

Driving Under the Influence of Drugs and Alcohol Calendar Year 2021 Report

A Report Pursuant to 24-33.5-520, C.R.S.

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Executive Summary

The Division of Criminal Justice in the Colorado Department of Public Safety produces this annual report in accordance with C.R.S. 24-33.5-520 to highlight trends in impaired driving court cases, court case filings with at least one underage drinking and driving (UDD), driving while ability impaired (DWAI), driving under the influence (DUI), vehicular assault DUI, or vehicular homicide DUI charge - hereto referred to as either impaired driving or DUI charges - and their toxicology. This report provides findings from the court cases filed in 2021 and themes from the 2016-2021 data.

Citations for impaired driving in Colorado:

In 2021, there were 21,795 impaired driving case filings. This represented a 3% increase from 2020 but remained 20% lower than the number of case filings in 2019. DUI case filing rates per 100,000 residents aged 16 and older also rose to 464 cases in 2021 compared to 450 cases in 2020; this level was still down from the 563 rate in 2019. This trend likely reflects the significant but lessening impacts of the COVID-19 pandemic on DUI enforcement in 2021, as staff recruitment and retention difficulties contributed to reduced law enforcement capacity.

Toxicology testing results

Thirty-one percent of DUI court case filings in 2021 were matched to comprehensive alcohol and drugs of abuse testing, representing the second highest percentage of comprehensive screenings, behind 2020. This improvement in data quality compared to 2016-2018 screening levels can be attributed to the Colorado Bureau of Investigation (CBI) offering comprehensive state funded testing services to law enforcement agencies investigating impaired driving cases starting in July 2019. The slight drop in comprehensive screens from 2020 might be due to law enforcement resuming breath testing for alcohol detection. The fear of COVID-19 transmission in 2020 led to some law enforcement agencies' preference for blood testing instead of breath, potentially contributing to the spike in blood tests in 2020 and subsequent drop in 2021 as concerns lessened.

From 2016 to 2021, there was a general decrease in alcohol positivity. In 2016, 97% of screened DUI case filings were positive for any trace of alcohol whereas only 85% were in 2021. Alcohol positivity dropped to 82% in 2020, with a slight increase in 2021 that remains

well below the positivity levels seen before expanded drug screenings and the COVID-19 pandemic. Similarly, case filings that tested at or above 0.08 blood/breath alcohol content (BAC) rose from 73% to 76% from 2020 to 2021 but was still six percentage points below the 2019 rate. Marijuana positivity and Delta-9 tetrahydrocannabinol (THC) toxicology also fell from 2016 to 2021. In 2016, 73% of screened DUI case filings detected marijuana, compared to 47% in 2021. The recent decline in alcohol and marijuana positivity can be partially explained by the expansion of comprehensive drug testing.

Polydrug detection among all DUI case filings doubled from 8% in 2016 to 16% in 2021, with a peak at 18% in 2020. The most prevalent combination of substances in toxicology reports was alcohol and marijuana. Amphetamine/methamphetamine and cocaine were the third and fourth most identified drugs, which are both stimulants. Fentanyl associated filings increased by 52% from 2020, which made fentanyl the fifth most identified drug in DUI case filings in 2021. Polydrug toxicology was common with DUI case filings with positive tests for drugs besides alcohol and marijuana. Over 87% of DUI case filings associated with positive results for any stimulant, benzodiazepine (tranquilizing drugs) or opioid drug had polydrug results in 2021.

Time to testing

In 2021, the median duration between time of offense and blood draw was 71 minutes, and the mean time was 81, consistent with blood draw times in 2020.

Convictions

Almost 91% of DUI cases filed in 2021 reached dispositions, marking a return to the disposition rate reached in 2018. However, the average time it took for a DUI case to reach a disposition was longer than ever in 2021, suggesting that court slowdowns from the COVID-19 pandemic are still causing a longer wait for cases to reach disposition.

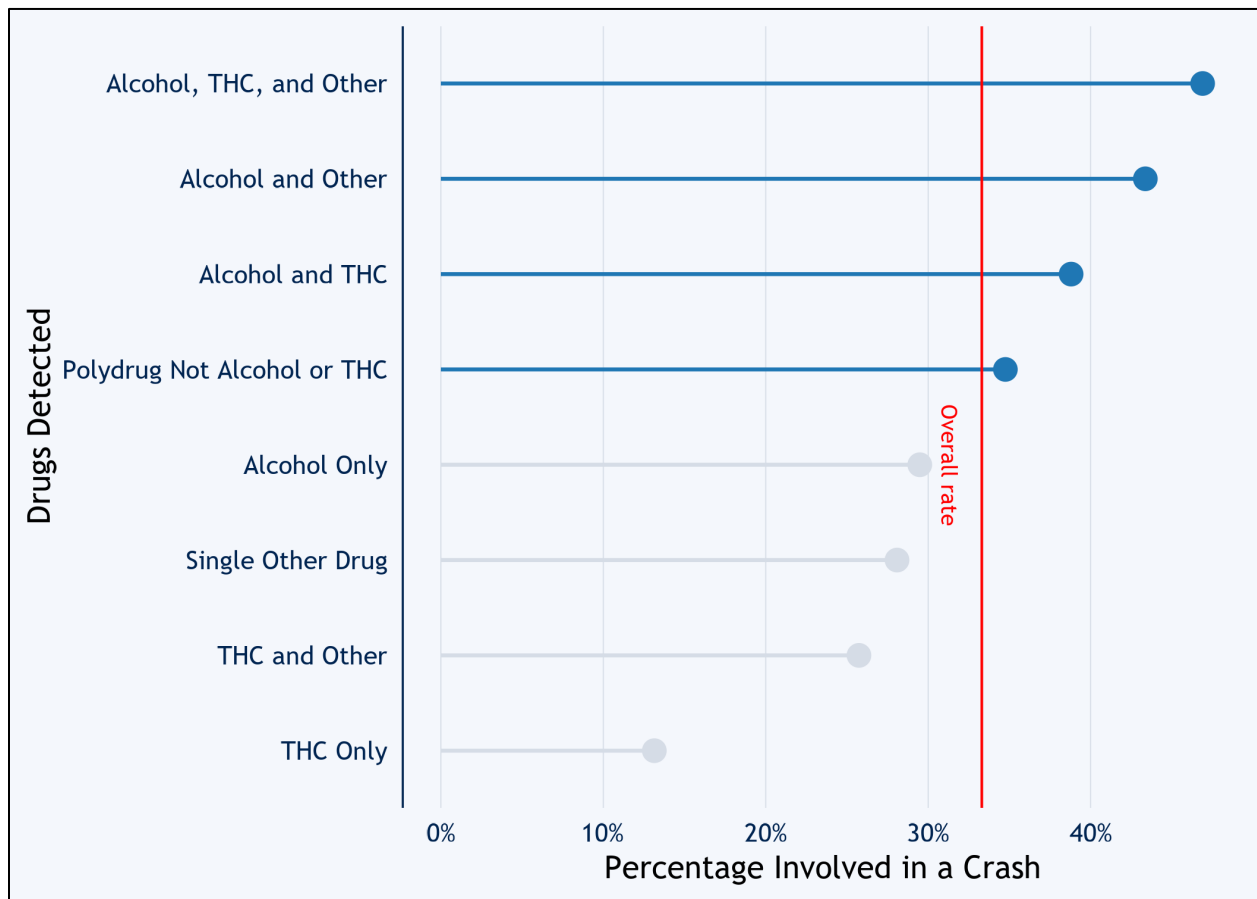
While 85% of the impaired driving charges that reached a disposition received convictions in 2021, there were noted variations based on the toxicology profile of the individual charged. Conviction rates were higher in instances where the individual charged tested positive for alcohol (94%), had a BAC level above 0.08 (97%), or had a Delta-9 THC level above 5ng/mL

(89%). DUI charges associated with positive tests for multiple substances, either including or excluding alcohol also had elevated conviction rates compared to all DUI charges.

Public Safety of Impaired Driving and Crash Involvement

Crash involvement was estimated using probation assessments records for individuals who were convicted of a DUI, and overall, one in three were involved in a crash (33%). Crash involvement rates were higher for those who had multiple drugs detected, particularly when alcohol was included. Forty-two percent of convicted drivers who tested positive for multiple drugs including alcohol were involved in a crash, compared to the convicted drivers who tested positive for only one substance and had crash rate of 29%.

Figure A: Percentage of convicted drivers involved in a crash by drugs detected, 2021



Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, Colorado Bureau of Investigation, Colorado Department of Public Health and Environment and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Section One: Background and Overview

This section reviews the statutory purpose of this annual report, summarizes driving under the influence (DUI) state laws, discusses complications related to the detection of drug impaired driving, and highlights the role of this report in understanding drug impaired driving.

Purpose of this Report

House Bill 17-1315

In 2017, the Colorado General Assembly passed House Bill 17-1315 (C.R.S. 24-33.5-520) which directs the Colorado Department of Safety (CDPS), Division of Criminal Justice (DCJ), to “analyze the types of DUI offenses being committed by offenders” and issue an annual report. The bill calls for the report to include, among other things, the following:

- The number of citations for impaired driving
- The number of cases with indication of impairment by alcohol, marijuana, other drugs, or any combination of the these
- The number of convictions for impaired driving
- The number of convictions with evidentiary test results indicating impairment by alcohol, marijuana, Schedule I drugs (C.R.S. 18-18-203), other drugs, or any combination of these
- The elapsed time from law enforcement stop to biological sample

Overview: Driving Under the Influence

Statutes

One of the goals of this report is to monitor the number of cases involving at least one driving under the influence (DUI) charge. A DUI represents a specific criminal charge and, in the context of this report, a broader grouping of charges that all relate to substance-affected driving. These charges, in order of severity include underage drinking and driving (UDD), driving while ability impaired (DWAI), DUI, vehicular assault DUI, and vehicular homicide DUI.

The statute that governs DUI charges is located in C.R.S. 42-4-1301, and the definitions for DUI and DWAI specifically are provided below.

- f. “Driving under the influence” means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, that affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.
- g. “Driving while ability impaired” means driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

C.R.S. 42-4-1301 also 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; see Table 1 for a timeline of how these statutes and BAC impairment levels evolved. Additionally, Colorado statutes include a felony law for individuals who have had more than two impaired driving convictions.

Table 1: Timeline of DUI law, *per se* and presumption of alcohol impairment limits, Colorado

Time frame	DUI statute	Illegal <i>per se</i> BAC limit	Illegal presumption BAC - DUI	Illegal presumption BAC limit - DWAI
Prior to 1955	13-4-30	None	None	None
1955-1972	13-4-30(2)(b)	None	.15	.05
1973-1982	42-4-1202(2)(c)	None	.10	.05
1983-1988	42-4-1202(1.5)(a)	.15	.10	.05
1989-2003	42-4-1202(1.5)(a)	.10	.10	.05
2004-Present	42-4-1301(2)(a)	.08	.08	.05

Note: Colorado first established an expressed consent to test statute in 1983.

Source: Session Laws of Colorado, 1953, 1955, 1983, 1989; Colorado Revised Statutes, 1973, 2004.

Colorado policymakers identified marijuana impaired driving as a public health and safety concern to monitor in the post-legalization period, and recent survey data does show an encouraging pattern. In 2021, 3% of adults 18 and older reported driving after having used marijuana in the past month¹. In 2021, 6% of high school-aged drivers reported the same behavior, which represents a five-percentage point decline from 2019. This is the lowest level of past-month concurrent marijuana use and driving that the Colorado Department of Public Health and Environment has estimated since they began tracking this indicator.² In high school students in particular, perception of the ease of access to marijuana and marijuana use also declined from 2019 to 2021, and these patterns highlight at least a short-term decline in risky substance use behaviors. This annual report on alcohol and drug impaired driving court case filings adds to the knowledge of the public safety impact of drug impaired driving.

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.”

Colorado’s permissible inference level for Delta-9 THC reflects a compromise between inaction and declaring a *per se* limit. Underlying the difficulty of striking this balance, the scientific community has not found a direct relationship between blood concentrations of Delta-9 THC and driving impairment.^{3,4} Due to the uncertainty concerning specific Delta-9 THC levels and impairment, in 2018 the International Association of Chiefs of Police adopted a

¹ Colorado Department of Public Health and Environment (2022). [Dashboard]. [Marijuana Health Information: Behavioral Risk Factor Surveillance System](#).

² See Footnote 1.

³ Arkell, T. R., Spindle, T. R., Kevin, R. C., Vandrey, R., & McGregor, I. S. (2021). [The failings of per se limits to detect marijuana-induced driving impairment: Results from a simulated driving study](#). *Traffic Injury Prevention*, 22(2), 102-107.

⁴ Compton, R. (2017, July). *Marijuana-Impaired Driving - A Report to Congress*. (DOT HS 812 440). Washington, DC: National Highway Traffic Safety Administration.



resolution against the establishment of a *per se* level for marijuana, declaring that “there is no scientific basis for the adoption of Delta-9 THC *per se* legislation.”⁵

Challenges with Monitoring and Detecting Drug Impaired Driving in Colorado

Due in part to limitations with data infrastructure, it has historically been a significant challenge to measure the scope of driving under the influence of drugs (DUID) separately from alcohol impaired driving. In Colorado, there is no criminal charge specifying that the driver is drug impaired. The current statute, C.R.S. 42-4-1301, applies to driving under the influence of alcohol, drugs, or a combination of the two, making it difficult to delineate drug impairment court cases from alcohol impaired driving.

By and large, it has also been difficult to compile toxicology records associated with DUI cases. Before July 2019, Colorado had one independent private laboratory and three public laboratories processing toxicology tests, and all had different reporting styles. After July 2019, the number of laboratories providing DUI testing services dropped to three public ones and the Colorado Bureau of Investigation received state support to begin performing all of the drug testing, which increased the standardization of drug screening and reporting for DUI cases.

Despite this improvement, Colorado still must compile alcohol and drug screening testing results from three toxicology sources, and link them with DUI case filings, and all of these data systems lack a common identifier to facilitate data linking with court case filings.

These toxicology testing deficits for drug impairment make behavioral sobriety testing imperative, which necessitates enhanced training for law enforcement officials. Three training programs are available for Colorado law enforcement officers on roadside detection, including the Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Expert Training (DRE). DRE training is considered the gold standard for detecting drug impaired driving, and there is evidence of the sensitivity of the roadside tests taught in DRE trainings to detect marijuana impairment.⁶ Although the

⁵ International Association of Chiefs of Police (2018). [2018 Resolutions](#).

⁶ Declues, K., Perez, S., & Figueroa, A. (2016). A 2-year study of delta 9-tetrahydrocannabinol concentrations in drivers: Examining driving and field sobriety test performance. *Journal of Forensic Science*, 61(6), 1664-1670. [doi: 10.1111/1556-4029.13168](https://doi.org/10.1111/1556-4029.13168).

DRE training has been shown to be more effective than SFST or ARIDE methods in training officers to detect drug impairment, the increased time and certification requirements contribute to the lower overall number of active DRE-trained officers.⁷ Colorado had 179 active DRE trained officers in 2021. The Colorado Peace Officer Standards and Training unit (POST) paid for 140 officers to attend and SFST or ARIDE training from July 2020 through June 2021, in addition to individual agencies providing officer trainings from in-house instructors.

In addition to facing challenges in roadside drug testing and sobriety testing, law enforcement agencies also encounter difficulties acquiring toxicology evidence in drug impairment cases. In Colorado, a suspect can refuse all drug testing if an officer does not obtain a warrant or request a breath test only. However, if the officer suspects impairment from substances beyond alcohol, the officer can direct the suspect toward a blood test with comprehensive drug testing. Even if an individual under investigation agrees to undergo blood testing, collecting the blood sample is more time-consuming for law enforcement agencies compared to a breath sample, which officers can obtain at their station or in a jail. In contrast, the officer has to transport the suspect to a location where blood can be drawn, usually a hospital or emergency room. This delay can also impact the usefulness of drug toxicology results. For example, Delta-9 THC levels in the blood decrease rapidly in the first hour after use.⁸ Furthermore, chronic and/or medical use of marijuana can also confound drug impairment testing. Detectable levels of Delta-9 THC have been found in blood samples collected as many as 30 days post-use.⁹

Furthermore, law enforcement historically has incurred costs testing impaired drivers for drugs; however, recent changes have improved access to state-funded, comprehensive and standardized testing services. Before July 2019, agencies typically spent \$100-500 per case to have drug testing completed, depending on the laboratory and how many drugs required confirmation testing. After July 2019, law enforcement agencies were able to submit blood testing samples to the Colorado Bureau of Investigation (CBI) and not incur any laboratory fees, which removed one financial barrier to drug testing. In addition, the CBI also offered

⁷ Colorado Department of Transportation. (2020). [SFST, ARIDE & DRE Information Training Guide](#).

⁸ Toennes, S., Ramaekers, J., Theunissen, E., Moeller, M., & Kauert, G. (2008). Comparison of cannabinoid pharmacokinetic properties in occasional and heavy users smoking a marijuana or placebo joint. *Journal of Analytical Toxicology*, 32, 470-477.

⁹ Bergamaschi, M., Karschner, E., Goodwin, R., Scheidweiler, K., Hirvonen, J., Queiroz, R., & Huestis, M. (2013). [Impact of prolonged cannabinoid excretion in chronic daily cannabis smokers' blood on per se drugged driving laws](#). *Clinical Chemistry*, 59, 519-526.

law enforcement agencies both alcohol and drugs of abuse screening to ensure more consistent drug detection.

Pandemic-related challenges in enforcing and prosecuting DUI

The criminal justice system faced enormous challenges in adapting to the COVID-19 pandemic, and accordingly, DUI arrests remained depressed through 2021. Colorado had just 847 more DUI arrests in 2021 than 2020, which was 18% lower than the number of DUI arrests made in 2019.¹⁰ The second year of the coronavirus pandemic might have introduced retention challenges for law enforcement as officers faced burnout. Data from the Peace Officer Standards and Training Board (POST) indicates there were 2,414 law enforcement positions vacated in 2021, marking a 17% increase from 2019 vacancies.¹¹ Additionally, for every 100 law enforcement positions vacated in 2021, just 73 positions were filled,¹² highlighting the difficulties law enforcement agencies faced in maintaining enough officers to conduct enforcement. This reduction in officers might have contributed to the low number of DUI arrests from 2020-2021 across the state.

Contextualizing the Role of Linked DUI Court Case and Toxicology Data in Monitoring DUID in Colorado

In Colorado, state analysts have monitored impaired driving using arrest and court data, but these data systems do not include information on the drug toxicology of those involved. Colorado's National Incident-Based Reporting System does capture DUI and DUID arrest information, but the system does not collect BAC level results or other toxicology data. The court system's data are structured to capture BAC level but do not have a consistent way to capture toxicology levels for other impairing drugs. In 2018, DCJ's DUI court and toxicology analyses represented the first comprehensive report linking both of these datasets. The analyses presented in this report and prior reports aim to provide continued monitoring of this identified gap in Colorado's data collection.¹³

¹⁰ Colorado Bureau of Investigation (2021). [Dashboard]. [Colorado Crime Statistics](#).

¹¹ Allison Sherry · Jan. 13, 2022, [After Police and Sheriffs Deputies Left Agencies in Drovers in 2021, Democratic Leaders Try to Stem the Tide](#). *Colorado Public Radio*.

¹² See Footnote 11.11

¹³ Colorado Department of Public Safety. (2021). [Driving Under the Influence Dashboard](#).

To assess the prevalence of drug-impaired driving in Colorado, in addition to alcohol-impaired driving, researchers have also used traffic fatality data. The National Highway Traffic Safety Administration (NHTSA) administers the Fatality Analysis Reporting System (FARS), which collects circumstantial information related to fatal crashes, including the toxicology results of drivers. The Colorado Department of Transportation (CDOT) and DCJ researchers have published an examination of the toxicology results of drivers using the FARS data.¹⁴ However, FARS data have important limitations. First, FARS data focus on the subgroup of cases with a fatality. In 2021, for example, Colorado recorded 691 fatalities¹⁵ on roadways compared to 17,314 DUI arrests.¹⁶ Additionally, only about 45% of drivers involved in fatal crashes are tested for alcohol or drugs in any given year; the reasons for this are unclear and vary by state. Finally, while CDOT has improved data collection over the last several years, limitations remain. Prior to 2016, the reporting of specific cannabinoids was sporadic and the Delta-9 THC level was not captured consistently. Linked DUI court and toxicology data presented in this report complements FARS data by providing a means to assess trends in a larger sample of impaired drivers.

¹⁴ Reed, J. (2021). [Impacts of Marijuana legalization in Colorado. Report Pursuant to Senate Bill 13-283.](#) Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

¹⁵ Colorado Department of Transportation (2020). [Colorado Fatalities since 2002.](#)

¹⁶ See Footnote 10.

Section Two: The DUI Criminal Justice Process

After reviewing some of the differences in alcohol versus drug driving impairment enforcement and data analysis in the preceding section, Section Two provides a chronological overview of the legal proceedings involved in pursuing DUI charges, which will contextualize the analysis of court cases presented in the following sections. Additionally, Section Two includes a discussion of probation assessment data.

Arrest Process

During a traffic stop, an officer might identify signs of impairment or recent substance use, including the smell of alcohol or marijuana, the sight of open containers, slurred speech, or slowed reactions. Once an officer has probable cause to suspect impairment, they might ask the individual to voluntarily perform a battery of psychophysical tests and, potentially, a preliminary breath alcohol test (PBAT) if the officer suspects alcohol impairment. If the officer is concerned about drug impairment, they might call a DRE trained officer to assist with behavioral testing and/or proceed with toxicological exams. Under normal operating conditions, the arresting officer then provides the person with a choice of a breath or blood test. Once the choice is made, the person cannot renege and choose the other test. If the individual has a breath alcohol test result at or above 0.08 or refuses the test, they then must surrender their license to law enforcement and have seven days to request a hearing by the Division of Motor Vehicles. However, if the driver chose a blood test or the officer had reasonable grounds to suspect drug-related impairment and required a blood test, the individual does not have to surrender their license because the results of a blood test are not readily available. Generally, if the PBAT result is above the *per se* limit, the officer might choose not to test for additional drugs. If the arresting officer has probable cause to believe an individual committed any drug or alcohol related traffic offense, the arresting officer may obtain a warrant to collect an evidentiary biological sample for drug testing. The legal case unfolds differently depending on the type of case, and both paths are described below.

Legal Process¹⁷

Misdemeanor

When the case is charged as a misdemeanor, the arresting officer completes the Uniform Summons and Complaint form when the defendant is arrested. The law enforcement agency then files the original copy with the court and provides copies to both the defendant and the district attorney's (DA's) office. The DA can add, amend or dismiss charges, either as part of plea agreement or because such actions better reflect the facts of the case. Given that the case is a misdemeanor, the defendant is not entitled to a preliminary hearing. Rather, the defendant is advised of their rights by the judge either while in jail, or if they are released on bond, before seeing a judge when they return to court. Thereafter, the case is set for either an appearance of counsel (for the defendant to hire a lawyer or apply for the services of a public defender) or an arraignment (where the defendant will enter a plea of guilty or not guilty). If the defendant enters a "not guilty" plea, a trial date is set and, most often, a date to litigate constitutional and/or evidentiary motions is set prior to trial. If the defendant enters a guilty plea (usually as part of a plea agreement), the court may sentence the defendant immediately or, more likely, sets the case for a sentencing hearing and directs the probation department to meet with the defendant and prepare a pre-sentence investigation report in time for the sentencing hearing.

Felony

If the case is a felony, the law enforcement officer arrests the defendant and submits a Warrantless Arrest Affidavit to the court and to the DA's office. The judge then advises the defendant of their rights, sets a bond, and issues a return date for filing of charges. If the defendant is unable to post bond, this return date is usually set within three working days. If the defendant is able to post bond, a later date may be set. If the DA determines that misdemeanor charges are appropriate, a misdemeanor complaint is filed, and the case is thereafter treated as a misdemeanor. Otherwise, the case continues to be treated as a felony. Once the defendant obtains or waives counsel, the case is set for a preliminary hearing in the district court. Meanwhile, the DA and the defense attorney may negotiate an

¹⁷ Attorney Han Ng and Colorado Traffic Safety Resource Prosecutor Jennifer Knudsen provided this summary.

agreement. If they agree to a misdemeanor, the preliminary hearing is vacated and a date(s) for entering a plea and sentencing in county court is set. If they agree to a felony, the case is bound over to the district court for an arraignment where the defendant will enter a plea.

Dispositions

There are six common dispositions in impaired driving cases. A guilty disposition occurs when the defendant either pleads guilty to the charge or is found guilty at trial. In the case of a deferred judgment and sentence, the defendant enters a conditional guilty plea, but the final judgment is postponed. In these cases, the court sets a period of probation supervision, which includes written stipulations about the conditions of supervision, before sentencing or the entry of a conviction into the court record. If the defendant completes the supervision term successfully, the court may then dismiss the charges. However, if the defendant does not comply with the terms of the agreement then the individual will appear before the judge for a sentencing hearing, where the judge may choose to sentence the person under the original conditional plea. A deferred dismissed disposition is entered into the court record after the successful completion of probation supervision. For the purposes of this report, guilty, deferred judgment, and deferred dismissed dispositions are considered “guilty” outcomes when discussing conviction rates.

If the prosecution or court does not believe that the evidence will support the charges beyond a reasonable doubt, then charges are dismissed. Dismissal of certain charges is often used as part of a plea deal, where the defendant pleads guilty to some charges in exchange for the dismissal of other charges. A not guilty disposition is entered when a defendant goes to trial and the jury or judge finds that the prosecution did not prove the charges beyond a reasonable doubt. Finally, a prosecutor may elect not to prosecute and instead offer a diversion program. This results in no charges filed as long as the defendant completes the terms of the diversion. For the purposes of this report, dismissed, not guilty, diversion, and not proven are categorized as “not guilty” outcomes.

Probation Assessment

Once convicted, the Alcohol and Drug Driving Safety (ADDs) program, administered by the Judicial Department’s Division of Probation Services, “provides pre-sentence and post-

sentence alcohol and drug evaluations on all persons convicted of” DUI or DWAI.¹⁸ This includes administering the Adult Substance Use and Driving Survey (ASUDS), a questionnaire that asks about prior substance use, prior impaired driving, demographics, BAC in the present case, and other factors. The findings from the assessment result in a treatment recommendation that is provided to the sentencing judge and the Behavioral Health Authority for use by ADDS treatment providers.

¹⁸ Colorado Revised Statutes, 42-4-1301.3.

