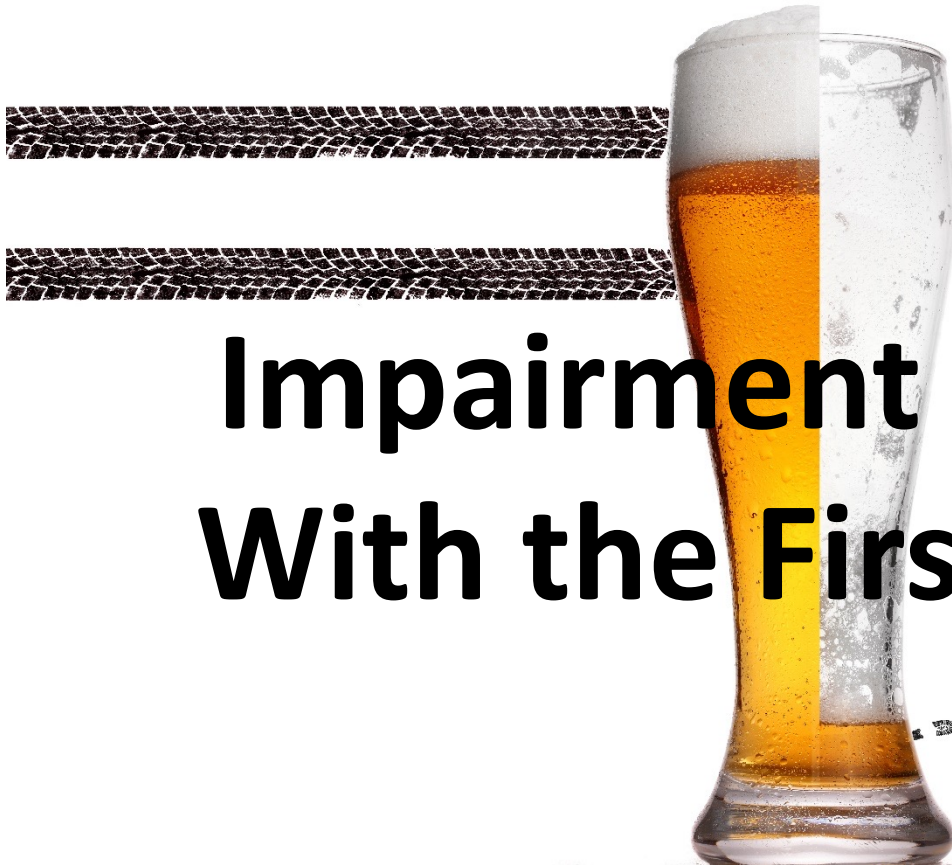


**Jen Knudsen, CO TSRP**



# National Safety Council Position?



**Impairment Begins  
With the First Drink**



## National Safety Council

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### Position/Policy Statement

#### **Alcohol Impairment Concentrations**

Every person, regardless of that person's experience with alcohol beverage consumption, is impaired in driving performance if that person's alcohol concentration is 0.08 or more. Research indicates that the ability of many individuals is impaired for driving and driving-related tasks at alcohol blood or breath concentrations below 0.08, and that for some individuals, impairment occurs at alcohol concentrations below 0.05. Therefore, at alcohol concentrations below 0.05, no statutory presumption regarding the presence or absence of alcohol influences should be made.

# Charges

# Permissible Inferences

DUI

.08+ & or 5 ng/mL  $\Delta^9$  THC

DUI Per Se (.08+)

DWAI

> .05 - .08

UDD (.02 -.05)

