

Hardcore Drunk Drivers

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DUI Offenders – The Myth

- Otherwise law-abiding
- Social drinker
- Isolated incident
- Correct through brief or minimal intervention
 - Fine
 - Short jail
 - Traffic school

Mythbusting

- Prior alcohol / drug offenses 40 – 70%
- 20 – 200 times of impaired driving to generate one arrest
- Most alcohol-impaired drivers in ERs never arrested or convicted of the driving behavior that produced injuries

Mythbusting

- Non-problem / social drinkers arrested for DUI has decreased
 - Education campaigns
 - Social pressures
 - Perception of risk of arrest

WHO ARE HARDCORE DRUNK DRIVERS?



Hardcore Drunk Driver



- BAC of .15 or higher
- Drives Repeatedly at that Level
 - More than 1 DUI arrest
- Resistant to change
 - Despite prior sanctions, treatment or education

All impaired drivers are dangerous

Why look at
Hardcore Drunk Drivers?

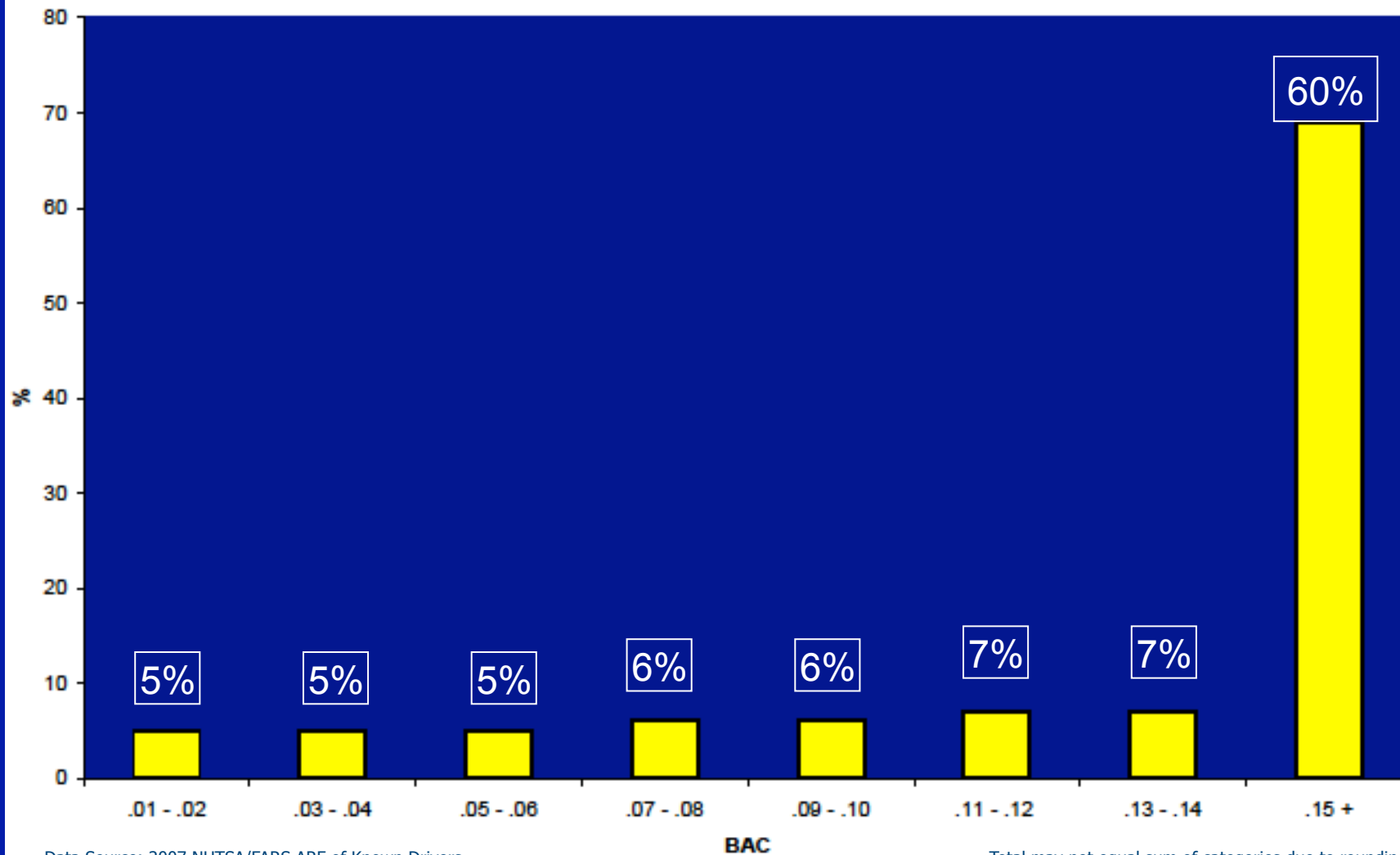
14.8 Million Arrests Per Year

- 1.5 Million DUI
- Growing portion of caseloads
- Sheer volume poses challenges
- Which offenders pose greatest threat to public safety

Source: FBI Crime Statistics for 2008

Alcohol Level Fatal Crashes US 2007

Known Alcohol Test Results of Drivers Involved in Alcohol-Related Crashes



Data Source: 2007 NHTSA/FARS ARF of Known Drivers

Total may not equal sum of categories due to rounding.

