

**Problem Drivers  
and Traffic Fatalities**

**Department of Public Safety  
Department of Revenue  
Department of Transportation  
Judicial Branch**

**Performance Audit  
October 2009**



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Members of the Legislative Audit Committee:

This report contains the results of a performance audit of the State's efforts to keep problem drivers off Colorado's roadways and to reduce traffic fatalities. The audit was conducted pursuant to Section 2-3-103, C.R.S., which authorizes the State Auditor to conduct audits of all departments, institutions, and agencies of state government. The report presents our findings, conclusions, and recommendations, and the responses of the Departments of Public Safety, Revenue, and Transportation and the Judicial Branch.

*Sally Symanski*

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## *Glossary of Terms and Abbreviations*

**CCIC** - Colorado Crime Information Center. A restricted, criminal justice information system administered by the Colorado Bureau of Investigation. Local, state, and federal law enforcement agencies in Colorado rely on CCIC to identify individuals and property, search for outstanding warrants, interact with federal databases, and check information contained in individuals' criminal history records, including previously reported place(s) of birth.

**CDOT** - Colorado Department of Transportation. A principal department within the Colorado state government responsible for planning and implementing the State's transportation system. As part of its mission, CDOT conducts traffic safety planning and analysis and implements projects to improve roadway safety.

**CICJIS** - Colorado Integrated Criminal Justice Information System. CICJIS links data maintained by five criminal justice agencies to create one virtual criminal justice information system. The five agencies are the Colorado Judicial Branch, the Colorado Bureau of Investigation in the Department of Public Safety, the Department of Corrections, the Division of Youth Corrections in the Department of Human Services, and the Colorado District Attorneys Council.

**CSP** - Colorado State Patrol; a division of the Department of Public Safety. CSP's statutory responsibility includes enforcing or aiding in enforcing all state laws pertaining to motor vehicles.

**CDAC** - Colorado District Attorneys Council. An organization formed by district attorney's offices to promote, foster, and encourage an effective administration of criminal justice in the state. CDAC's information system is linked to CICJIS and facilitates the transfer of case information between district attorney's offices and state courts.

**Distracted driving** - driving while undertaking behaviors that distract the driver from the roadway and operating his or her vehicle, such as talking, eating, changing the radio, or using a cell phone.

**DLS** - Driver's License Information System. Mainframe based operations system maintained by the Division of Motor Vehicles that contains the official record for Colorado drivers.

**DMV** - Division of Motor Vehicles; a division of the Department of Revenue. DMV is responsible for the titling and registration of vehicles and the administration of the State's driver's licensing laws. DMV maintains records on all traffic citations incurred by drivers in the state.

**DPS** - Department of Public Safety. A principal department within the Colorado state government that maintains, promotes and enhances public safety through law enforcement, criminal investigations, fire and crime prevention, recidivism reduction, and victim advocacy.

**Drivers under restraint** - drivers who have a restraint action in effect on their driver's license such as a suspension, revocation, or denial.

**DUI** – driving under the influence. Occurs when a person has consumed alcohol or drugs such that the person is substantially incapable of exercising clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

**DWAI** - driving while ability impaired. Occurs when a person has consumed alcohol or drugs that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

**ICE** - United States Immigration and Customs Enforcement Agency. The largest investigative branch of the U.S. Department of Homeland Security. ICE has primary responsibility for enforcing the nation's immigration laws in the interior of the United States.

**ICON** - Integrated Colorado Online Network. The Judicial Branch's case management system, which includes original charges, convictions, and sentences for all charges filed in the state court system.

**Improper and aggressive driving** - driving too fast, passing on the shoulder, running red lights, tailgating, or other behaviors that endanger other drivers and pedestrians.

**FHWA** - Federal Highway Administration. An agency within the U.S. Department of Transportation. The mission of the FHWA is to improve mobility on our nation's highways through national leadership, innovation, and program delivery.

**mmvmt** - million motor vehicle miles traveled. A standard measure used by the traffic safety community to track and measure the rate at which traffic fatalities occur in the United States.

**NHTSA** - National Highway Traffic Safety Administration. An agency within the U.S. Department of Transportation. NHTSA's mission is to save lives, prevent injuries, and reduce economic costs caused by traffic accidents, through education, research, safety standards, and enforcement activity.

**PAR** - Police Accident Report. Report required by state law for all traffic accidents that occur in Colorado.

**Problem drivers** - For the purposes of this report, problem drivers are persons who have never had a driver's license or who have had their driving privilege revoked, suspended, or denied for driving-related offenses such as accumulating too many points against their license or driving under the influence of alcohol or drugs.

**Trafficway** - any road, street, or highway open to the public as a matter of right or custom for moving persons or property from one place to another.

**Traffic accident** - unintentional damage or injury caused by the movement of a motor vehicle or its load while in a trafficway. Damage caused by cataclysmic events such as avalanches, floods, or rock falls are not considered traffic accidents.

**Traffic fatality** - a death resulting from a traffic accident within 30 days of the accident.

**Traffic infraction** - less serious violations, such as speeding or failure to signal, that are civil as opposed to criminal and do not typically require a court appearance.

**Unlicensed drivers** - drivers who have never had a driver's license.



**Problem Drivers and Traffic Fatalities**  
**Department of Public Safety**  
**Department of Revenue**  
**Department of Transportation**  
**Judicial Branch**  
**Performance Audit**  
**October 2009**

## **Purpose and Scope**

This audit, performed from June 2009 through October 2009, reviewed Colorado and other states' efforts to keep problem drivers off the road and reduce the number of fatal traffic accidents. For the purposes of our audit, a problem driver is a person who has never had a valid driver's license or who has had his or her driving privilege revoked, suspended, or denied for driving-related offenses such as accumulating too many points against his or her license. The audit was conducted in response to a legislative request. As part of the audit we reviewed Colorado traffic laws, interviewed staff at agencies responsible for traffic enforcement, and performed a detailed analysis of the criminal and driving records of individuals charged with driving without a license and involved in fatal traffic accidents. In addition, we reviewed the information systems used to enforce traffic laws and analyze traffic accidents.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## **Overview**

In 2008, 548 people were killed in traffic accidents in Colorado. There are many driver behaviors that can contribute to a fatal accident, including alcohol and drug use, improper and aggressive driving, and distracted driving. Further, several groups of drivers tend to be more likely to be involved in fatal traffic accidents, including drivers under 25 and over 65 years of age, drivers who are male, and drivers without a valid driver's license.

Overall, state agencies responsible for traffic safety, including the Colorado Department of Transportation (CDOT) and the Colorado State Patrol, have made significant progress in reducing the rate of fatal traffic accidents in Colorado. From 2000 to 2007, the number of fatalities per motor vehicle mile driven in the state decreased by 30 percent. In 2007 Colorado had the 13<sup>th</sup> lowest rate of fatal traffic accidents in the nation, compared to ranking 29<sup>th</sup> in this measure in 2000.

Despite the State's progress in reducing the rate of fatal traffic accidents, more progress can be made by addressing those factors that commonly lead to such accidents. In 2008, 14 percent of all drivers involved in fatal accidents either never had a license or had lost their license due to violations of traffic laws, such as reckless driving or driving while intoxicated. Further, seatbelts and motorcycle helmets have both been shown to be effective at preventing fatalities when accidents occur. In 2008, 46 percent of those killed in fatal accidents in Colorado were not wearing seatbelts and 68 percent of motorcyclists killed were not wearing helmets.

## Key Findings

### Problem Drivers

Problem drivers, defined as drivers who have never had a driver's license or who have had their license revoked, suspended, or denied due to driving violations, are more likely than all other drivers to be involved in fatal accidents and thus, create a significant public safety risk. While there are no easy solutions to keep problem drivers off of the State's roads, we identified several strategies that other states have implemented to reduce the number of problem drivers. In addition, we found key gaps in the State's information systems used to track and take enforcement action against problem drivers that increase the risk that these individuals will continue to drive.

- **Strategies used to keep problem drivers off the road.** In 2008, 14 percent of all drivers involved in fatal traffic accidents were problem drivers. Studies indicate that about 75 percent of problem drivers continue to drive regardless of the sanctions imposed, which include administrative action to remove their privilege to drive and criminal penalties such as fines and incarceration. Other states have considered a variety of methods to keep problem drivers off the road, most of which are not widely used in Colorado. These include vehicle and license plate impoundment, specially marked license plates, "hot sheets," mobile fingerprinting, increased enforcement efforts, longer periods of incarceration, and electronic monitoring. While some of these strategies could be used in Colorado to reduce the number of problem drivers on the State's roads, effective implementation would require a public policy decision by the General Assembly.
- **Information systems gaps.** Key gaps exist in the State's information systems used to track and take enforcement action against problem drivers. First, there is no single database that prosecutors and judges can access to obtain a complete record of an individual's driving charges and convictions. Specifically, driver history records provided by the Division of Motor Vehicles (DMV) only contain information on an individual's prior convictions, and criminal records maintained by the Judicial Branch only contain information on about half of all traffic cases. Second, law enforcement officers do not always receive accurate information on a driver's license status due to information delays and programming errors within the Colorado Bureau of Investigation's (CBI) criminal justice information system. These gaps increase the risk that problem drivers will continue to drive and cause accidents.



## Accident Safety, Analysis, and Prevention

Overall, the State could take additional measures to reduce the number of fatal traffic accidents and improve the analysis of accidents:

- **Safety laws.** The State could further reduce the number of individuals killed in traffic accidents each year by adopting a primary seatbelt law, which allows officers to stop and cite drivers and passengers solely for failing to wear their seatbelts, and a universal motorcycle helmet law, which requires all riders regardless of age to wear helmets. In 2008, 46 percent of all passenger vehicle occupants killed in fatal accidents in Colorado were not wearing seatbelts and 68 percent of all motorcyclists killed were not wearing helmets. According to an estimate by the National Highway Traffic Safety Administration (NHTSA), a 9 percent increase in seatbelt use in Colorado would prevent 32 fatalities and 407 serious injuries each year and would save the State's economy \$111 million, including productivity losses, medical costs, rehabilitation costs, legal and court costs, the cost of emergency services, insurance costs, and costs to employers. Similarly, motorcycle helmets are shown to be 37 percent effective at preventing a rider from dying in an accident. Based on this estimate, about 122 of the 331 unhelmeted motorcyclists killed from 2004 through 2008 would have survived if they had been wearing a helmet. Nationally, states that have adopted primary seatbelt and universal helmet laws have experienced higher rates of seatbelt and helmet use than states that have not adopted these laws.
- **Accident report data.** Since 2006, CDOT has lacked current accident report data to analyze accident trends and plan its traffic safety efforts. CDOT relies on the DMV to collect and provide accident report data. Due to revisions to the statewide accident report form and delays in implementing computer programming changes, the DMV was unable to enter accident reports into its database from 2006 through 2008. Although the backlog at DMV has been eliminated, CDOT must still add its own location coding before it can use the accident data.

Our recommendations and the responses from the Departments of Public Safety, Revenue, Transportation, and the Judicial Branch can be found in the Recommendation Locator and in the body of this report.