If  $\leq .05$  then not DUI or  
DWAI

# Legal Presumptions

**BAC \_\_\_\_\_ or more**

- Presumed under the influence

**Less than \_\_\_\_\_**

- Presumed not under the influence or impaired

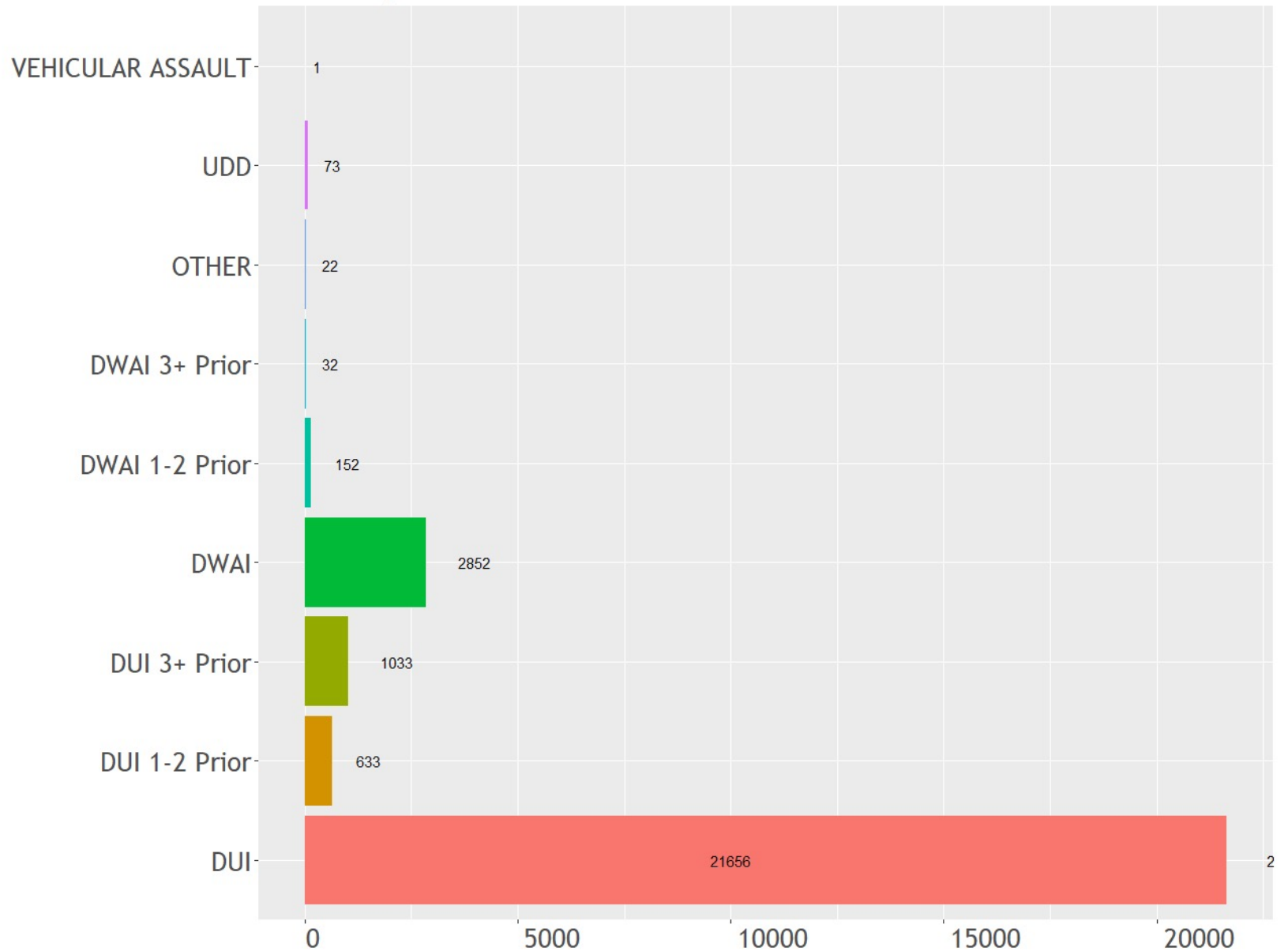
**At least \_\_\_\_\_ but below \_\_\_\_\_**