Section Three: Data and Methods

Data

C.R.S. 24-33.5-520 mandates that the Division of Criminal Justice (DCJ) report annually to the General Assembly regarding specific information relating to substance-affected driving citations that occurred in the previous year. The mandate requires linking information across multiple data sets to provide a comprehensive analysis of impaired driving. Data were obtained for calendar year 2021 from the following entities:

- Colorado Bureau of Investigation, Toxicology Services (CBI)
- Denver Police Department, Denver Crime Lab (Denver PD)
- Colorado Department of Public Health and Environment, Laboratory Services Division (CDPHE)
- Colorado State Judicial Branch via the Colorado Justice Analytics Support System (CJASS)
- Denver County Court
- Behavioral Health Administration (BHA)

Case Filings

Traffic, misdemeanor, and felony case filings between 1/1/2021 and 12/31/2021 containing at least one DUI or DWAI charge were analyzed.¹⁹ Case filings were obtained from the Colorado Judicial Branch and Denver County Court. The Denver County Court tracks misdemeanor cases in its own court management system, which is not available in the Judicial Branch data system. The number of case filings will not match with the information provided in Judicial reports due in part to different time periods examined and DUI case definitions. Specifically, the Judicial Branch reports on a fiscal year basis and only reports on traffic cases with a DUI or DWAI case type rather than any case with a DUI or DWAI charge.

¹⁹ Colorado Revised Statutes, 42-4-1301.

Toxicology

Alcohol-only Testing

Data were obtained from the CDPHE regarding breath alcohol tests conducted using Intoxilyzers, the specific type of breathalyzer device used for evidentiary breath testing in Colorado. Law enforcement officers administer the breath alcohol tests, either at a jail or police department. The Denver Crime Lab, in the Denver Police Department, provided results for blood alcohol tests performed for Denver cases only.

Drug and/or Alcohol Testing

The CBI conducts both drug and alcohol toxicology screenings and confirmations on blood samples submitted. Some test reports did not display quantitative values, indicating that the drug's threshold for detection had been met, but not for quantification. Generally, these test results appeared on toxicology reports as values such as '< 1.0 ng/mL' indicating the presence of an analyte, but with no corresponding quantitative value. These values were coded as positive results for the drug, but were not included in the analyses involving quantified levels, such as calculations for the mean and median toxicology levels.

Since 2018, CBI has conducted a 14-panel drug screen on all blood vials that were submitted for a drug screen, with supplemental specialty testing upon request. The 14-panel drug screening includes: amphetamines, methamphetamine, barbiturates, benzodiazepines, buprenorphine, carisoprodol, cocaine, fentanyl, marijuana, methadone, opiates, oxycodone, tramadol and zolpidem.

Individual Assessment Data

The Behavioral Health Administration (BHA) shared probation assessment data from its Alcohol/Drugged Driving Safety Coordinated Data System (ADDSCODS). Due to the sensitive nature of this dataset and the important legal protections under 42 CFR Part 2 of the Federal Code, the BHA performed the data matching and provided de-identified data for analysis.

Methods

To undertake the analysis required in C.R.S. 24-33.5-520, it was necessary to match individual cases across data sets and engage in two phases of data preparation, (1) data cleaning and (2) data linking. These are discussed below.

Data Cleaning

The data obtained for this analysis lacked consistent formatting and operational definitions of the variables across the datasets. The open source software R was the primary tool used to perform data cleaning.

Judicial Case Filings

Data obtained from the Colorado Judicial Branch included all charges for case filings that contained at least one charge within the DUI spectrum of charges during the 2021 calendar year, as explained in Section One. One case filing, or case, typically contains multiple charges. For ease of presentation any charge of operating a vehicle under the influence or while ability impaired is referred to as “DUI” unless otherwise specified. Duplicate cases were common and occurred for a number of reasons including, but not limited to, the following:

- Cases were erroneously filed twice.
- DUI misdemeanors were re-filed as felonies.
- Duplicate tickets were submitted to the court by law enforcement.
- Charges from one case were consolidated to a different case.

Cases were matched on name, date of birth, and offense date to identify duplicates and were then manually reviewed. Duplicate cases were removed by matching law enforcement agency (LEA) name, LEA case numbers, arrest numbers, and offense dates. In 2021, 386 duplicate filings were removed from the analyses using this process.

Next, initial charges and amended charges were identified. Initial charges were mapped to the appropriate final charge. The presence of all charges, charge numbers, and charge sequences permitted the accurate mapping of initial charges to final amended charges. Finally, age was imputed based on dates of birth from other datasets, if available.

Denver Court Case Filings

The process of identifying and eliminating duplicates was the same as described above; 30 duplicate case records were removed. The Denver Court data were similar to the Judicial data in many ways, however, this dataset lacked the critical variable of charge number, which complicated the mapping of initial to final charges. Consequently, mapping was accomplished manually.

Final Disposition Selection

Cases often contained multiple DUI charges. When this occurred, we identified the charge with the most serious disposition, and analyzed these aggregated charges. For example, if a case had two final DUI charges with different dispositions of ‘dismissed’ and ‘guilty,’ the ‘guilty’ disposition was selected over the former regardless of severity of the charges (see Table 2 for a common example). Dispositions were ranked from highest to lowest in the following order: guilty, deferred, deferred dismissed, diversion, not guilty, not proven, and dismissed.

Table 2: Example of selection of maximum finding for multiple DUI charge in a case

Initial Charge	Final Charge	Finding	Selected
Driving Under the Influence	Driving While Ability Impaired	Guilty	Yes
Driving Under the Influence Per Se	Driving Under the Influence Per Se	Dismissed	No

Denver Crime Lab Alcohol Tests

The Denver Crime Lab provided data from toxicology results spanning from 2020 to 2021, ensuring results were available to match all cases filed in 2021.

CBI Toxicology Tests

The CBI provided data from toxicology results spanning from 2020 to 2021, ensuring data were available to match all cases filed in 2021. As mentioned previously, the CBI utilized a 14-panel drugs-of-abuse screen and offered specialty tests available upon request. The 14-panel drugs-of-abuse screen included testing for the following substances: amphetamines, barbiturates, benzodiazepines, buprenorphine, cannabinoids, carisoprodol, cocaine, fentanyl, methadone, methamphetamine, opiates, oxycodone, tramadol, and zolpidem. Any values that

appeared for prescription drug screens generally appeared in a non-standard format and were manually corrected to better examine DUIs associated with prescription drugs. This dataset also contained positive test results for BAC.

Starting on July 1, 2019, the CBI began offering toxicology testing services without a fee for law enforcement that included both blood alcohol and drugs-of-abuse screening to law enforcement agencies. Therefore, all CBI tests in 2021 were marked as receiving both drug and alcohol screening. Additionally, some cases contained multiple test results for the same substance if there were multiple blood draws taken. For these cases, the test with the shortest time period between offense time and blood draw was selected for analysis. If this information was not available, then the maximum value for the tested substance was used in the analysis.

ChemaTox Toxicology Tests

ChemaTox historically provided data for toxicology tests for tests completed between January 2016 - July 2019 when their toxicology testing services ended for DUI cases. Trend data in this report will still contain testing results from this laboratory. See prior reports for data methods.²⁰

Drug Categories used by Drug Recognition Experts

The DRE training program categorizes substances involved in DUI cases into seven categories based on behavioral effects observed by the officer. The DRE course manuals describe these categories as follows:

- Marijuana. Interferes with the attention process and distorts the perception of time and distance. Signs of impairment can include reddening of conjunctiva, body and eyelid tremors, and relaxed inhibitions.

²⁰ Bui, B., & Reed, J. K. (2018). [Driving Under the Influence of Drugs and Alcohol \(2018\)](#) Office of Research and Statistics, Colorado Department of Public Safety; Rosenthal, A., & Reed, J. K. (2020). [Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol](#), Office of Research and Statistics, Colorado Department of Public Safety; Rosenthal, A., & Reed, J. K. (Jan, 2022). [Driving Under the Influence of Drugs and Alcohol Driving Under the Influence of Drugs and Alcohol](#). Office of Research and Statistics, Colorado Department of Public Safety, Rosenthal, A., & Reed, J. K. (2023). [Driving Under the Influence of Drugs and Alcohol \(2023\)](#) Office of Research and Statistics, Colorado Department of Public Safety.

- **Central Nervous System (CNS) Depressants.** Causes slowed reaction time, slowed information processing, decreased anxiety and tension, and induced sedation or drowsiness. Examples of drugs in this category include alcohol, barbiturates, and benzodiazepines.
- **CNS Stimulants.** Impairment is exhibited as hyperactivity, increased heart rate, blood pressure, and body temperature, emotional excitement, and restlessness. Examples of drugs in this category include cocaine, methamphetamine, and pseudoephedrine.
- **Dissociative Anesthetics.** Inhibits the brain's perception of pain and can be exhibited as blank stares, disorientation, or a lack of communication. Examples of drugs in this category are ketamine, phencyclidine (PCP), and dextromethorphan.
- **Hallucinogens.** Distortion of the user's perception, can result in synesthesia and hallucinations. Signs of impairment can include paranoia, body tremors, and disorientation. Examples of drugs in this category are psilocybin, MDMA, and LSD.
- **Inhalants.** These are any drugs that can be inhaled and generally produce mind-altering results. There are many subcategories and these produce effects that can be similar to CNS depressants, stimulants, and hallucinogens. Toluene, paint thinners, and gasoline are a few examples of this drug category.
- **Narcotic Analgesics.** Drugs in this group relieve pain and produce euphoria. Signs of impairment include drowsiness, droopy eyelids, and depressed reflexes. The majority of drugs in this category are often referred to as opioids, and include: codeine, heroin, and methadone.

These seven categories were used to group toxicology results provided in the next section. Additionally, prescription drugs and over-the-counter drugs, such as antidepressants, antihistamines, and anticonvulsants, among others, were included in the analysis. Note that some prescription drugs overlap with a DRE drug category. For example, sertraline is an antidepressant that could be categorized as a CNS depressant, but given that it is not typically abused or impairing, it is categorized here as a prescription drug to avoid inflating the detection of potentially impairing CNS depressants. See Appendix A for a full list of drugs and their assigned categories.

Data Linking

Due to the differences in identifiers across the various datasets, a probabilistic linking method was used to match court case files with toxicology records. The following personal and incident identifiers were used in the linking process: name, date of birth, date of offense, sex, driver's license, arrest number, arresting agency, and arrest number. Senzing, an entity resolution software, was used to identify matches.²¹ First, limited datasets from the State Judicial Branch and Denver County Courts were uploaded into a desktop version of the software, and the fields were mapped to standardized identifiers that Senzing had programmed - name, date of birth, etc. - while other variables that were more specific to the judicial system were mapped to approximate standardized identifiers. As an example, the offense date was assigned to Senzing's "registration date." Senzing returned a list of likely-matches and a knowledge graph relating the strength of relationship between all judicial and toxicology records. DCJ confirmed that likely-matches had the same offense date, or were within 5 days of one another and evaluated matches based on additional personal and incident identifiers. The Senzing-identified likely-matches that matched on 70% of both personal and incident identifiers were accepted as true matches, with a random selection manually reviewed for accuracy. All likely-matches with 30% to 70% of personal and incident identifiers matching were manually reviewed by DCJ to determine true linkages. Likely-matches with less than 30% of both personal and incident identifiers matching were rejected as false matches, with a random selection manually reviewed for accuracy. The knowledge graph provided by Senzing was used to evaluate additional matches in a similar manner, but ultimately provided less than 30 additional linkages besides those already identified among the likely-matches evaluation. In a similar manner, the deduplicated court case records and toxicology matches were linked, and included a manual review. Probation assessment data was later linked to toxicology and judicial records, but because of the sensitive nature of probation information, the BHA performed its own data linking and shared de-identified matched information for analysis. Unlike the linking conducted between toxicology and judicial records, the court case number acted as a primary key between court and probation information, allowing the BHA to deterministically link probation and DCJ data through a shared unique identification field.

²¹ Senzing. (2020, February). [Entity Resolution Process](#).

Section Four: Results

We performed descriptive analyses of the 2021 DUI court, toxicology, and ADDSCODS datasets, and made comparisons to findings from prior analyses.²² The case filings were analyzed by geographic region, demographics of the individual who was charged and legal characteristics including: charge type, law classification, and charge amendment. The analysis of toxicology data involved examining the duration between offense time and blood draw for drug testing, alcohol and drug screening characteristics, and the quantification results for alcohol and Delta-9 THC. Using the linked toxicology data, we assessed the relationship between drug testing results and court outcomes including disposition and sentencing findings. The BHA's probation assessment data complemented these analyses and provided additional contextual information on the history of prior offenses, treatment track, and crash involvement.

DUI Filings

In 2021, Colorado prosecutors filed 21,795 cases with at least one DUI charge, which was 729 more cases compared to 2020, but still 17% lower than the amount filed in 2019 (Table 3). From 2016-2019, court case filings had only decreased by 4%. In 2021, there were a total of 79,181 charges for the 21,795 cases. As shown in Table 3, the majority of cases in 2021 had reached disposition by the time the data was extracted on July 20th, 2023. The 2021 disposition rate (91%) represents an increase from the 2020 rate (84%) and was two percentage points above the 2019 disposition rate (89%). A total of 12,159 cases were matched with a toxicology record, or 56% of all cases in 2021. Fifty-one percent of 2021 cases had both a DUI disposition and a toxicology result match.

²² See Footnote 13.

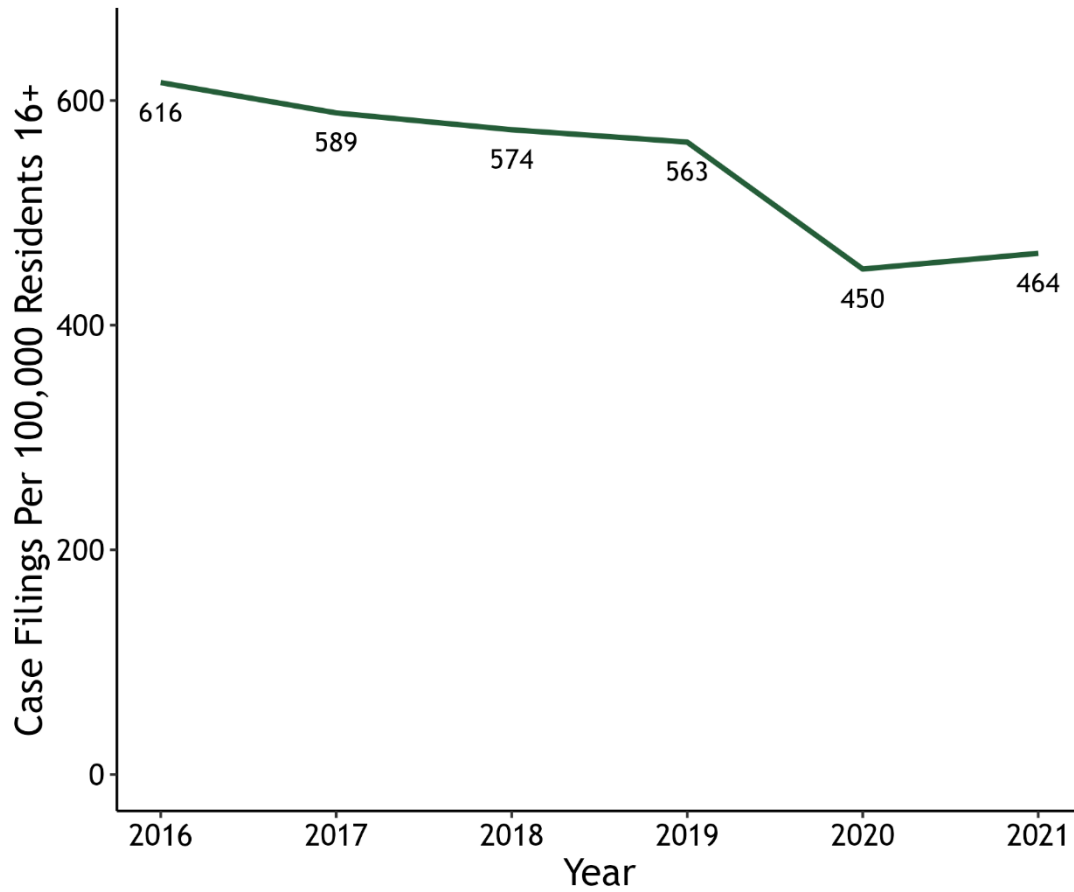
Table 3: 2021 DUI case filings and toxicology statistics, 2019-2021

Year	2019	2020	2021
Total DUI Filings	26,165	21,066	21,795
Dispositions Reached	23,166	17,748	19,788
Toxicology Results	16,009	12,440	12,159
Dispositions Reached and Toxicology Results	14,454	10,772	11,175
% Dispositions	88.5%	84.2%	90.8%
% Toxicology	61.2%	59.1%	55.7%
% Toxicology and Disposition	55.2%	51.1%	51.3%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Population estimates for those aged 16 and older were obtained from the State Demography Office to calculate the state, county, and judicial district rates of impaired driving case filings per 100,000 residents. As seen in Figure 1, the estimated state DUI court filing rate (per 100,000 residents 16 years of age and older) declined by 25%, from 616 in 2016 to 464 in 2021. Between 2020 and 2021, case filing rates increased by 3%, representing the first increase in the six-year period examined.

Figure 1: Case filings per 100,000 residents aged 16 and older by year, 2016-2021

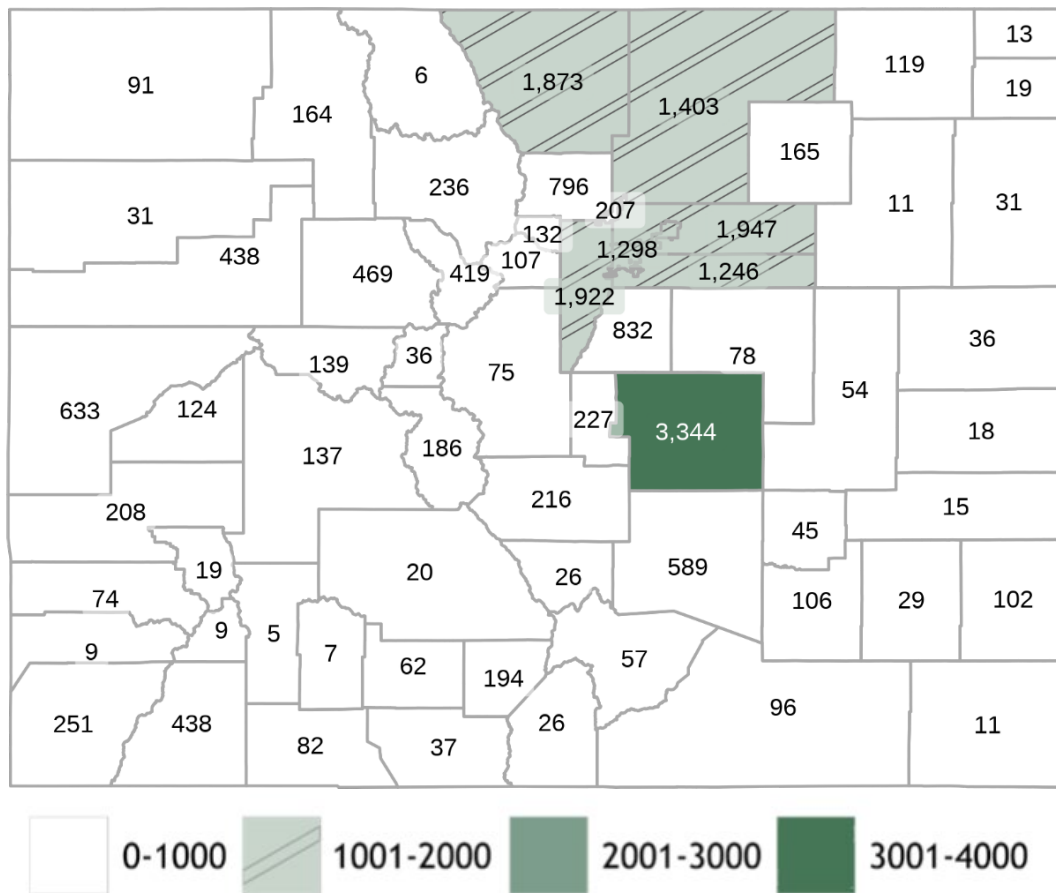


Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

DUI Cases by County and Judicial District

Figure 2 displays the number of DUI case filings by county. El Paso (n=3,344), Adams (n=1,947), Jefferson (n=1,922), Larimer (n=1,873), and Weld counties (n=1,403) had the most case filings in 2021. The first four counties have consistently had the greatest number of filings since 2016. Previously Arapahoe county had the fifth highest number of case filings but has decreased since 2016. DUI filings in Weld county have been relatively stable (mean=1,452) from 2016-2021. The Colorado State Patrol, with statewide jurisdiction, was the arresting agency for 23% of case filings (n=4,917) and had the highest proportion of filings among all law enforcement agencies. The Colorado Springs Police Department (n=1,771) and the Denver Police Department (n=1,298) accounted for the second and third highest number of court case filings respectively. From 2020 to 2021, the El Paso County Sheriff, the Loveland Police, the

Figure 2: DUI cases filed, by county, 2021

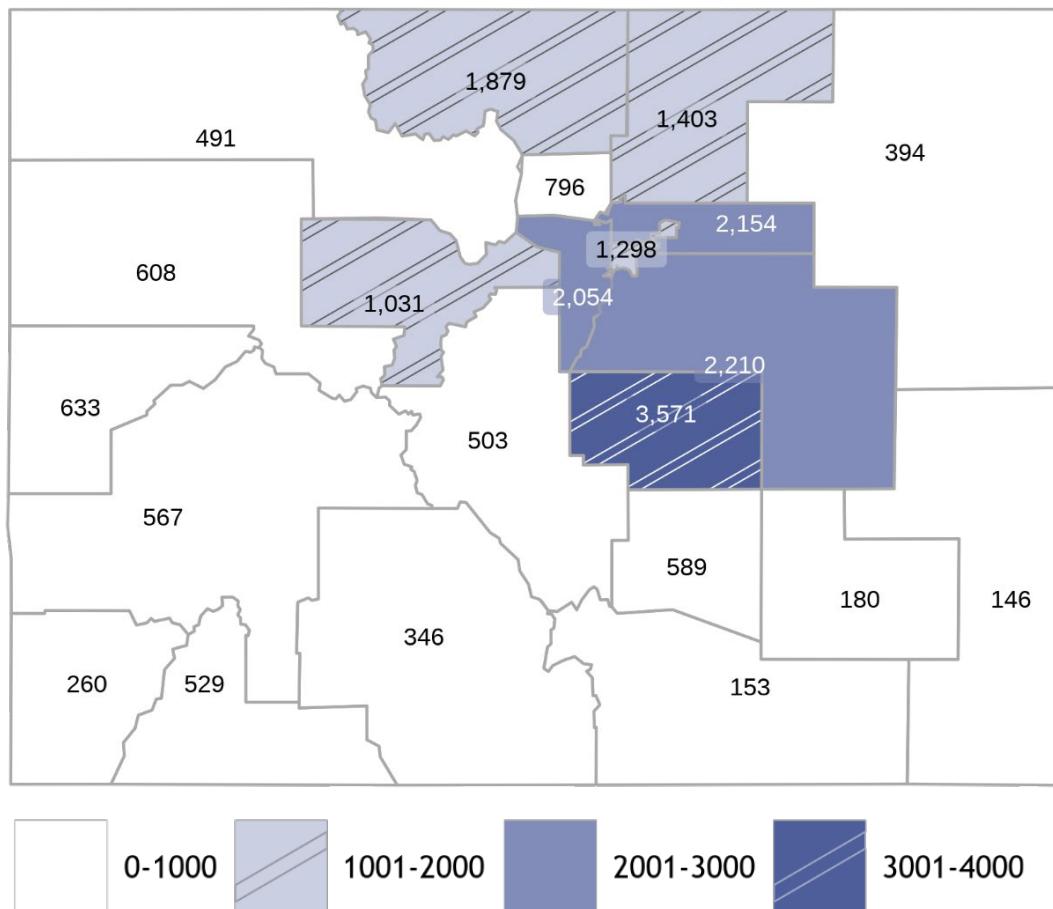


Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Douglas County Sheriff, the Commerce City Police, and the Denver Police had the greatest declines in the number of court case filings with decreases ranging from 48 to 114. See Appendix B for the number and population rate of cases by county and Appendix C for the number and population rate of cases by judicial district. Appendix D lists the number of cases by arresting agency for 2016-2021.

The judicial districts containing urban counties had the greatest number of DUI case filings in 2021. The most case filings were in the 4th Judicial District (El Paso and Teller Counties; n=3,571), the 18th Judicial District (Arapahoe, Douglas, Elbert, and Lincoln Counties; n=2,210) and the 17th Judicial District (Adams and Broomfield Counties; n=2,154). See Figure 3 and Appendix C for the number of DUI filings by judicial district.

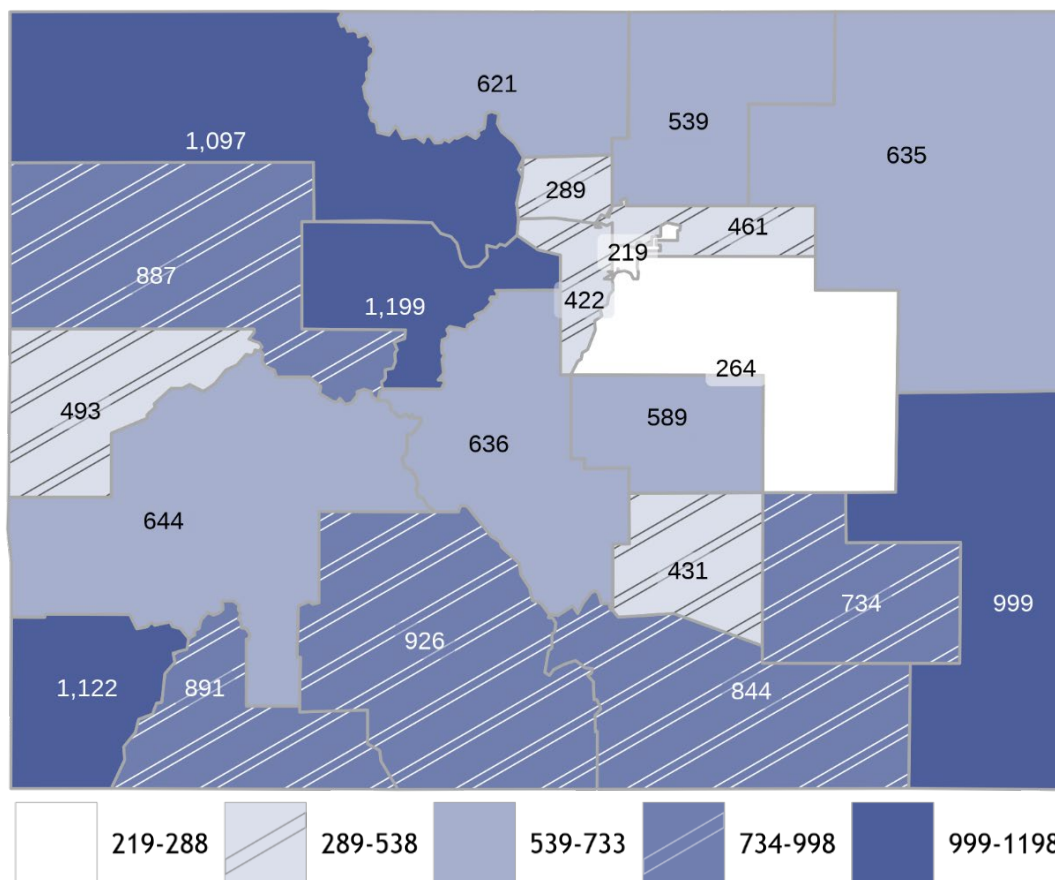
Figure 3: DUI cases filed, by judicial district, 2021



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Figure 5 shows judicial case filing rates per 100,000 residents aged 16 and older for 2021. Because of the larger geographic aggregation, these rates were less varied compared to the county rates, and ranged from 219 to 1,199 cases filed per 100,000 residents aged 16 and older. Similar to the county rates, elevated case filing rates were clustered in Northwestern and Southern Colorado, with the 5th, 22nd, 14th, 15th, and 9th judicial districts having the highest case filing rates. See Appendix C for a full table of DUI case filing rates by judicial district.