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## RECOMMENDATION LOCATOR

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Rec. No.	Page No.	Recommendation Summary	Agency Addressed	Agency Response	Implementation Date
1	34	The Judicial Branch, as a participating agency in the Colorado Integrated Criminal Justice Information System Program, should work with criminal justice agencies to integrate municipal courts and Denver County Court into a statewide criminal database in order to provide all prosecutors and courts in the state with complete records of misdemeanor and traffic charges.	Judicial Branch	Agree	January 2010
2	35	The Colorado Bureau of Investigation, in cooperation with the Division of Motor Vehicles, should continue improvements to CCIC and DLS to ensure timely, accurate, and real-time data are available for driver's license status checks.	Department of Public Safety	Agree	April 2010
			Department of Revenue	Agree	December 2009
3	41	The Colorado Department of Transportation and the Colorado State Patrol should work together to seek the adoption of safety legislation requiring the use of seatbelts and motorcycle helmets. Specifically, the laws should require (a) all motor vehicle occupants to wear a seatbelt and law enforcement officers should have the ability to stop a driver and issue a citation based solely on the failure of the driver or of one or more of the passengers to comply with the requirement; and (b) all motorcycle operators and passengers to wear motorcycle helmets when riding on a motorcycle.	Department of Transportation	a. Agree b. Partially Agree	a. Ongoing b. Ongoing
			Department of Public Safety	Partially Agree	Ongoing
4	43	The Colorado Department of Transportation should continue to work to secure funding to eliminate the data entry backlog. If CDOT is unable to secure the funding to complete the work within a year, it should develop a strategy for prioritizing the data entry.	Department of Transportation	Agree	January 2010

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# Overview

## Chapter 1

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On September 4, 2008, a vehicle driven by Francis Hernandez, an unlicensed driver, allegedly sped through traffic before colliding with another vehicle in the City of Aurora and killing three people, including a three-year-old child in a nearby ice cream shop. Mr. Hernandez had an extensive criminal record and multiple traffic violations, and following the accident he was alleged to be an illegal immigrant. The accident prompted widespread outcry by state legislators for a review of state efforts to prevent similar accidents from occurring in the future.

Following the accident, the Office of the State Auditor received two audit requests from state legislators. One called for an audit of state and local agencies' compliance with Senate Bill 06-090, which requires peace officers to report suspected illegal immigrants to the United States Immigration and Customs Enforcement Agency (ICE) under specific circumstances. The other asked for an audit of interagency reporting and enforcement of traffic laws. These legislative requests have been addressed through two separate audits.

Our first audit, completed in June 2009, provided a review of state and local agencies' implementation of Senate Bill 06-090 and found that:

- Local and state law enforcement agencies have substantially implemented and are generally in compliance with the requirements of Senate Bill 06-090.
- Senate Bill 06-090 alone is unlikely to prevent incidents similar to the one in the City of Aurora from occurring in the future.
- Even if reported to ICE, a person is unlikely to be detained and deported based solely on prior traffic offenses or because the person does not have a valid driver's license.

Our current audit focuses on state efforts to keep problem drivers off the road and analyzes opportunities for state agencies to further reduce the number of traffic fatalities that occur in Colorado.

## 2008 Aurora Accident

The request that prompted this audit was spurred by legislative interest in the circumstances that caused the 2008 Aurora accident. Specifically, the requestors were interested in the accident details and whether there were opportunities for the State to take additional steps to minimize the likelihood of accidents such as this one from occurring in the future. To provide a context for our review, we have described the fatal traffic accident that prompted this audit, along with a summary of Mr. Hernandez's criminal history and driving record, in detail below.

The accident occurred in the evening of September 4, 2008, just south of East Mississippi Avenue on South Havana Street in Aurora. Mr. Hernandez was driving southbound on South Havana Street, and as reported by some witnesses, was travelling at a high rate of speed and ran through a red light. A small truck travelling northbound on South Havana Street made a left turn. Mr. Hernandez was unable to avoid the turning vehicle and struck the truck on the passenger side. The force of the collision threw the truck and debris into a nearby ice cream store, killing a three-year-old child and injuring other patrons. Although both the driver and passenger of the truck were wearing seatbelts, both were killed instantly. Mr. Hernandez walked away from the accident. Mr. Hernandez was not under the influence of drugs or alcohol at the time of the accident.

Mr. Hernandez did not have a driver's license when the accident occurred, and based on records maintained by the Colorado Division of Motor Vehicles (DMV), he had never been issued a driver's license in Colorado. Mr. Hernandez had an extensive driving record, including convictions for speeding, driving under restraint, and driving without a license. On eight occasions, Mr. Hernandez served jail time for his prior traffic offenses and misdemeanors and had his driving privilege revoked, as required by Colorado law. Mr. Hernandez did not own the vehicle he was driving; rather, the vehicle was registered to another person.

Following the accident, Mr. Hernandez confessed to a federal immigration agent that he was in the United States unlawfully. As such, Mr. Hernandez would not have been eligible for a Colorado driver's license. Also, according to the report issued by the Governor's Working Group on Law Enforcement and Illegal Immigration, Mr. Hernandez was never reported to ICE by local law enforcement during any of his previous arrests.

As we discuss in the next section, Mr. Hernandez had several high-risk factors that, according to research and our analysis of Colorado traffic fatality data, made him more likely than others to be involved in a fatal traffic accident. Specifically, he is:

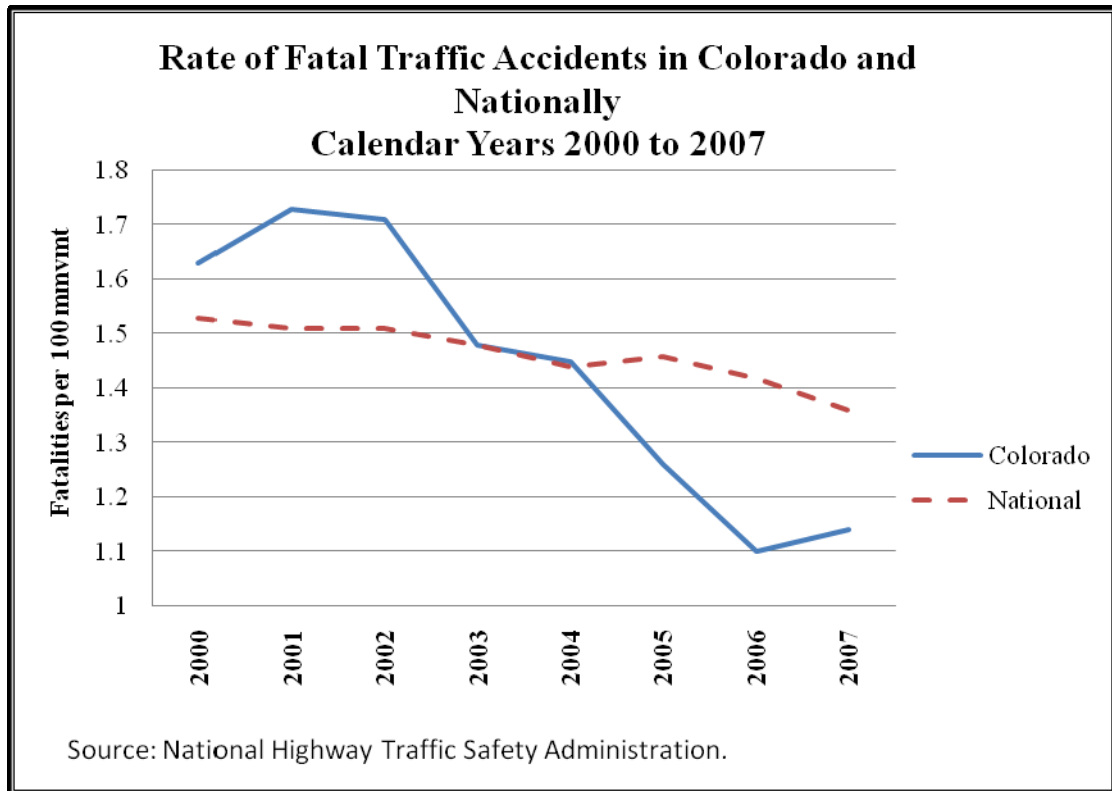
- **Male.** In 2008, 73 percent of all drivers involved in fatal traffic accidents were males.
- **Young.** At the time of the accident, Mr. Hernandez was 23 years of age. In 2008, drivers under 25 years old constituted 23 percent of all drivers involved in fatal traffic accidents in Colorado, while making up only 17 percent of the driving-age population.
- **Not validly licensed (unlicensed or driving privileges suspended, revoked, or denied).** From 2001 to 2005, nearly one-quarter of the fatal car accidents in Colorado involved a driver without a valid license. An often cited study by the California Department of Motor Vehicles indicated that drivers with suspended or revoked driver's licenses and drivers who have never had licenses are 3.7 and 4.9 times more likely, respectively, to be involved in fatal crashes than licensed drivers.

There was also one important risk factor that Mr. Hernandez did not have. As previously mentioned, he was not under the influence of drugs or alcohol when the crash occurred. In fact, he has never been charged or convicted of an alcohol- or substance abuse-related offense. In 2008, about 39 percent of all traffic fatalities in Colorado involved a driver impaired by drugs or alcohol.

## Traffic Fatality Trends and Statistics

The fatalities caused by the Hernandez accident represent 3 of the 548 traffic fatalities that occurred in Colorado in 2008. Traffic accidents are the leading cause of death in Colorado for people from 8 to 34 years old. Although every traffic fatality is a tragedy, Colorado has been successful at reducing its traffic fatality rate in recent years. As of 2007, Colorado had the 13th-lowest traffic fatality rate among all states, a significant improvement from its 29th ranking in 2000.

The traffic safety community measures and tracks fatalities by the number of traffic fatalities that occur per 100 million motor vehicle miles traveled, or "mmvmt." In Colorado the rate of fatal traffic accidents has declined from 1.63 fatalities per 100 mmvmt in Calendar Year 2000 to 1.14 in 2007, a 30 percent reduction. During the same time period, the national traffic fatality rate fell from 1.53 to 1.36 fatalities per 100 mmvmt, an 11 percent decline. We compare the fatal traffic accident rate for Colorado and nationally in the following exhibit.



Although the rate at which fatal traffic accidents occur has declined, traffic fatalities continue to be a serious problem in Colorado. Traffic fatalities are not only tragic for affected families and communities; fatal accidents and injury accidents also affect the State's economy. According to estimates by the National Safety Council, fatal traffic accidents had a total economic cost of about \$619 million in Colorado in 2008 alone, including the costs of medical care, lost wages, and traffic delays.

## Factors Involved in Fatal Traffic Accidents

Many factors may cause a fatal traffic accident, and often it is not possible for officials to determine whether a single factor, or a combination of several factors, contributed to the accident or death. For example, a drunk driver might be killed in a collision with another vehicle that skidded through a red light on an icy road during a snowstorm. In such a case it would be difficult to determine whether alcohol, careless driving, or poor road conditions was the primary cause, though each could have played a role in the accident. Below are driver-related factors that, based on our analysis of Colorado traffic accident data maintained by the Colorado Department of Transportation (CDOT), are present most frequently when traffic **fatalities** occur. Each fatality may involve more than one driver and could be included in more than one category.