- No presumption
- DWAI

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

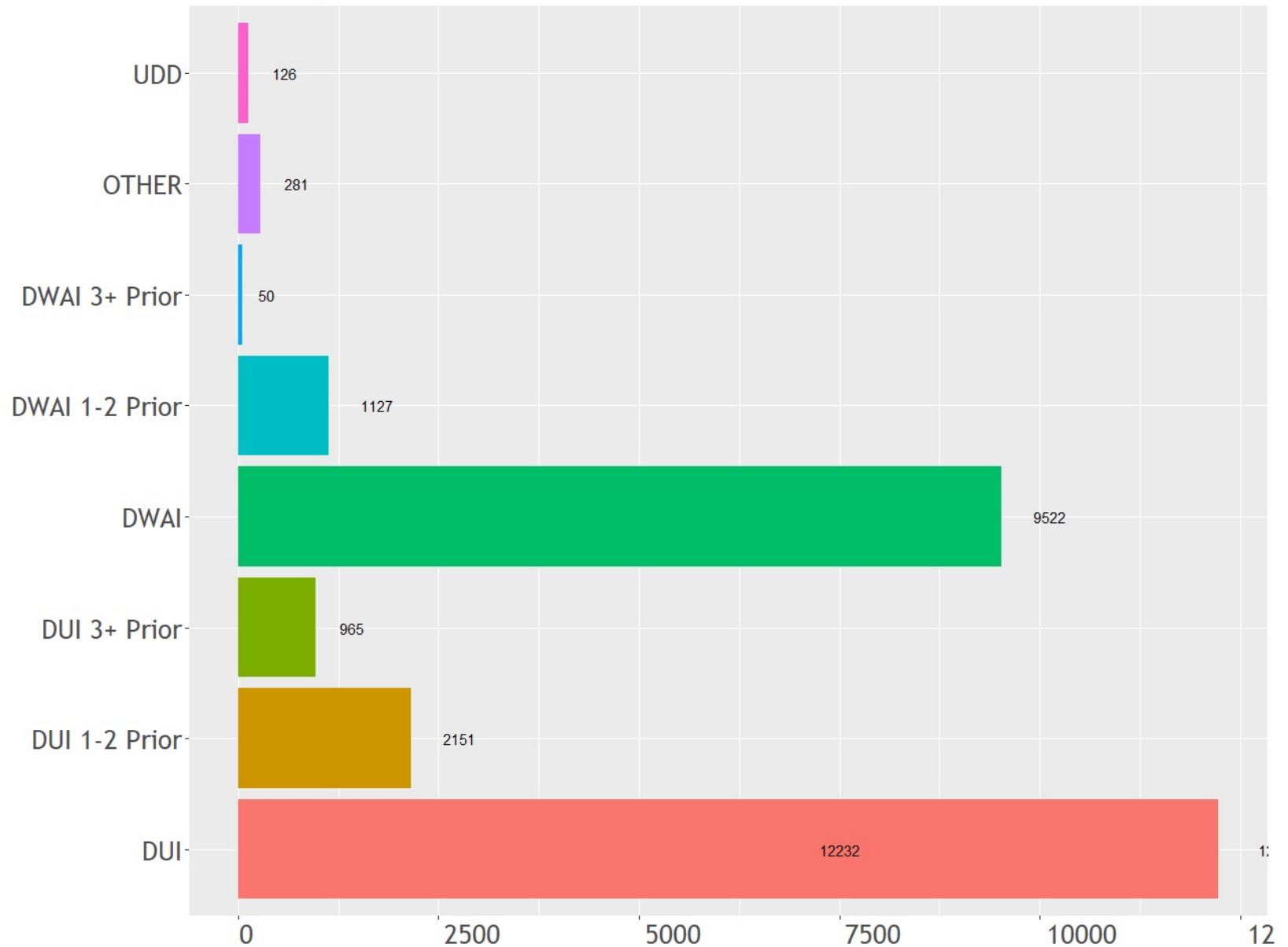
A permissible inference allows,  
***but does not require***, you to  
find a fact from proof of  
another fact or facts, if that  
conclusion is justified by the  
evidence as a whole. It is  
entirely your decision to  
determine what weight shall  
be given the evidence.

# Number of DUI/DWAI Initial Charges Colorado, 2017



Source: State Judicial Department and Denver County Court;  
Analyzed by: Colorado Colorado Department of Public Safety

