149 (low BAC) 9-month revocation, cannot early reinstate early w/interlock A minor has 0.02 - 0.07, can have a 3-month revocation period for their first offense.

Question: 95. Does the state have an all-offender ignition interlock law?

Evidence: Suggested Evidence: Specific agencies within a State should be given responsibility and authority for oversight of the interlock program, including vendor selection, certification, and monitoring; review of data downloaded from the individual devices; and responsibility for administrative rules that guide sanctions for circumvention or other non-compliance with ignition interlock licensure. Licenses for drivers required to have ignition interlock devices installed on vehicles that they operate should be easily identifiable by law enforcement officers, either by virtue of a different colored background on the license or large print indicating that an ignition interlock device is required.

Section: Criminal Justice System - Administrative Sanctions and Driver Licensing Programs

Level of Progress: Completed

Status: All offenders have the option for interlock and it is administratively required. A first offense with low BAC <.149, 9-month interlock requirement with an option for early removal after serving 4 months with no fails. However, a first-time offender with a low BAC can serve the 9-month revocation period and reinstate without getting interlock in their vehicle. All other offenses (High BAC >0.15, multiple offender or refusal, mandatory 2-year interlock requirement. Interlock requirement time starts upon their reinstatement date.

Question: 96. Is data and information provided to law enforcement executives and state and local government officials to help demonstrate the need for making impaired driving enforcement a priority?

Evidence: Suggested Evidence: Provide examples of data and information provided to state and local government officials that demonstrate the need for making impaired driving enforcement a priority.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: Impaired driving data and information appear to be available to someone looking for it.

Question: 97. Have law enforcement executives at the state, county, and local levels communicated the importance of impaired driving enforcement to their personnel?

Evidence: Suggested Evidence: Provide examples of communication from state, county, and local law enforcement officials and associations that show an emphasis on impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: CSP and larger departments appear to prioritize ID enforcement, but it is unclear how much of a priority it is for smaller departments that face staffing shortages and local priorities.

Question: 98. Are resources being requested by executives of law enforcement and State and local government to assist with impaired driving enforcement?

Evidence: Suggested Evidence: Provide a list of agencies that are requesting resources (or are participating in SHSO grant programs) to assist with impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: Funding is requested by many law enforcement agencies and law enforcement liaisons advertise the availability of grant funding each year to agencies throughout the state. Three sources of funding are available with two of the sources limiting expenditure to impaired driving enforcement only. Native American tribes are not currently funded for impaired driving enforcement, but efforts are being made to remedy that.

Question: 99. Are law enforcement and government personnel at the state, county, municipal and tribal levels (where appropriate) involved in the development of the year-round impaired driving enforcement plan?

Evidence: Suggested Evidence: Provide a list of personnel involved in the development of the year-round impaired driving enforcement plan and include their agency affiliation.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Although the group that develops the annual impaired driving enforcement plan is relatively small, it represents large to small law enforcement agencies, government, and members of the public.

Question: 100. Are law enforcement agencies at the state, county, municipal and tribal levels (where appropriate) involved in all periods of heightened impaired driving enforcement?

Evidence: Suggested Evidence: Provide a list of agencies involved in each period of heightened impaired driving enforcement and specify the role that agency undertook, e.g., planning, oversight, enforcement, traffic control. Explain the role of the law enforcement personnel.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: All law enforcement agencies receiving grant funding are required to participate in a large number of designated impaired driving enforcement periods. Native American tribes are not currently funded to participate in these enforcement waves, but efforts are underway to remedy this.

Question: 101. Were the results of each period of heightened impaired driving enforcement communicated to the public, partners, and other stakeholders?

Evidence: Suggested Evidence: Provide examples of communication distributed after a period of heightened impaired driving enforcement that inform the public, partners, and other stakeholders about the results of those enforcement efforts.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: Reporting of grant funded impaired driving enforcement activities to CDOT is required. Social media appears to be the most common means of providing information to the public and print/broadcast media. Some law enforcement agencies take a more active approach to get information to the print and broadcast media.

Question: 102. Which agency(ies) is responsible for collecting, analyzing, and providing data used for problem identification?

Evidence: Suggested Evidence: Provide an explanation of which agency is primarily responsible for the collection of vehicle crash data and impaired driving data.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: Most crash data is reported electronically. Analysis and subsequent dissemination of the data is done, but takes too long in many cases to be of timely benefit. The data is used at the state and local level to identify problem areas and target locations for impaired driving enforcement.

Question: 103. Are SHSO grantees required to concentrate their enforcement efforts in the areas identified through the problem identification or is there any flexibility?

Evidence: Suggested Evidence: Provide any written policy explaining how and where grantees are to concentrate their impaired driving enforcement efforts.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress
Status: Emphasis is placed on conducting impaired driving enforcement efforts in areas identified as being problematic but flexibility is provided to jurisdictions to address locally identified problems.

Question: 104. Are there any hindrances to conducting sobriety checkpoints?

Evidence: Suggested Evidence: Provide copies of any policies, procedures, opinions, or decisions that document hindrances including if checkpoints are illegal.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: Sobriety checkpoints are not prohibited but are seldom conducted because of staffing limitations and negative scrutiny by the public and elected officials.

Question: 105. How many law enforcement agencies conduct sobriety checkpoints at least once a year?

Evidence: Suggested Evidence: Provide data showing the number of law enforcement agencies that conduct sobriety checkpoints at least once a year and indicate the number of checkpoints each has conducted on a yearly basis.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: Few law enforcement agencies conduct sobriety checkpoints on a yearly basis because of staffing limitations and scrutiny by the public and government officials.

Question: 106. Is there a minimum amount of time that a sobriety checkpoint must be conducted for it to be considered a legally compliant checkpoint?

Evidence: Suggested Evidence: Provide documentation that specifies the length of time a sobriety checkpoint must be conducted by legal standards or to qualify to Highway Safety Office funding.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Not Started

Status: There is no state mandated minimum amount of time for a sobriety checkpoint to be conducted, that is left to local discretion.

Question: 107. Is there a minimum number of law enforcement personnel required for a saturation patrol?

Evidence: Suggested Evidence: Provide documentation that specifies the minimum number of law enforcement personnel that must work a saturation patrol for it to qualify as a saturation patrol.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Not Started

Status: There is no state-mandated minimum number of personnel, it is left to local discretion based on available personnel.

Question: 108. Are law enforcement agencies required to complete a minimum

number of high visibility enforcement operations to meet SHSO grant funding criteria?

Evidence: Suggested Evidence: Provide documentation that indicates any minimum number of high visibility enforcement operations to meet grant funding criteria.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Law enforcement agencies receiving grant funding for impaired driving enforcement are required to work a specified number of designated impaired driving enforcement periods.

Question: 109. Are law enforcement agencies required to advertise high visibility enforcement operations prior to, during, and after each event?

Evidence: Suggested Evidence: Provide documentation that demonstrates law enforcement agencies were made aware of the requirement and followed through.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: Impaired driving enforcement grant agreements require agencies to report upcoming events to the public and local media and to report to outcome of those events. Reporting this information to the public and local media appear to usually be accomplished by posting the information on agency social media accounts, although some agencies take a more direct approach.

Question: 110. Are data reported for each high visibility enforcement operation that shows the total number of drivers contacted during the operation.

