

# 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?

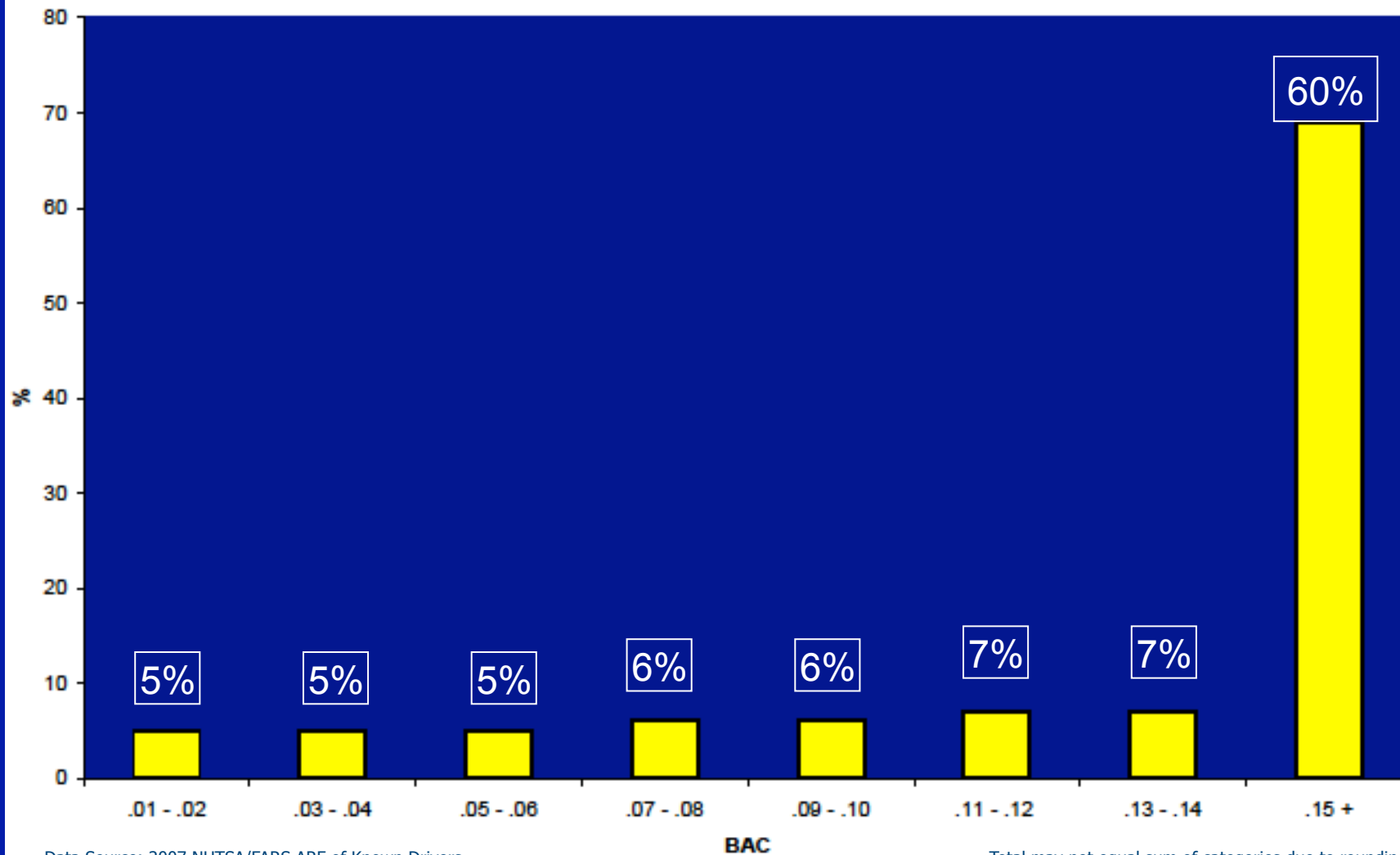
# 14.8 Million Arrests Per Year

- 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.**
- 1<sup>st</sup> offense- Court may impose
- 2<sup>nd</sup> 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