- **Alcohol and Drug Use.** The use of alcohol or drugs can severely impair a driver's ability to operate a vehicle safely, thereby leading to accidents. According to CDOT records, in Calendar Year 2008 there were 213 fatalities resulting from accidents involving at least one impaired driver, representing about 39 percent of all traffic fatalities that year.
- **Improper and Aggressive Driving.** Improper and aggressive driving are characterized by actions such as driving too fast, passing on the shoulder, or running red lights. In 2008, CDOT records indicate that 153 fatalities occurred in accidents involving improper and aggressive driving, representing 28 percent of all traffic fatalities.
- **Distracted Driving.** Behaviors such as talking, eating, adjusting the radio, or using a cell phone all have the potential to distract a driver from looking at the roadway. A recent NHTSA study indicates that drivers are three times more likely to be involved in an accident while dialing a cell phone and 30 percent more likely to crash while talking on a cell phone. According to CDOT data, in 2008, 112 fatalities, or about 20 percent of all traffic fatalities, occurred in accidents involving at least one distracted driver.
- **Age.** Drivers under the age of 25 and drivers over the age of 65 are more likely than all other drivers to be involved in fatal traffic accidents. Sixteen-year-old drivers are three times more likely to be involved in a fatal accident than are other drivers in Colorado. Young drivers lack experience, engage in risky behaviors, and are less likely to wear their seatbelts than are drivers in other age categories. In contrast, older drivers have more driving experience but often have slower reaction times and decreased vision and hearing, which can lead to an increased risk of accidents. Overall, CDOT records indicate that about 34 percent of all traffic fatalities in the state during 2008 occurred in accidents involving drivers under 25 years of age, and 11 percent occurred in accidents involving drivers over 70 years of age. Because older people tend to drive less, they are not involved in fatal accidents as often as are younger people. However, they are more likely than the average driver to be involved in a fatal accident on a per-mile basis.
- **Gender.** Male drivers are more likely to be involved in a fatal traffic accident than are female drivers. Studies show that males are more likely to drive while impaired by alcohol or drugs and are more likely to exhibit aggressive driving behaviors. In 2008, 84 percent of all traffic fatalities involved male drivers according to our analysis of CDOT records.

- **Seatbelts and Motorcycle Helmet Use.** According to CDOT records, about 46 percent of those killed in fatal accidents in 2008 were not wearing a seatbelt. Further, 68 percent of motorcycle riders killed in 2008 were not wearing helmets.

The following table shows the number of **drivers** involved in fatal traffic accidents in 2008 who exhibited factors that likely contributed to the accident or made the person more likely than other drivers to be involved in a fatal traffic accident. Within each category, the number and percentage of male and young drivers are also presented. Because some drivers fall into more than one category, some may be counted in more than one area. Also, more than one driver may be involved in each fatal accident.

<b>Behaviors and Demographics Exhibited by Drivers Involved in Colorado Fatal Traffic Accidents Calendar Year 2008</b>						
	<b>Drivers in Fatal Accidents</b>	<b>Percent of Drivers in Fatal Accidents</b>	<b>Male Drivers in Category</b>	<b>Percent Male</b>	<b>Drivers Under 25 in Category</b>	<b>Percent Under 25</b>
<b>Under the Influence of Alcohol/Drugs</b>	168	24%	154	92%	45	27%
<b>Speeding/Aggressive Driving</b>	146	21	122	84	56	38
<b>Distracted Driving</b>	112	16	81	72	23	21
<b>Other Driving Errors<sup>1</sup></b>	514	72	381	74	137	27
<b>No Valid Driver's License for Operating Vehicle<sup>2</sup></b>	115	16	95	83	34	30
<b>All Drivers Involved in a Fatal Accident</b>	712	100%	520	73%	166	23%

**Source:** CDOT Records and OSA analysis of Fatal Accident Reporting System data provided by CDOT.

<sup>1</sup> Based on OSA analysis of CDOT records. Includes all other driver-related errors, such as failure to stay in proper lane, failure to yield, and operator inexperience.

<sup>2</sup> Based on OSA analysis of CDOT records. Includes all drivers without a valid license, including drivers whose licenses were restrained for non-driving-related offenses, such as failure to pay child support. Drivers who have never had a license or who have had their driving privilege revoked, suspended, or denied for driving-related offenses are also included in this category and represent 14 percent of drivers involved in fatal traffic accidents.



## Traffic Fatalities Involving Drivers Without a Valid Driver's License

As shown in the previous chart, one of the behaviors that contributes to fatal traffic accidents is driving without a valid license. In 2008, 16 percent of all drivers involved in fatal traffic accidents in Colorado did not possess a valid driver's license for the type of vehicle they were driving. This compares to a rate of 13 percent nationally, ranking Colorado 8th-highest of all states in this measure. Because drivers without a valid license are more likely to cause a fatal accident than licensed drivers, they pose a significant public safety risk.

Individuals who drive without a valid driver's license fall into two main categories: unlicensed drivers and drivers under restraint. Unlicensed drivers are drivers who have never had a valid driver's license for the type of vehicle they are driving. Drivers under restraint are drivers who have a DMV restraint action in effect on their driver's license such as a suspension, revocation, or denial. Most restraint actions involve suspensions and revocations. A suspension is a temporary withdrawal of a person's driving privilege that does not void the driver's license; a revocation is a mandatory restraint action on a valid driver's license or driving privilege that makes the license invalid. Even if an individual has never had a valid license, DMV can place a restraint on the individual's privilege to drive. Thus, some drivers are both unlicensed and under restraint, as was Mr. Hernandez, who had never received a license and whose privilege to drive was under restraint.

Restraint actions may be taken against drivers for both driving-related and non-driving-related offenses. For example, DMV administers some restraints for driving-related offenses, such as DUI, accumulating too many points against a license, and driving without insurance. DMV also administers restraints for non-driving-related offenses, such as failure to appear in court, nonpayment of child support, and failure to pay traffic tickets. According to DMV records, about 130,000 of the 260,000 license restraints issued in 2008, or 50 percent of restraints, were for non-driving-related violations.

Recent studies indicate that not all drivers without valid licenses are equally high-risk. Nationally, drivers who have been restrained due to poor driving behaviors are more likely to be involved in accidents than drivers restrained due to non-driving violations. In Colorado, we found that drivers who had active restraints due to previous driving violations or who were unlicensed were more likely to be involved in fatal traffic accidents than drivers who had active restraints due to non-driving-related violations. As shown in the chart on the following page, of the 115 drivers without valid licenses involved in Colorado fatal accidents in

2008, 35 percent had never obtained a license, and 57 percent had active restraints due to previous driving violations. Because some drivers were both unlicensed and had driving restraints, they are counted in more than one category.

<b>Driver's License Status of Colorado Drivers Involved in a Fatal Traffic Accident Calendar Year 2008</b>		
<b>License Status</b>	<b>Number</b>	<b>Percent w/o valid License</b>
Never Licensed	40	35%
Driving-related restraints	65	57
Alcohol-related restraints	21	18
Non-driving restraints only	17	15
<b>Total Drivers Without Valid Licenses</b>	<b>115</b>	<b>100%</b>
Source: OSA analysis of CDOT and DMV records.		

## Colorado Traffic Laws

Colorado statutes [Section 42-2-101(1), C.R.S] require all drivers to have a valid driver's license when operating a motor vehicle. Statutes [Sections 42-2-101, et seq., C.R.S] set forth the specific requirements for obtaining a valid driver's license, identify the driving behaviors that constitute traffic violations, and provide penalties for traffic offenses. Generally, traffic violations fall into three categories: traffic infractions, misdemeanors, and felonies. Traffic infractions, such as failure to signal or driving with a broken tail-light, are civil violations carrying lower penalties and fines. Misdemeanors, such as driving without a license or driving under restraint, are criminal offenses and carry more severe penalties. Felonies are the most severe criminal offense and carry mandatory prison sentences. Very few traffic offenses are categorized as felonies.

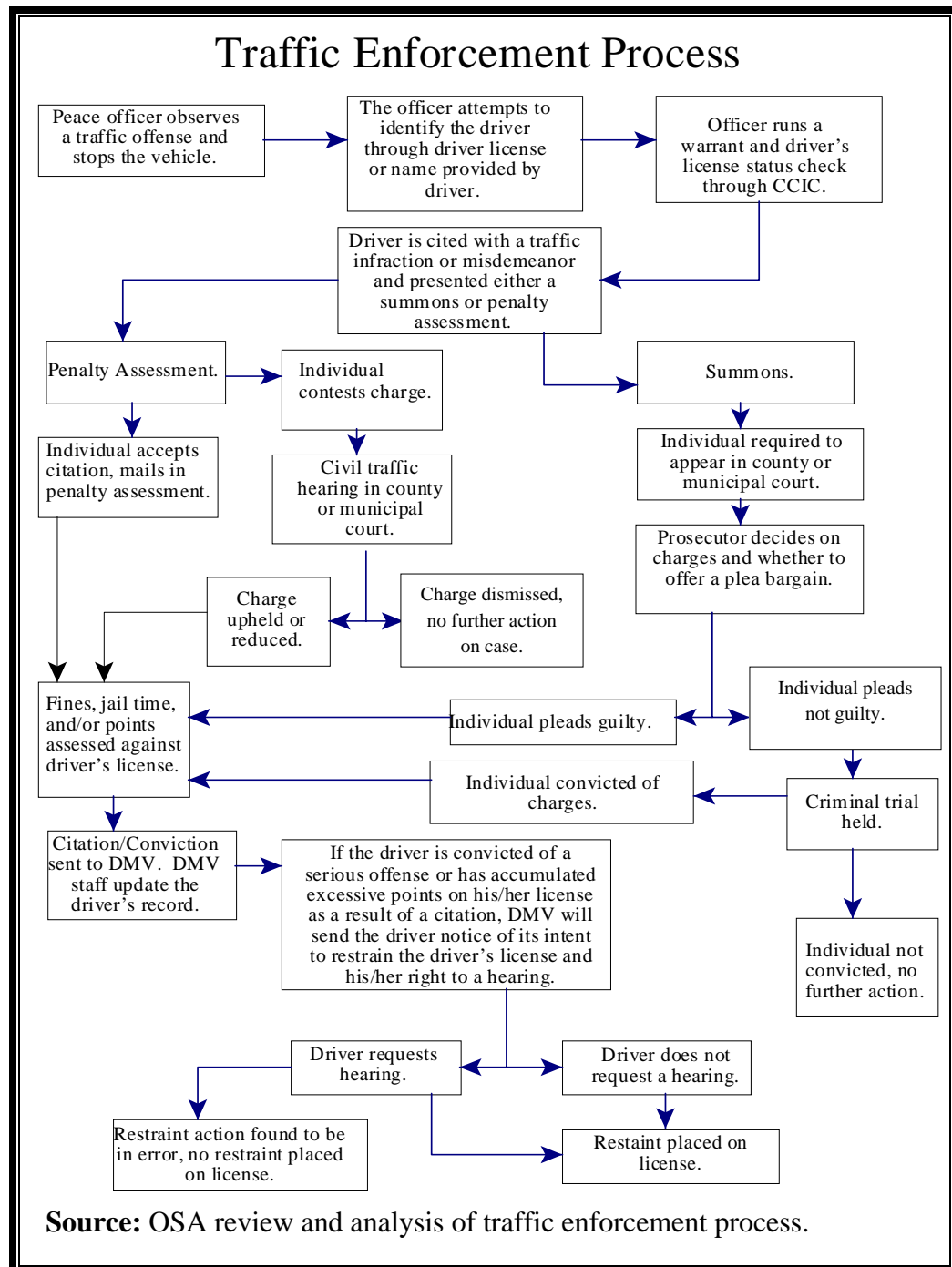
Statutory penalties for driving without a valid license vary significantly depending on the severity of the offense. For example, individuals who have never been licensed can be convicted of a misdemeanor that carries a \$45 fine. Individuals who drive while under restraint can be convicted of a misdemeanor and must serve a minimum five-day jail sentence. Individuals who continue to drive while restrained under a DUI conviction can be convicted of a misdemeanor and must serve a minimum sentence of 30 days in jail. Habitual traffic offenders, defined as individuals who have committed multiple serious traffic violations as provided in Section 42-2-202 C.R.S., can be convicted of a felony and sentenced to more than one year in jail if caught driving recklessly or while intoxicated. The