Evidence: Suggested Evidence: Provide data showing the number of drivers contacted during each high visibility enforcement operation.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Data for all grant funded enforcement, including the number of drivers contacted, must be reported to CDOT via a dedicated website.

Question: 111. For each impaired driving high visibility enforcement campaign conducted as part of the SHSO program, are data collected and reported on the type of enforcement activity conducted, the number and type of participating law enforcement agencies, the number of drivers encountered, the number of impaired driving arrests made, and the number of other arrests made?

Evidence: Suggested Evidence: Provide a list of impaired driving enforcement activities conducted including data for each of the five items above from the prior year.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Data for each grant funded impaired driving enforcement campaign must

be reported to CDOT via a dedicated website.

Question: 112. Is SHSO grant funding available to assist all law enforcement agencies in the acquisition of technology that will enhance law enforcement efforts to combat impaired driving?

Evidence: Suggested Evidence: Provide details about grant funding that would provide for technological devices to law enforcement agencies to help with impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: There are three sources of funding for impaired driving enforcement. Only one of those permit funding of equipment and funding from that source is generally allocated to larger law enforcement agencies that are better able to meet all of the requirement of those grants.

Question: 113. Are the devices used in, or recommended for, impaired driving enforcement evaluated for efficacy?

Evidence: Suggested Evidence: Provide documentation that shows what has been done to evaluate the efficacy of new technological devices used to support impaired driving enforcement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Equipment acquired through grant funding is thoroughly evaluated.

Question: 114. Is SFST training a required minimum standard for law enforcement basic certification training?

Evidence: Suggested Evidence: Provide documentation that lists the minimum standard for law enforcement impaired driving enforcement training.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: All law enforcement personnel receive SFST training in the academy.

Question: 115. Do SHSO funding requirements stipulate that any law enforcement officer working under grant funding must have SFST training at a minimum?

Evidence: Suggested Evidence: Provide documentation indicating this requirement.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: All officers working HVE are required to be SFST trained. Officers must receive two hours of approved training every two years and SFST instructors must complete eight hours of approved training every two years to be eligible for advanced levels of impaired driving enforcement training and to work grant funded overtime.

Question: 116. Are impaired driving highway safety classes regularly offered, particularly SFST, SFST Refresher, ARIDE, DRE, emerging technologies,

	and media relations?
Evidence:	Suggested Evidence: Provide a list of impaired driving highway safety classes offered including information on the number of attendees for each class.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Numerous SFST, and ARIDE classes are offered each year, along with at several SFST Instructor Development classes and at least one DRE school. Green labs are also being offered.
Question:	117. Is there a screening process for acceptance into any of the SFST, ARIDE, DRE, emerging technologies, and media relations training classes?
Evidence:	Suggested Evidence: Provide documentation describing the screening process. Include examples.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Screening is required for all training beyond basic SFST training which is completed at the academy level for all law enforcement officers.
Question:	118. Is the completion of an SFST refresher training a requirement for an officer to work an SHSO grant-funded program?
Evidence:	Suggested Evidence: Provide documentation that the DWI enforcement grants have this requirement.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	Any LE officer working CDOT funded HVE enforcement must have up-to-date SFST certification which requires refresher training every two years.
Question:	119. Are ARIDE and DRE training classes available to law enforcement personnel each year?
Evidence:	Suggested Evidence: Provide a list of ARIDE and DRE classes that are offered each year for at least the last five years. Include the number of officers training, the type of agency the officer is employed by, and the number of officers who successfully complete the training.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	ARIDE classes are offered numerous times each year throughout Colorado and DRE schools are offered once or twice each year.
Question:	120. Are there any drug-impaired driving identification classes offered other than ARIDE and DRE?
Evidence:	Suggested Evidence: Provide a list of any such classes and include the number of officers who attend the training.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	There are several classes that are offered that do not involve ARIDE or

DRE training. Officers/Instructors often provide training classes that involve new information regarding different drugs, drug trends, new/novel drugs and information that will assist officers with detection and enforcement of drugged drivers.

Question: 121. Have the ARIDE, DRE, and other drug-impaired driving classes yielded an increase in the number of drug-impaired driving arrests?

Evidence: Suggested Evidence: Provide a five-year comparison of the number of drug-impaired driving arrests made.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Undetermined

Status: Data is collected for the number of DUI drug arrests. The number of all impaired driving arrests has decreased in recent years so it is difficult, if not impossible, to determine if the number of arrests is significantly impacted by ARIDE and DRE training.

Question: 122. Are specific efforts made each year to retain officers trained through the DRE program?

Evidence: Suggested Evidence: Provide documentation describing efforts made to retain officers who attain certification through the DRE program.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Underway

Status: Efforts to retain DREs is agency specific. Tablet reporting of DRE evaluations and data is to be implemented soon. Although retention of personnel is not the primary purpose of acquiring tablet reporting, it is hoped it may have some effect at retaining DREs by providing a faster, more efficient way of completing evaluations and reports.

Question: 123. Are law enforcement officers trained to identify those drivers who are required to drive only vehicles with an ignition interlock installed, to identify when the ignition interlock device has been tampered with, disabled, or used improperly, and how to properly handle those cases where a violation is detected?

Evidence: Suggested Evidence: Provide documentation showing the topics covered during any approved ignition interlock training provided to law enforcement officers.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Not Started

Status: Law enforcement officers receive no standardized training on recognizing violations of the ignition interlock laws aside from identifying on a driver license the requirement of an ignition interlock.

Question: 124. Have steps been taken to help expedite the arrest process for a DWI?

Evidence: Suggested Evidence: Provide documentation describing all recent steps taken to expedite the arrest process of impaired drivers.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Early Progress
Status: A tablet reporting system is being acquired to help expedite the evaluation, data collection, and report completion of DRE evaluations. Efforts to standardize impaired driving reports statewide are being explored.

Question: 125. Have steps been taken to help reduce the processing time of a suspect after an arrest is made?

Evidence: Suggested Evidence: Describe what recent steps have been taken.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Not Started

Status: The time to process an impaired driver is not believed to be a significant impediment to officers making impaired driving arrests. The time for report completion is believed to be a bigger factor.

Question: 126. Does each driver arrested for impaired driving have to be seen by a judicial officer before release?

Evidence: Suggested Evidence: Provide any documentation of laws, policies, or procedures that address the need for a driver arrested for impaired driving to be seen by a judicial officer before being released from police custody.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Substantial Progress

Status: In most cases a DUI suspect does not have to be seen by a judicial officer.

Question: 127. Are data evaluated on a yearly basis to determine changes in the number of impaired driving-related fatalities, injuries, and crashes?

Evidence: Suggested Evidence: Provide examples of yearly analysis of impaired driving-related vehicle crashes.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Data are regularly evaluated to determine the number of impaired driving related crashes, injuries and deaths. This information is regularly updated on publicly accessible sites and yearly reports are available.

Question: 128. Are data evaluated on a multi-year basis to determine the long-term effectiveness of enforcement efforts?

Evidence: Suggested Evidence: Provide examples of multi-year comparisons of crash data.

Section: Criminal Justice System - Law Enforcement

Level of Progress: Completed

Status: Multi-year comparisons of crash data are regularly completed and disseminated.