Characteristics

- Male 90 – 95%
- Ages 25 – 45
 - Under 40 – 75%
 - Over 50 – 10%



Education



- 44% had less than High School education
- Lower socio-economic status

Criminal History

- Arrests/any offense - 29
- Convictions - 25
- DUI arrests – 7.6
- DUI convictions – 7.1

Relationships

- Unstable relationships
 - 42 – 80 % separated or divorced
- More likely to have prior domestic violence offenses than first time offenders

Employment

- 77% Employed full-time
 - 57% in building trades
- History of occupational instability



Driving Behavior

- More likely believe can drive safely after consuming large quantities of alcohol
- Underestimate level of intoxication
- See their DUI arrest as bad luck or victimization by police

Arrest Event

- High alcohol tolerance
 - High BAC without gross signs of intoxication
 - Less impairment shows on SFSTs
- More likely to refuse breath test
- Exhibit high degree of pseudo-knowledge of DUI laws



Alcohol

- Socialize with others who drink frequently and heavily and who also drink and drive
 - Most report beer as beverage of choice
 - Supplement with distilled spirits

- Alcohol abuse - 98%
- Alcohol dependence - 75%

- More severe sanctions after first DUI conviction would change behavior to prevent from being arrested and convicted again

81%

DUI Court Offender Research

- Longer jail sentences, stiffer fines, and ignition interlocks are *perceived* by hardcore drunk drivers as the most effective initiatives and interventions in stopping drinking and driving
- Aside from legal consequences, *family and friends* top the list of reasons why hardcore drunk drivers stop drinking and driving

Montana Study

- WATCH
- WATCH East participants

Current Tools

- Ignition Interlock
- DUI Courts
- 24/7 Program (pre-trial)

Ignition Interlock

- **61-8-442. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device.**
- 1st offense- Court may impose
- 2nd and subsequent- Court shall impose if recommending probationary license

Ignition Interlock

- Why aren't we using ignition interlock?
 - Belief that it can be beat
 - Installers are too far away

DUI Courts

- Goal:
 - Sobriety: a long-term solution that breaks the cycle of recidivism by focusing on the addiction.
- Other positive consequence
 - Saves taxpayers in the long term

DUI Courts

- 5 operating in state right now
 - Billings Municipal
 - Kalispell Municipal
 - Fort Peck Tribal
 - Seventh Judicial District

DUI Courts

- Intense Monitoring
- Random Testing
- Treatment
- Counseling

DUI Court

- DUI Court Team:
 - Judge
 - Prosecutor
 - Defense Attorney
 - Treatment Provider
 - P & P
 - Law Enforcement
 - Coordinator

DUI Courts

- Impediments
 - No incentive for participation
 - Start-up cost is high
 - Requires large team of professionals
 - OPD refuses to support new courts
 - Courts don't have long enough jurisdiction

24/7 South Dakota

- Defendant sobriety- 24/7
- Target group- anyone arrested for DUI with prior conviction in last 10 years