following exhibit displays the type of offense, the charge, and the penalty designated by statute for offenses related to driving without a valid license.

<b>Statutory Violations, Charges, and Penalties Related to Driving Without a Valid Driver’s License</b>		
<b>Statutory Violation</b>	<b>Charge</b>	<b>Penalty description</b>
Section 42-2-101 (1), C.R.S. Driving without a valid driver's license (does not apply to drivers who have a valid driver's license that is not in their possession).	Misdemeanor (Class 2)	\$35 fee, \$10 surcharge <sup>1</sup>
Section 42-2-101 (4), C.R.S. Driving a class of vehicle that you are not licensed to drive because it requires a special driver's license endorsement such as a motorcycle or commercial vehicle.	Misdemeanor (Class 2)	\$35 fee, \$10 surcharge <sup>1</sup>
Section 42-2-116 (6)(b), C.R.S. Driving another vehicle or circumventing use of ignition interlock device when you are restricted to a vehicle with an ignition interlock device.	Misdemeanor (Class 1)	10 days to 1 year in prison or \$300 to \$1,000 fine or both
Section 42-2-138 (1)(a), C.R.S. Driving under restraint for any reason other than conviction of an alcohol-related driving offense.	Misdemeanor	5 days to 6 months in prison and \$50 to \$500 fine
Section 42-2-138 (1)(d)(I), C.R.S. Driving under restraint when restraint is solely or partially because of an alcohol-related driving offense such as DUI or DWAI.	Misdemeanor	30 days to 1 year in prison and \$500 to \$1,000 fine
Section 42-2-206 (1)(a)(I) and (II), C.R.S. Habitual traffic offender operating a motor vehicle while under revocation.	Misdemeanor (Class 1)	Mandatory minimum 30 days in prison or \$3,000 fine or both
Section 42-2-206 (1)(b)(I), C.R.S. Habitual traffic offender operating a motor vehicle while under revocation in conjunction with a serious violation such as DUI or reckless driving.	Felony (Class 6)	1 year to 18 months in prison and \$1,000 to \$100,000 fine
<b>Source:</b> Colorado Revised Statutes.		
<sup>1</sup> Victim compensation fund surcharge levied pursuant to Section 24-4.1-119(1)(f)(I), C.R.S.		

## Traffic Enforcement Process

Once a driver violates a traffic law, the enforcement process is triggered, which involves state or local law enforcement, district attorney’s offices, municipal and state courts, and the Department of Revenue. The following flow chart provides an overview of the enforcement process for most traffic violations when alcohol or drug use is not suspected.



As shown in the flow chart, depending on the violation committed by the driver, a law enforcement officer may issue a citation for either a traffic infraction or a misdemeanor. As mentioned previously, traffic infractions generally include less serious violations, such as speeding or failure to signal, and are civil rather than

criminal actions. Drivers cited for traffic infractions are issued a penalty assessment and may either accept the charge and pay the penalty by mail or appear before a judge or magistrate to contest the charge. Often penalties are reduced if the person resolves a traffic infraction by mail. In contrast, misdemeanor offenses, such as reckless driving and driving under restraint, are considered criminal offenses and may require the driver to appear in court. For traffic misdemeanors, the arresting officer usually has discretion to determine whether to issue a penalty assessment or require the individual to appear in court. For more serious misdemeanor offenses, such as driving under restraint or DUI, an offender must appear in court.

In court, most traffic misdemeanors are processed through plea bargains. In a plea bargain the prosecutor usually offers to reduce the charges against an individual in exchange for a guilty plea. Though most offenses are processed through plea bargains, there are instances, especially when the driver has committed a particularly serious offense, in which the prosecutor will not offer a plea bargain. In either case, if the individual does not enter a guilty plea, the case will go to trial.

Once an individual agrees to a penalty assessment, or pleads or is found guilty of a traffic misdemeanor, the court is required to send the citation record to DMV, where staff enter it into the Drivers License Information System (DLS), DMV's driver records system. If a person is convicted of a serious traffic offense, such as DUI, or receives too many points against his or her license, DMV will take administrative action to place a restraint on the person's license, such as suspending or revoking the license. This administrative process takes place in addition to the criminal process in court. Normally, DMV does not take action until the individual has been convicted of the offense, but in the case of certain offenses, such as DUI or refusal to submit to blood alcohol testing, the DMV will take immediate action to revoke a license before the disposition of any criminal case. In most cases, DMV must provide the individual with the opportunity for an administrative hearing prior to the revocation or suspension.

## **State Traffic Safety Initiatives**

Improving traffic safety and reducing traffic fatalities is a high priority for the State. Two state agencies—CDOT and the Colorado State Patrol (CSP)—have played key roles in promoting highway safety. According to statute, CDOT constructs and maintains state roadways, makes roadway safety improvements, coordinates statewide safety efforts, and distributes federal grant money for safety projects. CSP enforces traffic laws on all state highways, investigates the majority of fatal accidents in the state, and conducts safety education programs

such as “Alive at 25” and “Take It to the Track.” In recent years, the agencies have made efforts to increase seatbelt use and motorcycle helmet use through educational programs, advertisement campaigns, and targeted enforcement of safety laws.

Although CDOT and CSP have primary responsibilities for improving highway safety, other state agencies also work to improve traffic safety and prevent fatal accidents. The Judicial Branch processes about half of all civil and criminal traffic cases through the county courts and conducts substance abuse programming to rehabilitate alcohol- and drug-related traffic offenders. The Department of Human Services conducts programs to help identify and rehabilitate drivers convicted of DUIs and provides grant money to local agencies that provide rehabilitation services. The Department of Public Health and Environment provides alcohol and drug testing services and works to improve teen driving safety.

## **Audit Scope**

This audit reviewed Colorado’s and other states’ efforts to keep problem drivers off the road and reduce the number of fatal traffic accidents. For the purpose of this report, we have defined problem drivers as persons who have never had valid driver’s license or who have had their driving privilege revoked, suspended, or denied for driving-related offenses such as accumulating too many points against their license. We focused on problem drivers because Francis Hernandez, the person alleged to have caused the fatal traffic accident that prompted this audit, is an example of a problem driver. Specifically, he: (1) never had a valid driver’s license and (2) had his driving privilege revoked. Additionally, the key to preventing similar accidents from occurring in the future is to find ways to keep problem drivers off Colorado’s roadways.

As part of the audit, we reviewed Colorado traffic laws, interviewed staff at agencies responsible for traffic enforcement, and performed a detailed analysis of the criminal and driving records of individuals charged with driving without a license and involved in fatal traffic accidents. In addition, we reviewed the information systems used to enforce traffic laws and analyze traffic accidents.

The remainder of our report is divided into two chapters. In Chapter 2, we discuss additional efforts Colorado could take to keep problem drivers off the road. We also identify information systems gaps that, at times, could prevent law enforcement and prosecutors from properly identifying problem drivers and taking appropriate enforcement actions. In Chapter 3, we discuss statutory changes and information-sharing improvements that could reduce the number of fatal accidents and improve the analysis of traffic accidents in Colorado.

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# Problem Drivers

## Chapter 2

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For the purposes of this report, problem drivers are persons who have never had a driver's license or who have had their driving privilege revoked, suspended, or denied for driving-related offenses such as accumulating too many points against their license or driving under the influence of alcohol or drugs. In 2008, 14 percent of all drivers involved in fatal traffic accidents were problem drivers. Francis Hernandez, the driver who allegedly caused the three-fatality accident in Aurora in 2008, fits the profile of a problem driver. Specifically, at the time of the fatal accident in Aurora, not only did Mr. Hernandez not have a valid driver's license, but the Colorado Division of Motor Vehicles (DMV) had also revoked his right to drive.

Keeping problem drivers off the road is a significant challenge for states and municipalities. Agencies responsible for traffic safety address high-risk or dangerous drivers primarily through enforcement mechanisms—such as issuing traffic citations, assessing fines, revoking or suspending the individual's driving privilege, and incarceration in some instances. Although these measures are effective for keeping some drivers off the road, many others continue to drive even after serving time in jail and having their licenses revoked. Mr. Hernandez continued to drive after serving jail time and having his driving privilege revoked. Studies estimate that, nationally, 75 percent of people with suspended or revoked driver's licenses continue to drive.

There are no easy answers for keeping problem drivers off the road. As long as driving remains an important part of our society, some people will continue to drive no matter what enforcement actions are taken against them. In this chapter, we report on strategies and enforcement actions used by other states and local governments to address problem drivers. These strategies are discussed in the first part of this chapter and cover three types of approaches: (1) restricting an individual's ability to drive; (2) improving identification of problem drivers; and (3) increasing enforcement efforts. In the last half of this chapter, we evaluate gaps in state information systems that may make it difficult for police officers and prosecutors to identify problem drivers and take appropriate enforcement action.

## **Strategies for Addressing Problem Drivers**

As a state, Colorado could do more to specifically target problem drivers. In the following sections, we describe additional strategies not systematically utilized in Colorado but implemented by other states and municipalities to deal with problem drivers. Where possible we also discuss the legislative and administrative changes that would be necessary to implement these additional strategies in Colorado. Additionally, many of these strategies represent significant public policy decisions and would require the joint efforts of the Governor's Office and General Assembly. It is important to note that, while some of these strategies may keep some problem drivers off the road and thus reduce fatal accidents, no strategy except incarceration, which has limitations, will keep a problem driver who is determined to break the law from continuing to drive and cause accidents.