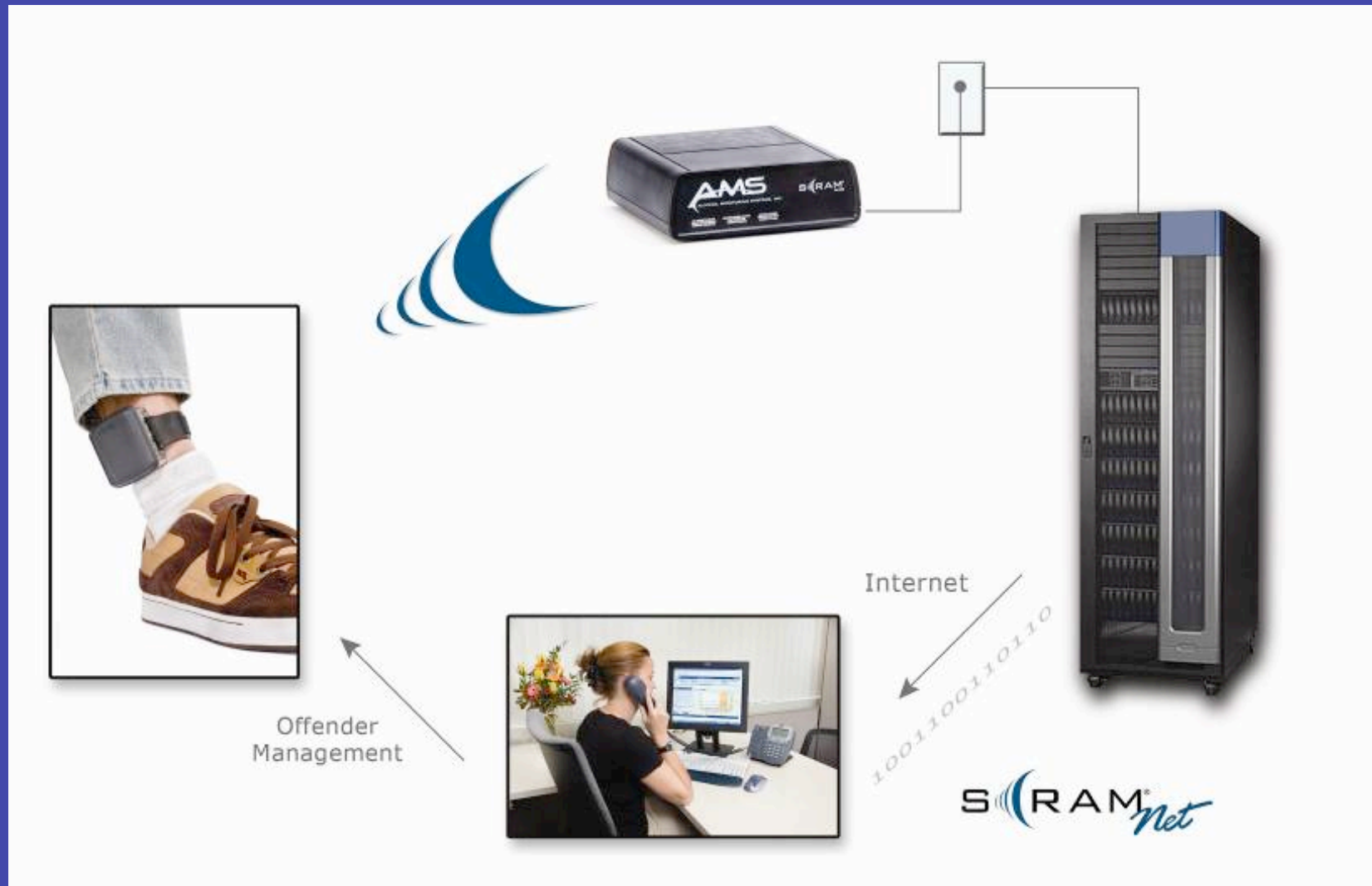
- No alcohol
- No bars
- Breath test- 7am and 7pm
- If you skip or fail **you go to jail**