BOND CONDITIONS

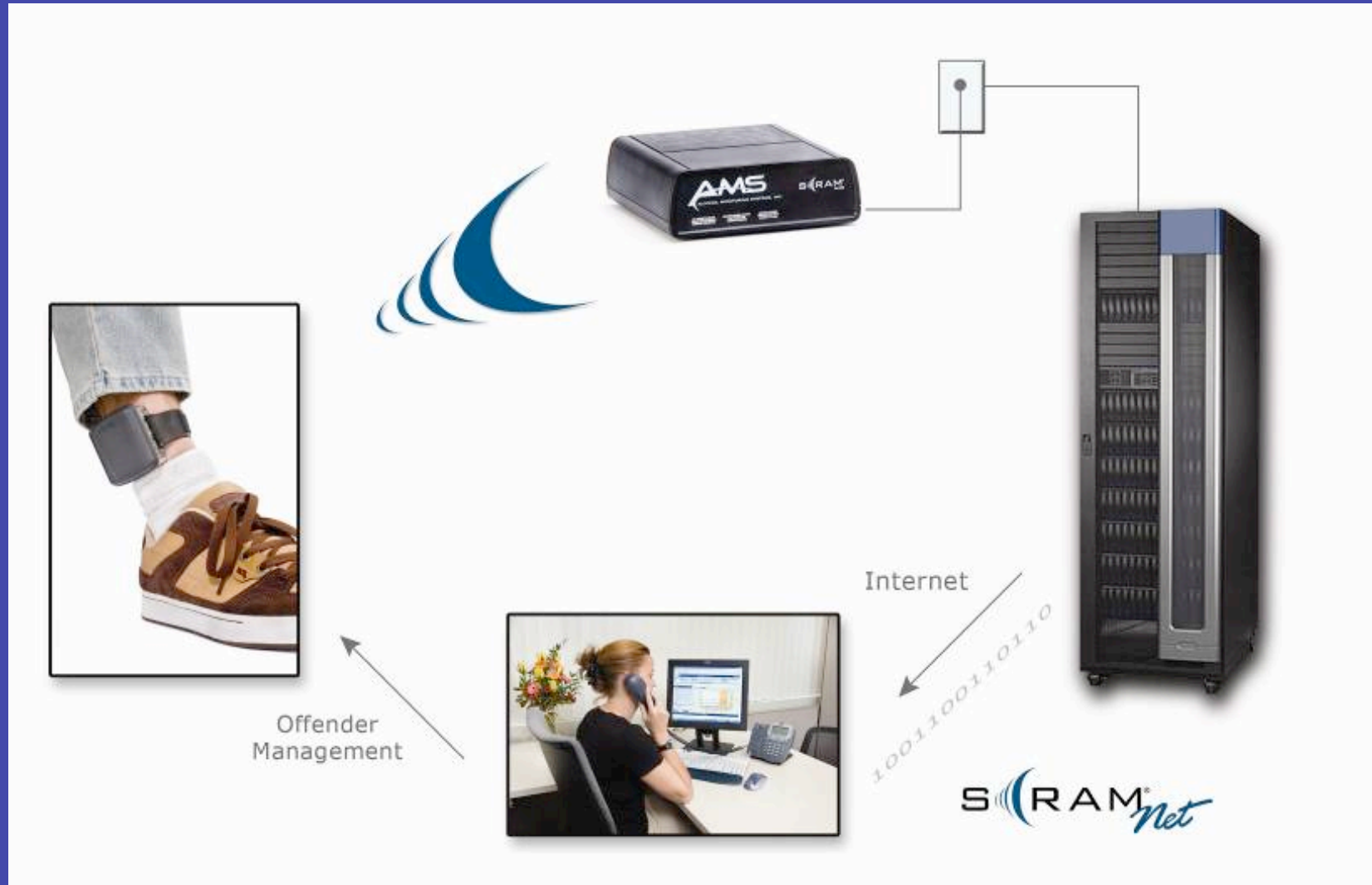
- No alcohol
- No bars
- Breath test- 7am and 7pm
- If you skip or fail **you go to jail**

PBT STATS

January 2005 through March 31, 2010

- 14,861 participants (active and completed)
- 2,942,788 total tests
- 2,922,078 (99.3%) passed tests
- 10,442 tests failed
- 10,268 no show

A Continuous Alcohol Monitoring System



SCRAM STATS

Nov 6, 2006 through March 1, 2010

- 1,978 participants
- 266,875 days for an average of 134 days per participant
- 401 (25.27%) participants had some type of violation
- 1,186 (or 74.73%) completed participants had no violation

DRUG URINALYSIS

- Detection of drugs through urine test
- Detectable drugs
 - Cocaine
 - Opiates
 - Amphetamines
 - Marijuana
 - Oxycodone
 - PCP
 - Antidepressants
 - Ecstasy



DRUG PATCH

- Detection of drugs through sweat
- Patch lasts for 7-10 days
- Drugs detected from 1-2 days before patch applied and up to 24 hours prior to removal
- Detects
 - Cocaine
 - Opiates
 - Amphetamines
 - Marijuana
 - PCP



24/7 AVAILABLE SERVICES

\$2.00
per day



- Twice per day alcohol testing
 - Counties with a jail
 - Some others

\$5.00 per
test or \$10
per week



- Drug Urinalysis-
 - Counties with high volume
 - Need both male and female staff