### **Restrict an Individual's Ability to Drive**

In Colorado, the primary enforcement action taken against drivers who repeatedly exhibit high-risk and dangerous driving behavior is to suspend or revoke the person's driving privilege. However, suspending or revoking a person's driving privilege only works if the person abides by the administrative action and stops driving. Our review of DMV and State Judicial Branch records indicates that a significant number of individuals continue to drive despite having their driving privilege suspended or revoked. According to the Federal Highway Administration, there were approximately 3.5 million licensed drivers in Colorado in 2007. DMV records indicated that about 300,000 drivers currently have active restraints in Colorado. Based on a report prepared by the American Association of State Highway and Transportation Officials (AASHTO) indicating that 75 percent of people with a suspended or revoked license continue to drive, we estimate that there are currently as many as 225,000 drivers with active restraints driving on the State's roads. Furthermore, according to State Judicial Branch records, from 2004 through 2008 there were 178,000 charges for driving without a license and 257,000 charges for driving under restraint. In addition, according to DMV, since 1992 more than 950 Colorado drivers have been convicted five times or more for driving without a valid license, and 2,620 drivers have been convicted five times or more for driving under restraint.

These numbers are especially troubling because we found that in Colorado, people who drive without a valid driver's license are 48 percent more likely to be involved in a fatal car accident than other drivers. Drivers without a valid license in Colorado were involved in accidents that killed 130 people in 2008. Some



types of unlicensed drivers present a greater safety risk than others. According to an American Association of Motor Vehicle Administrators study completed in 2005, drivers whose license has been restrained for serious driving-related offenses (such as reckless driving or driving under the influence of alcohol or drugs) are more likely to be involved in accidents than drivers under restraint for non-driving-related offenses. Below we discuss two strategies—vehicle impoundment and license plate impoundment—specifically aimed at keeping problem drivers off the road.

### **Vehicle Impoundment**

Some states and local governments, including the City and County of Denver, have implemented laws that allow law enforcement to impound the vehicles driven by individuals who repeatedly drive unlicensed or with a restrained license. While the results of such efforts are difficult to quantify, there are some indications that the laws have had a positive effect on safety. Specifically, impoundment laws in California and Ohio have been shown to be effective at reducing the number of people driving under restraint. While there is a cost to vehicle impoundment, some jurisdictions have been able to cover the costs with the fines charged to owners of impounded cars and on the sale of unclaimed vehicles. Impoundment laws are most effective when the action is administratively taken rather than decided through the courts and when the vehicle is impounded regardless of whether it is owned by the unlicensed driver.

Impoundment of vehicles driven by restrained drivers provides a strong financial incentive for restrained individuals to abide by restrictions placed on their driving privilege and for other individuals to prevent restrained drivers from borrowing or otherwise having access to a vehicle. Further, such laws have the effect of temporarily limiting a restrained driver's physical ability to drive. However, the implementation of impoundment laws would require the creation of large impound lots and would likely require statutory changes to allow the seizure of vehicles. In addition, if vehicle impoundment is mandatory, requiring law enforcement officers to wait for vehicle towing reduces their ability to patrol and respond to other serious crimes.

### **License Plate Impoundment**

In Minnesota, police officers can impound the license plate of individuals who drive under restraint. License plate impoundment is more easily implemented than vehicle impoundment, since there is no need to develop impound lots or require officers to wait until vehicles can be towed. Minnesota has successfully used license plate impoundment to reduce DUI recidivism rates. According to a 2003 analysis conducted by the Transportation Research Board for AASHTO,

license plate impoundment is most effective when the officer removes the plate immediately at the time of arrest and when the state has a method to block re-registration of the vehicle. Like vehicle impoundment laws, license plate impoundment laws are most effective when they are administratively enforced at the time of apprehension and used regardless of ownership of the vehicle.

Because law enforcement officers are likely to pull over a vehicle with no plates, license plate impoundment discourages restrained drivers from operating the vehicle, since it is more likely they will be caught. However, one disadvantage of license plate impoundment is that it does not physically prevent the restrained driver from continuing to drive the vehicle with no plates. Both statutory and administrative changes would be necessary to authorize and implement a license plate impoundment program in Colorado.

## **Improve Identification of Problem Drivers**

As will be discussed in the following sections, the identification of unlicensed and revoked drivers is a major problem that may impair a law enforcement officer's ability to take proper enforcement action against a problem driver. According to our interviews with law enforcement officers, individuals stopped for traffic violations often carry no identification and provide false names or aliases at the time of the traffic stop, therefore making it difficult to enforce traffic laws that prohibit driving without a license or while under a driving restraint. Specifically, without proper identification, the officer may pull the incorrect arrest and DMV records for the driver and therefore fail to learn that the driver does not have a valid driver's license. To address these problems, some states have adopted or considered alternative methods to assist law enforcement officers in the identification of unlicensed and restrained drivers. We discuss four of these alternative methods—specially-marked license plates, “hot sheets,” mobile fingerprinting and ID images, and licensing illegal aliens—below.

### **Specially Marked License Plates**

Some states mark license plates with “zebra” stickers for vehicles that have been driven by individuals without valid driver's licenses. This is an administrative action that law enforcement officers may take when, upon checking a driver's license status, the officer verifies that the driver either is unlicensed or is driving under a restraint. The officer then places a marker on the registration sticker of the vehicle's license plate. These markers serve as probable cause for an officer to stop a vehicle in the future and check the license status of the driver. The primary purpose of “zebra” stickers is to allow law enforcement officers to quickly identify vehicles potentially driven by individuals without a valid driver's license.

Without “zebra” stickers, an officer must wait for a driver to commit a traffic infraction before stopping the vehicle and investigating his or her driver’s license status. “Zebra” stickers also act as a deterrent because the unlicensed or revoked driver can no longer hide or blend in with licensed drivers.

Studies of the aggressive “zebra” sticker laws in Oregon found that the program resulted in reductions in moving violations, violations for driving under the influence of alcohol, and crashes. According to the evaluation, the ability to use the marked plates as probable cause to pull over a driver was a key to this program’s success. Additionally, “zebra” stickers were found to be more effective when placed on the vehicle’s plates regardless of whether the driver owned the vehicle. The implementation of a “zebra” sticker program would require legislative authorization.

### **Hot Sheets**

“Hot sheets” are lists of unlicensed or restrained drivers living in a law enforcement agency’s jurisdiction. These lists are updated regularly by the responsible state agency and distributed to law enforcement agencies to help them detect unlicensed drivers. While this strategy has been used by many jurisdictions, including localities in New York, California, and Connecticut, its effectiveness has not yet been evaluated. This approach requires cooperation from state and local officials in developing and using the “hot sheets.” Specifically, a central state agency will typically develop and distribute the “hot sheets” to local law enforcement agencies. The individual law enforcement agencies are then responsible for distributing the “hot sheets” to their patrol officers and encouraging their use during routine patrols.

No legislative changes would be necessary to develop and distribute “hot sheets” to state and local law enforcement agencies. To implement the program, DMV would compile the “hot sheets” for law enforcement, using information from driver history records. To be successful, law enforcement agencies would need to take an active role in using the “hot sheets” to target traffic enforcement efforts. Training police officers on the information contained on the “hot sheets” and their use would also be necessary.

### **Mobile Fingerprinting and Digital ID Images**

Currently most law enforcement officers do not have the ability to check driver fingerprints during a traffic stop. Rather, fingerprint searches are typically done only when an offender is arrested and taken to jail. Mobile LiveScan fingerprinting systems allow law enforcement officials to conduct timely

fingerprint searches in the field so they can properly identify individuals who cannot provide a driver's license or valid ID. Implementing LiveScan technology in every patrolling vehicle would significantly improve the ability of law enforcement officers to identify drivers and obtain complete driver histories, including histories for aliases. However, mobile fingerprinting systems are cost-prohibitive for many local law enforcement agencies. Identification systems vendors estimate that installing a mobile fingerprinting system in one patrol car would cost about \$1,500. Additionally, CBI's fingerprint search system would need modification to accommodate the increase in fingerprint queries and provide search results in a timely manner. Further, legal issues related to fingerprinting drivers stopped for non-criminal driving infractions would need to be investigated by state agencies prior to statewide implementation of mobile fingerprinting technology.

Law enforcement officers we interviewed suggested that an alternative for improving the identification of individuals at traffic stops would be to enable officers to run a check on the name provided by the offender at the time of the traffic stop to see if the photo on file with the DMV matches the person stopped. While not as accurate as fingerprint checks, this approach may be a less expensive and more practical option than mobile fingerprinting.

### **Licensing Illegal Aliens**

Though the federal government is responsible for determining citizenship status and deporting illegal aliens, states can improve their ability to identify and track illegal aliens by issuing identification cards or driver's licenses to illegal aliens. In addition, the practice of issuing driver's licenses regardless of citizenship status would require that illegal alien drivers demonstrate familiarity with driving laws, since the aliens must pass a driving test to receive a license. Though this method has been adopted in Utah, its effectiveness has not been clearly demonstrated. In addition, this approach would be a highly controversial approach and require legislative change. Further, the program's effectiveness could be reduced if illegal aliens fear identification by state officials and thus do not obtain a driver's license.

### **Increased Enforcement Efforts and Penalties**

Other methods to reduce the number of individuals who drive without a valid license are to increase enforcement efforts and criminal penalties. These methods increase the probability that an offender will be caught and use the threat of criminal sanctions to deter individuals from driving. We discuss four methods—

enforcement checkpoints and saturation patrols, increased incarceration, electronic monitoring, and detention/deportation—in the next few sections.

### **Enforcement Checkpoints and Saturation Patrols**

Using DMV traffic violation and traffic accident reports, law enforcement officials can identify areas where they have previously detected high levels of drivers without valid licenses and target these areas for increased patrols and license check-points. This approach has been used effectively in Colorado to address other types of problem drivers, such as people driving under the influence of alcohol. Similar to DUI checkpoints, license checkpoints attempt to identify unlicensed and restrained drivers. This method has been tried in California but has not yet been evaluated for effectiveness on a widespread basis. Disadvantages of checkpoints are that they are often easy to avoid, create traffic delays, and inconvenience law-abiding drivers. In addition, law enforcement resources must be redirected from other efforts to focus on unlicensed drivers. Once drivers without valid licenses are identified and apprehended, the success of the program would depend on the ability of the legal system to convict and punish the individuals caught and prevent them from driving while unlicensed or restrained.

### **Incarceration and Increased Minimum Sentences**

Incarcerating people who drive without a valid license and increasing mandatory jail sentences for traffic violations are enforcement techniques used widely by Colorado and other states. Incarceration is effective for the period of confinement, since the offender is prevented from driving. Once the offender is released, however, there is no assurance that the high-risk driving behaviors have been addressed or that the offender will not drive while under restraint.