Question: 129. Does the SHSO utilize Law Enforcement Liaisons to enhance law enforcement agency coordination in support of traffic safety activities?

Evidence: Suggested Evidence: Provide an organizational chart or list that indicates the number of law enforcement liaisons employed and where they fall

	within the SHSO organizational structure.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	CDOT has contracts with four law enforcement liaisons who are all former law enforcement officers. One of their primary duties is to promote HSO programs and recruit law enforcement agencies to participate.

Question:	130. Are law enforcement liaisons evaluated on their effectiveness at enhancing law enforcement agency coordination in support of traffic safety activities and improving collaboration with local chapters of police groups and associations that represent state, county, municipal, and tribal law enforcement?
Evidence:	Suggested Evidence: Provide documentation showing the performance expectations used to evaluate a law enforcement liaison.
Section:	Criminal Justice System - Law Enforcement
Level of Progress:	Completed
Status:	A thorough reporting and evaluation process is in place for LELs.

Question:	131. Is there a communication plan for the impaired driving program area that support elements of a comprehensive impaired driving program beyond High Visibility Enforcement waves (e.g., license suspensions, higher fines, fees, possible jail time, higher insurance; ignition interlocks; social norming messages that most drivers are not impaired; other drugs that impair; zero tolerance for under aged drivers; victim stories; random testing programs)?
Evidence:	Suggested evidence: Identify the elements and actions of the communication plan and where these efforts support other activities planned for the impaired driving program.
Section:	Communication Program - Communication Plan
Level of Progress:	Completed
Status:	The HSO has developed the following campaigns: various consequences of a DUI, victim stories, an expert explaining how drugs and alcohol impairs your ability to drive by reducing reaction time, campaign on the dangers of cannabis and driving, and stories on poly-impairment. The HSO has developed a strategic partnership with Uber and GHSA to promote rideshare discounts to get people in the habit of using the service to avoid driving impaired. They also promote free rides offered by light rail and reimbursed by local law firms.

Question:	132. Does the communications plan consider impaired driving, underage drinking, and reducing the risk of injury, death, and resulting medical, legal, social, and other costs?
Evidence:	Suggested evidence: Identify the areas in the communication plan where these specific topics are covered, including any activity in the prior three years.
Section:	Communication Program - Communication Plan

Level of Progress: Completed

Status: The HSO discusses the consequences (e.g., medical, legal, and etc.) in press releases and media talking points. They have a robust paid media campaign to bring attention to impaired driving. One campaign focuses on alcohol (NHTSA funds) and the other focuses marijuana (state funds). The marijuana campaign is kept separate since research has shown that many cannabis consumers do not believe driving high is dangerous. Information is included that explains how law enforcement can identify high drivers. Therefore, the messages are different. The alcohol campaign, It's Not Complicated, focuses on the point of decision-making about driving and helps people overcome common excuses they make about driving drunk. That campaign ran for three years and in 2023 was replaced by the Shift into Safe, which features a victim and expert on impairment. Limited underage drinking information is included in their outreach.

Question: 133. Are policy and program priorities for the current year (or next year) included in the communication plan?

Evidence: Suggested evidence: Provide and highlight the sections where the policy and program priorities are covered in the impaired driving communications plan.

Section: Communication Program - Communication Plan

Level of Progress: Underway

Status: They don't write a comprehensive communications plan in advance each year. The process typically follows these steps: 1) Team meeting to debrief last year's campaign, identify priorities for current year based on best practice or new data, identify partners; 2) Creative brief adopted; 3) Paid media plan finalized; 4) PR plan for 16 HVE campaigns finalized; 5) PR plan for non-HVE earned media; 6) Launch campaign; and 7) Track results (impressions, news stories, online engagement, fatality data, annual surveys, pre and post campaign).

Question: 134. Do the research and data help the SHSO to make decisions about the priorities in the impaired driving communications plan?

Evidence: Suggested evidence: Identify the ways data and research enhance the priorities, selection of messages and audiences, in the impaired driving communications plan.

Section: Communication Program - Communication Plan

Level of Progress: Completed

Status: Data identifies hot spots in the state where they focus the media buy and PR efforts (e.g. work more closely with the news media there). Data also helps tailor the message to specific audiences and where they consume media (e.g. online targeting of young males). Data on when, where and how the target audience is consuming alcohol and/or marijuana helps with the messaging and targeting.

Question: 135. Does the impaired driving communications plan include behavioral

	and communications objectives?
Evidence:	Suggested evidence: Identify the sections where the behavioral and communications objectives of the impaired driving communications plan are noted.
Section:	Communication Program - Communication Plan
Level of Progress:	Completed
Status:	The HSO contracts with a Communications Contractor. The HSO and the contractor frequently discuss the messaging tactics and strategies. In FY 2023, the following objectives have been developed: - Achieve 30 percent awareness of campaign slogans such as The Heat Is On - Decrease self-reported impaired driving behavior by 5 percent - Decrease the number of alcohol-related fatalities - Achieve over 500,000 earned media impressions to ensure broad coverage for the campaign - Achieve over 500,000 paid media impressions to ensure broad coverage for the campaign
Question:	136. Does the impaired driving communications plan include core message platforms (social media, television, radio, billboard, etc.)?
Evidence:	Suggested evidence: List the platforms used the prior year (or upcoming year) for impaired driving communication.
Section:	Communication Program - Communication Plan
Level of Progress:	Completed
Status:	The HSO contracts with a paid media contractor who ensures all campaign messaging created by the communications contractor is being leveraged via a variety of proven communication channels, including social media, digital, radio, and billboards. The HSO works closely with the media partner to ensure Spanish media buys are included, as well. The HSO and communications contractor frequently discuss the behavioral and communication objectives.
Question:	137. Are the campaigns relevant and linguistically appropriate for your target audiences?
Evidence:	Suggested evidence: Show the target audiences, based on data and research, and how the messages are culturally relevant and linguistically appropriate for those target audiences.
Section:	Communication Program - Communication Plan
Level of Progress:	Underway
Status:	They devote about 20 percent of their paid media efforts to reaching Spanish-preferred and Spanish-dominant Hispanic/Latino audiences across the state. They base the percentage of paid media efforts to the population density associated with ethnicity (22 percent) and language preference (17 percent). They partner with Telemundo, Univision and other Spanish media outlets to help extend the reach of their messages. There is no discussion whether they adapt their message to a specific age group.
Question:	138. Have there been key alliances with private and public partners over the past couple of years?