Figure 5: Rate of DUI case filings per 100,000 residents aged 16 and older, by judicial district, 2021



Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Law Classification & Charges

DUI charges are filed under three primary law classifications: traffic, misdemeanor, and felony, with a small number falling into the unknown category. Consistently from 2016 to 2021, 95% of DUI charges were filed as misdemeanors and about 5% were filed as felonies (Table 4).

Table 4: Initial law classification of DUI charges, 2016-2021

Year & Measure	Felony	Misdemeanor	Traffic	Unknown	Total
2016 N	1,058	26,037	72	45	27,212
2017 N	1,065	25,241	73	52	26,431
2018 N	1,193	24,902	95	49	26,239
2019 N	1,184	24,883	59	21	26,147
2020 N	1,006	19,929	65	35	21,035
2021 N	968	20,632	69	82	21,751
2016 %	3.9%	95.7%	0.3%	0.2%	100.0%
2017 %	4.0%	95.5%	0.3%	0.2%	100.0%
2018 %	4.5%	94.9%	0.4%	0.2%	100.0%
2019 %	4.5%	95.2%	0.2%	0.1%	100.0%
2020 %	4.8%	94.7%	0.3%	0.2%	100.0%
2021 %	4.5%	94.9%	0.3%	0.4%	100.0%

Note: Law classifications were not included for non-DUI initial charges. Thus, the totals will not equate to the number of case filings.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Initial and Final Classification of DUI Charges

Since prosecutors have the discretion to modify charges as a case progresses through the court system, it is important to compare the initial and final impaired driving charges and law classifications. Table 5 shows the number and proportion of initial law class compared to the final law class for impaired driving charges. Nearly all misdemeanor and felony charges maintained their initial classification (99%). There were 102 final impaired driving charges classified as a traffic class, which represented underage drinking and driving infractions (UDD), and initially, 35 of these charges were classified as misdemeanors. Less than 1% of impaired driving charges initially classified as felonies, misdemeanors, and traffic offenses were downgraded to a non-DUI charge (n=151).

Table 5: Initial and final law classifications, 2021

Final Law Class	Total	Maintained Law Class	Maintained %
Felony	931	921	98.9%
Misdemeanor	20,602	20,449	99.3%
Traffic	102	66	64.7%
Unknown	8	8	100.0%
Non-DUI Disposition	151	3	2.0%

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

DUI Charge Amendments

Table 6 shows initial DUI charges and the rates of charge maintenance, or the percentage of initial DUI charges that were not amended in the case filing. The most common initial charge was DUI (n = 17,619), and this was followed by DWAI (n=2,311).

The majority of DUI charges did not change over the course of the filing period at the time of extraction; over 90% of initial UDD, DWAI, DWAI with 1-2 prior and three or more prior convictions, DUI with three or more prior convictions, vehicular assault, and vehicular homicide were maintained (Table 6). In contrast, 63% of initial DUI charges were maintained. Appendix E displays how initial charges were modified as final charges, and as seen there, 26% of DUI charges with no noted priors (n = 4,621) were downgraded to a less severe charge and 11% (n = 1,942) were amended to a more severe charge. The most common amended DUI charges were DWAI or DUI with 1-2 prior charges.

Table 6: Initial DUI charges and maintained charge, 2021

Initial DUI Charge	Total	Maintained	Maintained %
UDD	69	66	95.7%
DWAI	2,311	2,239	96.9%
DWAI 1-2 Prior	134	133	99.3%
DWAI 3+ Prior	34	31	91.2%
DUI	17,619	11,056	62.8%
DUI 1-2 Prior	568	493	86.8%
DUI 3+ Prior	911	844	92.6%
VEH ASSAULT	78	78	100.0%
VEH HOMICIDE	28	28	100.0%
Total	21,795	14,968	68.7%

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Demographics of Individuals with DUI Case Filings

Of the impaired driving case filings with sex information provided (n=21,769), three out of four involved males (n=16,175). Individuals charged in DUI case filings ranged in age from 13 to 86; the mean and median ages were 35 and 32, respectively. Table 7 shows that individuals in the 26-34 age category accounted for over 30% of all DUI court filings. Differences in the age distribution of DUI court case filings by male or female sex were minimal.

Table 7: DUI case filings, by age and sex, 2021

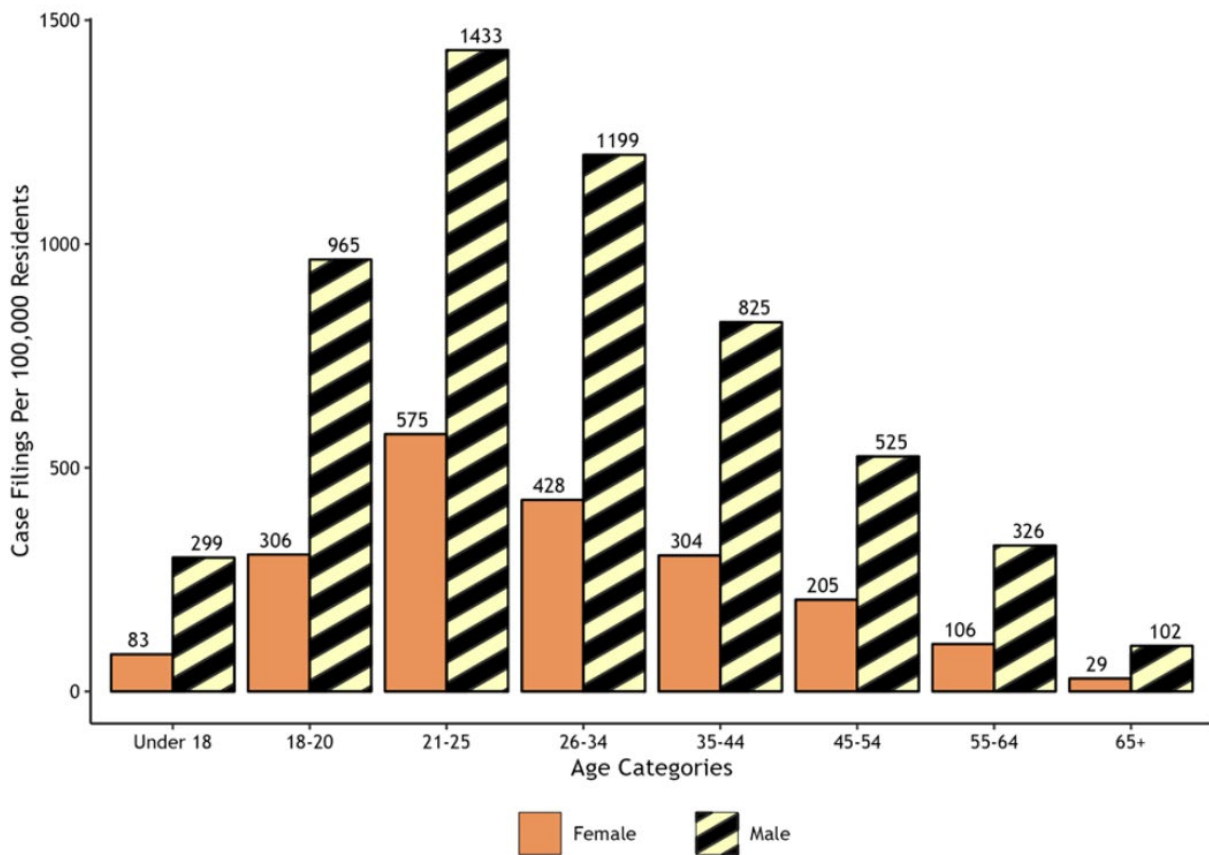
Age	Male	Male %	Female	Female %	Total	Total %
Under 18	229	1.4%	60	1.1%	289	1.3%
18-20	1,172	7.2%	344	6.2%	1,516	7.0%
21-25	2,864	17.7%	1,065	19.0%	3,930	18.1%
26-34	5,065	31.3%	1,681	30.1%	6,746	31.0%
35-44	3,440	21.3%	1,212	21.7%	4,652	21.4%
45-54	1,866	11.5%	708	12.7%	2,574	11.8%
55-64	1,118	6.9%	381	6.8%	1,499	6.9%
65+	421	2.6%	142	2.5%	563	2.6%
Total	16,175	100.0%	5,593	100.0%	21,769	100.0%

Note: There were 26 records with incomplete sex and/or age records that were not included in this cross-tabulation.

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI case filing rates were calculated by age and sex using population estimates and are shown in Figure 6. Case rates peaked in the 21-25 age category for both males and females, reaching 1,433 cases filed per 100,000 residents in males and 575 cases filed per 100,000 residents in females, with a steady decline in the subsequent age categories. The peak rate in males was over three times higher than overall case filing rate in Colorado (463 case filings per 100,000 residents). Case filing rates were lowest in adults 65 years and older.

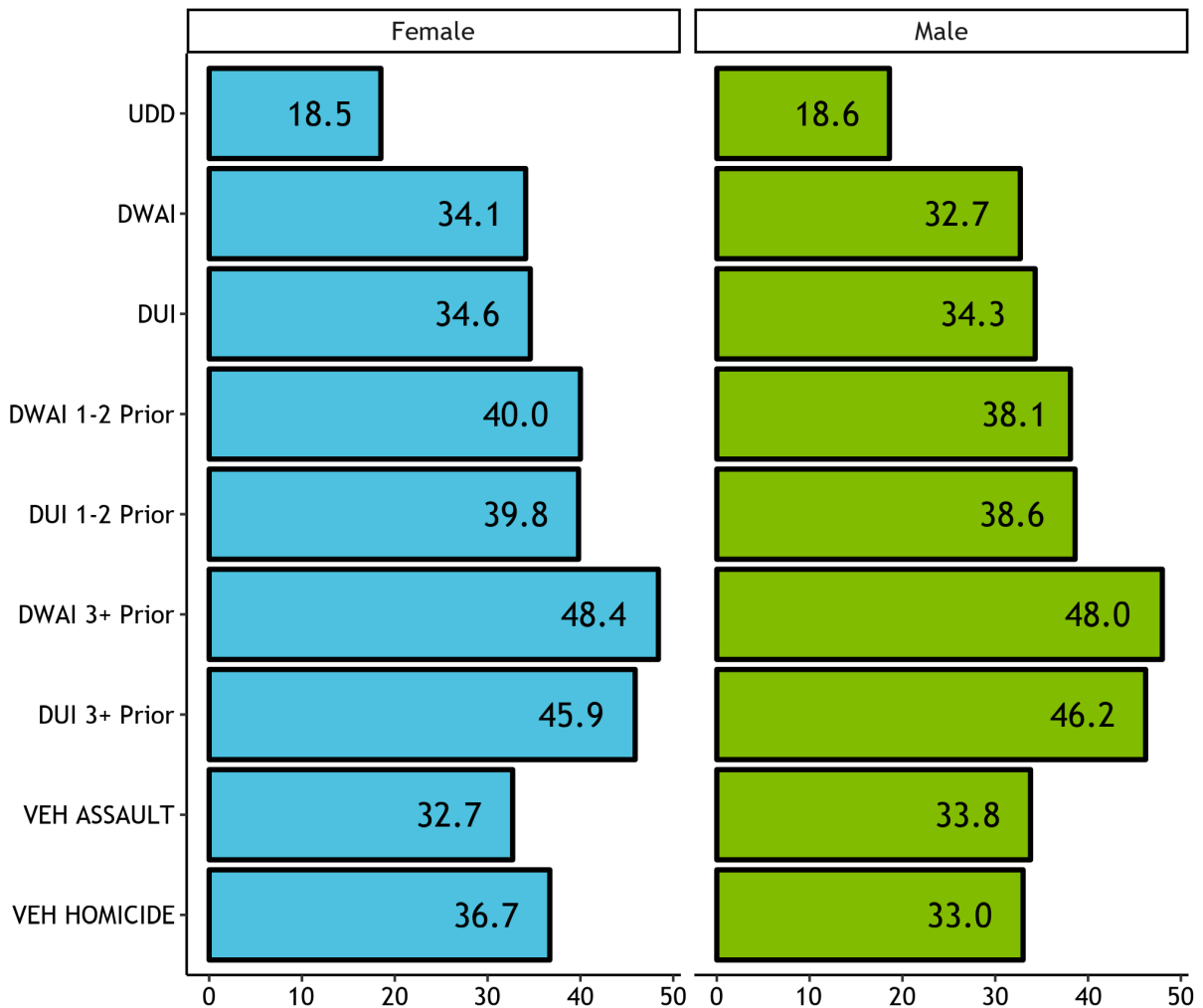
Figure 6: DUI case filing rates per 100,000 residents by age and sex, 2021



Data Sources: State Judicial Department, Denver County Court, and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Figure 7 depicts the mean age by sex and final charge. Underage drinking and driving, UDD, had the lowest mean age at 19 in both males and females. DUI charges for both males and females had an average age around 34; similarly, females with DWAI charges had an average age of 34 and males with DWAI charges were 33 years old. Individuals charged with priors tended to be older. Felony charges for DWAI with three or more convictions and DUI with three or more convictions had the highest mean ages ranging from 46 to 48. This pattern reflects that older individuals had more time to acquire prior convictions. Both vehicular homicide and vehicular assault had lower mean ages than the felony DUI charges, ranging from 33 to 37.

Figure 7: Final DUI charge and mean age by sex, 2021



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Males comprised the majority of individuals in all DUI charge categories. Any small differences in charge distribution by sex can be seen in Table 8. The most common final charge for both reported sexes was DUI, accounting for 51% of all charges in both groups. A larger proportion of men were charged for a DUI with prior convictions, and females had a slightly higher proportion of DWAI charges compared to men.

Table 8: Final DUI charge by sex, 2021

Final Charge	Female	Male	Female %	Male %
UDD	18	84	0.3%	0.5%
DWAI	1,989	4,865	35.6%	30.1%
DWAI 1-2 Prior	186	619	3.3%	3.8%
DWAI 3+ Prior	10	44	0.2%	0.3%
DUI	2,837	8,262	50.7%	51.1%
DUI 1-2 Prior	385	1,341	6.9%	8.3%
DUI 3+ Prior	110	761	2.0%	4.7%
VEH ASSAULT	15	63	0.3%	0.4%
VEH HOMICIDE	7	22	0.1%	0.1%
Other	36	115	0.6%	0.7%
Total	5,593	16,176	100.0%	100.0%

Note: There were 26 records with incomplete sex records that were not included in this cross-tabulation.

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Other Offenses Associated with DUI Case Filings

The three most common charges associated with DUI case filings in 2021 were careless driving, failure to display proof of insurance, and lane usage violation. See Appendix F for the frequency of the top 40 final associated charges.

Particular charges of interest from cases filed in 2016-2021 can be seen in Table 9, including child abuse, vehicular assault, and vehicular homicide. For the vehicular assault and vehicular homicide charges, these groupings included non-impaired driving charges such as reckless vehicular assault. Child abuse charges are generally brought when a driver is charged with

committing an impaired driving offense with children present in the car. Child abuse charges were the most prevalent of the three charge groupings, and across the six years on average, there were 649 case filings that had either an initial or final child abuse charge. In 2021, filings with child abuse charges rose to 575 from a 2020 low point of 564, but remained below the average number of child abuse charges from 2016 to 2019 (695). Vehicular assault charges were found in 223 case filings in 2021, which amounted to a 12% increase from the 2020. In 2021 vehicular homicide charges were the highest recorded in six years, increasing 48% from 2020.

Table 9: DUI case filings with charges for child abuse, vehicular assault and vehicular homicide charges, 2016-2021

Charge	2016	2017	2018	2019	2020	2021	Mean
Child Abuse	664	737	685	668	564	575	649
Vehicular Assault	195	212	203	242	200	223	212
Vehicular Homicide	30	41	42	31	29	43	36

Note: The counts in this table represent DUI case filings with either an initial or final charge for child abuse, vehicular assault or vehicular homicide included in a case with one or more DUI charges.

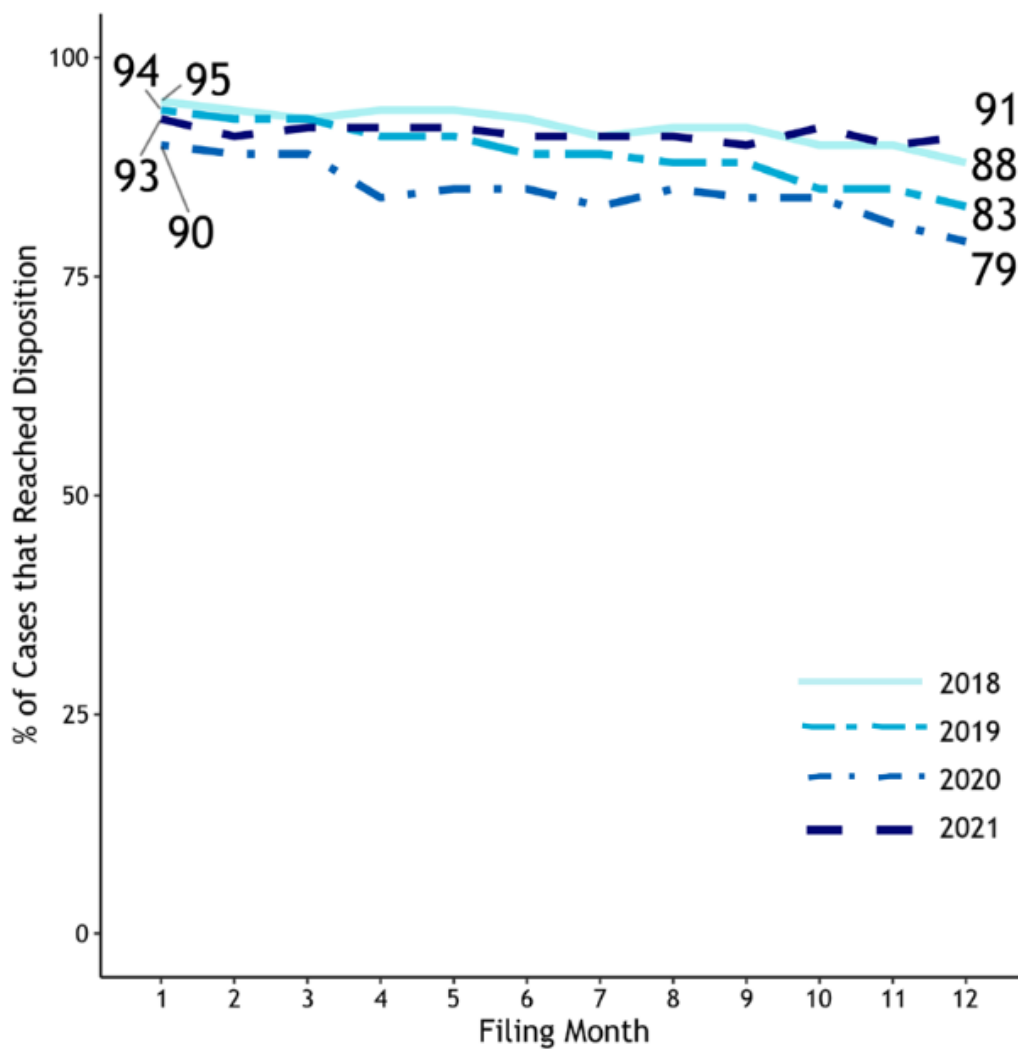
Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

DUI Dispositions

Data on dispositions were available for 91% (n = 19,788) of DUI-related charges, representing a return to the disposition rate from 2018. On average, 93% of case filings had reached a disposition from 2016-2018 (Table 10). Nearly all cases in 2021 (n = 19,637) were adjudicated with a final impaired driving charge. Although disposition rates seemed to have improved from 2020 to 2021, the time it took to reach disposition actually took longer in 2021, impacting the time to reach guilty dispositions in particular. This suggests that courts might have continued to struggle with slowdowns related to the COVID-19 pandemic. Alternatively, one reason for a higher disposition rate and longer time to disposition in 2021 might be due to differences in when case filings data was collected for this report for 2020 and 2021. Case filing data in 2021 was retrieved six months later than 2020 case filings, which would allow more cases to reach disposition before being analyzed for this report.

The percent of cases that reached disposition by filing month and year were calculated for 2018-2021 and are shown in Figure 8; these years show the initial impact of the pandemic-related to the slowdown in court proceedings, which started in April 2019 when disposition rates began to dip below 2018’s level. From July to December, the average disposition rate was 86% in 2019 compared to 91% in 2018. Disposition rates in 2020 were consistently below the previous two years at 84%. January 2021 started above 2020 levels with a disposition rate of 93%, and would surpass 2019 levels in April. Unlike previous years where rates tended to drop over the course of the year, 2021 maintained a relatively stable disposition rate, ending in December with a rate of 91%, just above 2018 disposition rate levels.

Figure 8: Percent of cases that reached disposition by month, 2018-2021



Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Although the total disposition rate in 2021 resumed to 2016 to 2018 levels, some of the observed disposition patterns in 2020 continued, with fewer guilty dispositions and greater dismissed or deferred judgments (Table 10). The dispositions for impaired driving charges remained fairly consistent throughout 2016 to 2019, but showed some variability from 2020 to 2021; from 2019 to 2020, guilty dispositions dropped from 80% to 76% and dismissed charges increased to 13%. Additionally, 2021 had the lowest recorded guilty dispositions, estimated at 73%, and also had the highest proportion of dismissed dispositions (14%) and deferred judgment cases (12%). From 2019 to 2021, an average of 3 cases per year received a deferred dismissed disposition, whereas the average number of deferred dismissed DUI charges was 658 from 2016-2018. This sharp drop was likely due to pandemic-related delays in court proceedings and in obtaining treatment services, making demonstrating sentence completions more challenging.

Table 10: Disposition of DUI charges, 2016-2021

Year & Measure	Guilty	Deferred Judgment	Deferred Dismissed	Diversion	Dismissed	Not Guilty	Non-DUI Disposition	Total
2016	20,545	1,182	745	26	2,493	180	348	25,519
2017	19,846	1,185	548	53	2,363	193	280	24,468
2018	19,315	1,205	682	50	2,504	152	296	24,204
2019	18,458	1,824	4	86	2,380	94	320	23,166
2020	13,471	1,617	4	82	2,333	89	152	17,748
2021	14,378	2,346	1	98	2,697	119	151	19,788
2016 %	80.5%	4.6%	2.9%	0.1%	9.8%	0.7%	1.4%	100.0%
2017 %	81.1%	4.8%	2.2%	0.2%	9.7%	0.8%	1.1%	100.0%
2018 %	79.8%	5.0%	2.8%	0.2%	10.3%	0.6%	1.2%	100.0%
2019 %	79.7%	7.9%	0.0%	0.4%	10.3%	0.4%	1.4%	100.0%
2020 %	75.9%	9.1%	0.0%	0.5%	13.1%	0.5%	0.9%	100.0%
2021 %	72.7%	11.9%	0.0%	0.5%	13.6%	0.6%	0.8%	100.0%

Note: Both the decline in deferred dismissed and increase in deferred judgment dispositions in 2019-20 were likely due to the pandemic-related delays in court operations and the difficulty in obtaining court appearances to amend deferred judgment dispositions to deferred dismissed dispositions.

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Table 11 shows the variation in the distribution of disposition status by final DUI charge. This table does not include cases with an initial DUI charge that was later amended to a non-DUI charge such as reckless driving. The dispositions were collapsed in the following categories to better report trends: deferred judgment and deferred dismissed findings were grouped as deferred, and dismissed and not guilty findings were combined. The proportion of guilty dispositions varied by the charge type, ranging from 59% for DUI to 97% for DWAI with 1 - 2 prior convictions. DUI had the highest rates of deferrals (14%). One out of four DUI charges were found not guilty or were dismissed. Note that many of the cells in Table 11 had few cases, meaning that caution should be used when interpreting this information.

Table 11: Disposition by final DUI charge, 2021

Final Charge	Guilty	Deferred	Diversion	Dismissed/ Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/ Not Guilty %
UDD	67	12	3	19	66.3%	11.9%	3.0%	18.8%
DWAI	5,683	935	10	185	83.4%	13.7%	0.1%	2.7%
DWAI 1-2 Prior	773	18	0	4	97.2%	2.3%	0.0%	0.5%
DWAI 3+ Prior	46	2	0	3	90.2%	3.9%	0.0%	5.9%
DUI	5,522	1,342	85	2,402	59.1%	14.4%	0.9%	25.7%
DUI 1-2 Prior	1,572	19	0	83	93.9%	1.1%	0.0%	5.0%
DUI 3+ Prior	642	16	0	105	84.1%	2.1%	0.0%	13.8%
Veh. Assault	52	3	0	11	78.8%	4.5%	0.0%	16.7%
Veh. Homicide	21	0	0	4	84.0%	0.0%	0.0%	16.0%
Other	138	11	0	0	92.6%	7.4%	0.0%	0.0%
Total	14,516	2,358	98	2,816	73.4%	11.9%	0.5%	14.2%

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Time to Disposition

To examine the length of court proceedings, the duration in days between the case filing date and the disposition date for the DUI charge was calculated; these values were compared to previous years to show possible continued slowdown of court processing time from the COVID-19 pandemic, which first starting affecting late 2019 case filings still being processed after April 2020.

2021 had the longest average time to reach disposition in the entire 2016 to 2021 period, and was even slightly longer than 2020 court processing times. The mean time between case filing and disposition date increased from 165 days in 2018, to 220 days in 2020, and then to 226 days in 2021. This amounts to an increase of two months (61 days) from 2018 to 2021. One reason that cases took longer to resolve in 2021 compared to 2020 might be the high number of backlogged cases that the court was still processing after court shutdowns in 2020.

Time to disposition was also stratified by law classification, as seen in Table 12. Consistent with other criminal offense charges, the time to disposition for final DUI charges varied by the severity of law class, with felonies taking the longest time to resolve and traffic charges taking the least amount of time. Traffic charges had the largest gap in the mean disposition lengths between 2018 and 2021, which was 57 days.