Incarcerating offenders for driving without a valid license is an expensive alternative. According to county jails we contacted as part of our *Implementation of Senate Bill 06-090* performance audit, incarcerating an individual can cost \$68 to \$110 per day. In addition, this alternative requires sufficient jail capacity to use widely. As a result, traffic offenders typically serve relatively short sentences. For example, the current penalty for driving under restraint is a minimum five-day jail sentence. According to DMV records, since 1992 there have been 2,620 drivers convicted for driving under restraint five or more times. A similar example is Francis Hernandez, who was jailed several times but continued to drive without a license and while under restraint after his release.

Increasing the mandatory minimum sentence for traffic violations is also problematic because if prosecutors and the public consider the punishments

excessive, prosecutors are more likely to offer plea bargains and charge the offender with a lesser traffic violation. According to our interviews with former prosecutors, district attorneys' offices and judges are often reluctant to seek jail time for traffic offenders, especially when alcohol is not involved and the driver has not injured another person. Still, the threat of incarceration may deter some offenders from violating the law and enhance compliance with other sanctions, such as ignition interlock requirements and electronic monitoring, discussed below.

### **Electronic Monitoring**

Electronic monitoring is an alternative to incarceration that restricts an offender's mobility through "house arrest." Electronic monitoring works by attaching a device to the offender that will alert a probation officer if the offender leaves his or her home. This method has been shown to be effective at reducing DUI offenses as well as unlicensed or restrained driving. A study of the electronic monitoring program in Palm Beach County, Florida found the method to be a successful and cost-effective alternative to incarceration. For electronic monitoring to be successful, it must be a condition of probation and individuals must be incarcerated if violations occur. In Colorado, judges currently have the option of allowing traffic offenders to serve their sentences through electronic monitoring. No legislation would be required to expand this practice, which could enhance oversight and increase sanctions for individuals who drive without a valid license. However, if the General Assembly wanted to make electronic monitoring a mandatory penalty for certain traffic offenses, legislation would be required.

### **Detention and Deportation for Driving Offenses**

During our discussions with DMV staff, former prosecutors, and law enforcement officials they indicated that many unlicensed drivers are illegal aliens that cannot legally obtain a Colorado driver's license. We were not able to determine or evaluate the number or percentage of illegal aliens who cause traffic accidents because accident records do not provide information on the citizenship status of the drivers involved. If illegal aliens do represent a significant portion of unlicensed drivers increasing the number of illegal aliens deported would likely result in a decrease in the number of unlicensed drivers on the road.

However, our *Implementation of Senate Bill 06-090* performance audit found that most law enforcement agencies in the State do not have access to immigration records and must rely on ICE to identify and take action against individuals for immigration violations. Further, local law enforcement officers indicated that ICE

rarely takes action to deport individuals arrested for driving-related offenses alone. Because immigration enforcement is the responsibility of the federal government, any efforts at the state or local level to address deportation will be dependent on federal policies.

### **Future Steps for Addressing Problem Drivers**

The strategies discussed above represent additional efforts Colorado, as a state, could undertake to keep problem drivers from driving and therefore prevent, in some cases, traffic fatalities from occurring in the future. However, as previously mentioned, no strategy or combination of strategies will guarantee that problem drivers intent on driving will stay off Colorado's roadways.

The strategies we have discussed represent public policy changes that fall within the purview of the General Assembly. We make no recommendations in this area.

## **Information System Gaps Related to Problem Drivers**

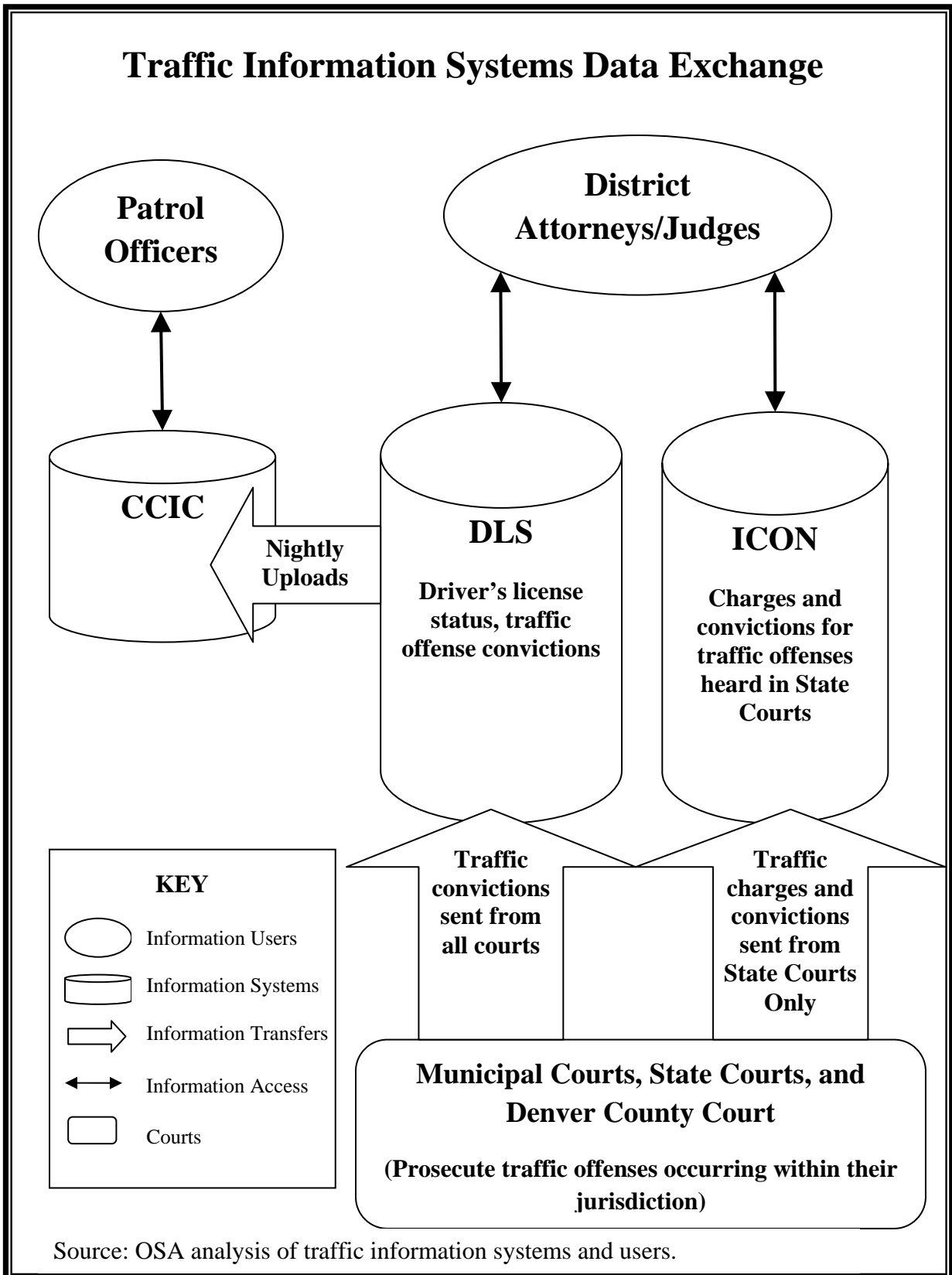
In addition to evaluating strategies Colorado could consider for addressing problem drivers, we reviewed information systems used to track and take enforcement action against unlicensed and restrained drivers. Information on driver's license status, driver records, and prior arrests and convictions is critical in allowing law enforcement, prosecutors, and judges to make informed decisions when a person is stopped, charged, or sentenced with a traffic offense. For problem drivers in particular, complete information to identify the driver and evaluate prior driving history and traffic violations is crucial for determining the appropriate charge and penalty for a traffic offense.

In Colorado, automated information on driver's license status, driver history, prior arrests, and convictions is maintained by several agencies at both state and local levels. These agencies include: the Division of Motor Vehicles (DMV), the Judicial Branch, Colorado Bureau of Investigations (CBI), Colorado District Attorney Council (CDAC), municipal courts, and the Colorado Integrated Criminal Justice Information System (CICJIS) Program, which is responsible for integrating information maintained by the Judicial Branch, CBI, and CDAC. Though the Department of Corrections and Division of Youth Corrections also have systems included in CICJIS, they are not discussed in the following sections because they do not directly relate to traffic and driving records. Each agency's information system holds key data needed in traffic cases. The following table describes the data maintained by each agency:

<b>State and Local Information Systems Used to Identify, Track, and Prosecute Problem Drivers</b>		
<b>Information System</b>	<b>Agency</b>	<b>Description of Data Maintained</b>
<b>STATE SYSTEMS</b>		
Driver's License Information System (DLS)	Colorado Division of Motor Vehicles	Contains information on the status of a person's driver's license and all traffic-related convictions.
Colorado Crime Information Center (CCIC)	Colorado Bureau of Investigation	Provides information to law enforcement on outstanding warrants, prior arrests, and driver's license status.
Integrated Colorado Online Network (ICON)	Judicial Branch	State Court Case Management System which includes original charges, convictions, and sentences for all charges filed in the state court system <sup>1</sup> .
Colorado Integrated Criminal Justice Information System (CICJIS)	CICJIS Program	Allows users in the criminal justice system to access records across agencies. ACTION, ICON, and CCIC are all integrated into this system. DLS is not part of CICJIS.
<b>LOCAL SYSTEMS</b>		
ACTION	Colorado District Attorney Council	Allows sharing of information on prior charges and convictions between district attorneys and state courts. All district attorney's offices except for the 2 <sup>nd</sup> and 18 <sup>th</sup> districts, covering Denver, Arapahoe, Douglas, Lincoln and Elbert counties, use the system.
Municipal Court Systems	160 Municipal Courts	Maintains records on traffic charges and convictions processed by municipal courts. With the exception of two municipalities that have an agreement to use ICON as their case management system, municipal court systems are not part of CICJIS or ICON. Traffic convictions are sent to the DMV to be uploaded into DLS.
<b>Source:</b> Office of the State Auditor analysis of agency information systems and related documentation.		
<sup>1</sup> The state court system does not include Denver County Court or municipal courts.		



During a typical misdemeanor traffic case requiring the driver to appear in court, information is exchanged multiple times at various points in the process so that each agency has the information needed to make charging decisions and maintain accurate records. The chart on the following page shows the flow of information between the systems used to enforce Colorado's traffic laws.



As shown in the chart, when a driver is stopped by a law enforcement officer, the officer runs a check through CCIC to ensure that the driver's license is valid. As indicated in the chart, law enforcement officers do not have direct access to DLS through the systems they typically use to perform a check. Instead, a data file containing updates made to the master driver's license file (new licenses, suspended and revoked licenses, name and address changes) is transferred from DLS to CCIC nightly.

In most cases, if the officer finds the driver is driving without a valid license, the officer will prepare a citation and provide the driver with a summons to appear in court. A copy of the citation is sent to a municipal or county court, depending on the officer's jurisdiction. When the offender appears in court, the assigned prosecutor from the district attorney's office reviews information to decide on the charges and determine any plea offer. Typically, the prosecutor will review the citation, the individual's driving record in DLS and, depending on the seriousness of the charges, the individual's criminal record maintained in ICON. If the person pleads guilty or is convicted of the charge, the judge will use the offender's driving record and criminal history to determine the appropriate penalty or sentence. The court then sends the conviction record to the DMV, which in turn updates the individual's driving record in DLS. For cases filed in county court, the charges, convictions, and sentences imposed are maintained in ICON, the court's case management system.