Evidence:	Suggested evidence: List the partners that have been involved in the impaired driving messaging campaigns over the past few years. Provide a sample or link of the actual materials.
Section:	Communication Program - Communication Plan
Level of Progress:	Substantial Progress
Status:	The HSO partners with the Colorado State Patrol, Aurora PD, Denver PD, Colorado Springs PD, Pueblo PD, MADD, AAA, Uber, GHSA, Marijuana Industry Group, DUI Task Force on Drug and Impaired Driving, Dept of Revenue, and Dept of Public Safety. The HSO works to create culturally relevant cannabis-impaired driving messages and earned media outreach within Denver’s Black and Spanish-speaking Hispanic communities. They reached out to dispensaries located in predominantly Spanish-speaking neighborhoods to ensure that CDOT’s safety messaging is available in both English and Spanish. They conducted roundtable discussions with leaders representing the state’s Latino, African American and Tribal communities about cannabis-impaired driving and its impact on those communities. The HSO partners with MADD, the Colorado Department of Public Health and Environment, the Colorado State Patrol, Denver Health, and Centura Health on alcohol impaired driving initiatives. They partner with Telemundo and Entravision to identify opportunities to bring this message to Spanish-speaking adults 21+ via paid and earned media. They also partner with the Ute Mountain Ute Tribe, the Southern Ute Indian Tribe, Denver Indian Center, and Denver Indian Family Resource Center to create culturally relevant impaired driving messages and buying media on those Reservations.
Question:	139. Does the communications effort include activities for advertising, media relations, and public affairs?
Evidence:	Suggested evidence: Identify communication materials or campaigns that fit in each type of outreach.
Section:	Communication Program - Communication Plan
Level of Progress:	Underway
Status:	The HSO conducts a yearly evaluation to assess the impact of seasonal marketing and enforcement campaigns. In 2023, the HSO hired Corona Insights to conduct this evaluation. Drugged driving and anti-DUI campaigns were part of this evaluation.
Question:	140. Do you evaluate the reach, recall, and impact of the communication efforts?
Evidence:	Suggested evidence: Share the research and data analysis that is used to measure the reach, recall, and impacts of the impaired driving communication.
Section:	Communication Program - Communication Plan
Level of Progress:	Substantial Progress
Status:	The HSO contracts with Corona Insights to evaluate the impact of their communication initiatives. They use this evaluation to develop or modify

future campaigns. They do a pre and post online survey to test tagline recall for the ad campaign. They track the number of impressions (paid and earned). Impact evaluation is tougher to measure since attributing a specific behavior change to a single campaign is difficult.

Question: 141. Do you see evidence of increasing knowledge and awareness about the dangers of impaired driving?

Evidence: Suggested evidence: Share the research and data analysis that is used to measure the increased knowledge and awareness of the dangers of impaired driving.

Section: Communication Program - Communications Strategy

Level of Progress: Completed

Status: HSO conducts an annual survey of their residents to assess knowledge and awareness of the dangers of impaired driving. Specifically, the survey collects the number of days out of the past 30 that Colorado drivers have driven within two hours of consuming alcohol, cannabis, and/or prescription medications that may impair one's ability to drive. Additionally, the survey captures perceptions of how safe residents would feel driving under the influence of each of these substances. Finally, the survey captures how likely drivers would be to receive a DUI when driving within an hour of consuming/using these substances. In 2023, very few Colorado drivers said they drove a motor vehicle within two hours of using prescription medications that might impair their driving (3 percent), within two hours of using cannabis (8 percent), or within two hours of drinking alcoholic beverages (23 percent). Nearly half thought it would be somewhat likely in this scenario for a person to get a DUI for using cannabis (48 percent) or prescription medications (39 percent). They also conduct a yearly media campaign evaluation survey to assess the impact of anti-DUI and drugged driving campaigns. In 2023, this survey demonstrated a statistically significant impact of the DUI enforcement campaigns.

Question: 142. Are there communication efforts that are influencing, changing and sustaining appropriate behavior?

Evidence: Suggested evidence: Share the research and data analysis that is used to measure the ability of the messages to influence and sustain appropriate behavior regarding impaired driving.

Section: Communication Program - Communications Strategy

Level of Progress: Early Progress

Status: They are beginning to use more social influencers to carry the message. Peers may have more credibility than the government. However, the message may be harder to control. Positive social norming is being used. They are using ride share incentives to draw people into a conversation about impaired driving.

Question: 143. Is data used to help determine the appropriate audiences and the

	messages designed for that select group?
Evidence:	Suggested evidence: Show the data that identifies target audiences and the expected messages that are linked to those specific audiences.
Section:	Communication Program - Traffic-Related Data and Market Research
Level of Progress:	Completed
Status:	For Spanish-speaking audiences, they customize messages so they are culturally and linguistically relevant. Such messages are placed in communities where there are higher concentrations of Hispanic households. Similarly, these messages are placed on radio and digital channels that cater to Hispanic audiences. In addition, young males are an important target audience for impaired driving. Online they use behavioral and contextual segmentation to reach this audience. Both Hispanics and young males over-index on impaired driving occurrences, according to fatality data and the 2023 Problem Identification Report by the State Health Department.

Question:	144. Does the State ensure that all convicted impaired drivers are screened for alcohol or other substance abuse and dependency?
Evidence:	Supporting evidence: Provide State statutes and policies related to screening of DWI offenders. Also, provide statistics on system flow from arrest to screening, conviction, sentence, and intervention.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment
Level of Progress:	Substantial Progress
Status:	Behavioral health documentation indicates that A comprehensive best practices assessment shall be completed as soon as is reasonable upon admission and no later than seven (7) business days of admission into services. Assessment shall continue throughout the course of treatment and shall be reviewed and updated when there is a change in the person's level of care or functioning, or, must occur at minimum, every six months. C. All methods and procedures used to assess and evaluate an individual shall be developmentally and age appropriate, culturally responsive, and conducted in the individual's preferred language and/or mode of communication.

Question:	145. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are conducted by a licensed counselor, or other-alcohol or other-drug treatment professional, or by a probation officer who has completed training in risk assessment and referral procedures?
Evidence:	Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting who conducts the screening and assessment.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment
Level of Progress:	Substantial Progress

Status: The respondent indicates that Colorado law, 42-4-1301.3, requires that During the court process individuals are evaluated by a trained Alcohol Drug Driving Safety program evaluator and recommendations are made to the court regarding education and/or treatment placement. Once the court process is completed convicted individuals must present to licensed DUI providers who are governed by Behavioral Health Standards for personnel, training, process and procedures. It is noted that most of the screening and assessment does not happen in the Criminal Justice system but in outpatient settings.

Question: 146. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are used to decide whether a treatment and rehabilitation program should be part of the sanctions imposed and what type of treatment would be most appropriate?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting where the screening and assessment help to determine the selection of a treatment plan or program.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Substantial Progress

Status: Colorado law, 42-4-1301.3, requires that during the court process individuals are evaluated by a trained Alcohol Drug Driving Safety program evaluator and recommendations are made to the court regarding education and/or treatment placement. Additional screening and assessment is required once the convicted individual is referred to a licensed DUI provider to complete the court ordered education/treatment.

Question: 147. Does the State require that impaired driving offenders' screening and assessment within the criminal justice system, are based on standardized assessment criteria, including validated psychometric instruments, historical information, (e.g., prior alcohol or drug-related arrests or convictions), and structured clinical interviews?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting what criteria are used for the screening and assessment.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Substantial Progress

Status: Colorado law, 42-4-1301.3, requires that during the court process individuals are evaluated by a trained Alcohol Drug Driving Safety program evaluator and recommendations are made to the court regarding education and/or treatment placement. Additional screening and assessment is required once the convicted individual is referred to a licensed DUI provider to complete the court ordered education/treatment.

Question: 148. Does the State require that impaired driving offenders' screening and

assessment within the criminal justice system, are appropriate for the offender's age and culture using specialized assessment instruments tailored to and validated for youth or cultural groups?

Evidence: Supporting evidence: Provide State statutes, rules, and policies related to screening of DWI offenders highlighting how the screening and assessment are age-appropriate and/or culturally relevant.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Undetermined

Status: The respondent indicates that screening and assessment within the criminal justice system, are appropriate for the offender's age and culture using specialized assessment instruments. Documentation via Administrative code (section 8 and 11) is provided.