Table 12: Time to finding in days by law class and year, 2018-2021

Final Law Class	Year	Total Number of Cases	Mean	Median
Felony	2018	973	205.8	183.0
	2019	926	225.0	191.0
	2020	738	239.3	217.0
	2021	814	259.2	225.5
Misdemeanor	2018	22,803	164.0	135.0
	2019	21,966	174.9	137.0
	2020	16,737	219.4	189.0
	2021	18,663	225.7	186.0
Traffic	2018	118	108.3	82.5
	2019	84	108.8	85.0
	2020	112	157.5	130.5
	2021	100	165.8	120.0
Final Non-DUI Charge	2018	293	149.8	131.0
	2019	320	204.1	168.0
	2020	152	211.3	176.5
	2021	149	223.0	183.0

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

The time to finding was also analyzed by disposition type and year, as shown in Table 13. With the exception of DUI charges that ended with diversion, DUI charges for all other disposition types took longer to reach a finding in 2021 than 2020. Charges with a finding of dismissed or not guilty took the longest time to resolve, cases with a diversion finding had the shortest time to disposition.

Table 13: Time to finding for DUI charges in days by disposition and year, 2018-2021

Disposition	Year	Total Number of Cases	Mean	Median
Guilty	2018	19,308	154.1	132.0
	2019	18,451	175.8	139.0
	2020	13,466	217.5	185.0
	2021	14,372	226.0	182.8
Deferred	2018	1,887	274.2	233.0
	2019	1,828	173.4	138.0
	2020	1,621	219.4	190.0
	2021	2,346	221.9	203.7
Diversion	2018	50	84.8	64.0
	2019	86	84.8	71.0
	2020	82	138.1	127.0
	2021	98	113.9	103.7
Dismissed/Not Guilty	2018	2,654	171.8	145.0
	2019	2,474	197.7	158.0
	2020	2,421	235.9	220.0
	2021	2,767	237.1	202.8
Non-DUI Disposition	2018	293	149.8	220.0
	2019	320	204.1	168.0
	2020	152	211.3	176.5
	2021	149	222.8	182.7

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

Toxicology Findings

Just over half (56%, n = 12,159) of all DUI case filings (n = 21,795) were linked to at least one toxicology breath or blood test result. From 2016-2021, there has been a gradual decline in the toxicology linking rate, as shown in Table 14. Filings that did not link to a toxicology report could have been due to limitations with our linking methods, a lack of testing availability, or testing refusals from drivers. The Department of Revenue (DOR) oversees administrative hearings to determine whether drivers arrested for a DUI can retain their license. DOR estimated that in 2021, 49% of individuals who were involved in administrative hearings regarding their driving privileges refused toxicology testing, up from 42% in 2020 and 38% in 2017.²³

Rates of DUI cases with matching toxicology results varied by county, as seen in Appendix G. Among rural counties, Dolores had the highest matching rate at 100% (total case filings, n=9), and Ouray county had the lowest with 26%, (n=19). Among urban counties, El Paso had the highest rate at 60% (n=3,344) and Broomfield had the lowest toxicology matching rate among DUI cases filed (44% n=207).

Table 14: Toxicology matching by year, 2016-2021

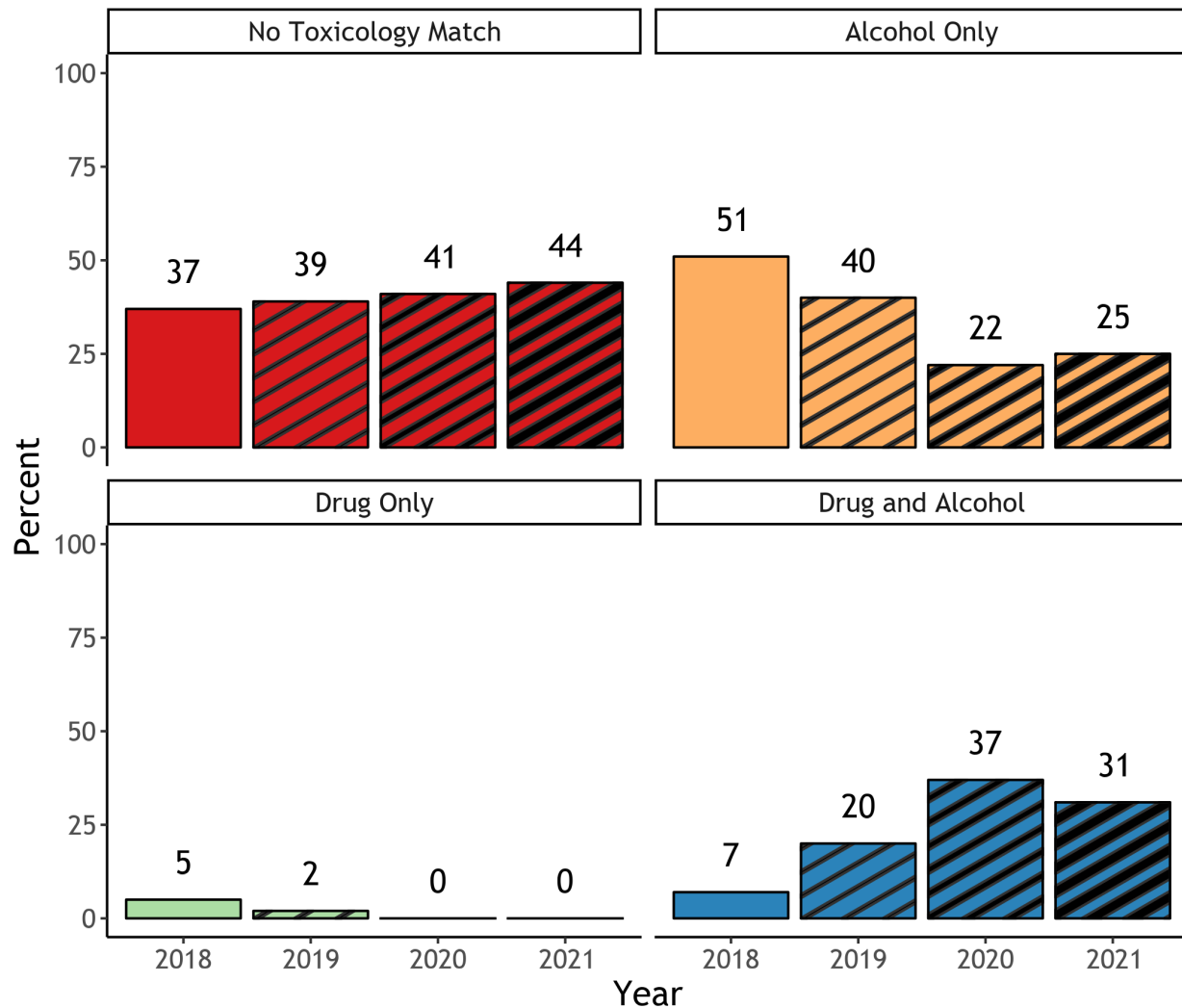
Year	Toxicology matches	% of all DUI cases
2016	17,824	65%
2017	17,527	66%
2018	16,943	63%
2019	16,009	61%
2020	12,440	59%
2021	12,159	56%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

²³ Department of Revenue (2023). Aggregate Express Consent Records. [Unpublished data]. Division of Motor Vehicles, Driver Control Section.

Figure 9 below shows the composition of DUI cases and testing records matching from 2018-2021. In 2021, we matched the fewest proportion of case filings with toxicology records. Thirty-one percent of the case filings in 2021 matched with both a drug and alcohol screening record, which represented a 6% drop compared to 2020. In 2020, law enforcement agencies might have used blood testing more often than usual, out of concern for possible transmission of coronavirus while performing evidentiary breath tests. The decline in drug and alcohol toxicology testing in 2021 suggests law enforcement might have resumed more evidentiary breath testing. Despite a drop from the year previous, 2021 drug and alcohol screening rates were above 2018's. Additionally, the majority of filings (51%) in 2018 only had alcohol screening records, but filings with alcohol only screenings represented a mere 25% of filings in 2021. Higher comprehensive screening rates compared to 2018 highlights the continued impact of state-funded blood screenings services for law enforcement agencies provided by the CBI starting mid-2019.

Figure 9: DUI case filings by screening status, 2019-2021



Notes: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could have contributed to the reduction in alcohol-only screenings, a lack of drug-only screenings and a rise in drug and alcohol screenings during the three-year period. Additionally, this could have resulted in a greater number of refusals due to people being less willing to submit to a blood draw when breath testing was not an option.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol

The 12,159 DUI case filings in 2021 with alcohol test results were obtained from the CDPHE, the Denver Crime Lab, and the CBI. Seventy-six percent of case filings with alcohol screening had an alcohol level detected at or above 0.08+ BAC in 2021, compared to 86% in 2016 (Table 15). These changes could have been related to the increase in combined drug and alcohol screening. Broadening the pool of people receiving comprehensive screening means that the toxicology findings in 2020 and 2021 might be more representative of the toxicology of all individuals charged with a DUI.

Table 15: DUI case filings by Blood/Breath Alcohol Content (BAC) levels, 2016-2021

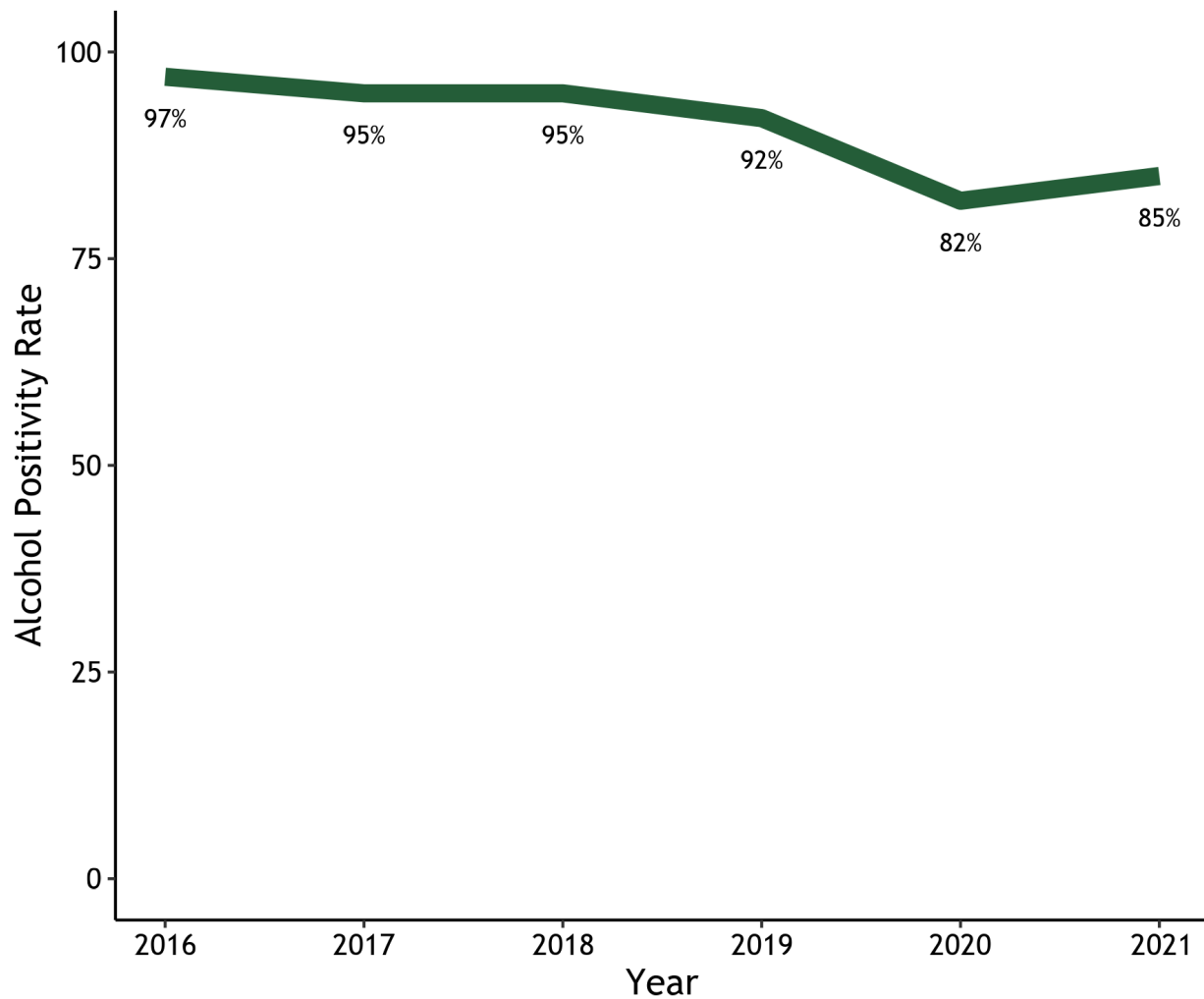
BAC Group	Not Detected	<0.05	0.05-0.079	0.08+	Total
2016	429	486	1,389	13,620	15,924
2017	769	524	1,286	13,277	15,856
2018	727	523	1,227	12,675	15,152
2019	1,151	470	1,188	12,242	15,051
2020	2,268	368	752	9,052	12,440
2021	1,850	326	752	9,231	12,159
2016 %	2.7%	3.1%	8.7%	85.5%	100.0%
2017 %	4.8%	3.3%	8.1%	83.7%	100.0%
2018 %	4.8%	3.5%	8.1%	83.7%	100.0%
2019 %	7.6%	3.1%	7.9%	81.3%	100.0%
2020 %	18.2%	3.0%	6.0%	72.8%	100.0%
2021 %	15.2%	2.7%	6.2%	75.9%	100.0%

Note: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of the law enforcement agency or the district attorney's office. This change could have contributed to the increase in null toxicology findings ("not detected"), but also could represent an improvement in the completeness of BAC levels to assess the toxicology of individuals charged with a DUI.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In 2016, only 3% of case filings with alcohol screening had negative testing results, whereas in 2021, 15% had no alcohol detected. Figure 10 shows that alcohol positivity was on a gradual decline from 2016-2019 with a significant drop in 2020. There was an increase in alcohol positivity in 2021 compared to the previous year. However, Figure 10 shows that alcohol positivity in 2021 remains 8% lower than 2019 and 12.5% lower than 2016. The rise in alcohol detection in 2021 could be related to the decline in toxicology screens compared to 2020.

Figure 10: Alcohol positivity rate in DUI case filings with alcohol screening, 2016-2021



Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety

As shown in Table 16 across the six-year period, blood alcohol levels in DUI case filings also dropped every year except 2021; the median BAC increased by 3% to 0.148 from 2020 to 2021 and the mean BAC increased by 4% to 0.143. These trends likely reflect the rise in DUI case filings with alcohol detected from 2020 to 2021, as seen in Table 15.

Table 16: DUI case filings by Blood/Breath Alcohol Content (BAC) levels, 2016-2021

Year	Median BAC	Mean BAC
2016	0.152	0.158
2017	0.154	0.160
2018	0.154	0.156
2019	0.157	0.161
2020	0.144	0.138
2021	0.148	0.143

Note: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of law enforcement agency or the district attorney's office. This change could have contributed to the reduction in the mean and median BAC, but also could represent an improvement in the completeness of BAC levels to assess the toxicology of individuals charged with a DUI.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marijuana

In 2021, cannabinoid screens were conducted for 6,763 case filings, representing 31% of all case filings, which was a drop from the 7,705 cannabinoid screenings done in 2020. While the positivity rate has been in decline from 2016 (73%) to 2021 (47%; as shown in Table 17). The decline in cannabinoid positivity and the increase in the number of filings with cannabinoid screening from 2016 to 2020 might suggest improved data quality and that the latest rates better represent the toxicology of all DUI case filings. Cases with a positive cannabinoid screen (47%, n=3,167) were further confirmed for Delta-9 THC and other cannabinoid analytes.²⁴

²⁴ The confirmation test is done via liquid chromatography-mass spectrometry (LC-MS).

Table 17: Cannabinoid positivity in DUI case filings, 2016-2021

Screen Result	Cannabinoids Not Present	Cannabinoids Present	Total
2016	1,061	2,885	3,946
2017	1,622	3,170	4,792
2018	1,697	3,335	5,032
2019	2,470	3,142	5,612
2020	3,937	3,768	7,705
2021	3,596	3,167	6,763
2016 %	26.9%	73.1%	100.0%
2017 %	33.8%	66.2%	100.0%
2018 %	33.7%	66.3%	100.0%
2019 %	44.0%	56.0%	100.0%
2020 %	51.1%	48.9%	100.0%
2021 %	53.2%	46.8%	100.0%

Note: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could have contributed to the reduction in the overall cannabinoid positivity rate, but also could represent an improvement in the completeness of the measure to assess the toxicology of individuals charged with a DUI.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Among all case filings screened for cannabinoids (n = 6,763), 42% tested positive for Delta-9 THC at some level (n = 2,827). The presence of Delta-9 THC may or may not indicate the driver's recent use of marijuana preceding the offense and/or impairment. The median value of Delta-9 THC among individuals screened was 4.3 ng/mL and the mean was 7.4 ng/mL in 2021, corresponding to similar levels from 2020's mean and median of 4.1 ng/mL and 7.6 ng/mL, respectively.

Table 18 compares the various levels of Delta-9 THC detected among case filings that underwent confirmatory testing from 2016-2021. During this six-year period, 48% of all filings tested positive at or above the 5 ng/mL permissible inference level, and 35% tested between 1-4.9 ng/mL. Detection of Delta-9 THC in 2021 was generally consistent with the last several years, as 46% of screened case filings were at or above 5ng/mL and 37% were between 1-4.9 ng/mL. Starting in 2019, there was a slight drop in total Delta-9 THC screens and a similar drop in filings with qualitative results only (as indicated in Table 18 with the label “Present but <1.0”). This trend might reflect the improvement in data quality as a result of the consolidation of laboratories performing drugs of abuse screening.

Table 18: DUI case filings by Delta-9 THC ng/mL levels, 2016-2021

THC Levels	None Detected	Present but <1.0	1.0 - 4.9	5.0+	Total
2016	396	90	1,030	1,369	2,885
2017	431	63	1,069	1,607	3,170
2018	459	88	1,134	1,654	3,335
2019	328	216	1,069	1,563	3,176
2020	411	287	1,282	1,788	3,768
2021	340	219	1,166	1,442	3,167
2016 %	13.7%	3.1%	35.7%	47.5%	100.0%
2017 %	13.6%	2.0%	33.7%	50.7%	100.0%
2018 %	13.8%	2.6%	34.0%	49.6%	100.0%
2019 %	10.3%	6.8%	33.7%	49.2%	100.0%
2020 %	10.9%	7.6%	34.0%	47.5%	100.0%
2021 %	10.7%	6.9%	36.8%	45.5%	100.0%

Notes: Delta-9 THC is only quantified when the initial cannabinoid screen is positive. In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of the law enforcement agency or the district attorney's office. Additionally, breath testing was temporarily suspended in certain jurisdictions for 2020, and these jurisdictions could have opted for more blood testing for alcohol and drugs of abuse as opposed to alcohol-only breath testing. These changes could represent an improvement in the completeness of Delta-9 THC levels to assess the toxicology of individuals charged with a DUI.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Time to Blood Test

Since 2020, the CBI has had the variable of blood draw time in their standard laboratory query, which facilitated the analysis of time from the offense to blood sample collection. In prior years, the CBI data needed to be manually entered, which was resource intensive and not sustainable to complete each year. In 2021, 38 case filings that had a CBI toxicology record match were excluded because either the offense time or blood draw time was incomplete, or the time from offense to blood draw value was an outlier, either below zero or above 200 minutes. Table 19 below shows the descriptive statistics and toxicology source for the data used in the time-to-blood-draw analysis. The mean time from offense to blood draw was 81 minutes, and the median time was 71 minutes, which was very similar to 2020.

Table 19: Descriptive statistics and toxicology source for time from offense to blood draw (in minutes), 2016-2021

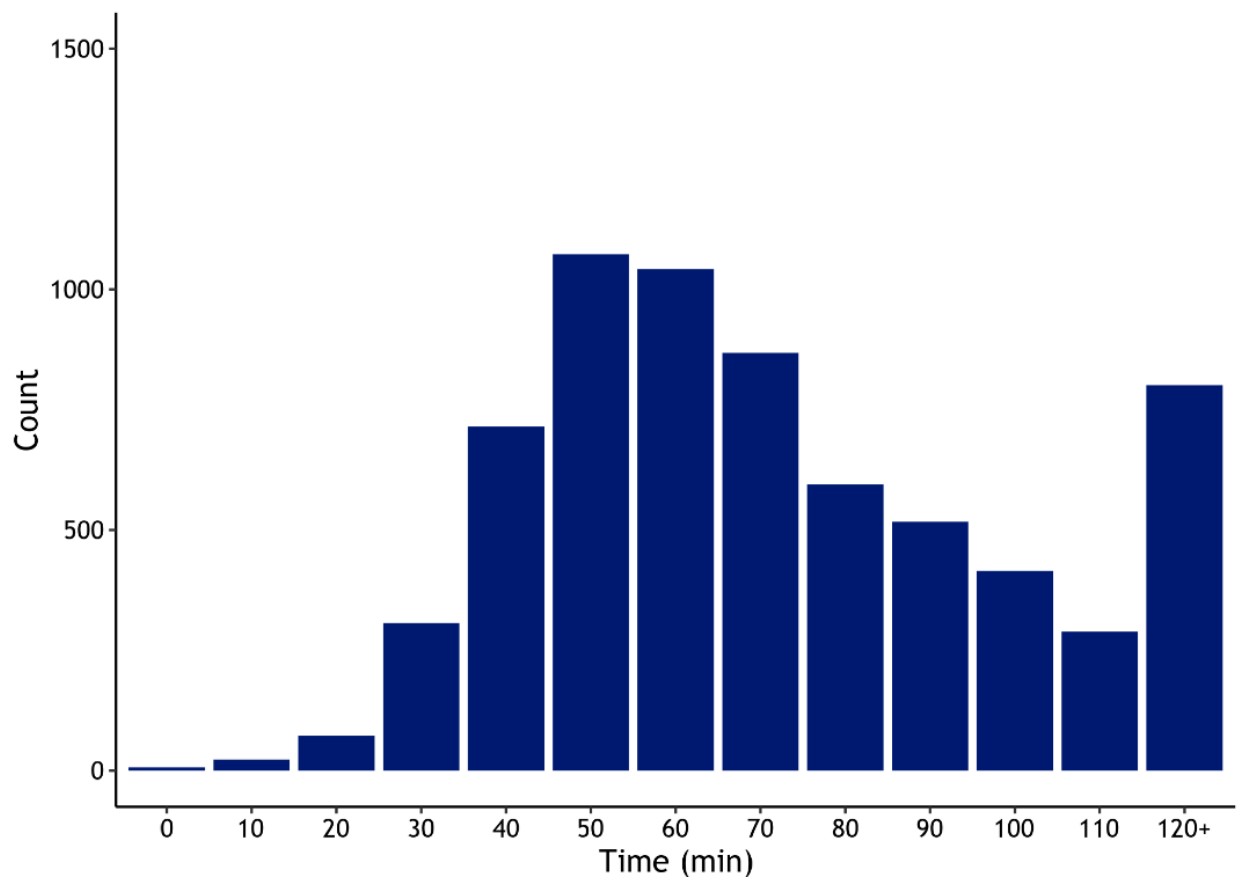
Year	Mean	Median	Case Filings	Source
2016	72.5	64.0	4,154	CBI & Chematox
2017	75.7	64.0	7,667	CBI & Chematox
2018	88.5	60.5	2,012	CBI & Chematox
2019	90.0	60.0	786	CBI & Chematox
2020	80.7	71.0	7,568	CBI
2021	80.6	71.0	6,725	CBI
Total	81.3	64.0	28,912	CBI & Chematox

Data Sources: State Judicial Department, Denver County Court, and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

The distribution in the duration between offense and blood draw is depicted in Figure 11. The time interval of 50-59 minutes (category 50 in Figure 11) had the greatest number of case filings (n = 1,073), accounting for 16% of time to testing results. Twelve percent (n = 801) of records exceeded an elapsed time of 120 minutes from time of offense to time of test.

For the analysis of 2021 data, 38 records reporting test times of over 200 minutes were excluded in an attempt to analyze measurements that might be more associated with impairment. This sample of case filings with information on Delta-9 THC screenings (n = 3,129) was used in the analyses below.