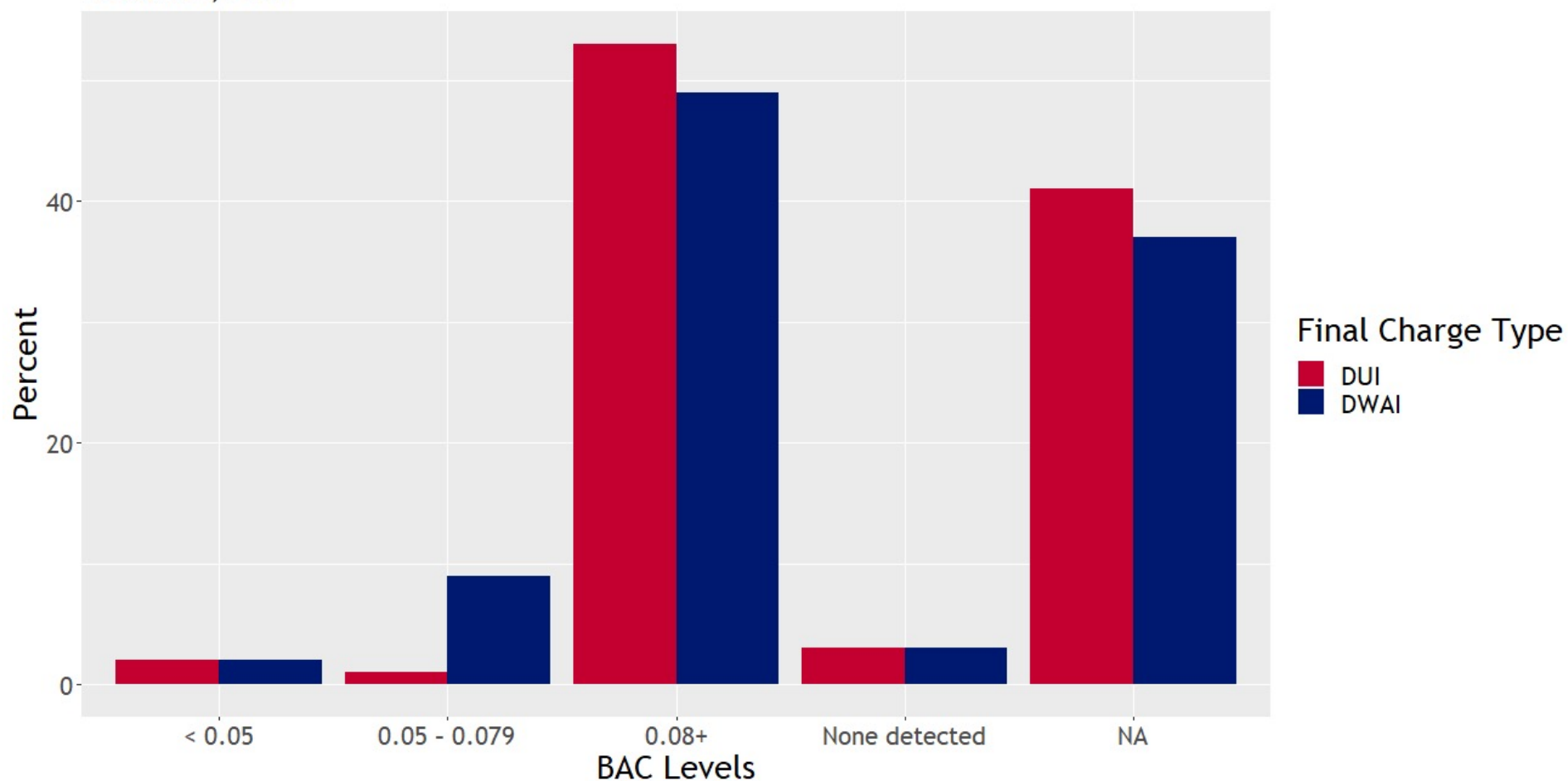
# Number of DUI/DWAI Final Charges Colorado, 2017



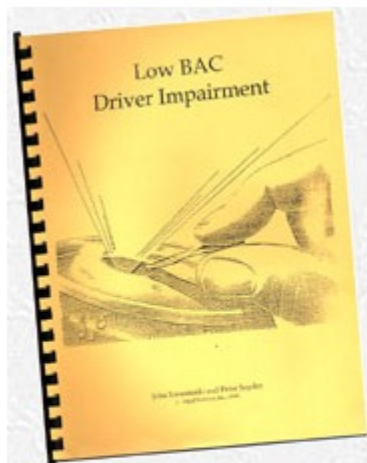
Source: State Judicial Department and Denver County Court;  
Analyzed by: Colorado Colorado Department of Public Safety

## BAC Ranges by DWAI and DUI Final Charge Category

Colorado, 2017



Sources: State Judicial Department, Denver County Court,  
Colorado Bureau of Investigations, Chematox, Denver Crime Lab,  
Colorado Department of Public Health and Environment;  
Analyzed by: Colorado Colorado Department of Public Safety



# Low BAC Driver Impairment

**\$29.00**

J. Kwasnoski and Peter Snyder

*35 pages – softbound*

A review of the scientific literature that gives prosecutors a powerful tool for direct examination on the effects of alcohol, and a valuable resource for cross examining the defendant's toxicology expert.

<https://www.legalsciences.com/shop/low-bac-driver-impairment/>

## Scenario: Pedestrian struck while walking along road

Driving skill (bibliography reference #)	First Measurable Impairment
<b>simple reaction time (1)</b>	.03
Time from decision to the onset of the reaction response.	
<b>choice reaction time (2)</b>	.03
Time to make response choice- braking, steering, sounding horn.	
<b>tracking (6,7,8,35)</b>	.03
Ability to keep vehicle on traveled part of road and avoid swerving across fog line or crossing the center line or into another lane of travel.	
<b>concentrated attention (9)</b>	.07
Ability to focus on roadway and maintain vigilance and forward gaze.	
<b>visual reaction time (12,13)</b>	.04
<b>response to central stimuli (14)</b>	.04
Impaired response to stimulus within acute field of vision.	
<b>visual search (15,24)</b>	.05
Ability to maintain searching pattern for objects on or about the roadway.	
<b>visual recognition (15)</b>	.07
Ability to recognize objects after they have been perceived.	