Question: 149. Does the State encourage and support screening (e.g., Screening and Brief Intervention (SBI) and referral) conducted by health care professionals, employers, and educators to determine whether drivers or potential drivers, (e.g., employees who drive, emergency department injury patients, students) have an alcohol or drug abuse problem and, as appropriate, briefly intervene or refer them for appropriate treatment?

Evidence: Supporting evidence: Provide lists of healthcare facilities utilizing SBIRT and statistics on screenings and referrals. Provide descriptions of the use of SBIRT in other settings, (e.g., at DWI offender booking).

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Screening and Assessment

Level of Progress: Substantial Progress

Status: The respondent indicates that Colorado started implementation of SRIRT as a standard of care in 2005 and has supported that program's development and implementation across the state since. SBIRT programs are currently managed and supported by the Colorado Department of Public Health and Environment. Documentation is provided.

Question: 150. Does the State ensure that health care professionals, public health departments, and third-party payers, establish and maintain programs for persons referred to treatment through the criminal justice system, (e.g., impaired driving offenders) medical or health care professionals, and other sources?

Evidence: Supporting evidence: Provide samples of how health care professionals, public health departments, and third-party payers, establish and maintain programs for persons referred through the criminal justice system.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Substantial Progress

Status: The respondent indicates that impaired driving interventions (education and treatment) are provided by privately owned and operated agencies licensed by the State Department of Human Services, Behavioral Health

Administration (BHA). State statutes, 42-4-1301.3 (3)(c)(IV), require that persons convicted of impaired driving offenses seek services from agencies approved by the BHA. The BHA establishes and maintains standards for agencies seeking approval to provide services to persons convicted of DUI/DWAI. Documentation is provided via Colorado code.

Question: 151. Do intervention programs match treatment and rehabilitation to the diagnosis for each person based on a standardized assessment tool, such as the American Society on Addiction Medicine (ASAM) patient placement criteria?

Evidence: Supporting evidence: Provide a list of tools used in treatment and rehabilitation to match with the diagnosis of a DWI client.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Substantial Progress

Status: The respondent indicates that DUI/DWAI intervention programs are heavily based on the placement evaluation conducted by Probation Services. It is expected that in the near future ASAM evaluations will be integrated into the assessment and placement process for impaired drivers. Documentation is provided.

Question: 152. Do intervention programs provide assessment, treatment, and rehabilitation services designed specifically for youth?

Evidence: Supporting evidence: Provide samples of age-based assessment, treatment, and rehabilitation services.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Substantial Progress

Status: The respondent indicates some agencies are specifically licensed/approved to provide education and treatment services to children and youth. Approval/Licensing requirements define standards for age-appropriate assessment, education, treatment, etc., for this population.

Question: 153. Do intervention programs provide assessment, treatment, and rehabilitation services that are culturally appropriate?

Evidence: Supporting evidence: Provide samples of culturally appropriate assessment, treatment, and rehabilitation services.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Substantial Progress

Status: Colorado code indicates that all methods and procedures used to assess and evaluate an individual shall be developmentally and age appropriate, culturally responsive, and conducted in the individual's preferred language and/or mode of communication. The respondent indicates that more work needs to be done in this area.

Question: 154. Do intervention programs ensure that based on an assessment, offenders that have been determined to have an alcohol or other-drug dependence, or abuse problem, begin appropriate treatment immediately after conviction?

Evidence: Supporting evidence: Provide the timeline of when offenders first receive intervention and when treatment generally first starts.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Undetermined

Status: While documentation is provided, this evaluator did not see time frames from conviction to commencement of treatment.

Question: 155. Does the State provide treatment and rehabilitation services that are in addition to, and not as a substitute for, license restrictions and other sanctions?

Evidence: Supporting evidence: Provide State statutes, rules, or policies that describe treatment/intervention requirements for DWI offenders.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Underway

Status: The respondent indicates that with the exception of Felony DUI convictions, individuals convicted for impaired driving offenses are generally placed in intervention programs that are designed to meet court and driver license reinstatement requirements. Please note that the attached rules volume is in the process of being revised, and the new version will not be available prior to 1/1/2024

Question: 156. Does the State require that offenders, who either refused or failed a BAC test, and/or whose driver's license was revoked or suspended, complete recommended treatment, and that a qualified professional has determined the offender has met treatment goals before license reinstatement?

Evidence: Supporting evidence: Provide State statutes, rules, or policies that describe treatment/intervention requirements for DWI offenders.

Section: Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation

Level of Progress: Completed

Status: Documentation is provided demonstrating that under the law your driving privilege comes with expressed consent. If you refuse to participate in the testing it is entered into the court as evidence and a charge of DUI/DWAI would apply.

Question: 157. Does the State promote and support dedicated DWI Treatment Courts and/or Drug Treatment Courts that provide services to convicted impaired drivers?

Evidence: Supporting evidence: Provide a list of and description of DWI and/or

	Treatment Courts that provide services to DWI offenders.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Substantial Progress
Status:	DUI courts are used in many counties in Colorado. Documentation is provided.

Question:	158. Does the State ensure that all convicted impaired drivers are monitored from the time of arrest through screening, referral, and completion of interventions?
Evidence:	Supporting evidence: Describe the state’s monitoring system/practices to ensure that offenders complete required interventions and/or treatment.
Section:	Alcohol and Other Drug Misuse: Screening, Assessment, Treatment and Rehabilitation - Treatment and Rehabilitation
Level of Progress:	Substantial Progress
Status:	Continuous alcohol monitoring technology, such as SCRAM Continuous Alcohol Monitoring (or SCRAM CAM), are wearable devices that can detect the presence of ingested alcohol around the clock. Unlike other alcohol testing technologies such as urinalysis or portable breathalyzers, continuous alcohol monitoring devices remove the need for in-person testing and eliminate the possibility of wearers drinking around testing schedules. This type of alcohol monitoring technology may support long-term behavior change by assisting those who suffer from alcohol misuse or abuse with rehabilitation and maintaining sobriety. With the requirement of continuous alcohol monitoring, could these new legislative changes mean safer streets for Colorado? Those with 3 or more offenses are required to have continuous monitoring for at least 90 days

Question:	159. Does the State’s Strategic Highway Safety Plan include impaired driving as an emphasis area?
Evidence:	Suggested Evidence: Provide a copy of the State’s Strategic Highway Safety Plan. Identify the sections related to impaired driving.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	The Colorado State Highway Safety Plan includes impaired driving as a part of Risky Driving Behaviors emphasis area and there are some high-level goals established. The emphasis on impaired driving does not appear to be strongly emphasized relative to the impact of impaired driving fatality crashes.

Question:	160. Is statewide citation and adjudication data available to law enforcement and impaired driving program managers to support problem identification and program evaluation activities?
Evidence:	Suggested Evidence: Describe the process by which citation data is made available to highway safety program managers to support their problem identification and program evaluation efforts. Provide copies of the most

recent data reports or queries provided to highway safety office program managers.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Not Started

Status: Colorado citation and adjudication data are not readily available to program managers to support problem identification and program evaluation activities. The only information available is the final convicted case disposition. No information exists to determine the original charges filed or the status of cases from arrest through to final disposition.