\$6.00
per day



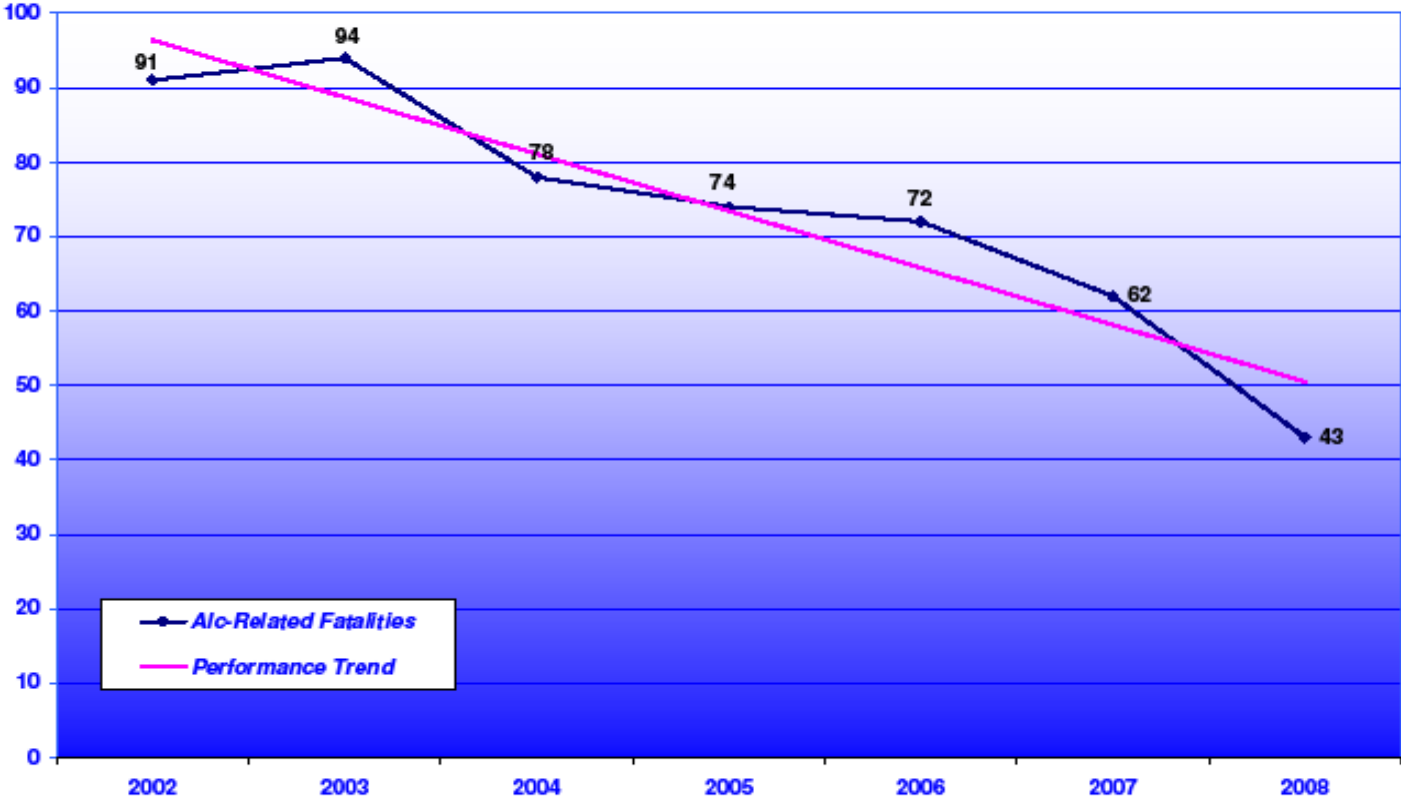
- SCRAM
 - \$1 to Law Enforcement for Administration
 - Small counties
 - No jail
 - Defendant has odd situation

\$40.00
per patch
or \$4.00
per day



- Drug Patch
 - Small Counties
 - Counties without female staff

ALCOHOL RELATED FATALITIES



Corrections

- “In the 28 years Warden Doug Weber has worked at the South Dakota state penitentiary, he's never seen the inmate population go down, two years in a row. "It's positive, it's reassuring, and it's refreshing," he says.

One reason for the decrease is that judges have more options, such as the 24/7 program for drunk drivers, before sending a criminal to prison.”

WARDEN WEBER

07/22/08

Highway Safety

43% reduction in alcohol related crashes (2006-2008) compared to the national average of 3.7%.

SOURCE: TRAFFIC SAFETY FACTS (NHTSA)

VOLUME DOTHS811016

AUGUST 2008

Taxpayers

Program pays for itself

Lewis and Clark County

- Began 24/7 program in May 2010
- 2nd offense or greater
- Condition of release
- PBT twice daily at the pre-release

Problems?

- Requires multi-office cooperation
- Start-up costs
- Sentencing options

the Future: SJR 39

- Enable County Social Host Ordinance
- MIP= license suspension until 18
- Game Wardens write MIPs
- Mandatory RASS training
- Warrants after refusal
- On-call warrant judge
- DUI Drugs Per Se

the Future: SJR 39

- DUI Court incentives
- Provide cities establish courts of record
- Strengthen ACT
- 1 year jurisdiction
- Eliminate 5 year look back
- Criminal sanctions for some refusal cases
- Aggravated DUI

Protectors of the innocent,
Defenders of the weak,
Death's angels to the wicked
To the Prosecutors - hear, hear

(Courtesy of PDAA)