Additionally, if the conviction requires the DMV to place a restraint on the individual's driver's license, DLS automatically prompts DMV staff to send a notice of the restraint to the driver and schedule an administrative hearing if required. If the individual's driving privilege is restrained, DMV staff update the person's driver's license status within DLS. As previously mentioned, every night the updates to the master driver's license file in DLS are uploaded to CCIC for use by law enforcement officers.

During our audit we reviewed the data maintained in each of these systems to identify any gaps that could impact enforcement actions against problem drivers. We identified several information gaps that prevent agencies, especially law enforcement and district attorney's offices, from obtaining complete information regarding a driver's identity, license status, driving history, and immigration status. We also reviewed these information gaps with respect to the enforcement actions taken against Francis Hernandez. It was unclear from our review whether these gaps had an impact on the charges against or penalties applied toward Mr. Hernandez because we did not have information regarding the records that were used by law enforcement officers, prosecutors and judges during his previous arrests. However, these gaps create a risk that in other instances involving problem drivers like Mr. Hernandez, a driver charged with a traffic infraction or

misdemeanor will not receive the proper charge or sanction for his or her violation. These information gaps are described below.

First, we found that the systems used by prosecutors and judges to obtain traffic and criminal records are incomplete and that there is no single database that prosecutors and judges can use to ensure that they have complete information on a driver charged with a traffic offense. Specifically, we identified several key gaps related to the records maintained in the DLS and ICON systems:

- **DLS.** With the exception of alcohol and drug related charges, DLS does not contain information on the original charges resulting from traffic offenses. Instead, DLS contains information on final convictions, after plea bargaining occurs. Generally, original charges provide better information on the driver's actions or behaviors leading to the traffic offense. For example, a driver charged with driving while under revocation could be convicted, after plea bargaining, of a lesser charge, such as speeding. DLS would then contain a record of only the speeding conviction. DLS would not contain any record of the original charge of driving under revocation. Therefore, a prosecutor using a driver's history record to determine the nature of a driver's previous offenses would not have information on the original charges filed against the driver or know that the driver has been stopped previously for driving under restraint.
- **ICON.** Since DLS does not contain information on charges for traffic offenses, some prosecutors report that they access the Judicial Branch's ICON database to obtain any available information on prior charges for traffic infractions and misdemeanors. However, ICON does not maintain records for all traffic offenses and misdemeanors processed through Colorado courts. Specifically, ICON does not contain records for cases processed through Denver County Court or for 158 of the 160 municipal courts. Instead, 158 of the municipal courts use their own case management systems to record their case information. According to DMV records, about 48 percent of the nearly 1.1 million traffic cases processed in Fiscal Year 2009 were processed through courts that do not use ICON; thus ICON has no record of about half of the traffic cases adjudicated in the state. According to the Colorado Constitution and state statutes, the Denver County Court and municipal courts are not part of the state judicial system, and therefore the Judicial Branch lacks authority to require these courts to participate in the ICON system. As a result, prosecutors using ICON to determine an individual's prior offenses may not have a complete record of all prior charges and convictions for misdemeanor and traffic violations.

In 2001 the General Assembly recognized the need to collect data from municipal courts for the purpose of obtaining complete criminal records. Specifically, Section 16-1-107(2), C.R.S., indicates that the CICJIS Program agencies should “consider the integration of municipal records, including county court records of the city and county of Denver, into such program.” Further, in 2003, our office conducted an audit of CICJIS and its associated databases, including ICON, and noted that Denver County Court and municipal court records were not included in ICON. We recommended that the CICJIS Executive Board periodically assess the needs of users in the criminal justice community and expand the CICJIS Program to include additional information. Despite the legislative declaration and our prior audit recommendation, records on traffic offenses and misdemeanors from municipal courts and Denver County Court remain isolated from a statewide criminal database. As the State’s expert in court case management systems and the state-level entity most familiar with the needs of municipal courts, the Judicial Branch is best situated to work with CICJIS agencies and municipal courts to identify a solution for integrating their records. Since our 2003 CICJIS audit, the Judicial Branch has attempted to expand the coverage of municipal court records maintained in ICON, including records maintained by Denver County Court. Since municipal courts and Denver County Court are not part of the Judicial Branch and these courts are concerned about the cost of integration, little progress has been made.

Second, we found that CCIC, the criminal record database that provides law enforcement officers with information on the status of an individual’s driver’s license, does not always provide complete and accurate information. Specifically, staff from the Colorado State Patrol, CBI, and DMV reported that CCIC sometimes provides inaccurate information on an individual’s driver’s license status or address. CCIC receives data transfers on updates to the master driver’s license file from DLS nightly. According to CBI staff, the nightly transfers cause two different problems: (1) a lack of “real-time” information on driver’s license status in CCIC when driver’s license status is requested immediately after a restraint action but before the nightly update, and (2) errors when updated data from DLS are not identified by existing programming code and therefore not transferred to CCIC. CBI staff indicate that they have begun efforts to address both issues. Specifically, CBI is developing new programming that will provide officers with real-time information on driver’s license status, eliminating the need to identify and transfer updated records between systems and resolving the related accuracy problems. CBI estimates that the new programming will be implemented by April 2010.

Finally, as identified in our *Implementation of Senate Bill 06-090* performance audit, law enforcement officers in Colorado do not have immediate access to information on a driver’s immigration status during a traffic stop. To determine

the legal status of a suspected foreign national, an officer must submit an Immigrant Alien Query (IAQ) via CCIC to ICE's Law Enforcement Support Center in Vermont. For most traffic stops, the officer will not receive a response to the IAQ prior to releasing the driver with a traffic citation and summons to appear in court. Furthermore, if an officer were to receive a response that the driver was unlawfully present in the United States, ICE is unlikely to respond and detain the driver solely on the basis of a traffic violation or lack of a valid driver's license. Without changes to existing federal laws and ICE policies and procedures, information on the immigration status of traffic violators is unlikely to be available during most traffic stops.

Without accurate and complete driver's license information, law enforcement may fail to cite individuals who drive without a valid license or may arrest or issue citations to drivers who have had their licenses reinstated. Without a complete record of individuals' criminal and traffic histories, Colorado's criminal justice system may lack adequate information to determine appropriate charges and sentences for traffic offenses. While it is not clear that the information systems gaps affected the traffic enforcement actions applied in the Francis Hernandez case, lack of complete and accurate information for charging and penalizing problem drivers increases the risk that these drivers will continue to drive and cause accidents.

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### **Recommendation No. 1:**

The Judicial Branch, as a participating agency in the Colorado Integrated Criminal Justice Information System Program, should work with criminal justice agencies to integrate municipal courts and Denver County Court into a statewide criminal database in order to provide all prosecutors and courts in the state with complete records of misdemeanor and traffic charges.

#### **Judicial Branch Response:**

Agree. Implementation date: January 2010.

The State Court Administrator will present this issue to the Colorado Integrated Criminal Justice Information System Board in the near future for consideration of how to address the issues described in the audit and to develop a plan for compiling the appropriate data.

## **Recommendation No. 2:**

The Colorado Bureau of Investigation, in cooperation with the Division of Motor Vehicles, should continue improvements to CCIC and DLS to ensure timely, accurate, and real-time data are available for driver's license status checks.

### **Department of Public Safety Response:**

Agree. Implementation date: April 2010.

The Colorado Bureau of Investigation (CBI) agrees that in cooperation with the Division of Motor Vehicles, both agencies should continue to work towards sharing information to provide timely, accurate, real time data for driver's license information. The CBI is working closely with the Division of Motor Vehicles pertaining to this goal with the development and implementation of the Colorado Crime Information System (CCIS). One component of this system is to provide real time data from the Division of Motor Vehicles. CCIS is scheduled for implementation of real time data during the first quarter of 2010.

### **Department of Revenue Response:**

Agree. Implementation date: December 2009.

The DMV is currently working with CBI on a project to redesign the CCIC interface to effect real-time data transfer. The new system will provide online access to DLS via a web service providing clear, simplified queries available to all law enforcement officers through their in-car mobile data units. The real-time data queries will produce driver status, name history, and driver record data without the need to run batch processes or to synchronize data between systems. DMV will have its piece of this process in production by December 31, 2009. After that, CBI will test its programming using DMV's actual production file. CBI is the project lead and will establish dates and timelines for final implementation. Once the data exchange is fully established and in production, CBI and DMV will develop online facial image retrieval.

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# Accident Safety, Analysis, and Prevention

## Chapter 3

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As discussed in Chapter 1, state statute has assigned several state agencies with responsibilities for ensuring and improving the safety of the State's roadways to prevent traffic accidents and fatalities. For example, the Colorado Department of Transportation (CDOT) and Colorado State Patrol (CSP) conduct safety education programs, CSP enforces the State's traffic laws, and CDOT analyzes accident data to determine patterns and develop related safety plans and engineering projects. These efforts have contributed to the recent decline in the rate of traffic fatalities in Colorado, which was mentioned in Chapter 1.

In Chapter 2, we discussed additional strategies and information system improvements the State could consider for addressing problem drivers. In this chapter, we discuss: (1) our review of research and other states' practices for preventing traffic accident fatalities, and (2) Colorado's systems for analyzing accident data. We found that Colorado could reduce traffic fatalities by pursuing additional safety laws aimed at increasing the use of seatbelts and motorcycle helmets. Additionally, we found that further improvements are needed to ensure the transfer of accident data between DMV and CDOT so that complete information is available for analyzing the causes of traffic accidents. We discuss these issues in the next two sections.

### Safety Laws

We reviewed methods used in other states to improve driver safety and reduce the number of fatal traffic accidents. We found that the adoption of primary seatbelt laws and mandatory motorcycle helmet laws have been effective in reducing the number of fatal accidents in these states. If similar laws were enacted and enforced in Colorado, the number of traffic deaths and serious injuries could be further reduced and the associated economic costs mitigated.

#### Primary Seatbelt Laws

In Calendar Year 2008, 173 motor vehicle occupants who died in traffic accidents in Colorado, or 46 percent of all passenger vehicle fatalities, were not wearing seatbelts. A wide body of research indicates that seatbelts prevent fatalities from traffic accidents. Recent studies report that the use of seatbelts reduces the risk of



fatal injury to front-seat car occupants by 45 percent. Thus, the higher the proportion of drivers and passengers who wear seatbelts, the lower the traffic fatality rate will likely be. According to a report by the National Highway Traffic Safety Administration (NHTSA), about 81 percent of motor vehicle occupants in Colorado wore seatbelts in 2007. Based on a NHTSA report, an increase of 9 percent in seatbelt use (from 81 percent to 90 percent) would prevent an estimated 32 fatalities, 407 serious injuries, and 280 minor injuries in Colorado each year.