Figure 11: Number of filings by offense to blood draw time increments, 2021

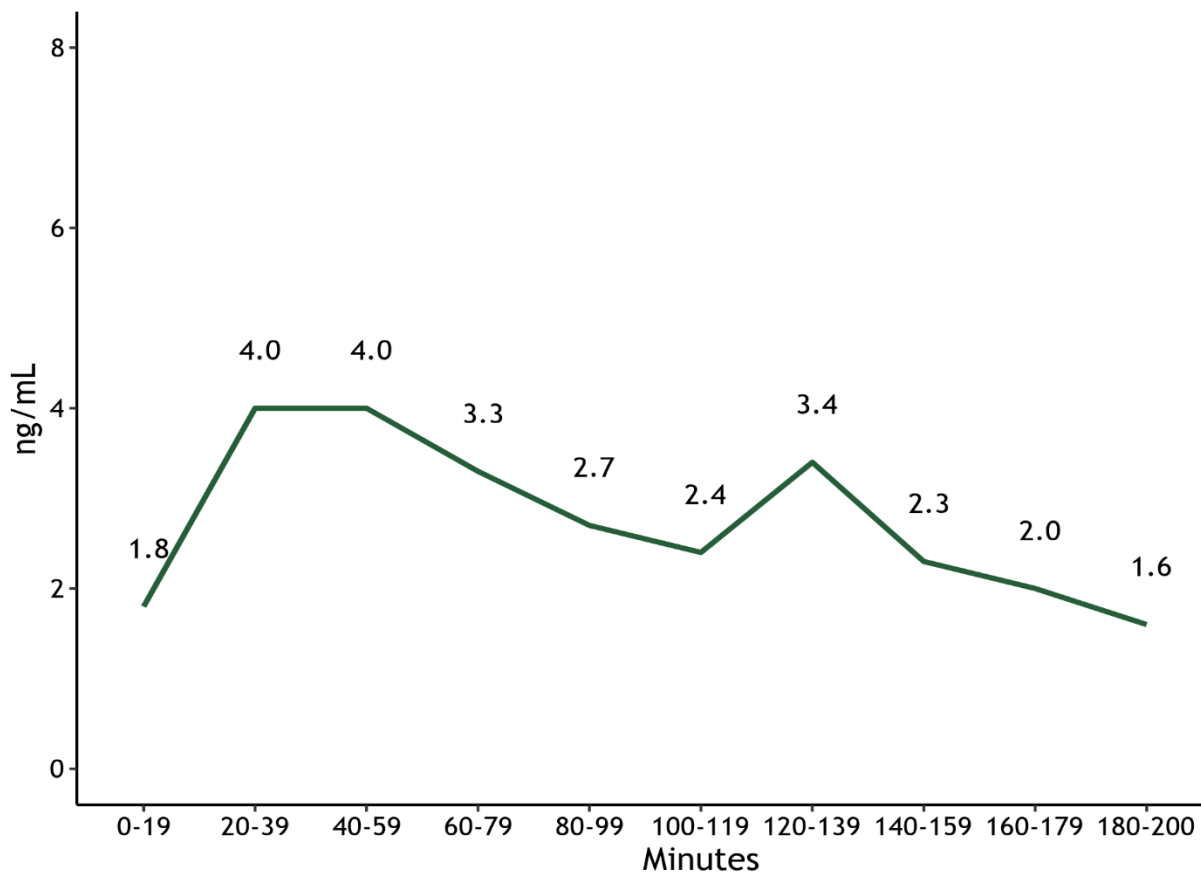


Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marijuana and Time-to-Test

The offense to blood test times by median Delta-9 THC value for 2021 can be seen in Figure 12. Median Delta-9 THC values peaked at 4.0 ng/mL between 20-59 minutes and then gradually fell for blood tests collected between 100-119 minutes, followed by a leveling off at 2.3 ng/mL of Delta-9 THC for samples collected between 140-159 minutes. At 120-139 minutes, the median Delta-9 THC level rose to 3.4 ng/mL. The changes in the slope in the Delta-9 THC levels for blood draws collected during this timeframe are counter to the overall trend of the decline in Delta-9 THC post-use and has been a consistent trend in other reporting years.²⁵

Figure 12: Median Delta-9 THC level by time (in minutes) from offense to blood draw, 2021

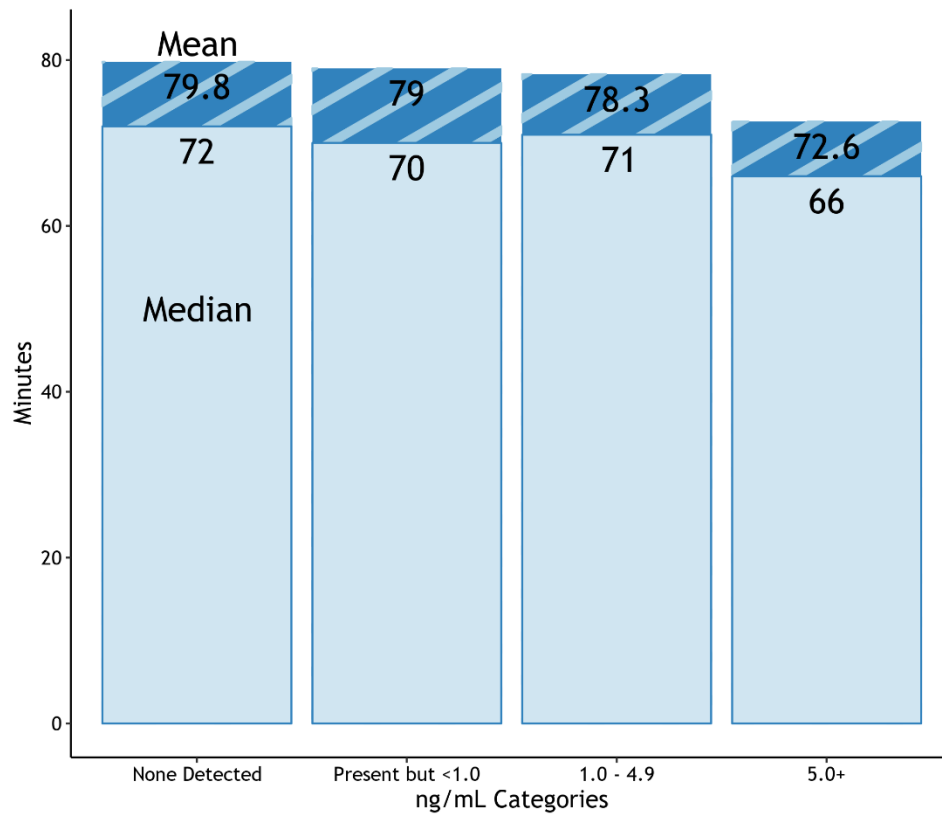


Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

²⁵ See Footnote 20.

In addition, we compared the mean and median time from offense to blood draw for each of the Delta-9 THC categories (Figure 13). Higher Delta-9 THC levels had a lower mean time from offense. For case filings that tested at 5ng/mL, the mean time was 72.6 and the median time was 66, which represented the shortest durations between the offense and blood draw for these toxicology categories. DUI case filings that were screened for Delta-9 THC and did not detect it had the highest median time from offense to blood test at 72 minutes.

Figure 13: Mean and median time (min) from offense to blood draw by Delta-9 THC levels, 2021



Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol and Marijuana in Combination

Overall, 79% of positive Delta-9 THC DUI case filings had toxicology results positive for more than one substance (polydrug). Of these, 80% had alcohol detected, making it the most commonly detected substance in polydrug filings. The following table looks more closely at alcohol and marijuana toxicology results, with Table 20 showing BAC levels stratified by cannabinoid screening results and Delta-9 THC level categories. Mean BAC levels were highest in the case filings that underwent cannabinoid screening but were negative for all cannabinoids (0.195). For DUI case filings with positive Delta-9 THC results, mean BAC levels decreased as Delta-9 THC level increased. Filings with qualitative Delta-9 THC levels had a mean BAC of 0.187 versus those that tested positive at or above 5ng/mL, with a mean BAC of 0.154, as shown in Table 20. Regardless of the different Delta-9 THC toxicology testing status and/or level, all of the mean BAC levels were above the 0.08 BAC *per se* level for impairment.

Table 20: Mean BAC by Delta-9 THC levels among case filings with drug screening, 2021

Cannabis Toxicology/Delta-9 THC Group	Case Filings	Mean BAC	SD
Cannabinoids Not Present	2,527	0.195	0.08
Cannabinoids Present, THC Not Detected	615	0.190	0.08
Present but <1.0	157	0.187	0.08
1.0 - 4.9	830	0.180	0.07
5.0+	786	0.154	0.07

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court and CBI. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Other Drug Categories

Single and Polydrug detection

From 2016 to 2021, polydrug detection as a percentage of all DUI case filings doubled from 8% (n = 2,264) to 16% (n = 3,435) and likely relates to the number of drugs of abuse screenings. As comprehensive drug and alcohol screenings peaked in 2020 and then fell slightly in 2021, so did the level of polydrug detection. The polydrug levels seen in 2020 and 2021 are more representative of the toxicology profiles of individuals charged with a DUI than in previous years. Although alcohol-only toxicology filings were the most common across the six years, alcohol only detection fell 15 percentage points, with the lowest point in 2020, as seen in Table 21. In 2021, the most prevalent combination of substances found was alcohol and Delta-9 THC (marijuana) and comprised 38% of polydrug results and 11% of all DUI case filings that had toxicology screening. Detection of both alcohol with other drugs, and alcohol with Delta-9 THC more than doubled from 2016-2021 (Table 21).

Table 21: Testing and drugs detected among DUI case filings by year, 2016-2021

Drug Category	None Detected	Alcohol Only	THC Only	Single Other Drug	Alcohol and THC	Alcohol and Other	THC and Other	Alcohol, THC, and Other	Polydrug Not Alcohol or THC
2016	165	14,052	957	386	829	380	469	234	352
2017	170	13,449	1,083	415	958	430	447	251	276
2018	174	12,755	1,078	465	1,039	414	507	276	235
2019	288	11,792	907	300	1,188	579	412	341	202
2020	205	7,360	831	398	1,471	842	556	499	278
2021	114	7,687	605	318	1,310	849	449	463	364
2016 %	0.9%	78.8%	5.4%	2.2%	4.7%	2.1%	2.6%	1.3%	2.0%
2017 %	1.0%	76.9%	6.2%	2.4%	5.5%	2.5%	2.6%	1.4%	1.6%
2018 %	1.0%	75.3%	6.4%	2.7%	6.1%	2.4%	3.0%	1.6%	1.4%
2019 %	1.8%	73.7%	5.7%	1.9%	7.4%	3.6%	2.6%	2.1%	1.3%
2020 %	1.6%	59.2%	6.7%	3.2%	11.8%	6.8%	4.5%	4.0%	2.2%
2021 %	0.9%	63.2%	5.0%	2.6%	10.8%	7.0%	3.7%	3.8%	3.0%

Notes: In July of 2019, the Colorado Bureau of Investigation began testing all blood toxicology submissions for both alcohol and other drugs of abuse. In the past, testing was conducted for alcohol, drugs or both based on the request of the law enforcement agency or the district attorney's office. This change coincided with a decrease in alcohol-only results, and an increase in all other categories in 2019-2020. Additionally, the temporary reduction in the use of breath alcohol testing during the early period of the COVID-19 pandemic.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 22 shows the drugs detected in case filings by the mean age of the individual who was charged. Case filings with Delta-9 THC only detected had the youngest mean age (27) while those with either a single other drug had the highest mean age (40). In general, DUI case filings with Delta-9 THC positivity had a lower mean age compared to those with no drugs detected or with alcohol-only detected.

Table 22: Drugs detected and mean age of those charged with a DUI, 2021

Drug/Drugs	Drugs Detected	Mean	SD
None Detected	None Detected	38.9	16.0
One Drug	Alcohol Only	34.9	13.3
	Single Other Drug	40.0	13.1
	THC Only	27.7	11.5
Polydrug	Alcohol and Other	38.4	13.6
	Alcohol and THC	31.0	11.1
	Alcohol, THC, and Other	31.9	11.0
	Polydrug Not Alcohol or THC	36.4	10.9
	THC and Other	33.5	11.7

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 23 shows the drugs detected by sex of the individuals charged. Similar to trends observed in DUI cases, males had a greater frequency of filings in every drug category. Males had a slightly higher proportion of Delta-9 THC only results while females had greater proportion of positive results for alcohol combined with drugs besides Delta-9 THC.

Table 23: Drugs detected by sex, 2021

Drug/Drugs	Drugs Detected	Female	Female %	Male	Male %
None Detected	None Detected	34	1.1%	80	0.9%
One Drug	Alcohol Only	2,049	63.4%	5,630	63.2%
	Single Other Drug	96	3.0%	222	2.5%
	THC Only	104	3.2%	501	5.6%
Polydrug	Alcohol and Other	260	8.0%	588	6.6%
	Alcohol and THC	324	10.0%	983	11.0%
	Alcohol, THC, and Other	139	4.3%	324	3.6%
	Polydrug Not Alcohol or THC	117	3.6%	246	2.8%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 24 shows the relationship between polydrug detection and mean BAC levels, which also could have been influenced by the increase in screenings for drugs of abuse (see Figure 9). In 2021, the overall frequency of other substances detected with alcohol decreased slightly from 2020, but remains well above 2019 levels (Table 24). The mean BAC values either were stable or increased from 2020 to 2021 among case filings that had positive alcohol results. While all groupings had mean BAC levels between 1.9 and 2.3 times the 0.08 *per se* level, case filings with alcohol and drugs that were not Delta-9 THC had the highest mean BAC level (0.185).

Table 24: Mean BAC by polydrug detection, 2018-2021

Year	Drugs Detected	N	Mean BAC	SD
2018	Alcohol Only	12,756	0.163	0.07
2019		11,792	0.161	0.07
2020		7,360	0.169	0.07
2021		7,687	0.166	0.07
2018	Alcohol and Other	330	0.158	0.08
2019		579	0.178	0.09
2020		842	0.179	0.08
2021		849	0.185	0.08
2018	Alcohol and THC	1,039	0.144	0.07
2019		1,188	0.161	0.08
2020		1,471	0.169	0.07
2021		1,310	0.172	0.07
2018	Alcohol, THC, and Other	215	0.137	0.08
2019		341	0.147	0.08
2020		499	0.152	0.08
2021		463	0.161	0.08

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Drug Schedules

DUI filings with positive testing results were examined by drug schedule, as defined in CRS-18-18-101; these drug schedule categories are not mutually exclusive because cases can involve multiple drugs. While Delta-9 THC is considered a Schedule I drug according to Colorado statute, we excluded it from this analysis to focus on trends involving other illicit substances. Marijuana findings are already shown in Tables 17 and 18. See Appendix A for a full list of drugs associated with DUI case filings in each of the scheduling categories.

Overall, DUI case filing identification of non-marijuana scheduled drugs is much less common than alcohol or marijuana detection. Coinciding with the CBI comprehensive testing expansion in July of 2019, the detection of Schedule I drugs, or drugs with a potential for misuse and use disorders and that do not have accepted medical uses, rose 2.6 times from 2018-2021 with detection peaking in 2020 (see Table 25). Similarly, Schedule II drug identification in impaired driving case filings was highest in 2020 and 2021 compared to prior years. Schedule II drugs are defined as substances with high potential for misuse and use disorders and include methamphetamine, and many prescribed substances such as oxycodone (also known as Oxycontin), were most frequently reported in case filings compared to all other scheduled drug categories. After Schedule II drugs, Schedule IV drugs, or drugs that have a low potential for misuse, were the second most frequent category and were present in 3% of all DUI cases filings. Drugs in this schedule include many prescription drugs such as alprazolam (more commonly known as Xanax) and tramadol, an opioid medication.

Table 25: Drugs detected by Colorado drug schedule, 2016-2021

Schedule	2016	2017	2018	2019	2020	2021
I	27	50	53	160	234	195
II	1,132	1,188	1,351	1,296	1,970	1,846
III	NA	7	8	NA	8	NA
IV	948	838	720	631	721	570

Notes: The Uniform Substances Control Act of 2013 (CRS-18-18-101) outlines Colorado's drug schedule and is unique from the federal drug schedule. NA represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Drug Recognition Expert (DRE) Drug Categories

For this analysis, drugs identified in DUI toxicology results were categorized into the seven DRE drug categories (see Appendix A), which are grouped based on the common behavioral effects of the drugs and their potential for misuse. Although marijuana is a category in DRE classifications, marijuana results are not included here but can be found in Tables 17 and 18. Alcohol, which is a CNS depressant, was also excluded from these results due to its presence in other tables in this report.

The number of CNS stimulants detected in 2021 nearly doubled since 2016, reaching 1,667 case filings in 2021. CNS stimulants have been the most common drug category identified in toxicology testing since 2016 (see Table 26). CNS depressants and narcotic analgesics were the second and third most frequent DRE categories in DUI case filings from 2016-2021.

Table 26: Drugs detected by Drug Recognition Expert categories, 2016-2021

DRE Category	2016	2017	2018	2019	2020	2021
CNS Depressant	957	845	728	650	736	581
CNS Stimulant	887	978	1,219	1,309	1,775	1,667
Hallucinogen	20	26	20	42	49	25
Dissociative Anesthetic	NA	7	8	NA	NA	NA
Narcotic Analgesic	402	358	277	389	579	546
Inhalant	9	20	16	NA	NA	NA
Prescription or Over-the-Counter Drug	183	106	56	28	61	47

Notes: NA represents cell counts under five that were suppressed. The Drug Recognition Expert categories refer to groupings designed to assist law enforcement in identifying impairing drugs in the field based on behavioral screenings and physiological tests. To see the drugs included in each grouping, see Appendix A.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In 2021, amphetamines/methamphetamines were the most commonly identified drugs in DUI case filings other than alcohol and marijuana (Table 27, also see Appendix H) and were found in 16% of DUI cases screened for drugs. Until 2021, amphetamines, cocaine and the benzodiazepine sedative alprazolam were consistently the most commonly identified drugs after alcohol and marijuana. In 2021, fentanyl, a potent opioid medication, became the third most identified drug instead of alprazolam, increasing 52% from the previous year and 370% from 2016. The total number of case filings where fentanyl was present (n=230) represents about 1% of all DUI case filings and 3% of all drug and alcohol toxicology screenings in 2021. DUI case filings with positive test results for stimulants, sedatives, or opioids overwhelmingly tested positive for another substance (86% for stimulants, 94% for sedatives and 97% for opioids). Of these DUI cases with polydrug results for stimulants, sedatives and opioids, 55%, 58% and 30% tested positive for alcohol, respectively.

Table 27: Top ten drugs identified and drug categories, 2021

Drug	Drug Category	Schedule	Case Filings
Amphetamine/Methamphetamine	Stimulants	II	1,101
Cocaine	Stimulants	II	680
Fentanyl	Opioid	II	230
Alprazolam	Sedatives	IV	187
Morphine/Heroin	Opioid	I	172
Diazepam/Oxazepam/Temazepam	Sedatives	IV	145
Clonazepam	Sedatives	IV	131
Lorazepam	Sedatives	IV	96
Oxycodone/Oxymorphone	Opioid	II	80
Zolpidem	Sedatives	IV	60

Note: The following drugs: Amphetamine and methamphetamine; diazepam, oxazepam and temazepam; and oxymorphone and oxycodone were grouped together since they share common analytes, and it can be difficult to distinguish which specific drug the individual consumed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Toxicology and Dispositions

This dataset of court case filings linked with toxicology results is uniquely situated to provide insight into the relationship between toxicology and dispositions for impaired driving charges in Colorado. As seen in Table 3, 12,159 toxicology tests were matched to 21,795 case filings in 2021. Of the case filings with toxicology tests, 11,175 of the most serious DUI charges from each case filing had reached disposition at the time of data analysis; only one charge per case was identified and included in the analysis of charge dispositions. However, these 11,175 DUI charges from 2021 case filings only represent 51% of all impaired driving case filings.

Table 28 shows the DUI charge disposition by the absence or presence of a matched toxicology test for the court case filing (see Table 10 for overall dispositions). DUI charges without a toxicology record match had roughly the same percentage of guilty findings compared to those with a toxicology record match (72% vs. 73%, respectively), but a higher percentage of dismissed/not guilty findings (18% vs. 11%). DUI case filings without a record match also had a lower rate of deferred findings (9% vs. 14%). These differences based on matching status suggest that subsequent analyses using DUI charges with a toxicology record match might not be representative of all DUI case filings.

Table 28: DUI charge disposition by toxicology testing, 2021

Disposition	Test	No Test	Test %	No Test %
Guilty	8,186	6,192	73.2%	71.9%
Deferred	1,576	771	14.1%	9.0%
Diversion	70	28	0.6%	0.3%
Dismissed/Not Guilty	1,261	1,555	11.3%	18.1%
Non-DUI Disposition	83	66	0.7%	0.8%
Total	11,176	8,612	100.0%	100.0%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol and DUI Dispositions

Table 29 shows the number of DUI dispositions based on alcohol testing status and BAC level groups; this analysis highlights the influence of the alcohol *per se* level on convictions.

Conviction rates represent the proportion of guilty and deferred findings compared to all dispositions. The DUI charges tied to a BAC level over the 0.08 level had a 94% conviction rate, which is higher than the overall conviction rate for all impaired driving charges of 85%. DUI charges associated with a BAC level below 0.05 had a 50% dismissal rate and represent the highest dismissal rate among the BAC testing levels.

Table 29: DUI charge dispositions by alcohol testing status and BAC levels, 2021

Testing/ BAC Levels	Guilty	Deferred	Diversion	Dismissed/ Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/ Not Guilty %
No BAC Test	6,253	776	28	1,555	72.6%	9.0%	0.3%	18.1%
Not Detected	881	249	9	488	54.1%	15.3%	0.6%	30.0%
<0.05	100	45	NA	147	33.8%	15.2%	NA	49.7%
0.05 - 0.079	298	234	9	167	42.1%	33.1%	1.3%	23.6%
0.08+	6,984	1,054	48	459	81.7%	12.3%	0.6%	5.4%

Note: NA represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 30 shows the mean BAC level by disposition, and DUI charges with guilty findings had the highest mean BAC, which was double the *per se* BAC level (0.160). Additionally, the DUI charges with guilty findings also had more than double the mean BAC for DUI charges with dismissed and not guilty findings (0.077).

Table 30: DUI charge dispositions by BAC levels, 2021

Disposition	N	Mean BAC	SD
Guilty	8,263	0.160	0.09
Deferred	1,582	0.108	0.07
Diversion	70	0.117	0.07
Dismissed/Not Guilty	1,261	0.077	0.09

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marijuana and DUI Dispositions

The overall conviction rate for DUI charges with detected Delta-9 THC was 86%. Table 31 shows the dispositions of DUI charges by cannabinoid screening status and known Delta-9 THC confirmation levels. As a whole, these rates were more consistent and less varied compared to the rates by BAC level, as seen in Table 30; all levels had conviction rates above 80%. DUI charges with detected Delta-9 THC at levels less than 1.0 ng/mL had the highest conviction rate (89%), and detection at levels above 5.0 ng/mL had the second highest conviction rate (88%). Ninety-five percent of case filings with Delta-9 THC levels below 1.0 ng/mL also detected an additional substance, which likely plays a role in higher conviction rates for Delta-9 THC levels below 1.0 ng/mL. In addition, filings with Delta-9 THC present at less than 1.0 ng/mL also had the lowest dismissal rate (11%). Conversely, dismissal/not guilty rates were the highest in DUI charges with cannabinoid screens that had no Delta-9 THC detected (17%).

Table 31: DUI charge dispositions by cannabinoid screening and Delta-9 THC levels, 2021

Testing/ Delta-9 THC Levels	Guilty	Deferred	Diversion	Dismissed/ Not Guilty	Guilty %	Deferred %	Diversion %	Dismissed/ Not Guilty %
No Cannabinoid Screen	3,800	748	46	435	75.6%	14.9%	0.9%	8.6%
No Cannabinoids Detected	2,126	313	5	363	75.7%	11.2%	0.2%	12.9%
None Detected	550	106	NA	133	69.4%	13.4%	NA	16.8%
Present but <1.0	154	17	NA	21	80.2%	8.9%	NA	10.9%
1.0 - 4.9	741	128	6	163	71.4%	12.3%	0.6%	15.7%
5.0+	892	270	10	146	67.7%	20.5%	0.8%	11.1%

Note: NA represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

We also stratified convictions both by Delta-9 THC levels and by the number of drugs detected (Table 32). Across all of the Delta-9 THC levels, conviction rates were lower for DUI charges with single drug positivity compared to charges with polydrug results. DUI charges with only Delta-9 THC present, but with less than 1 ng/mL detected, had a 22% conviction rate, while polydrug DUI charges with that same toxicology level had a conviction rate over four times higher (92%). The conviction rate for charges with Delta-9 THC only results between 1-4.9 ng/mL was 36% but more than doubled (90%) for charges with more than one drug was detected. The polydrug vs. single drug conviction rate disparity dropped as the Delta-9 THC increased, particularly at the permissible inference level. DUI charges that tested positive at or above 5ng/mL of Delta-9 THC alone had an 81% conviction rate versus a 92% conviction rate for charges with polydrug results at that level. Both of these high conviction rates suggest the impact of the permissible inference level on the judicial process.

Table 32: DUI charge convictions by Delta-9 THC levels and number of drugs detected, 2021

Delta-9 THC Bin	Number of Drugs	N	Conviction Rate
Present but <1.0	All	192	89.1
Present but <1.0	One Drug	9	22.2
Present but <1.0	Polydrug	183	92.3
1.0 - 4.9	All	1,038	83.7
1.0 - 4.9	One Drug	116	36.2
1.0 - 4.9	Polydrug	922	89.7
5.0+	All	1,318	88.2
5.0+	One Drug	429	80.7
5.0+	Polydrug	889	91.8

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

To further explore the relationship between marijuana toxicology and dispositions, Table 33 shows DUI charge dispositions by mean Delta-9 THC level. Overall, charges that were dismissed/not guilty had lower Delta-9 THC levels (mean = 5.5 ng/mL) compared to DUI charges with a guilty or deferred finding (6.1 and 8.6 ng/mL, respectively). The mean Delta-9 THC level for diversion findings of 10.2 ng/mL might be overinflated due to the low number of charges in this category.

Table 33: Mean Delta-9 THC levels, by disposition, 2021

Disposition	N	Mean THC	SD
Guilty	2,337	6.1	8.9
Deferred	521	8.6	10.4
Diversion	19	10.2	11.3
Dismissed/Not Guilty	463	5.5	8.6

Note: SD refers to standard deviation and provides context to the variation in the data. A small SD relative to the mean indicates a tight clustering of values around the mean; a large SD relative to the mean indicates more variation makes comparing different means more difficult.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Alcohol, Marijuana, and DUI Dispositions

Conviction rates by BAC and Delta-9 THC level groups are displayed in Table 34. This analysis involved a smaller subset of DUI charges with toxicology testing information for Delta-9 THC and alcohol, as well as a disposition outcome (n = 4,590). Charges with no alcohol and no Delta-9 THC detected had a conviction rate of 69%, but the lowest conviction rate in this grouping was alcohol detected below the *per se* level and no Delta-9 THC (43%). Generally, conviction rates increased when alcohol was at the *per se* level (0.08+ ng/mL) or Delta-9 THC was at the permissible inference level (5 ng/mL), with DUI case filings above the alcohol *per se* level having the highest set of conviction rates and filings with Delta-9 THC above the permissible inference level having the second highest set of conviction rates. Generally, these findings convey the influence of either the *per se* or permissible inference level on convictions for both alcohol and marijuana polydrug related DUI cases.

Table 34: DUI charges with dispositions by BAC levels and Delta-9 THC ng/mL levels and conviction rates (CR), 2021

BAC Levels	No THC Detected N	<5.0 THC N	5.0+ THC N	No THC Detected CR %	<5.0 THC CR %	5.0+ THC CR %
Not Detected	209	342	588	68.9%	62.3%	81.6%
<0.08	51	73	111	43.1%	68.5%	83.8%
0.08+	532	815	619	92.1%	95.3%	95.2%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Polydrug Use and DUI Dispositions

DUI charge dispositions were cross-tabulated by single drug or polydrug status, as shown in Table 35, and charges with any drugs detected had higher convictions compared to those without drugs detected. Polydrug positive charges had the highest rate of guilty findings (78%), followed by single drug filings (73%). Conversely, charges where no drugs were detected had the highest rates of dismissal/not guilty findings (88%) and the lowest proportion of guilty findings (12%).

Table 35: Disposition of DUI charges, by single or polydrug detection, 2021

Disposition	Not Tested				None Detected			
	Not Tested %	None Detected %	One Drug %	Polydrug %	Not Tested %	None Detected %	One Drug %	Polydrug %
Guilty	6,253	13	5,861	2,389	72.6%	12.3%	73.3%	77.6%
Deferred	776	NA	1,223	359	9.0%	NA	15.3%	11.7%
Diversion	28	NA	59	11	0.3%	NA	0.7%	0.4%
Dismissed/ Not Guilty	1,555	93	850	318	18.1%	87.7%	10.6%	10.3%
Total	8,612	106	7,993	3,077	100.0%	100.0%	100.0%	100.0%

Note: NA represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 36 shows drug categories and conviction rates for DUI charges from 2016 to 2021. Overall, DUI charges with positive alcohol results had the higher conviction rates than charges with no alcohol detected. In 2021, DUI case filings with alcohol and Delta-9 THC had the highest conviction rate (94%) and filings with no drugs detected had the lowest (12%). Categories with the fewest DUI charges (none detected, single other drug, polydrug not alcohol or Delta-9 THC) had the most variation in conviction rates across the six-year period. In particular charges with no drugs detected had conviction rates ranging from 12%-39%. Among charges with drugs detected in 2021, those with positive results for a single drug not alcohol or Delta-9 THC had the lowest conviction rates at 66%. Other drug and THC alone have consistently had the two lowest drug positive conviction rates from 2016-2021, though 2021 is the first year that single other drug case filings had a lower conviction rate than Delta-9 THC alone. For information about the number of dispositions by drug category, see Appendix I.