# 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



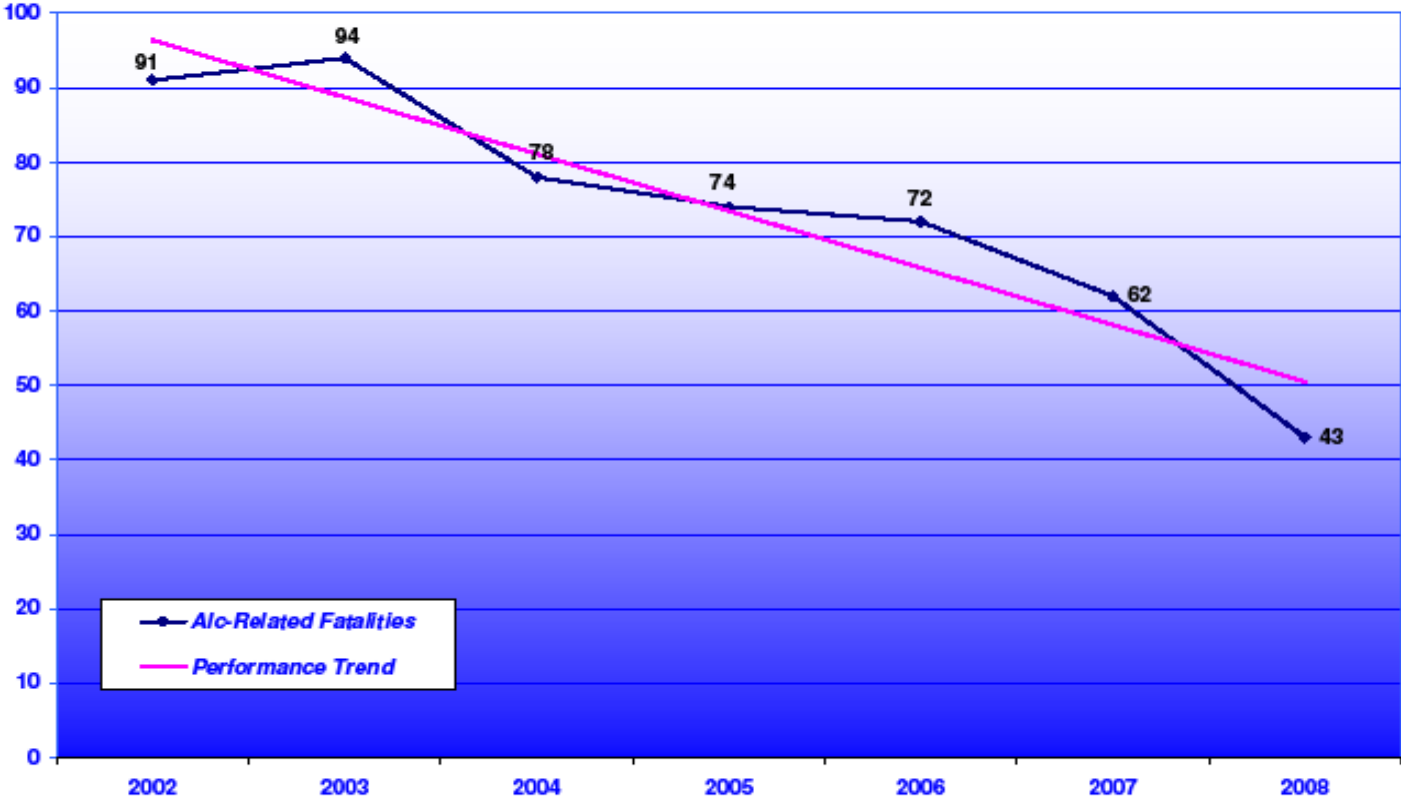
- SCRAM
  - \$1 to Law Enforcement for Administration
  - Small counties
  - No jail
  - Defendant has odd situation

\$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
- 2<sup>nd</sup> 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)