Question: 161. Are impaired driving programs evaluated using traffic records or survey data?

Evidence: Suggested Evidence: Provide recent reports or analysis demonstrating the use of driver surveys or other analysis using components of the traffic records system (crash, injury surveillance, driver, vehicle, citation/adjudication, roadway).

Section: Program Evaluation and Data - Evaluation

Level of Progress: Underway

Status: Colorado impaired driving programs are evaluated using crash records or enforcement survey data.

Question: 162. Does the State collect metrics related to communications efforts, such as social media campaigns, paid, and earned media?

Evidence: Suggested Evidence: Briefly describe the metrics used to quantify the effectiveness of current impaired driving media campaigns (i.e., impressions, social media views, etc.).

Section: Program Evaluation and Data - Evaluation

Level of Progress: Completed

Status: Colorado has metrics in place related to communications efforts, such as social media campaigns.

Question: 163. Is data from the crash system used to identify crash risk factors, specifically crashes that involve alcohol/drug impairment?

Evidence: Suggested Evidence: Briefly describe the data elements included on the State's crash report that are used to quantify the nature and extent of impaired driving.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Completed

Status: The Colorado crash report and system contains data fields to record crash risk factors, specifically crashes that involve alcohol/drug impairment.

Question: 164. Is data from the crash system used to evaluate impaired driving countermeasure programs?

Evidence: Suggested Evidence: Provide an example where crash data was used to develop an impaired driving countermeasure program within the State.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Substantial Progress

Status: Data from the crash system is used to evaluate impaired driving countermeasure programs in Colorado on a monthly and annual basis. The Highway Safety Office utilizes crash information to evaluate progress toward performance measures.

Question: 165. Do impaired driving program managers have access to traffic records data and analytic resources for problem identification, priority setting, and program evaluation?

Evidence: Suggested Evidence: Describe the process by which impaired driving program managers can access the State's traffic records data and analytical resources to support and evaluate their program activities.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Underway

Status: Colorado impaired driving program managers have access to traffic crash data and analytic resources for problem identification, priority setting, and program evaluation. This includes summary reports and a crash Data Dashboard. Other traffic record data system are not linked for analysis and significant effort must be expended to associate records for analysis.

Question: 166. Do decision-makers and the general public have access to resources for the use and analysis of impaired driving data?

Evidence: Suggested Evidence: Briefly describe, or provide an example of, how the general public can access traffic records data systems to support impaired driving program activities.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Underway

Status: Colorado provides access to crash data, court filings and conviction information through data dashboards and makes some analytical reports available to the public.

Question: 167. Can your State track the total number of citations/arrests for drug-impaired driving?

Evidence: Suggested Evidence: Provide a frequency table illustrating the number of citations/arrests issued/made as the result of drug-impaired driving in the State.

Section: Program Evaluation and Data - Evaluation

Level of Progress: Underway

Status: Colorado is supported by a data portal that enables anyone to track impaired driving arrests recorded in NIBRS. Since police agencies have disparate citation management and record systems there is no way to determine that all DUI arrests can be tracked.

Question: 168. Are DRE evaluations uploaded to the national database?

Evidence: Suggested Evidence: If available, provide a data dictionary for the State's DRE database or describe the data elements provided by the State to the

	National DRE database. Describe the process and timing of uploading DRE evaluations by the State to the National DRE database.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	DRE Evaluations are uploaded to the national database.
Question:	169. Are evaluation metrics included as part of the State's impaired driving grant application?
Evidence:	Suggested Evidence: Provide a copy of the State's grant application for 402/405 funding or briefly describe the information collected as part of the grant application process.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	Evaluation metrics are included as part of the State's impaired driving grant application. The HSO provides guidance on establishing these measures.
Question:	170. Are performance measures used to determine the success of impaired driving grant activities for law enforcement and general grantees?
Evidence:	Suggested Evidence: Provide examples of metrics used to determine the success of funded grant activities.
Section:	Program Evaluation and Data - Evaluation
Level of Progress:	Substantial Progress
Status:	Performance measures are used to determine the success of impaired driving grant activities for law enforcement and general grantees in Colorado. Additionally, statewide analyses are conducted to determine the benefit of the grant activities toward meeting statewide goals.
Question:	171. Is statewide crash data consolidated into one unified and comprehensive database?
Evidence:	Suggested Evidence: Provide a data dictionary for the State's crash database.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	Colorado crash reports are contained DRIVES which is the statewide crash record database.
Question:	172. Is the crash report data collected and reported electronically?
Evidence:	Suggested Evidence: Briefly describe how the data is collected and what percentage of the crash report data is submitted electronically by law enforcement agencies within the State.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Approximately 85% of crash reports are submitted electronically by law enforcement. The remainder are submitted as paper copies that are OCR scanned by Department of Revenue.

Question:	173. Are toxicology testing results included as part of the crash report and crash database?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report and a frequency table showing the fields related to impairment, including toxicology test results. Highlight in the crash database dictionary where the toxicology data is noted.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Toxicology result information is not included on the Colorado crash report nor is it entered into the crash database.
Question:	174. Is there a real-time interface between the crash and driver license systems?
Evidence:	Suggested Evidence: Describe the real-time capture of data from the driver license system to auto-populate fields on the police crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	There is a real time interface between the crash data entry system and the driver license system to assist in the completion of the report fields and validation of data entered.
Question:	175. Is there a real-time interface between the crash and vehicle registration systems?
Evidence:	Suggested Evidence: Describe the real-time capture of data from the vehicle registration system to auto-populate fields on the police crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	There is a real time interface between the crash data entry system and the vehicle system to assist in the completion of the report fields and validation of data entered.
Question:	176. Does the crash report collect and report GPS coordinates to allow the accurate location of impaired driving crashes?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report and a frequency table showing the collection of GPS coordinates. Identify what percentage of GPS coordinates refer to locations outside of the State's borders.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Colorado crash reports contain GPS coordinate fields to allow the accurate location of impaired driving crashes however, the information is not a required field for law enforcement.
Question:	177. Does the citation data collect and report GPS coordinates to allow the

accurate location of impaired driving arrests?

Evidence: Suggested Evidence: Provide a copy of the State’s citation form and data dictionary. Provide a frequency table illustrating the completeness of the GPS coordinates in the citation data system.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Not Started

Status: Colorado citations do not contain fields to collect and report GPS coordinates to allow the accurate location of impaired driving arrests.

Question: 178. Do the State’s crash report and database utilize MMUCC’s five-point scale to identify injury severity?

Evidence: Suggested Evidence: Provide a copy of the State’s crash report along with the data dictionary which included the definitions used to quantify injury severity.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Completed

Status: The Colorado crash reports and database utilize MMUCC’s five-point scale to identify injury severity.

Question: 179. Is licensing and demographic data available to support problem identification and program evaluation activities related to impaired driving?

Evidence: Suggested Evidence: Provide a report or briefly describe how driver license and demographic data are used to describe the nature and extent of impaired driving in the State.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Substantial Progress

Status: The driver database is available for analysis of licensing and demographic data to support problem identification and program evaluation activities related to impaired driving. Reports are produced as requested from the DMV Data Office.

Question: 180. Does that State’s FARS unit have access to toxicology results for all fatally injured crash victims and non-fatally injured drivers involved in the crash?