In a related analysis, impaired driving case filings were stratified by drug detection categories and the presence of a speeding-related charge in the filing, as shown in Appendix J. Overall, 12% of all DUI case filings with toxicology results had a speeding-related offense, and there was considerable variation depending on the toxicology profile. DUI case filings with polydrug results not involving alcohol or Delta-9 THC had the lowest prevalence of a speeding charge at 3%. Filings associated with Delta-9 THC positivity had the highest proportion with speeding violations at 27%, which was over double the rate among all impaired driving filings with toxicology results.

Table 36: Conviction rate of DUI charges by drug category, 2016-2021

Drugs Detected	2016	2017	2018	2019	2020	2021
None Detected	22.3	25.5	17.2	38.9	17.0	12.3
Alcohol Only	91.9	92.0	92.3	93.2	91.7	90.9
THC Only	68.7	75.5	75.8	77.9	72.1	70.4
Single Other Drug	77.3	84.0	79.5	81.0	77.2	65.7
Alcohol and THC	91.0	91.6	94.2	93.6	93.7	93.3
Alcohol and Other	89.9	91.9	92.3	93.0	89.9	90.2
THC and Other	91.1	86.8	83.5	89.3	81.4	80.6
Alcohol, THC, and Other	90.6	90.9	93.1	93.3	92.6	93.0
Polydrug Not Alcohol or THC	75.5	85.1	82.8	81.1	80.2	77.2

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Scheduled Drug Categories and DUI Dispositions

DUI charges with a positive toxicology result for one or more scheduled drugs were very likely to result in a conviction; conviction rates ranged from 82% to 85% (see Table 37). Schedule II was the most common among DUI charges and has shown a consistent conviction rate of 85% from 2019-2021. Schedule I drugs are typically considered the most dangerous, and DUI charges with Schedule I drugs identified in toxicology had a similar conviction rate to Schedule II drugs (85%). However, DUI charges with Schedule I drugs also had a higher percentage of findings excluded from analysis because they did not have a disposition (30%) compared to all DUI charges (12%) making it difficult to draw a direct comparison to other charges associated with other drug schedules. The small amount of charges with disposition, as seen in Table 37, limit our ability to draw conclusions about trends involving Schedule I drugs.

Table 37: DUI charges with dispositions and conviction rates (CR), by scheduled drug category, 2021

Schedule	N	CR (%)
I	171	84.8
II	1,589	85.0
III	0	-
IV	517	82.0

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

DRE Drug Categories and DUI Disposition

Table 38 shows DUI charge convictions linked to positive toxicology results for the DRE drug categories. With the exception of the prescription drugs category, DUI charge convictions ranged from 81%-95%. Charges linked to presence of prescription or over-the-counter drugs had the lowest conviction rates (72%).

Table 38: DUI charges with dispositions and conviction rates (CR) by Drug Recognition Expert (DRE) drug category, 2021

DRE Category	N	CR (%)
CNS Depressant	526	81.7
CNS Stimulant	1,428	85.8
Hallucinogen	21	95.2
Narcotic Analgesic	474	81.0
Prescription Drug	32	71.9

Notes: The Drug Recognition Expert categories refer to groupings designed to assist law enforcement in identifying impairing drugs in the field based on behavioral screenings and physiological tests. To see the drugs included in each grouping, see Appendix A. The following categories were not included due to small numbers: Inhalants and Dissociative Anesthetics.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Sentencing Data

Only sentences from the filings in the State Judicial Branch dataset were examined as it was not possible to link Denver Court sentencing data to specific charges. Sentencing data is subject to change, as each sentence can be suspended, reduced, or amended before reaching a final resolution. To standardize the analyses, only initial sentences associated with the final DUI charge were used; the records were extracted in August 2023. One limitation throughout these analyses is the delay in court proceedings and the disproportionate impact on felony filings. For instance, 85% of vehicular assault DUI charges had reached a disposition compared to 99% of DWAI with no priors reaching a disposition. This discrepancy in the resolution by charge type might have skewed some of the findings below.

Table 39 shows the percent of charges that received either a monetary sentence, including the issuance of fines, surcharges/fees, and/or restitution, or a supervision/incarceration sentence including the following penalties: community service, probation, jail, community corrections, or prison. In total, 94% of convicted DUI charges received a monetary or an incarceration or supervisory sentence. The DUI charge with the highest percentage of convictions receiving a monetary sentence was vehicular assault (98%), and the charge category receiving the lowest percentage was DWAI with three or more priors (83%). The DUI charge with the highest percentage of convictions receiving a supervision/incarceration sentence was vehicular assault as well (98%), and the lowest was UDD (77%). The category with the lowest number of convictions (vehicular homicide) also had a lower than expected percent receiving monetary or incarceration/supervisory sentences. Some sentencing information was incomplete or missing among DUI case filings, and these data quality issues might have made analyses involving smaller groups of sentences less reliable. There were two vehicular homicide charges with incomplete sentencing information contributing to the sentencing outcomes seen in 2021. When omitting these two incomplete charges, 100% of the remaining vehicular homicide charges received a monetary sentence, and 95% received incarceration/supervisory sentences.

Table 39: Sentencing outcomes, by final DUI charge, 2021

Final DUI Charge	Total Convictions	Percent with Monetary Sentences	Percent with Incarceration/ Supervisory Sentences
UDD	79	94.9	77.2
DWAI	6,618	93.4	93.2
DUI	6,864	95.7	95.3
DWAI 1-2 Prior	791	95.2	94.9
DUI 1-2 Prior	1,591	91.9	91.6
DWAI 3+ Prior	48	83.3	79.2
DUI 3+ Prior	658	92.7	92.6
VEH ASSUALT	55	98.2	98.2
VEH HOMICIDE	21	90.5	85.7
Total	16,725	94.2	93.8

Note: This analysis was completed with data extracted in August 2023, and not all sentencing information for convicted charges was available to analyze.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Monetary Sentences

In delving more deeply into the types of monetary sentencing, we examined the frequency and average sentencing amounts by type of impaired driving charge. Again, convicted individuals can receive all three monetary sentence types including multiple fines, fees, and surcharges. Table 40 shows the number of distinct charges that received each type of monetary sentence. As seen in Table 40, over 93% of all DUI charges received at least one fine or surcharge/fee, compared to only 2% of charges that received a sentence involving restitution. Generally, the proportion of charges receiving restitutions tended to rise as the charge severity increased. Vehicular assault and vehicular homicide charges had the highest proportion requiring restitution payments (26% and 24% respectively).

Table 40: Monetary sentences by final DUI charge, 2021

Final DUI Charge	Convicted Charges	Fine	Fine %	Surcharge	Surcharge %	Restitution	Restitution %
UDD	79	67	84.8	75	94.9	NA	NA
DWAI	6,618	6,173	93.3	6,180	93.4	101	1.5
DUI	6,864	6,539	95.3	6,566	95.7	178	2.6
DWAI 1-2 Prior	791	751	94.9	753	95.2	13	1.6
DUI 1-2 Prior	1,591	1,459	91.7	1,462	91.9	42	2.6
DWAI 3+ Prior	48	40	83.3	40	83.3	NA	NA
DUI 3+ Prior	658	580	88.1	610	92.7	30	4.6
VEH ASSAULT	55	NA	NA	54	98.2	14	25.5
VEH HOMICIDE	21	NA	NA	19	90.5	5	23.8
Total	16,725	15,610	93.3	15,759	94.2	386	2.3

Note: NA represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

As seen in Appendix K, the total amount of initial sentencing fines, surcharges and restitution among all DUI convicted charges in 2021 was \$31,270,833, up three million dollars from the previous year. The most commonly issued surcharges/fees were for The Victim's Assistance Fund, which had a total 15,829 DUI charges and \$2,795,384 issued. The most frequently issued fine was the Law Enforcement Assistance Fund (LEAF), representing 15,486 DUI charges with required payments totaling \$1,393,920. Finally, restitution from DUI charges in 2021 totaled \$1,601,163 (for more information, see Appendix K). Although these indicators provide

some information about the financial burden of DUI charges, these totals represent the sentencing amounts, not the amount that individuals eventually paid.

Table 41 shows the median dollar amount per DUI charge receiving each monetary sentence type. The median fine, surcharge and restitution amounts for impaired driving charges were \$690, \$1,198, and \$1,000; however, the median total financial penalty was \$1,762, reflecting that not every impaired driving charge received all three monetary sentence types.

Generally, the median amounts tended to increase with charge severity; UDD charges had the lowest total monetary median penalty (\$191), whereas vehicular assault charges had the highest median penalty (\$2,236). The low median penalty for vehicular homicide is partially caused by this small population missing some sentencing data, leading to smaller than usual monetary sentences. The mean vehicular homicide penalty (instead of median) is \$2,339 and is more consistent with the average penalty amounts seen in previous years for this charge type. The variation in monetary sentences also generally increased as charge severity increased.

Table 41: Median monetary sentences in dollars by final DUI charge, 2021

Final DUI Charge	Fine (\$)	Surcharge (\$)	Restitution (\$)	Total Financial Penalty (\$)
UDD	100	91	NA	191
DWAI	290	1,087	1,000	1,377
DUI	690	1,231	1,000	1,921
DWAI 1-2 Prior	690	1,831	500	2,521
DUI 1-2 Prior	690	1,831	1,118	2,521
DWAI 3+ Prior	90	2,561	NA	2,551
DUI 3+ Prior	90	1,972	1,466	2,119
VEH ASSAULT	NA	1,661	3,974	2,236
VEH HOMICIDE	NA	436	NA	436
Total	690	1,198	1,000	1,762

Notes: NA represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Supervision and Incarceration Sentences

Table 42 shows the number of DUI charges that received the following sentences: community service, probation, jail, community corrections, or prison. Median sentence lengths (in days) are provided in Table 43. These supervision and incarceration categories are not mutually exclusive and individuals can receive multiple sentences for a single charge. The most common sentence for these charges was community service (n=14,781). Probation (n=12,760) and jail (n=10,827) followed as the second and third most commonly issued sentences. Generally, felony DWAI, felony DUI, vehicular assault, and vehicular homicide tended to have higher proportions receiving prison or community corrections sentences, whereas less severe charges tended to have a greater percentage receiving community service, probation and jail sentences.

Table 42: Community service (CS), probation (PROB), jail, community corrections (CC) and prison sentences by final DUI charge, 2021

Final DUI Charge	Convicted Charges	CS	CS %	PROB	PROB %	Jail	Jail %	CC	CC %	Prison	Prison %
UDD	79	57	72.2	27	34.2	NA	NA	NA	NA	NA	NA
DWAI	6,618	6,050	91.4	5,192	78.5	4,211	63.6	NA	NA	NA	NA
DUI	6,864	6,201	90.3	5,057	73.7	4,182	60.9	9	0.1	NA	NA
DWAI 1-2 Prior	791	731	92.4	723	91.4	685	86.6	NA	NA	NA	NA
DUI 1-2 Prior	1,591	1,355	85.2	1,351	84.9	1,355	85.2	NA	NA	NA	NA
DWAI 3+ Prior	48	26	54.2	30	62.5	29	60.4	5	10.4	5	10.4
DUI 3+ Prior	658	336	51.1	352	53.5	338	51.4	145	22.0	99	15.0
Vehicular Assault	55	24	43.6	27	49.1	25	45.5	10	18.2	14	25.5
Vehicular Homicide	21	NA	NA	NA	NA	NA	NA	NA	NA	17	81.0
Total	16,725	14,781	88.4	12,760	76.3	10,827	64.7	172	1.0	138	0.8

Note: NA represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

In 2021, the median sentence amounts for DUI charges were: two days (approximately 48 hours) of community service, 540 days of probation, and 90 days of jail (Table 43). As expected, sentence times varied by the severity of the offense with vehicular assault and felony DUI receiving the longest prison and community corrections sentences, and UDD and DWAI charges having the shortest amount of time under probationary supervision. Note that some of the cells in Tables 41 and 42 have few cases and caution should be used when interpreting these findings. Similar to the analyses of monetary sentences above, the results may not reflect the actual time each individual served due to outcomes like the suspension of parts of a sentence, earned or good time, parole, or other factors.

Table 43: Median sentences days for community service, probation, jail, community corrections, and prison by final DUI charge, 2021

Final DUI Charge	Community Service	Probation	Jail	Community Corrections	Prison
UDD	1	360	NA	NA	NA
DWAI	1	360	10	NA	NA
DUI	2	540	90	730	NA
DWAI 1-2 Prior	2	720	375	NA	NA
DUI 1-2 Prior	2	720	385	NA	NA
DWAI 3+ Prior	4	1,095	93	1,460	1,825
DUI 3+ Prior	3	1,095	120	1,460	1,460
VEH ASSAULT	3	1,095	90	1,642	1,460
VEH HOMICIDE	NA	NA	NA	NA	3,285
Total	2	540	90	1,450	1,460

Note: NA represents cell counts under five that were suppressed.

Data Source: State Judicial Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Probation Assessment Data

The Behavioral Health Administration provided probation assessment data. This dataset contains information gathered as part of the pre-sentence investigation or probation intake process for individuals who were convicted for a DUI. The assessment data provides contextual data not available in court case filings, including certain demographic characteristics, drug involvement, crash outcome, and DUI history.

In 2021, 13,828 records from the Alcohol/Drug Driving Safety Coordinated Data System (ADDSCODS) were linked to the 21,795 case filings and available for analysis. The 2021 matching rate was within the range seen in previous years (61% to 70% from 2016 to 2020). 2021's match rate was also a slight improvement from the 2020's rate of 61%, likely related to a greater number of cases that reached disposition in 2021 compared to 2020.

Demographics of Individuals Convicted of a DUI

Education

Educational attainment levels among individuals convicted of DUI before 2021 were relatively consistent. Five-year averages from 2016 to 2020 showed 17% of individuals convicted of a DUI did not have a high school diploma or General Education Diploma (GED), 46% earned a high school diploma or GED, and 37% had some level of post-secondary education. In 2021 the percent of individuals without a high school diploma or GED dropped to 10% (Table 44) and the percent of individuals with a high school diploma/GED or some level of college both rose four percentage points. Although the educational attainment of individuals convicted of a DUI is higher in 2021, limitations in sample size mean that it will take multiple years of consistent data to demonstrate an actual change in the demographic makeup of individuals charged with a DUI.

Table 44: Education levels of individuals convicted of a DUI, 2021

Education	N	%
No HS Diploma/GED	1,371	9.9%
HS Diploma/GED	6,787	49.1%
Some College/College Graduate	5,670	41.0%
Total	13,828	100.0%

Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Marital Status

Table 45 shows marital history for individuals who received probation assessments in 2021. The majority (60%) were unmarried; an additional 22% were either separated, divorced, or widowed and 16% were married.

Table 45: Marital status of individuals convicted of a DUI, 2021

Married	N	%
Never married	8,118	59.9%
Married	2,410	17.8%
Separated	628	4.6%
Divorced	2,169	16.0%
Widowed	219	1.6%
Total	13,544	100%

Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Prior Impaired Driving Arrests

Table 46 summarizes the history of prior DUI arrests from 2021 for individuals who received probation assessments. Just under one third of individuals who were assessed had at least one prior DUI (30%), and 8% of individuals had three or more prior arrests for impaired driving.

Table 46: Prior impaired driving arrests of individuals convicted of a DUI, 2021

Prior Arrests	N	%
No Priors	8,640	62.5%
1-2 Prior(s)	4,147	30.0%
3 + Priors	1,041	7.5%
Total	13,828	100%

Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 47 shows findings from the linked DUI court case and toxicology data along with the probation dataset and describes the relationship between drug toxicology and prior arrests. Rates of prior arrests were higher in individuals who did not have toxicology results compared to all convicted drivers (46% vs 38%), which could mean that individuals who were arrested previously were more likely to refuse toxicology testing. Additionally, individuals who tested positive for a drug that was not alcohol or Delta-9 THC, either alone or in combination with other drugs or alcohol had higher rates of prior arrests compared to all convicted drivers. Meanwhile, individuals who tested positive for Delta-9 THC only had the lowest rates of prior arrests (14%). This group also had the lowest mean age among individuals charged with DUI (see Table 22), and this pattern of younger drivers testing positive for marijuana could explain the lower rates of having a prior arrest.

Table 47: Prior arrests and drugs detected, 2021

Drug/Drugs	Drugs Detected	No Priors	Prior DUI Arrest	No Priors %	Prior DUI Arrest %
Not Tested	Not Tested	3,031	2,571	54.1%	45.9%
None Detected	None Detected	NA	NA	NA	NA
One Drug	Alcohol Only	3,783	1,705	68.9%	31.1%
	THC Only	269	43	86.2%	13.8%
	Single Other Drug	86	60	58.9%	41.1%
Polydrug	Alcohol and THC	673	309	68.5%	31.5%
	Alcohol and Other	344	244	58.5%	41.5%
	THC and Other	155	82	65.4%	34.6%
	Alcohol, THC, and Other	217	105	67.4%	32.6%
	Polydrug Not Alcohol or THC	79	62	56.0%	44.0%
Total	Total	8,640	5,188	62.5%	37.5%

Note: NA indicates values where the cell count was under 30, or the percentage value could not be calculated due to censored values in the row.

Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 48 shows the BAC levels stratified by prior impaired driving arrests. Individuals who tested for alcohol below the per se level (0.08 ng/mL) had lower rates of prior arrest compared individuals above the per se level. Same as Table 47, individuals who were not tested had the highest proportion of prior DUI arrests. Those who had a prior arrest also had a higher BAC, as shown in Table 48.

Table 48: Prior arrests by Blood/Breath Alcohol Content (BAC) levels, 2021

BAC Level	Prior DUI Arrest	No Priors	Prior DUI Arrest %	No Priors %
Not Detected	254	592	30.0%	70.0%
<0.05	NA	79	NA	NA
0.05-0.079	99	337	22.7%	77.3%
0.08+	2,240	4,601	32.7%	67.3%
All Individuals	5,188	8,640	37.5%	62.5%
Mean BAC	0.172	0.146	NA	NA

Note: NA indicates values where the cell count was under 30, or the percentage value could not be calculated due to censored values in the row. The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals screened for alcohol.

Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Those with a prior DUI arrest tended to have lower levels of Delta-9 THC. As seen in Table 49, 25% of individuals who tested at or above 5ng/mL had a prior DUI arrest, which was lower than any other Delta-9 THC level. Furthermore, those with prior arrests also had a lower mean Delta-9 THC (5.2 vs. 7.2 ng/mL).

Table 49: Prior arrests and Delta-9 THC groups, 2021

Delta-9 THC Level	Prior DUI Arrest	No Priors	Prior DUI Arrest %	No Priors %
None Detected	214	315	40.5%	59.5%
Present but <1.0	60	78	43.5%	56.5%
1.0 - 4.9	231	508	31.3%	68.7%
5.0+	248	728	25.4%	74.6%
All Individuals	5,188	8,640	37.5%	62.5%
Mean Delta-9 THC	5.2	7.2	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals who underwent confirmatory testing for Delta-9 THC.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Crash Involvement

One in three DUI convicted drivers in 2021 were involved in a crash (33%). The 2021 rate is relatively consistent to the crash-involvement percentage reported in 2020 (31%), but is a significant increase from before the COVID-19 pandemic (25% in 2019). In 2021, 43% of the individuals involved in crashes did not report injuries or property damage from the event, as shown in Table 50. However, a total of 963 individuals were involved in crashes with injuries and/or fatalities; these events illustrate the public safety harms of impaired driving.

Table 50: Crash involvement for individuals convicted of a DUI, 2021

Crash Involvement	N	%
No Crash	9,283	67.1%
Crash with No Injuries or Property Damage	1,978	14.3%
Crash with Property Damage Only	1,604	11.6%
Crash with Fatality or Injury	963	7.0%
Total	13,828	100.0%

Note: Crash involvement is assessed independently from whether injury or property damage occurred; this meets the Department of Revenue's definition of a crash, as the traffic event involved substance impairment. See 'Department of Revenue. (2019). [Investigating Officer's Crash Reporting Manual](#)

Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Table 51 assesses the relationship between crash involvement and drugs detected in drivers, which varied by substances identified. Crash involvement was lowest among drivers who tested positive for Delta-9 THC alone (13%) and the highest crash involvement was for Alcohol, Delta-9 THC, and another drug (47%). In general, convicted drivers with polydrug toxicology findings had higher rates of crash involvement (40%) compared to convicted drivers who tested positive for only one substance (29%). Additionally, more than four out of ten convicted drivers who either tested positive for either alcohol and an additional substance, or alcohol, another substance and Delta-9 THC were involved in a crash. These results underscore the danger of impaired driving, particularly involving polydrug use.

Table 51: Crash involvement and drugs detected, 2021

Drugs Detected	Crash	No Crash	Crash %	No Crash %
Not Tested	1,942	3,660	34.7%	65.3%
None Detected	NA	NA	NA	NA
Alcohol Only	1,618	3,870	29.5%	70.5%
THC Only	41	271	13.1%	86.9%
Single Other Drug	41	105	28.1%	71.9%
Alcohol and THC	381	601	38.8%	61.2%
Alcohol and Other	255	333	43.4%	56.6%
THC and Other	61	176	25.7%	74.3%
Alcohol, THC, and Other	151	171	46.9%	53.1%
Polydrug Not Alcohol or THC	49	92	34.8%	65.2%
Total	4,545	9,283	32.9%	67.1%

Note: NA indicates values where the cell count was under 30, or the percentage value could not be calculated due to censored values in the row.

Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

As seen in Table 52, drivers who were involved in a crash had a higher BAC level compared to those who were not involved in a crash. Thirty-four percent of convicted drivers who tested at or above 0.08 BAC were involved in a crash, compared to 23% of convicted drivers who did not have any alcohol detected. Additionally, drivers who were involved in a crash had a mean BAC of 0.172; drivers who were not involved in a crash had a lower mean BAC of 0.146. Table 52 also shows that drivers who tested below 0.05 BAC had a higher rate of crash involvement (25%) compared to drivers who tested between 0.05-0.079 (19%); the decline in crash involvement rates for BAC levels between 0.05 to 0.079 in convicted drivers has been observed since at least 2018 and every year since. This trend might be due the lack of accounting for polydrug use for those with a lower BAC. In 2021, drivers with a detected BAC less than 0.05 were most likely to have multiple substances detected (47%), and drivers with a BAC of 0.05-0.079 were least likely to have multiple substances detected (19%). Furthermore, drivers with a BAC greater than 0.08 also tested positive for multiple substances in 25% of case filings, which could explain the elevated crash involvement rates.

Table 52: Crash involvement by Blood/Breath Alcohol Content (BAC) levels, 2021

BAC Level	Crash	No Crash	Crash %	No Crash %
Not Detected	198	648	23.4%	76.6%
<0.05	NA	77	25.2%	74.8%
0.05-0.079	84	352	19.3%	80.7%
0.08+	2,295	4,546	33.5%	66.5%
All Individuals	4,545	9,283	32.9%	67.1%
Mean BAC	0.172	0.146	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals screened for alcohol.

Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Convicted drivers with higher Delta-9 THC toxicology levels had lower rates of crash involvement compared to drivers with lower levels, as shown in Table 53. Twenty-nine percent of individuals who tested at or above 5 ng/mL were involved in crashes, which was lower than the crash involvement rates of convicted drivers who had no Delta-9 THC detected (39%) and those who had minimal Delta-9 THC detected (39%). Additionally, the mean Delta-9 THC level was 4.8 for individuals who were involved in crashes and was below the mean level for individuals who were not involved in crashes (7.5).

Table 53: Crash involvement by Delta-9 THC ng/mL Toxicology, 2021

Delta-9 THC Level	Crash	No Crash	Crash %	No Crash %
None Detected	204	325	38.6%	61.4%
Present but <1.0	54	84	39.1%	60.9%
1.0 - 4.9	297	442	40.2%	59.8%
5.0+	283	693	29.0%	71.0%
All Individuals	4,545	9,283	32.9%	67.1%
Mean Delta-9 THC	4.8	7.5	NA	NA

Note: The all individuals grouping refers to the total who were convicted and had an assessment and encompasses more than the total of individuals who underwent confirmatory testing for Delta-9 THC.
Data Sources: Behavioral Health Administration, State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Treatment Track

Table 54 shows the treatment track designations, which mark the intensity of treatment requirements for Level II therapy for impaired driving. These tracks were assigned based on risk factors identified in the probation assessment, history of impaired driving offenses, and toxicology testing results.²⁶ The levels are listed in order of intensity of treatment requirements with Track A requiring 42 hours of treatment over the course of at least 21 weeks to Track D, which has a requirement of 86 hours of treatment to be completed within a minimum of 43 weeks. Individuals placed into Track F were convicted of felony DUI. Track F (also known as Level II Four+) is similar to the other tracks with stipulations for length of time in treatment, but it also demands that individuals in treatment demonstrate competencies tied to different phases.

The most common placement was Treatment Track B (39%), followed by Treatment Track D (24%). Approximately 5% were placed in Treatment Track F. About 14% of individuals did not have a treatment assignment in the probation assessment dataset; these individuals could have been assigned to a DUI treatment track, but the probation assessment data was not updated to reflect their placement, or were intentionally not assigned to DUI treatment.

Table 54: Treatment track and individuals convicted of a DUI, 2021

Treatment Track	N	%
A	1,663	12.0%
B	5,452	39.4%
C	754	5.5%
D	3,334	24.1%
F	671	4.9%
Unassigned	1,954	14.1%
Total	13,828	100%

Notes: The treatment tracks are listed in order of intensity. Individuals who are not assigned are awaiting sentencing.

Data Source: Behavioral Health Administration. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

²⁶ Colorado Department of Human Services. (2021). [Information for people with a DUI or DWAI](#) Office of Behavioral Health.

Section Five: Conclusion

Our analysis of 2021 impaired driving court cases highlights the continued impacts of the COVID-19 pandemic on the criminal justice system, with some slight improvements in case filings and dispositions from 2020. DUI case filings rose 3% in 2021 from the lowest ever recorded number of filings in 2020, but remains well below the number of filings reported in 2019. Similarly, DUI arrests have recovered slightly since the precipitous drop in 2020.²⁷ However Colorado continued to see a rise in traffic fatalities in 2021, with a 16% increase in all fatal crashes and 28% increase in alcohol-impaired fatal crashes from 2020 to 2021.²⁸ The increasing incidence of fatal crashes highlights the ongoing threat of impaired driving in the pandemic and post-pandemic years, despite fewer court case filings and lower DUI enforcement.

As the number of case filings grew slightly, the overall disposition rate increased from 88% in 2020 to 91% in 2021. However, the COVID-19 pandemic continued to impact the length of case processing, as 2021 had the longest average time needed for courts to reach a disposition on DUI case filings. The disruptions in 2020 including postponed/canceled court appearances and the lack of availability of jury trials²⁹ might have contributed to delays in court proceedings. The average felony charge in 2021 took almost nine months to process, while misdemeanor charges took just under eight months. We intend to monitor the length of time required to reach a disposition in impaired driving cases next year and assess whether longer disposition times will be a short-term impact of the pandemic.