Although 49 states have adopted laws requiring drivers and passengers to wear seatbelts, 20 states, including Colorado, do not have a primary seatbelt law. A primary seatbelt law allows a law enforcement officer to stop a vehicle and issue a citation based on a seatbelt violation alone. A secondary seatbelt law, in contrast, allows a law enforcement officer to issue a seatbelt citation only if the officer initially stopped the driver for a different violation.

According to NHTSA, the American Association of State Highway and Transportation Officials (AASHTO), and other traffic safety organizations, primary seatbelt laws are more effective in increasing seatbelt use than are secondary laws. Data from a recent NHTSA study of seatbelt use show that states with primary seatbelt laws on average have seatbelt usage rates that are about 7 percentage points higher than states without primary laws, and 20 of the top 25 states ranked for seatbelt use have primary seatbelt laws. In addition, the adoption of primary seatbelt laws has been effective in increasing seatbelt use and saving lives in states that previously had secondary seatbelt laws. For example, Mississippi changed from a secondary to a primary seatbelt law in May 2006, and seatbelt use in the state increased from 61 percent in 2005 to 74 percent in 2006. Further, from 2005 to 2008, the number of traffic fatalities in Mississippi decreased by 16 percent.

In recent years, the Colorado General Assembly has considered legislation that would make a seatbelt law violation a primary offense in Colorado. During the 2009 legislative session, Senate Bill 09-296 proposed a statutory revision establishing a seatbelt law violation as a primary offense. Neither Senate Bill 09-296 nor similar legislation proposed in previous years has been successful. One argument against a primary seatbelt law is that the decision to wear a seatbelt should be a personal choice, since the consequences are primarily suffered by individuals who fail to wear seatbelts. In fact, the consequences are not suffered by the individual alone; rather, studies indicate that every traffic fatality has a cost to taxpayers. According to a May 2009 NHTSA study, a 9 percent increase in seatbelt use in Colorado would save the State's economy \$111 million, including productivity losses, medical costs, rehabilitation costs, legal and court costs, the cost of emergency services, insurance costs, and costs to employers. Further,

individuals who fail to wear a seatbelt are more likely to be thrown about the vehicle when an accident occurs and can thus cause injuries to other passengers.

Another argument against a primary seatbelt law in Colorado is that such a law could lead to greater risk of racial profiling by law enforcement officers. Profiling or bias-based policing is prohibited by Colorado law. Specifically, in Section 24-31-309(1), C.R.S., the General Assembly declared that “motorists who are stopped by peace officers for no reason other than the color of their skin or their apparent race, ethnicity, age, or gender are victims of discriminatory practices” and these practices “present a great danger to the fundamental principles of our constitutional republic and are abhorrent and cannot be tolerated.” Although a primary seatbelt law would provide officers with another reason to pull a motorist over, officers already have hundreds of violations on which they can base a stop. Thus, a primary seatbelt law would likely have little effect on an officer’s ability to engage in racial profiling.

## Motorcycle Helmet Laws

In 2008, 98 motorcyclists were killed on Colorado’s roadways, and 68 percent of them were not wearing helmets. Nationally, 42 percent of motorcyclists killed were not wearing helmets. As shown in the following chart, motorcycle fatalities in the state have increased by 63 percent over the last 10 years.



Colorado's increase in motorcycle fatalities is consistent with the national trend, which shows an increase in motorcycle fatalities along with an increase in the number of motorcycles on the road. According to NHTSA, in 2006 a motorcyclist was 35 times more likely to die in a crash than was an occupant of a passenger car and was eight times more likely to be injured.

Wearing a helmet can significantly reduce a motorcyclist's risk of dying in an accident. According to NHTSA studies, motorcycle helmets are 37 percent effective in preventing a motorcyclist from being killed in a crash. Based on this estimate, about 122 of the 331 motorcycle riders killed while not wearing helmets in Colorado between 2004 and 2008 would have survived if they had been wearing helmets.

Motorcycle helmet laws have been shown to be highly effective in increasing helmet use among riders and in saving lives. Most states achieved a helmet use rate of nearly 100 percent after adopting a mandatory helmet law. However, since the late 1970s many states, including Colorado, have eliminated the helmet requirement for adult riders and applied it only to young riders. Currently 47 states have motorcycle helmet laws, but only 20 have universal helmet laws that require helmets for all motorcyclists. In states that have adopted universal helmet laws, the number of fatalities has decreased. According to NHTSA the following reductions in motorcycle fatalities occurred in each state in the year following the adoption of a universal helmet law: Oregon, 33 percent; Nebraska, 32 percent; Texas, 23 percent; California, 37 percent; and Maryland, 20 percent. Colorado's current law requires people under 18 years old to wear a helmet if they are driving or riding with another operator on a motorcycle. The law does not require riders over the age of 18 to wear a helmet. By not requiring all motorcyclists to wear helmets, Colorado is foregoing the opportunity to significantly reduce the number of motorcyclists who die or are severely injured in crashes each year, along with the attendant economic effects.

CDOT and CSP have a statutory duty to advance the safety of the State's roads and highways. Accordingly, in recent years, CDOT and CSP have made efforts to increase seatbelt use and motorcycle safety through educational programs, advertising campaigns, and targeted enforcement. These efforts have likely been helpful in reducing the number of traffic fatalities in the state. However, research shows that primary seatbelt laws and universal motorcycle helmet laws have been effective, and thus greater increases in the number of lives saved each year could be achieved by implementing stronger safety laws.

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### **Recommendation No. 3:**

The Colorado Department of Transportation and the Colorado State Patrol should work together to seek the adoption of safety legislation requiring the use of seatbelts and motorcycle helmets. Specifically, the laws should require:

- a. All motor vehicle occupants to wear a seatbelt. In addition, law enforcement officers should have the ability to stop a driver and issue a citation based solely on the failure of the driver or of one or more of the passengers to comply with the requirement.
- b. All motorcycle operators and passengers to wear motorcycle helmets when riding on a motorcycle.

### **Department of Transportation Response:**

- a. Agree. Implementation date: Ongoing.

The Colorado Department of Transportation supports the adoption and enforcement of safety legislation related to occupant protection and motorcycle safety. Effective safety legislation, coupled with data driven enforcement of traffic laws and public education and outreach have proven to be our most effective strategies in reducing injuries and fatalities on Colorado highways. We are always willing to act as a resource to legislators considering new legislation related to transportation safety. We believe that a primary seatbelt law in Colorado would be an effective countermeasure in reducing injuries and fatalities related to traffic crashes.

- b. Partially Agree. Implementation date: Ongoing.

Regarding the recommendation of adopting a mandatory helmet law, the Colorado Department of Transportation believes at this time that our efforts and resources are better positioned in support of the successful adoption of a primary seatbelt law which would have a broader impact on the safety of Colorado drivers and passengers. Although the Colorado Department of Transportation does not currently plan to pursue a universal motorcycle helmet law, the Department will continue evaluating the necessity and political acceptance of such a law and will provide legislators individually interested in pursuing such legislation with all available data, studies, and assistance.

## **Department of Public Safety Response:**

Partially Agree. Implementation date: Ongoing

The Colorado State Patrol (CSP) will continue to provide information (data and statistics) regarding traffic crashes and enforcement, including specific information regarding seatbelt usage and motorcycle helmet usage. The CSP will continue its close partnership with the Colorado Department of Transportation in regard to strategies and education. The CSP recognizes that in other states that have enacted enhanced occupant protection laws, such laws have resulted in reduced fatal and injury crashes. The CSP will continue to enforce any laws enacted by the General Assembly and the Governor. However, the Colorado State Patrol does not currently plan to pursue legislation regarding these issues.

## **Accident Data Sharing**

Under Section 24-42-103, C.R.S., the Office of Transportation Safety within CDOT is required to “formulate current and long-range plans and programs involving all aspects and components of transportation safety” and coordinate state activities regarding federal highway traffic safety legislation. To fulfill these duties, CDOT staff consult with other agencies to develop statewide traffic safety plans, develop roadway improvement projects, and administer federal grant programs to assist state and local agencies’ efforts to improve roadway safety. In Fiscal Year 2009 CDOT budgeted about \$100 million on traffic safety efforts, using about \$91 million toward physical improvements and maintenance and about \$9 million for programs aimed at improving driver behavior. Timely and accurate accident data are a crucial source of information for CDOT, enabling it to analyze trends, develop safety plans, and prioritize its traffic safety efforts. Further, federal grant programs require states receiving federal traffic safety funds to base traffic safety plans on timely and appropriate data.

CDOT receives electronic accident report data from the Department of Revenue, Division of Motor Vehicles (DMV). All state and local law enforcement officers are required to complete standardized accident report forms and submit them to DMV after every accident. After DMV staff have entered the accident report data into the accident database, the information is transferred to CDOT, where staff enter additional location coding that allows a more detailed analysis of crashes. Once the data have been properly coded, CDOT’s Transportation Engineering Branch analyzes the data to identify problem locations, plan efforts to improve roadways, and perform cost-benefit analyses to prioritize safety improvement efforts. CDOT’s Office of Transportation Safety also uses accident report data to

identify accident trends and measure the results of law enforcement and educational programs.

According to DMV staff, in July 2006 DMV made revisions to the standard accident reporting form and discontinued entering accident data in the accident database until programming changes to the database could be made. As of July 2008, DMV reported a backlog of approximately 178,000 accident records that had been received but not entered into the accident reporting database. In December 2008, after securing grant funding to update its systems, DMV hired temporary data-entry staff to reduce the backlog. As of September 2009, DMV reported that it had eliminated the accident reporting backlog, and CDOT now has access to up-to-date accident report data.

Although DMV no longer has an accident report backlog, CDOT staff report that they cannot fully utilize the information in the database until they have entered the location coding information. Because of the large quantity of backlogged accident reports, CDOT staff indicate that they do not have the resources necessary to complete the data entry in a timely manner. CDOT estimates that completing the data entry will take about 41,600 hours. With 20 temporary employees, at a cost of approximately \$700,000, CDOT estimates that it could finish the data entry in approximately one year. Staff report that while they have sought grant funding to address the backlog, CDOT currently lacks sufficient funding to hire the staff needed for the work. Until CDOT can complete the data entry, its engineers and traffic safety staff will have to rely on old data to plan traffic engineering and safety projects. Because the risk of accidents on particular roadways can change over time, using old accident data reduces CDOT's ability to identify problems and prioritize its efforts to prevent accidents.

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#### **Recommendation No. 4:**

The Colorado Department of Transportation should continue to work to secure funding to eliminate the data entry backlog. If CDOT is unable to secure the funding to complete the work within a year, it should develop a strategy for prioritizing the data entry.

#### **Department of Transportation Response:**

Agree. Implementation date: January 2010.

The Colorado Department of Transportation has received approximately \$700,000 in funding from the Transportation Commission to eliminate the backlog of crash record data dating back to 2006. Beginning in early

2010, temporary coders will start performing road coding of the crash record data. The work is estimated to be accomplished in approximately 1.5 years.

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