Evidence: Suggested Evidence: Briefly describe the process by which toxicology results are obtained by the State’s FARS analyst for fatally injured motor vehicle crash victims and surviving drivers of crashes which resulted in the death of a motor vehicle operator, passenger, or pedestrian.

Section: Program Evaluation and Data - Data and Records

Level of Progress: Underway

Status: The Colorado FARS unit has access to toxicology results for 95% of all fatally injured crash victims but the information is obtained manually from each coroner's office and may not be available for up to six months.

Question: 181. Is impairment identified on pre-hospital data collection forms?

Evidence:	Suggested Evidence: Provide a copy of the EMS data dictionary and frequency tables of data elements related to impairment noting where impairment data is captured.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Undetermined
Status:	No information has been provided indicating that impairment is or is not identified on pre-hospital data collection forms.
Question:	182. Is data from the crash system regularly used to prioritize law enforcement activity?
Evidence:	Suggested Evidence: Briefly describe how crash data is used by law enforcement agencies to plan and implement enforcement activities.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Data from the Colorado crash system is not regularly provided to local agencies to prioritize law enforcement activity. Agencies are encouraged to keep their own crash records to develop their enforcement plans.
Question:	183. Are MMUCC data elements related to impaired driving included as part of the crash report?
Evidence:	Suggested Evidence: Provide a copy of the State's crash report.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Completed
Status:	MMUCC data elements related to impaired driving are included as part of the Colorado crash report.
Question:	184. Can your State identify alcohol vs. other drug citations/arrests or combinations?
Evidence:	Suggested Evidence: Briefly describe how the State differentiates between a driver impaired by alcohol, drugs, or a combination of both.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Early Progress
Status:	There is no central record that would provide an accurate statewide number. The disparate systems can provide a subset of the total of alcohol vs. other drug citations/arrests or combinations.
Question:	185. Can your State track the adjudication of citations issued for drug-impaired driving Statewide?
Evidence:	Suggested Evidence: Briefly describe how citations and adjudications related to drug-impaired driving are tracked.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	Colorado does not have a system to track the adjudication of citations issued for drug-impaired driving Statewide. There are disparate systems that can provide some of the information but these are not comprehensive statewide.

Question:	186. Is statewide toxicology data collected in a single system?
Evidence:	Suggested Evidence: Briefly describe the process by which toxicology results are collected.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Colorado toxicology information is not collected in a single system.
Question:	187. Can the toxicology data be integrated into the State's traffic records database?
Evidence:	Suggested Evidence: Briefly describe the process by which toxicology results are integrated into the traffic records database.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Not Started
Status:	Colorado toxicology data has not been integrated into the State's traffic records database.
Question:	188. Is there a statewide database for emergency department data and is there a statewide database for hospital discharge data?
Evidence:	Suggested Evidence: Provide a data dictionary for the Statewide hospital databases in the State.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Underway
Status:	The Colorado Hospital Association manages hospital discharge and emergency department data.
Question:	189. Do State trauma centers regularly test for a list of various drugs?
Evidence:	Suggested Evidence: Briefly describe the toxicology testing process for the State's trauma centers and provide a listing of drugs normally tested for and the medium used (i.e., blood, urine).
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Undetermined
Status:	No information was provided indicating that state trauma centers regularly test from a designated list of certain drugs
Question:	190. What are the testing rates for fatally injured drivers in alcohol/drug-impaired driving cases?
Evidence:	Suggested Evidence: Provide the FARS or NHTSA Fact Sheet for the testing results concerning impairment.
Section:	Program Evaluation and Data - Data and Records
Level of Progress:	Substantial Progress
Status:	Colorado FARS data indicates that 95% of fatally injured alcohol/drug-impaired driving cases have toxicology results.
Question:	191. Does the driver license record contain electronic records of crashes, arrests, dispositions, driver licensing actions, and other sanctions of

	impaired driving offenders?
Evidence:	Suggested Evidence: Describe the contents of the driving record that is available to highway safety program managers in the State. If available, provide a data dictionary identifying data elements that can be used to identify impaired drivers.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Substantial Progress
Status:	The Colorado driver license record contains electronic records of arrests, dispositions, driver licensing actions, and other sanctions of impaired driving offenders.
Question:	192. Are driving records purged of convictions after a certain period of time?
Evidence:	Suggested Evidence: Briefly describe the State's policy on purging driving records. Provide a copy of the policy or statute that describes how an individual's driving record may be purged.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	Colorado driving records are purged from view after 10 years but are maintained in the DRIVES system.
Question:	193. Does the State have an impaired driving tracking system that allows offenders to be tracked from arrest through disposition and sanctioning?
Evidence:	Suggested Evidence: Provide a brief description of the State's impaired driving tracking system that has the capability to follow an individual from arrest through the completion of sanction or treatment programs.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Not Started
Status:	Colorado does not have an impaired driving tracking system that allows offenders to be tracked from arrest through disposition and sanctioning. Disparate system contain information that, if aggregated, could fulfill the requirements for an impaired driving tracking system.
Question:	194. Are all driving violations related to impaired driving captured on the individual's driving record?
Evidence:	Suggested Evidence: Briefly describe the process by which a citation or arrest is added to an individual's driving record. Also describe how citations/arrests related to impaired driving that occur out-of-state are included on an individual's driving record.
Section:	Program Evaluation and Data - Driver Records System
Level of Progress:	Completed
Status:	Colorado driving records contain all driving violations related to impaired driving.
Question:	195. Do law enforcement officers have real-time access to driver license records and a history of citations/warnings that have been issued?

Evidence: Suggested evidence: Briefly describe the process by which a law enforcement officer queries the driver license record/citation system during a traffic stop. Include a description of the types of information available to the officer during the stop.

Section: Program Evaluation and Data - Driver Records System

Level of Progress: Completed

Status: Law enforcement officers have real-time access to driver license records and a history of citations/warnings that have been issued.

Question: 196. Is data related to arrests/convictions/sentencing of impaired driving arrests electronically transmitted between the location of offense and the defendant's home jurisdiction? (For example, state-to-state, state-to-tribal authorities, state-to-military).

Evidence: Suggested evidence: Briefly describe the process by which adjudication and sentencing results are shared between governmental/sovereign agencies.

Section: Program Evaluation and Data - Driver Records System

Level of Progress: Substantial Progress

Status: Data related to arrests/convictions/sentencing of impaired driving arrests is electronically transmitted between the location of offense and the defendant's home jurisdiction via CDLIS and State-to-State data exchange systems. Colorado will be implementing the Driver History Record feature of State-to-State for electronic transmission of non CDL conviction and withdrawals in March 2024.

ASSESSMENT TEAM CREDENTIALS

ROBERT H. BURROUGHS

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Summary of Experience

Robert (Bob) Burroughs has over 29 years of law enforcement experience including over 20 years of progressive management and executive level experience in highway safety, regulatory, and driver licensing programs. He has over 12 additional years providing consulting services for motor vehicle programs.

Bob's transportation career began as a highway patrolman and driver licensing trooper. He progressed through the ranks and served in several highway safety program oversight positions covering motor carrier, vehicle safety inspection, driver licensing, and information technology programs. He was instrumental in automating roadside commercial motor vehicle inspections and traffic citations for the Texas Department of Public Safety. He also served as a project sponsor for the Texas Crash Records Information System project and as an executive member of the Texas Traffic Records Coordinating Committee.