In 2021 we also saw a decline in DUI case filings that matched with a toxicology record, which meant that toxicology information was only available for 56% of all filings and 51% of filings with a disposition. This lack of data completeness undermines the reliability of the findings from this year, and this decline in matching toxicology records has been a stable trend since 2018. The decline in toxicology matching could relate to increasing testing refusals, which the Department of Revenue has also been tracking as part of their administrative hearings related to impaired driving, or limitations with our data linking methods. The use of a primary key

²⁷ See Footnote 10.

²⁸ Stewart, T. (2023). [Overview of Motor Vehicle Crashes in 2021](#) (Report No. DOT HS 813 435). *National Highway Traffic Safety Administration, April*.

²⁹ National Conference of State Legislatures. (2020, August 19). [COVID-19 and the criminal justice system: a guide for state legislators](#).

from citation to adjudication would greatly improve our linking methods and our impaired driving data. In addition, the Colorado Department of Transportation just received grant funding to address the increase in testing refusals with a media campaign and outreach to law enforcement agencies. This report could provide some proxy indicators about the effectiveness of this work.

The noted improvements in toxicology screenings seen in 2020 dropped slightly in 2021, however comprehensive drug and alcohol screening rates are still much higher since the adoption of comprehensive screening of blood samples for alcohol and drugs of abuse. Currently, 31% of case filings are being screened for both alcohol and drugs, which was the second highest prevalence (after 2020) since 2016 when we began monitoring screening rates. It is likely that drug screening rates dropped slightly in 2021 when law enforcement resumed roadside and evidentiary alcohol breath testing that had been paused in areas during 2020. Both alcohol and Delta-9 THC positivity have shown considerable declines since 2016, and these changes signified improved data quality and better generalizability of the results.

In this 2021 report, we observed concerning toxicology trends with the DUI case filings. Roughly 76% of individuals charged with a DUI and who were screened for alcohol had a BAC level over 0.08, and the mean BAC was well over the legal limit (0.143). In addition, 16% of DUI case filings tested positive for multiple substances in 2021, consistent with 2020 levels. With the enhanced screenings, we can better characterize polydrug DUI case filings. In 2021, the most prevalent combination of substances found was alcohol and cannabis, representing 38% of polydrug results. Alcohol and cannabis toxicology results were associated with a higher prevalence of crash involvement, which aligns with findings in the literature on riskiness of polydrug impairment.³⁰ Stimulants were the most common type of drug detected in case filings besides alcohol and marijuana, and individuals charged with a DUI and who tested positive for stimulants overwhelmingly tested positive for an additional substance. Additionally, a growing number of case filings tested positive for fentanyl, which increased by 52% from 2020 to 2021. Literature suggests that fentanyl detection in impaired driving

³⁰ Simmons, S. M., Caird, J. K., Sterzer, F., & Asbridge, M. (2022). [The effects of cannabis and alcohol on driving performance and driver behaviour: a systematic review and meta-analysis](#). *Addiction*, 117(7), 1843-1856.



investigations is a growing concern throughout the United States and is often linked with polydrug use.³¹

This report is not mandated to report on the race and ethnicity of individuals charged with impaired driving. Given the overall pattern of over-representation of racial and ethnic minorities in arrest records and case filings and disparities in sentencing outcomes by race/ethnicity historically in Colorado,³² we feel it is important to understand whether there are disparate outcomes by race/ethnicity for DUI offenses. The Division of Criminal Justice (DCJ) released the first report on law enforcement contacts with civilians pursuant to C.R.S. 24-31-903.³³ The publication of the report also represented an important first step in being able to examine disparities in traffic stops, which is the beginning of the DUI criminal process, and in time, this nascent data collection system will improve its data completeness and reliability. Additional reporting on racial and ethnic identity is needed for DUI court case filings to be able to examine possible disparities in charging decisions, dispositions and sentencing. Currently, Colorado's court case files do not include consistent information about the ethnicity of defendants, which limits our ability to conduct these analyses. With this information missing, racial disparities in DUI filings, charging amendments, dispositions and sentencing is unknown.

Although Colorado is currently utilizing a variety of counter-measures to reduce impaired driving including, but not limited to: media campaigns, high-visibility enforcement periods, treatment services, and ignition interlocks, there has been little attention given toward other environmental strategies to reduce the prevalence of binge drinking and other high-risk substance use behaviors. The Community Prevention Services Task Force endorses increasing alcohol taxes and reducing access to alcohol by maintaining limits on days of sale as well as hours of sale.³⁴ In addition, the National Academy of Sciences also endorses these strategies to reduce impaired driving.³⁵ Although not officially endorsed by the traffic safety

³¹ Ayako Chan-Hosokawa, Jolene J Bierly, (2021), [111-Year Study of Fentanyl in Driving Under the Influence of Drugs Casework](#). *Analytical Toxicology*, 46(3), 337-341.

³² English, K; Flick, P; Lucero L. (2019). [Report on the CLEAR Act Community Law Enforcement Action Reporting Act](#). Colorado Department of Public Safety.

³³ Reed, J; Leapley, C; Hernandez, K. (2024). [Report on Contacts and Use of Force in Colorado](#). Colorado Department of Public Safety.

³⁴ Community Prevention Services Task Force. (2013). [Preventing Excessive Alcohol Use | The Community Guide](#).

³⁵ National Academies of Sciences, Engineering, and Medicine. 2018. [Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem](#). Washington, DC: The National Academies Press.

community, similar approaches could be applied to marijuana to help reduce the threat of drug impaired driving.

Appendices

Appendix A: Drug Recognition Expert (DRE), Fatality Analysis Reporting System (FARS) Categories

Drug	Category	DRE Category	FARS	Schedule
Butabarbital	Barbiturates	CNS Depressant	Depressant	NA
Butalbital	Barbiturates	CNS Depressant	Depressant	NA
Pentobarbital	Barbiturates	CNS Depressant	Depressant	II
Phenobarbital	Barbiturates	CNS Depressant	Depressant	IV
Secobarbital	Barbiturates	CNS Depressant	Depressant	II
Cannabis	Cannabis	Cannabis	Cannabinoid	NA
GHB	Dissociative Anesthetics	CNS Depressant	Depressant	I
Ketamine	Dissociative Anesthetics	Hallucinogen	Anesthetics	III
Ketamine	Dissociative Anesthetics	Hallucinogen	Hallucinogen	III
Phencyclidine	Dissociative Anesthetics	Hallucinogen	Hallucinogen	II
Phencyclidine	Dissociative Anesthetics	Hallucinogen	Anesthetics	II
LSD	Hallucinogens	Hallucinogen	Hallucinogen	I
Acetone	Inhalants	NA	Depressant	NA
Difluoroethane	Inhalants	Inhalant	Inhalant	NA
Polyfluorinated Ethane	Inhalants	Inhalant	NA	NA
Toluene	Inhalants	Inhalant	Inhalant	NA
Naltrexone	Likely Non-Impairing	Prescription Drug	Other	NA
Citalopram/ Escitalopram	Likely Non-Impairing	Prescription Drug	Depressant	NA
Sertraline	Likely Non-Impairing	Prescription Drug	Depressant	NA
Diltiazem	Likely Non-Impairing	Prescription Drug	Other	NA



Drug	Category	DRE Category	FARS	Schedule
Donepezil	Likely Non-Impairing	Prescription Drug	Depressant	NA
Ephedrine	Likely Non-Impairing	CNS Stimulant	Stimulant	II
Fluoxetine	Likely Non-Impairing	Prescription Drug	Depressant	NA
Levamisole	Likely Non-Impairing	NA	Other	NA
Metoprolol	Likely Non-Impairing	Prescription Drug	Depressant	NA
Chlorcyclizine	Likely Non-Impairing	Prescription Drug	NA	NA
Venlafaxine/ Desvenlafaxine	Likely Non-Impairing	Prescription Drug	Depressant	NA
Paroxetine	Likely Non-Impairing	NA	NA	NA
Pseudoephedrine	Likely Non-Impairing	OTC Drug	Stimulant	II
Ticlopidine	Likely Non-Impairing	Prescription Drug	NA	NA
Verapamil	Likely Non-Impairing	Prescription Drug	Depressant	NA
Bipivacaine	Likely Post-Crash Administration	Prescription Drug	Depressant	NA
Lidocaine	Likely Post-Crash Administration	Prescription Drug	Other	NA
Propofol	Likely Post-Crash Administration	Prescription Drug	NA	NA
Sevoflurane	Likely Post-Crash Administration	Prescription Drug	NA	NA
Fentanyl	Opioid	Narcotic Analgesic	Narcotic	II
Morphine/Heroin	Opioid	Narcotic Analgesic	Narcotic	I
Heroin	Opioid	Narcotic Analgesic	Narcotic	I
Acetylfentanyl	Opioid	Narcotic Analgesic	Narcotic	NA
Buprenorphine	Opioid	Narcotic Analgesic	Narcotic	V
Codeine	Opioid	Narcotic Analgesic	Narcotic	II
Methadone	Opioid	Narcotic Analgesic	Narcotic	II
Hydrocodone/ Hydromorphone	Opioid	Narcotic Analgesic	Narcotic	II



Drug	Category	DRE Category	FARS	Schedule
Mitragynine	Opioid	Narcotic Analgesic	Narcotic	NA
Tramadol	Opioid	Narcotic Analgesic	Narcotic	NA
Oxymorphone/ Oxycodone	Opioid	Narcotic Analgesic	Narcotic	II
Tapentadol	Opioid	Narcotic Analgesic	Narcotic	NA
U47700	Opioid	Narcotic Analgesic	Narcotic	NA
Dextromethorphan	Other Potentially Impairing Drugs	Dissociative Anesthetic	Depressant	NA
Methorphan	Other Potentially Impairing Drugs	Dissociative Anesthetic	Depressant	NA
Risperidone	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Amitriptyline	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Aripiprazole	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Brexpiprazole	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	NA	NA
Bupropion	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Carbamazepine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	NA	NA
Clobazam	Potentially Impairing Neuropsychiatric Medications	NA	Depressant	IV
Clomipramine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA



Drug	Category	DRE Category	FARS	Schedule
Clozapine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Desipramine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Doxepin	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Duloxetine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Gabapentin	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Oxcarbazepine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Imipramine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Lacosamide	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	NA	NA
Lamotrigine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Levetiracetam	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Lurasidone	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
MCPD	Potentially Impairing	Hallucinogen	Other	NA



Drug	Category	DRE Category	FARS	Schedule
	Neuropsychiatric Medications			
Mirtazapine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Fluoxetine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Olanzapine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Phenytoin	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Quetiapine	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Topiramate	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Trazodone	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Valproic Acid	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Ziprasidone	Potentially Impairing Neuropsychiatric Medications	Prescription Drug	Depressant	NA
Clonazepam	Sedatives	CNS Depressant	Depressant	IV
Alprazolam	Sedatives	CNS Depressant	Depressant	IV
Carisoprodol	Sedatives	CNS Depressant	Depressant	IV
Meprobamate/ Carisoprodol	Sedatives	CNS Depressant	Depressant	IV



Drug	Category	DRE Category	FARS	Schedule
Cetirizine	Sedatives	OTC drug	Depressant	NA
Chlordiazepoxide/ Demoxepam	Sedatives	CNS Depressant	Depressant	IV
Chlorpheniramine	Sedatives	OTC drug	Depressant	NA
Clonazepam	Sedatives	CNS Depressant	Depressant	NA
Cyclobenzaprine	Sedatives	Prescription Drug	Depressant	NA
Delorazepam	Sedatives	CNS Depressant	Depressant	IV
Diazepam/Oxazepam/ Temazepam	Sedatives	CNS Depressant	Depressant	IV
Diclazepam	Sedatives	CNS Depressant	Depressant	NA
Diphenhydramine	Sedatives	OTC drug	Depressant	NA
Doxylamine	Sedatives	OTC drug	Depressant	NA
Estazolam	Sedatives	CNS Depressant	Depressant	IV
Etizolam	Sedatives	CNS Depressant	Depressant	NA
Flualprazolam	Sedatives	CNS Depressant	NA	NA
Flubromazepam	Sedatives	CNS Depressant	Depressant	NA
Flubromazolam	Sedatives	CNS Depressant	Depressant	NA
Hydroxyzine	Sedatives	Prescription Drug	Depressant	NA
Lorazepam	Sedatives	CNS Depressant	Depressant	IV
Diclazepam	Sedatives	CNS Depressant	Depressant	IV
Midazolam	Sedatives	CNS Depressant	Depressant	IV
Orphenadrine	Sedatives	Prescription Drug	Depressant	NA
Promethazine	Sedatives	Prescription Drug	Depressant	NA
Suvorexant	Sedatives	CNS Depressant	NA	NA
Triazolam	Sedatives	CNS Depressant	Depressant	IV



Drug	Category	DRE Category	FARS	Schedule
Zolpidem	Sedatives	CNS Depressant	Depressant	IV
Zopiclone	Sedatives	CNS Depressant	Depressant	NA
Methylphenidate	Stimulant	CNS Stimulant	Stimulant	II
Modafinil	Stimulant	CNS Stimulant	Stimulant	IV
Phentermine	Stimulant	CNS Stimulant	Stimulant	IV
Phenylpropanolamine	Stimulant	CNS Stimulant	Stimulant	NA
Amphetamine/ Methamphetamine	Stimulants	CNS Stimulant	Stimulant	II
Atomoxetine	Stimulants	CNS Stimulant	Stimulant	NA
Cocaine	Stimulants	CNS Stimulant	Stimulant	II
Cathinone	Stimulants	CNS Stimulant	Stimulant	NA
Fladrafinil	Stimulants	CNS Stimulant	NA	NA
MDA/MDMA	Stimulants	Hallucinogen	Hallucinogen	I
Modafinil	Stimulants	CNS Stimulant	Stimulant	IV
Phentermine	Stimulants	CNS Stimulant	Stimulant	IV
Phenylpropanolamine	Stimulants	CNS Stimulant	Stimulant	NA
Methylphenidate	Stimulants	CNS Stimulant	Stimulant	II

Note: Drugs were grouped into the DRE categories based on the physiological effects of the drugs and feedback from the Colorado Bureau of Investigation. FARS drug categories are enumerated in the FARS manual. See: National Highway Traffic Safety Administration. (2022, March). 2020 FARS/CRSS coding validation manual (Report No. DOT HS, 813 251).

Appendix B: DUI cases by county, 2016-2021

County	2016	2017	2018	2019	2020	2021	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate
Adams	2,853	2,830	2,579	2,817	2,053	1,947	754	734	656	703	508	480
Alamosa	189	192	156	127	150	194	1,532	1,548	1,249	1,016	1,187	1,482
Arapahoe	3,157	2,413	2,035	1,763	1,382	1,246	628	474	395	338	265	239
Archuleta	85	70	75	104	81	82	792	630	653	885	722	706
Baca	19	11	13	13	12	11	663	383	452	453	429	393
Bent	15	27	41	33	38	29	310	538	816	652	785	632
Boulder	1,426	1,277	1,281	1,063	722	796	535	476	472	388	259	289
Broomfield	235	202	233	206	145	207	447	372	417	360	239	338
Chaffee	115	173	165	153	149	186	705	1,031	963	877	893	1,088
Cheyenne	20	10	7	NA	6	18	1,402	698	484	347	441	1,317
Clear Creek	110	120	164	146	92	107	1,380	1,474	2,009	1,777	1,165	1,308
Conejos	35	32	44	37	32	37	572	515	705	588	560	632
Costilla	25	28	31	24	22	26	813	900	982	744	764	862
Crowley	14	37	25	18	32	45	302	726	484	336	614	870
Custer	18	44	54	52	16	26	448	1,035	1,251	1,170	388	590
Delta	204	166	156	155	122	124	816	658	610	599	470	477
Denver	2,269	1,792	1,887	1,817	1,345	1,298	398	309	319	301	226	219
Dolores	11	8	NA	6	7	9	659	480	297	354	405	497
Douglas	1,016	910	809	936	888	832	399	346	298	333	305	288
Eagle	568	527	483	453	388	469	1,298	1,190	1,084	1,005	848	1,035
El Paso	2,750	3,074	3,150	3,616	3,262	3,344	511	560	562	636	564	572
Elbert	98	97	89	65	86	78	476	459	412	294	398	353
Fremont	281	216	225	262	247	216	700	531	549	642	589	510



County	2016	2017	2018	2019	2020	2021	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate
Garfield	633	681	618	643	436	438	1,378	1,469	1,314	1,351	889	903
Gilpin	117	164	238	197	97	132	2,367	3,257	4,649	3,755	1,960	2,591
Grand	167	200	227	199	180	236	1,325	1,565	1,760	1,513	1,368	1,740
Gunnison	186	187	153	172	130	137	1,360	1,329	1,068	1,175	916	930
Hinsdale	NA	NA	NA	NA	NA	5	NA	305	148	431	297	743
Huerfano	68	53	81	106	95	57	1,214	939	1,386	1,812	1,627	948
Jackson	6	10	16	16	10	6	529	873	1,375	1,373	858	512
Jefferson	2,489	2,597	2,409	2,306	1,846	1,922	531	549	505	479	383	399
Kiowa	9	7	NA	25	43	15	828	634	270	2,207	3,632	1,288
Kit Carson	65	52	35	39	32	36	1,052	910	613	695	569	670
La Plata	671	486	505	465	343	438	1,472	1,059	1,083	995	739	929
Lake	70	81	69	53	56	36	1,177	1,334	1,122	827	954	596
Larimer	1,789	2,052	2,160	2,344	1,787	1,873	648	731	755	801	605	622
Las Animas	111	101	114	112	101	96	956	861	951	933	833	792
Lincoln	37	41	50	59	63	54	812	904	1,093	1,267	1,362	1,202
Logan	103	113	145	128	106	119	563	620	797	701	592	677
Mesa	834	811	786	751	642	633	695	667	637	601	509	493
Mineral	NA	8	8	9	5	7	NA	1,238	1,199	1,360	670	859
Moffat	149	139	113	73	76	91	1,481	1,380	1,113	712	737	885
Montezuma	213	237	269	206	179	251	1,028	1,135	1,282	979	857	1,175
Montrose	224	220	298	288	210	208	679	654	873	829	600	589
Morgan	165	209	130	185	160	165	772	975	600	836	721	743
Otero	96	143	113	140	91	106	674	995	785	973	617	718
Ouray	58	56	56	42	30	19	1,421	1,365	1,359	990	710	428
Park	78	85	126	147	103	75	530	560	800	918	697	493



County	2016	2017	2018	2019	2020	2021	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate
Phillips	15	24	29	25	19	19	447	715	863	740	530	539
Pitkin	150	173	159	153	81	139	965	1,110	1,018	981	531	930
Prowers	121	89	93	135	122	102	1,331	973	1,010	1,459	1,325	1,098
Pueblo	656	556	628	633	551	589	500	418	467	466	404	431
Rio Blanco	43	78	60	42	30	31	854	1,566	1,209	841	577	614
Rio Grande	72	64	84	64	56	62	812	723	952	720	609	675
Routt	165	229	263	218	129	164	811	1,100	1,241	1,029	627	784
Saguache	24	19	33	20	27	20	471	360	607	364	522	371
San Juan	8	NA	NA	8	12	9	1,370	167	618	1,278	1,951	1,391
San Miguel	115	66	59	51	39	74	1,763	1,007	882	761	587	1,083
Sedgwick	11	6	12	14	17	13	561	316	643	756	857	670
Summit	395	411	470	455	331	419	1,485	1,526	1,741	1,681	1,220	1,585
Teller	176	207	238	219	242	227	871	997	1,123	1,018	1,149	1,065
Washington	23	15	15	7	13	11	606	387	391	181	330	282
Weld	1,378	1,527	1,650	1,507	1,247	1,403	611	653	683	604	486	539
Yuma	37	27	28	35	50	31	482	354	368	459	657	411

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix C: DUI cases by judicial district, 2016-2021

Judicial District	2016	2017	2018	2019	2020	2021	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate
1	2,606	2,761	2,647	2,503	1,943	2,054	550	577	548	515	399	422
2	2,269	1,792	1,887	1,817	1,345	1,298	398	304	319	309	226	219
3	179	154	195	218	196	153	1,040	886	1,086	1,203	1,091	844
4	2,926	3,281	3,388	3,835	3,504	3,571	525	577	582	646	584	589
5	1,143	1,139	1,186	1,107	867	1,031	1,358	1,334	1,384	1,288	997	1,199
6	764	556	580	577	436	529	1,342	968	990	994	746	891
7	787	695	722	708	531	567	949	827	845	823	613	644
8	1,795	2,062	2,176	2,360	1,797	1,879	647	731	756	804	606	621
9	826	932	837	838	547	608	1,240	1,392	1,232	1,226	787	887
10	656	556	628	633	551	589	500	418	467	467	404	431
11	492	518	570	614	515	503	653	674	730	798	662	636
12	345	343	356	281	292	346	965	939	962	775	801	926
13	419	446	394	433	397	394	669	717	631	688	632	635
14	481	568	603	490	385	491	1,121	1,305	1,368	1,128	872	1,097
15	169	117	113	173	183	146	1,170	805	795	1,217	1,251	999
16	125	207	179	191	161	180	526	843	721	757	649	734
17	3,088	3,032	2,812	3,023	2,198	2,154	716	689	625	659	472	461
18	4,308	3,461	2,983	2,823	2,419	2,210	551	434	366	341	288	264
19	1,378	1,527	1,650	1,507	1,247	1,403	611	653	683	606	486	539
20	1,426	1,277	1,281	1,063	722	796	536	475	472	386	259	289
21	834	811	786	751	642	633	695	666	636	600	508	493
22	224	245	269	212	186	260	1,000	1,087	1,209	945	823	1,122

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix D: DUI cases by arresting agency, 2016-2021

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Adams County Sheriff	576	566	370	492	202	184	-10%
Adams District Attorney	0	0	0	3	0	0	NA
Adams State Campus Police	4	4	2	1	1	4	75%
Alamosa County Sheriff	22	44	29	19	27	42	36%
Alamosa PD	79	91	72	47	45	61	26%
Alma PD	2	0	0	0	1	0	NA
Antonito PD	8	1	3	0	1	3	67%
Arapahoe Sheriff/ Centennial Police*	560	378	308	304	295	246	-20%
Arapahoe District Attorney	5	1	0	1	1	0	NA
Archuleta County Sheriff	19	15	21	29	34	40	15%
Arvada PD	459	467	388	429	340	367	7%
Aspen PD	41	50	62	67	31	47	34%
Ault PD	8	7	3	2	3	9	67%
Aurora PD	2,221	1,570	1,255	983	649	630	-3%
Avon PD	101	130	107	99	69	93	26%
Baca County Sheriff	4	4	8	3	3	1	-200%
Basalt PD	47	27	22	19	22	26	15%
Bayfield PD	9	3	5	9	9	10	10%



Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Bent County Sheriff	5	18	19	19	21	18	-17%
Berthound PD	2	1	3	3	1	0	NA
Blackhawk PD	31	40	29	25	19	26	27%
Blanca PD	0	0	0	2	0	0	NA
Blue River PD	0	0	4	2	1	5	80%
Boulder County Sheriff	217	190	150	148	93	88	-6%
Boulder District Attorney	1	3	1	2	2	0	NA
Boulder PD	479	351	279	180	123	156	21%
Breckenridge PD	62	74	78	41	28	67	58%
Brighton PD	233	222	210	168	230	228	-1%
Broomfield County Sheriff	234	199	229	202	143	204	30%
Brush PD	32	12	11	24	9	15	40%
Buena Vista PD	27	27	23	19	16	19	16%
Burlington PD	18	19	10	11	11	8	-38%
CO Division of Wildlife	21	33	42	35	41	23	-78%
CO State Campus Police	181	200	129	112	58	69	16%
Colorado State Patrol	4,586	4,821	5,220	5,242	4,747	4,917	3%
Calhan Marshals Office	6	1	1	2	2	2	0%
Campo PD	1	0	0	0	0	0	NA
Canon City PD	52	62	62	42	48	40	-20%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Carbondale PD	86	102	147	92	40	40	0%
Castle Rock PD	181	163	128	97	99	104	5%
Cedaredge Marshals Office	3	5	5	5	4	9	56%
Center PD	10	3	6	2	4	12	67%
Chaffee County Sheriff	22	26	37	39	35	39	10%
Cherry Hills PD	34	53	41	24	14	12	-17%
Cheyenne County Sheriff	19	7	4	5	4	13	69%
Clear Creek County Sheriff	21	28	64	27	19	22	14%
Collbran Marshals Office	3	1	0	0	0	0	NA
Colorado Attorney General	1	0	0	0	0	0	NA
Colorado Springs PD	1,614	1,899	1,899	1,808	1,671	1,771	6%
Columbine Valley PD	16	17	25	4	6	8	25%
Commerce City PD	201	219	229	304	286	228	-25%
Conejos County Sheriff	12	4	9	5	10	4	-150%
Cortez PD	133	126	159	124	73	96	24%
Costilla County Sheriff	19	21	13	6	15	17	12%
Craig PD	75	51	42	31	31	57	46%
Creede PD	1	0	0	0	0	0	NA
Crested Butte Marshals Office	18	13	15	16	7	10	30%
Crested Butte PD	33	29	24	38	31	23	-35%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Cripple Creek PD	12	24	41	31	51	44	-16%
Crowley County Sheriff	11	30	19	13	20	37	46%
Custer County Sheriff	16	41	48	50	15	24	38%
Dacono PD	70	41	30	39	24	17	-41%
Debeque PD	6	3	1	2	4	4	0%
Del Norte PD	16	6	4	6	4	1	-300%
Delta County Sheriff	20	26	17	17	32	15	-113%
Delta District Attorney	1	0	0	0	0	0	NA
Delta PD	50	42	40	39	23	53	57%
Denver PD	2,269	1,791	1,888	1,815	1,346	1,298	-4%
Dillon PD	39	23	20	27	12	43	72%
Dinosaur PD	0	0	0	3	1	1	0%
Dolores County Sheriff	7	4	2	5	3	5	40%
Douglas County Sheriff	397	360	289	373	400	330	-21%
Douglas District Attorney	1	0	0	2	0	0	NA
Durango PD	280	221	201	186	141	232	39%
Eagle County Drug Task Force	1	0	0	0	0	0	NA
Eagle County Sheriff	96	67	85	78	65	83	22%
Eagle PD	73	49	40	23	23	30	23%
Eaton PD	11	14	11	5	14	28	50%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Edgewater PD	194	128	61	49	33	33	0%
El Paso County Sheriff	424	359	451	836	693	579	-20%
El Paso District Attorney	23	15	11	46	8	19	58%
Elbert County Sheriff	76	68	58	45	68	64	-6%
Elizabeth PD	11	7	9	7	4	3	-33%
Empire PD	0	0	1	0	0	0	NA
Englewood PD	180	173	147	146	94	91	-3%
Erie PD	83	69	71	95	68	84	19%
Estes Park PD	58	45	46	55	25	27	7%
Evans PD	90	104	112	135	95	71	-34%
Fairplay PD	3	3	1	4	3	4	25%
Federal Heights PD	37	72	59	56	23	18	-28%
Firestone PD	21	18	40	34	23	25	8%
Florence PD	22	15	24	17	32	41	22%
Fort Collins PD	464	441	495	505	393	511	23%
Fort Lewis College Campus Police	3	10	6	3	1	3	67%
Fort Lupton PD	112	148	182	87	96	145	34%
Fort Morgan PD	52	90	56	85	57	57	0%
Fountain PD	141	185	157	132	143	177	19%
Fowler PD	14	0	1	0	0	5	100%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Frederick PD	52	42	49	48	23	27	15%
Fremont County Sheriff	150	88	75	89	75	30	-150%
Fremont District Attorney	1	0	0	0	17	0	NA
Frisco PD	48	42	36	28	17	49	65%
Fruita PD	20	27	19	21	0	24	100%
Garden City PD	0	0	12	13	11	13	15%
Garfield County Sheriff	107	101	115	153	83	57	-46%
Garfield District Attorney	5	6	1	0	1	0	NA
Georgetown PD	8	11	8	9	5	2	-150%
Gilpin County Sheriff	48	92	144	120	48	44	-9%
Glendale PD	23	27	18	15	15	13	-15%
Glenwood Springs PD	155	211	110	130	57	130	56%
Golden PD	131	189	199	122	72	103	30%
Granby PD	15	21	17	10	9	9	0%
Grand County Sheriff	55	69	91	65	45	77	42%
Grand District Attorney	1	0	0	1	0	2	100%
Grand Junction PD	400	346	275	296	246	272	10%
Greeley PD	350	442	493	444	367	337	-9%
Green Mountain Falls Marshals Office	2	0	0	0	0	1	100%
Greenwood Village PD	136	124	123	114	81	89	9%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Gunnison County Sheriff	38	47	24	29	18	27	33%
Gunnison PD	58	71	57	68	51	56	9%
Haxtun PD	2	0	3	1	3	4	25%
Hayden PD	1	4	5	8	4	3	-33%
Hinsdale County Sheriff	0	2	1	3	2	4	50%
Holyoke PD	10	11	8	9	6	11	45%
Hotchkiss PD	1	4	4	1	2	1	-100%
Hudson Municipal Court	0	1	0	0	1	0	NA
Hudson PD	2	4	23	20	8	14	43%
Huerfano County Sheriff	2	11	39	59	49	28	-75%
Huerfano District Attorney	3	0	0	0	0	0	NA
Hugo Marshals Office	1	2	1	2	2	4	50%
Idaho Springs PD	25	33	37	42	28	37	24%
Ignacio PD	5	3	5	7	1	2	50%
Jackson County Sheriff	5	9	14	15	8	5	-60%
Jefferson County Sheriff	313	384	307	297	206	216	5%
Jefferson District Attorney	0	1	0	0	0	0	NA
Johnstown PD	32	28	42	45	35	39	10%
Keenesburg PD	3	2	3	1	3	2	-50%
Kersey PD	5	10	12	5	7	6	-17%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Kiowa County Sheriff	8	3	1	20	42	13	-223%
Kiowa PD	2	4	1	0	0	0	NA
Kit Carson County Sheriff	26	21	10	15	6	22	73%
Kremmling PD	4	7	8	6	8	13	38%
La Jara PD	3	3	13	7	1	0	NA
La Junta PD	18	49	45	47	23	25	8%
La Plata County Sheriff	198	113	116	97	63	88	28%
La Salle PD	33	27	26	17	9	11	18%
La Veta Marshals Office	0	0	0	0	1	0	NA
Lafayette PD	81	97	92	73	45	49	8%
Lake County Sheriff	38	51	37	17	20	19	-5%
Lakeside PD	6	18	17	16	8	23	65%
Lakewood PD	606	534	532	487	469	566	17%
Lamar PD	67	41	43	62	63	48	-31%
Larimer County Sheriff	487	548	665	725	547	534	-2%
Larimer District Attorney	2	0	4	4	1	1	0%
Las Animas County Sheriff	11	8	17	11	5	9	44%
Leadville PD	18	12	18	28	23	8	-188%
Limon PD	6	15	17	20	25	13	-92%
Lincoln County Sheriff	7	5	5	9	10	20	50%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Littleton PD	126	91	96	109	75	46	-63%
Lochbuie PD	33	29	19	20	55	17	-224%
Log Lane PD	4	24	7	1	5	2	-150%
Logan County Sheriff	46	31	70	57	44	31	-42%
Lone Tree PD	92	83	74	79	53	48	-10%
Longmont PD	380	340	350	323	246	226	-9%
Louisville PD	65	99	95	75	36	33	-9%
Loveland PD	359	490	474	605	523	413	-27%
Manassa PD	0	1	0	2	0	0	NA
Mancos PD	2	2	0	5	13	8	-62%
Manitou Springs PD	60	122	94	128	73	99	26%
Manzanola PD	0	1	0	0	0	0	NA
Mead PD	0	1	1	8	11	20	45%
Meeker PD	8	7	12	4	7	5	-40%
Mesa County Sheriff	158	153	175	134	103	64	-61%
Mesa District Attorney	0	2	9	9	6	2	-200%
Metro Task Force	2	5	0	4	1	0	NA
Milliken PD	38	37	19	18	8	16	50%
Mineral County Sheriff	1	0	1	0	3	0	NA
Moffat County Sheriff	28	17	7	7	15	8	-88%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Moffat District Attorney	1	0	0	2	1	1	0%
Monte Vista PD	29	18	37	27	22	29	24%
Montezuma County Sheriff	31	54	37	18	19	55	65%
Montrose County Sheriff	43	38	52	47	45	56	20%
Montrose PD	84	81	108	132	81	65	-25%
Monument PD	21	20	33	23	24	29	17%
Morgan County Sheriff	32	34	17	20	21	14	-50%
Morrison PD	20	26	85	106	50	23	-117%
Mountain View PD	22	15	6	19	7	24	71%
Mountain Village PD	4	3	3	4	3	4	25%
Nederland Marshals Office	8	0	5	1	7	8	12%
New Castle PD	18	7	19	13	10	10	0%
Northglenn PD	258	224	264	196	184	248	26%
Norwood PD	0	3	1	0	2	3	33%
Nunn PD	1	0	4	2	0	4	100%
Oak Creek PD	1	5	5	3	6	2	-200%
Olathe PD	7	7	7	7	7	14	50%
Otero County Sheriff	7	19	5	3	1	4	75%
Ouray County Sheriff	21	14	14	12	12	7	-71%
Ouray PD	5	5	7	0	1	2	50%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Pagosa Springs PD	37	29	24	35	17	20	15%
Palisade PD	17	21	11	15	12	12	0%
Palmer Lake PD	4	4	0	1	4	6	33%
Paonia PD	2	4	5	8	7	0	NA
Parachute PD	43	27	21	16	8	8	0%
Park County Sheriff	50	57	99	85	64	30	-113%
Park District Attorney	0	1	0	0	0	0	NA
Parker PD	189	158	114	143	91	102	11%
Phillips County Sheriff	1	13	17	16	8	5	-60%
Pikes Peak Community College Campus Police	0	0	1	0	0	0	NA
Pitkin County Sheriff	58	70	67	56	22	65	66%
Pitkin District Attorney	1	5	0	0	0	0	NA
Platteville PD	32	21	21	33	17	27	37%
Prowers County Sheriff	31	31	24	34	26	12	-117%
Pueblo Community College Campus Police	1	0	0	0	0	0	NA
Pueblo County Sheriff	173	148	136	158	146	148	1%
Pueblo Mental Health Institute Campus Police	2	5	0	0	0	0	NA
Pueblo PD	334	269	318	317	227	261	13%
Rangely PD	16	44	19	8	6	10	40%
Red Rocks Community College Campus Police	3	1	4	2	0	0	NA

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Ridgway Marshals Office	3	1	3	5	3	0	NA
Rifle PD	63	55	64	72	99	66	-50%
Rio Blanco County Sheriff	14	21	21	15	6	7	14%
Rio Grande County Sheriff	9	16	7	8	10	8	-25%
Rocky Ford PD	8	6	6	9	10	6	-67%
Routt County Sheriff	21	34	32	24	22	43	49%
Saguache County Sheriff	8	5	7	1	7	5	-40%
Salida PD	39	83	67	51	56	86	35%
San Juan County Sheriff	6	1	4	7	10	5	-100%
San Miguel County Sheriff	16	15	15	25	20	39	49%
San Miguel District Attorney	1	0	0	0	0	0	NA
School of Mines Campus Police	6	1	1	0	0	1	100%
Sedgwick County Sheriff	7	6	10	13	12	11	-9%
Severance PD	0	0	0	7	13	6	-117%
Sheridan PD	74	49	48	80	30	37	19%
Silt PD	8	9	27	35	16	10	-60%
Silverthorne PD	29	34	26	35	31	32	3%
Simla PD	2	6	8	0	1	0	NA
Snowmass Village PD	16	20	14	8	12	6	-100%
South Fork PD	0	2	2	0	4	0	NA

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Southern Ute Tribal PD	1	0	0	1	0	0	NA
Springfield PD	8	2	3	3	3	3	0%
Steamboat Springs PD	74	80	92	90	59	67	12%
Sterling PD	34	58	51	42	31	58	47%
Stratton PD	2	0	1	0	0	0	NA
Summit County Sheriff	84	88	132	192	134	124	-8%
Teller County Sheriff	80	86	81	93	95	72	-32%
Teller District Attorney	2	1	2	0	0	0	NA
Telluride Marshals Office	81	31	22	13	7	14	50%
Thornton PD	455	514	467	571	398	378	-5%
Timnath PD	6	7	11	5	2	7	71%
Trinidad PD	31	33	29	32	42	46	9%
Two Rivers Drug Enforcement Task Force	0	0	0	0	1	0	NA
UC Denver Campus Police	13	7	8	21	8	6	-33%
UCCS Campus Police	1	5	6	24	12	3	-300%
UNC Campus Police	3	4	0	4	1	1	0%
Other Campus Police	65	30	101	51	28	25	-12%
Vail PD	61	52	30	38	20	45	56%
Walsh PD	0	0	0	1	0	0	NA
Washington County Sheriff	0	0	7	2	9	6	-50%

Agency	2016	2017	2018	2019	2020	2021	2020-2021 % Difference
Weld County Sheriff	134	166	161	148	84	117	28%
Weld District Attorney	0	1	1	0	0	0	NA
West Metro Task Force	40	44	48	48	26	2	-1 200%
Westminster PD	341	441	460	488	297	250	-19%
Wheat Ridge PD	121	114	112	111	122	91	-34%
Wiggins PD	0	1	1	3	4	5	20%
Windsor PD	44	56	57	71	57	95	40%
Winter Park PD	55	74	66	78	53	78	32%
Woodland Park PD	48	67	70	48	51	48	-6%
Wray PD	1	4	3	3	0	1	100%
Yuma County Sheriff	6	9	11	16	28	17	-65%
Yuma PD	14	4	4	8	10	5	-100%

***Note:** Arapahoe County Sheriff's Office and Centennial Police Department often operate in the same jurisdictions have been combined to reflect agency collaborations. In previous year reports these agencies were listed separately.

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix E: Final DUI charges by initial charge, 2021

Final Charge	Initial UDD	Initial DWAI	Initial DUI	Initial DWAI 1-2 Prior(s)	Initial DUI 1-2 Prior(s)	Initial DWAI 3+ Priors	Initial DUI 3+ Priors	Initial VEH ASSAULT	Initial VEH HOMICIDE	Initial Other
Final UDD	66	1	34	0	0	0	0	0	0	1
Final DWAI	2	2,239	4,587	0	12	1	4	0	0	17
Final DUI	1	18	11,056	0	6	0	16	0	0	18
Final DWAI 1-2 Prior(s)	0	22	603	133	41	1	5	0	0	0
Final DUI 1-2 Prior(s)	0	8	1,197	1	493	0	23	0	0	4
Final DWAI 3+ Priors	0	0	2	0	2	31	19	0	0	0
Final DUI 3+ Priors	0	1	13	0	13	0	844	0	0	2
Final VEH ASSAULT	0	0	0	0	0	0	0	78	0	0
Final VEH HOMICIDE	0	0	0	0	0	0	0	0	28	1
Final Other	0	22	127	0	1	1	0	0	0	0
Total	69	2,311	17,619	134	568	34	911	78	28	43

Data Sources: State Judicial Department, Denver County Court and State Demography Office. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix F: Common final charges, excluding DUI charges, 2021

Final Charge	N
Careless Driving	6,919
Failure To Display Proof Of Insurance	3,451
Lane Usage Violation	3,443
Driving Under Restraint	2,548
Alcohol-Open Container/Drink In Vehicle	2,244
Driver's License-Driving W/Out	1,656
Reckless Driving	1,555
Speeding 10-19 Over Limit	1,150
Controlled Sub-Poss Sch I/li/lii/iv/v	1,016
No Insurance-Driver	956
Failing To Report Accident-Call Police	772
Driving Under Restraint-Alcohol-Related	768
Drug Paraphernalia-Possess	676
Violation P/O-Criminal	651
No Insurance-Owner	648
License Plates-Expired	597
Leaving Scene/Accident-Damage Only	538
Marijuana-Possess Open Container In Vehicle	533
Alcohol-Under 21- Possess/Consumption	518
Weapon-Prohibited Use-Drunk W/Gun	497
Seat Belt Not Used	489
Driving After Revocation Prohibited	475
Child Abuse-Knowingly/Reckless-No Injury	460
Speeding 25-39 Over Limit	420

Final Charge	N
Red Light-Fail To Stop	417
Headlamps-Failure To Display	414
Obstructing A Peace Officer	410
Speeding 20-24 Over Limit	406
Leaving Scene/Accident-Unattended Vehicle	393
Careless Driving Resulting In Injury	390
Registration-Fictitious Plate	314
Registration-Unregistered Vehicle	311
Resisting Arrest	298
Fail Obey Traffic Control Device	264
Vehicular Eluding	262
Reckless Endangerment	243
Signaling Violation	227
License Plates-Expired Temp Permit	219
Marijuana-Under21- Possess/Consumption	219
Turning Improperly	201

Data Sources: State Judicial Department and Denver County Court. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix G: Percent of DUI case filings with matching toxicology reports, 2021

County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Adams	1,947	52.8	52.8	30.0
Alamosa	194	57.7	57.7	32.5
Arapahoe	1,246	50.2	50.2	29.9
Archuleta	82	59.8	59.8	25.6
Baca	11	54.5	54.5	54.5
Bent	29	31.0	31.0	20.7
Boulder	796	49.7	49.7	34.4
Broomfield	207	44.0	44.0	23.2
Chaffee	186	62.4	62.4	24.7
Cheyenne	18	66.7	66.7	66.7
Clear Creek	107	65.4	65.4	36.4
Conejos	37	62.2	62.2	45.9
Costilla	26	46.2	46.2	NA
Crowley	45	60.0	60.0	17.8
Custer	26	53.8	53.8	26.9
Delta	124	61.3	61.3	33.9
Denver	1,298	50.2	50.2	14.0
Dolores	9	100.0	100.0	NA
Douglas	832	54.9	54.9	28.2
Eagle	469	57.6	57.6	25.4
El Paso	3,344	59.9	59.9	44.4
Elbert	78	52.6	52.6	23.1
Fremont	216	64.4	64.4	25.9
Garfield	438	57.3	57.3	28.8



County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Gilpin	132	56.8	56.8	28.0
Grand	236	52.1	52.1	27.1
Gunnison	137	58.4	58.4	32.8
Hinsdale	5	NA	NA	NA
Huerfano	57	57.9	57.9	35.1
Jackson	6	NA	NA	NA
Jefferson	1,922	56.6	56.6	34.9
Kiowa	15	73.3	73.3	60.0
Kit Carson	36	44.4	44.4	22.2
La Plata	438	60.3	60.3	27.6
Lake	36	61.1	61.1	47.2
Larimer	1,873	57.4	57.4	28.5
Las Animas	96	39.6	39.6	25.0
Lincoln	54	64.8	64.8	29.6
Logan	119	52.9	52.9	30.3
Mesa	633	59.4	59.4	37.0
Mineral	7	NA	NA	NA
Moffat	91	51.6	51.6	27.5
Montezuma	251	58.6	58.6	20.3
Montrose	208	59.1	59.1	23.1
Morgan	165	52.7	52.7	23.0
Otero	106	52.8	52.8	35.8
Ouray	19	26.3	26.3	NA
Park	75	60.0	60.0	22.7
Phillips	19	73.7	73.7	36.8
Pitkin	139	56.8	56.8	23.0
Prowers	102	44.1	44.1	40.2



County	Case Filings	Percent with Any Toxicology Record Match	Percent with Alcohol Screening Record Match	Percent with Drugs of Abuse Screening Record Match
Pueblo	589	53.8	53.8	27.5
Rio Blanco	31	61.3	61.3	38.7
Rio Grande	62	62.9	62.9	29.0
Routt	164	53.0	53.0	23.2
Saguache	20	60.0	60.0	30.0
San Juan	9	NA	NA	NA
San Miguel	74	52.7	52.7	29.7
Sedgwick	13	76.9	76.9	61.5
Summit	419	53.7	53.7	27.0
Teller	227	61.7	61.7	33.0
Washington	11	54.5	54.5	NA
Weld	1,403	56.7	56.7	27.2
Yuma	31	71.0	71.0	35.5

Note: NA represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix H: Case Filings and Drugs Detected, 2016-2021

Drugs	2016	2017	2018	2019	2020	2021
ALCOHOL	15,495	15,088	14,484	13,900	10,172	10,309
DELTA-9 THC	2,489	2,739	2,900	2,848	3,357	2,827
AMPHETAMINE/METHAMPHETAMINE	600	672	829	700	1,110	1,101
COCAINE	337	354	449	551	768	680
FENTANYL	6	8	15	52	151	230
ALPRAZOLAM	481	367	273	188	231	187
MORPHINE/HEROIN	152	139	96	144	192	172
DIAZEPAM/OXAZEPAM/TEMAZEPAM*	NA	137	174	169	195	145
CLONAZEPAM	206	184	150	153	181	131
LORAZEPAM	115	128	100	127	104	96
OXYCODONE/ OXYMORPHONE	126	105	68	6	78	80
ZOLPIDEM	107	105	106	77	75	60
BUPRENORPHINE	NA	21	16	32	80	55
METHADONE	33	21	29	49	50	46
PHENOBARBITAL	5	5	10	15	37	32
HYDROCODONE/HYDROMORPHONE	49	42	35	43	56	31
MDA/MDMA	20	26	19	16	40	30
TRAMADOL	49	45	42	52	39	26
BUTALBITAL	15	11	13	12	11	13
MEPROBAMATE/CARISOPRODOL	51	30	18	12	14	12
PSEUDOEPHEDRINE	NA	NA	NA	NA	13	12
QUETIAPINE	15	5	NA	NA	15	11
CHLORDIAZEPOXIDE/DEMOXEPAM*	NA	21	19	27	33	10
CARISOPRODOL	41	21	14	10	8	9



Drugs	2016	2017	2018	2019	2020	2021
GABAPENTIN	NA	NA	NA	NA	6	5
KRATOM	NA	NA	NA	NA	21	22
KETAMINE	NA	7	8	NA	8	NA
BUPROPION	5	NA	NA	NA	6	NA
CODEINE	16	34	35	48	6	NA
ETIZOLAM	NA	NA	NA	NA	6	NA
AMITRIPTYLINE	7	NA	NA	NA	NA	NA
CITALOPRAM/ESCITALOPRAM	33	11	8	NA	NA	NA
CYCLOBENZAPRINE	7	NA	NA	NA	NA	NA
DEXTROMETHORPHAN	5	NA	NA	NA	NA	NA
DIPHENHYDRAMINE	15	18	8	NA	NA	NA
FLUOXETINE	14	10	NA	NA	NA	NA
HYDROXYZINE	13	5	7	NA	NA	NA
LAMOTRIGINE	20	14	5	NA	NA	NA
LIDOCAINE	9	NA	NA	NA	NA	NA
MIDAZOLAM	12	12	17	8	NA	NA
MIRTAZAPINE	6	NA	NA	NA	NA	NA
POLYFLUORINATED ETHANE	8	20	16	NA	NA	NA
PROMETHAZINE	6	NA	NA	NA	NA	NA
PROPOFOL	NA	5	NA	NA	NA	NA
SERTRALINE	11	7	NA	NA	NA	NA
TOPIRAMATE	13	6	NA	NA	NA	NA
TRAZODONE	29	5	NA	6	NA	NA
VENLAFAXINE/DESVENLAFAXINE	23	17	NA	NA	NA	NA

Note: Drug classifications were changed for a few benzodiazepines to reduce double counting, and few categories marked with an [*] were unable to be recalculated. `NA` represents cell counts under five that were suppressed.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix I: Number of DUI charges with dispositions, by drug category, 2016-2021

Drugs Detected	2016	2017	2018	2019	2020	2021
None Detected	157	157	157	288	188	106
Alcohol Only	13,323	12,608	11,775	11,792	6,553	7,159
THC Only	878	1,007	978	907	700	554
Single Other Drug	348	374	410	300	302	280
Alcohol and THC	787	890	967	1,188	1,294	1,216
Alcohol and Other	346	383	378	579	683	772
THC and Other	426	403	443	412	419	376
Alcohol, THC, and Other	223	231	248	341	431	402
Polydrug Not Alcohol or THC	318	249	203	202	202	311

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.



Appendix J: Toxicology and Speeding-Related DUI, 2021

Drugs Detected	Total	Speeding charge	Speeding charge %
Not Tested	9,636	1,001	10.4%
None Detected	114	17	14.9%
Alcohol Only	7,687	1,052	13.7%
THC Only	605	163	26.9%
Single Other Drug	318	21	6.6%
Alcohol and THC	1,310	207	15.8%
Alcohol and Other	849	53	6.2%
THC and Other	449	43	9.6%
Alcohol, THC, and Other	463	64	13.8%
Polydrug Not Alcohol or THC	364	10	2.7%
Total	21,795	2,631	12.1%

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix K: Monetary Sentences for Offenders, 2021

Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Victims Assistance Fund	Surcharges	15,829	2,795,384	176.49
Rural Youth Alc/Sub Abuse Surc	Surcharges	15,570	80,167	5.15
LEAF Assessment	Fine	15,486	1,393,920	90
Brain Injury Trust Fund	Surcharges	15,425	383,852	24.87
Alcohol Eval Fee	Surcharges	15,307	3,065,586	200.19
Persistent Drunk Driving Schg	Surcharges	15,241	1,613,770	105.8
Genetic Testing Surcharge	Surcharges	15,188	45,718	3.01
Victim Compensation Fund	Surcharges	15,109	617,838	40.88
Restorative Justice Surcharge	Surcharges	15,071	150,855	10.01
Driving Und Infl/Abil Impaired	Fine	14,326	7,097,688	472.17
Subst Affect Driving Data Surc	Surcharges	13,317	26,643	2
Court Costs	Surcharges	13,240	296,179	22.36
Court Security Cash Fund	Surcharges	13,184	65,935	5
Probation Supervision Fee	Surcharges	10,240	9,930,243	962.23
E-Discovery	Surcharges	10,090	51,220	5.07
Public Defender Accts Rcvable	Surcharges	2,945	73,713	24.91
Cost of Prosecution-Crg Agency	Surcharges	2,895	176,570	60.76
Useful Public Service	Surcharges	2,725	242,212	88.85



Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Request for Time to Pay	Surcharges	1,388	34,865	25.05
Cost of Care - Probation/Adult	Surcharges	956	1,335,753	1,395.77
Restitution	Restitution	371	1,379,769	3,602.53
Cost of Prosecution-Sheriff	Surcharges	299	32,395	108.34
Drug Standardized Assessment	Surcharges	246	12,270	49.48
Family Friendly Surcharge	Surcharges	181	272	1.49
Traffic Fine	Fine	133	29,180	204.06
District Atty Cost Recovery	Surcharges	72	4,062	56.42
Drug Test - Cost Recovery	Surcharges	69	1,287	18.65
Cost of Care - Jail	Surcharges	53	23,090	427.59
Misdemeanor Fine	Fine	47	25,750	515
Address Confidentiality Fund	Surcharges	42	1,158	27.57
Cost of Prosecution - Other	Surcharges	33	2,115	64.09
Warrant/Extradition Fee Sheriff	Surcharges	30	13,715	442.42
Felony Fine	Fine	22	39,000	1,560
REST-Victims Compensation	Restitution	14	92,139	6,581.36
REST-Insurance Co	Restitution	13	129,255	9,232.5
Assessed Costs - Other	Surcharges	4	4,110	1,027.5
Court Ordered Contribution	Surcharges	3	600	200
Dist Atty Local Payment	Surcharges	3	123	41
Cost of Proceedings	Surcharges	2	166	83



Sentence Description	Sentence Type	Number of DUI Cases	Total Dollar Amount	Average Dollar Amount
Cost of Prosecution-Jud Pd Cost	Surcharges	2	98	49
Juvenile Fine	Fine	2	700	350
At Risk Surcharge Fund	Surcharges	1	100	100
County Traffic Fine	Fine	1	50	50
Drug Offender Surcharge	Surcharges	1	1,000	1,000
Minor in Poss of Alcohol	Fine	1	25	25

Data Source: State Judicial Department; Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix L: DUI/DWAI Charge Conviction Rate (CR) for Alcohol Only Filings by BAC Toxicology Level, 2021

Final Charge	BAC Level	N	CR
DUI	0.05-0.079	86	24.4
DUI	0.08+	3,766	90.0
DWAI	0.05-0.079	463	81.2
DWAI	0.08+	2,617	99.8

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation. Only one charge was selected from each case filing, and the charge needed to have the most serious disposition.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.



Appendix M: DUI/DWAI Charge Conviction Rate (CR) for Delta-9 THC Only Filings by Delta-9 THC Toxicology Level, 2021

Final Charge	Delta-9 THC Level	N	CR
DUI	1.0 - 4.9	77	6.5
DUI	5.0+	186	58.6
DWAI	1.0 - 4.9	29	93.1
DWAI	5.0+	226	97.3

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation. Only one charge was selected from each case filing, and the charge needed to be the most serious disposition.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Appendix N: DUI/DWAI Charge Conviction Rate (CR) for Polydrug Delta-9 THC Filings by Delta-9 THC Toxicology Level, 2021

Final Charge	Delta-9 THC Level	N	CR
DUI	1.0 - 4.9	628	85.7
DUI	5.0+	563	87.6
DWAI	1.0 - 4.9	274	98.5
DWAI	5.0+	301	99.3

Note: A DUI charge refers to a DUI, DUI with any prior designation and Vehicular Assault and Vehicular Homicide DUI charge. A DWAI charge refers to DWAI, DWAI with any prior designation. Only one charge was selected from each case filing, and the charge needed to have the most serious disposition.

Data Sources: State Judicial Department, Denver County Court, CBI, CDPHE and Denver Crime Lab at Denver Police Department. Analyzed by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

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