Professional Business Experience

Bob was manager of the Motor Carrier Bureau responsible for Texas statewide data management of Commercial Motor Vehicle Roadside Inspection data and oversight of the Motor Carrier Compliance Audit program of the Texas Department of Public Safety. He served as Program director for the statewide Vehicle Inspection Program responsible for program oversight and enforcement. He was also the Highway Patrol Division record management and information technology manager responsible for integrating citation and disposition data as well as development and deployment of the Texas Highway Patrol In-Car computer program. He also directed the statewide Driver License Field Operations and the Internal Fraud Investigation Unit as well as development of the Compliance and Enforcement Service for the newly formed Regulatory Services Division of the Department of Public Safety.

Consulting Business Experience

Bob worked with the Massachusetts Registry of Motor Vehicles documenting business processes for re-engineering revenue operations, citation processing, and driver sanctioning activities. He prepared a response to the Jamaica Department of Motor Vehicles request for proposals to upgrade their driver licensing and vehicle title and registration programs. And he works as a subcontractor assessing traffic record system interoperability within various states and territories as a condition of their receiving federal highway funds for traffic record interoperability improvement programs.

Professional Societies and National Committees

- Member of the Federal Motor Carrier Safety Administration, Commercial Driver License Advisory Group
- Member of the Federal Motor Carrier Safety Administration, Federal Negotiated Rulemaking

Committee to Enhance Driver License and Identity Security Standards

- Past Regional Vice President of the Commercial Vehicle Safety Alliance
- Member of the Information Systems Committee of the Commercial Vehicle Safety Alliance
- Past International Chair of the Law Enforcement Committee of the American Association of Motor Vehicle Administrators
- Past International Chair of the Vehicle Safety Inspection Committee of the American Association of Motor Vehicle Administrators
- Past Region II Chair of the Law Enforcement Committee of the American Association of Motor Vehicle Administrators
- Past Region II Chair of the Vehicle Safety Inspection Committee of the American Association of Motor Vehicle Administrators

Education

B.S., Criminal Justice, Wayland Baptist University

Graduate of the Bill Blackwood Law Enforcement Management Institute and the State of Texas

Governor's Executive Management Development Program

HONORABLE JOHN GRINSTEINER

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After 18 years of wearing the judicial robes, 14 of which were spent in the treatment courts of North Dakota, Judge John Grinsteiner retired to become North Dakota's first Judicial Outreach Liaison (JOL). As the State's JOL, John brings access to current and evidence-based practices that assist judges in their work and help promote more effective outcomes in impaired driving and other traffic-related cases. With the help of the American Bar Association's Judicial Division and its partnerships with various organizations (National Highway Traffic Safety Administration, National Judicial College, National Center for State Courts, National Association of Drug Court Professionals), John works to provide education, training, and technical assistance to judges and court staff throughout North Dakota.

SANDRA RICHARDSON

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After 36 years, Sandy Richardson retired from the National Highway Traffic Safety Administration (NHTSA) in July 2020. She completed the last 15 years of her career as a Regional Program Manager assigned to the Region 4 Office in Atlanta, GA. Sandy's primary responsibilities were the Regional Impaired Driving Coordinator, Team Lead on 405d program, Standardized Field Sobriety Testing, Drug Evaluation and Classification, prosecutors, Traffic Safety Resource Prosecutors, judges, DWI Courts, Pedestrian Safety, Bicyclist Safety, and assigned to the State of Florida and South Carolina.

Prior to the regional office, she worked in the Enforcement and Justice Services Division in Headquarters for 15-1/2 years. She worked with law enforcement, prosecutors, judges, the Drug Evaluation and Classification Program, Standardized Field Sobriety Testing, law enforcement youth activities, State Association of Chiefs of Police and University and College Police Sections of the International Association of Chiefs of Police (IACP), and impaired driving enforcement programs. She was awarded an Honorary Member of the Division of State Associations of Chiefs of Police. She served as a member of the Ad Hoc Committee for Youth, Drinking and Driving and the Technical Advisory Committee of the IACP.

She started her career with the NHTSA in the Region 8 Office in Denver, CO. She was the Occupant Protection and the Impaired Driving Coordinator. During her tenure, she was assigned to the States of South Dakota, North Dakota, and Montana.

Prior to employment with the NHTSA, she worked with the Arkansas Highway Safety Program for 7-1/2 years. During that time period, Sandy served as the Impaired Driving and the Occupant Protection Coordinator.

MARK STODOLA

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Mark Stodola brings over 30 years of experience working in the field of court management and adult probation in Arizona. He currently serves as a Probation Fellow for the National Highway Traffic Safety Administration. Mark worked at the Maricopa County Adult Probation Department for 18 years serving in a number of capacities including division director overseeing drug and alcohol treatment programs, problem solving courts, and services for the mentally ill. Mark later became the Court Administrator of the Tempe Municipal Court where he served for eight years managing the day-to-day activities of the court. Most recently Mark served as Program Services Manager in the Adult Probation Services Division of the Arizona Supreme Court where he had oversight of treatment programs for Arizona's Adult Probation Departments. Mark has presented training on topics surrounding high-risk drunk drivers at national, regional, and state conferences throughout the country. Mark is also an adjunct instructor at Arizona State University.

Mark received his undergraduate degree in History from the University of Wisconsin-Madison and his Master's Degree in Education from Northern Arizona University. Mark became a Graduate Fellow through the National Council of State Courts Institute of Court Management.

THOMAS WOODWARD

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Thomas Woodward retired as a Lieutenant from the Maryland State Police on July 1, 2013, after a 36-year law enforcement career. At the time of his retirement Mr. Woodward was the Commander of the Maryland State Police, Hagerstown Barrack. He previously served as the Commander of the Chemical Test for Alcohol Unit, a staff officer for the Chief of the Field Operations Bureau, and as the Executive Officer for the Commander of the Transportation Safety Division. He served as the Maryland Drug Recognition Expert (DRE) Coordinator for nine years during this time. He returned to the Maryland State Police, in a civilian capacity, in January 2014 and was appointed by the Governor's Highway Safety Representative to again serve as the DRE Coordinator. He retired from that position on September 30, 2020.

Mr. Woodward has been a Standardized Field Sobriety Testing (SFST) Instructor, certified through the National Highway Traffic Safety Administration (NHTSA) since August 1989. He has also instructed the NHTSA SFST Instructor Development Course.

Mr. Woodward was certified as a DRE in July 1991. He was certified as a DRE Instructor in April 1992 and received instruction as a DRE Course Manager in June 1995. He served as the DRE Coordinator for the state of Maryland for a combined total of 16 years.

Mr. Woodward was recognized by the Maryland Highway Safety Office for innovation in the development of impaired driving and nighttime seat belt enforcement programs.

Working as a private consultant, Mr. Woodward has assisted Johns Hopkins University School of Medicine with research projects related to drug impaired driving and has conducted highway safety program assessments for 23 states since his retirement.

EDUCATION

Mr. Woodward received a Bachelor's Degree in Organizational Leadership and Development from Wheeling Jesuit University in May 2005. He is also a graduate of the Northwestern University School of Police Staff and Command.