Prosecuting the Hardcore Drunk Driver

Prosecutor Presentation

Part 1: Overview of Hardcore Drunk Driver

Hardcore Drunk Driver

- Drive with a high BAC level of .15 or above
- Repeat offenders, who have more than one drunk driving arrest
- Resistant to changing their behavior despite previous sanctions, treatment or education efforts
Swift Identification

Certain Punishment

Effective Treatment

Judicial Challenges

• Incomplete or unavailable records
• BAC test refusals
• Lack of system coordination
• Heavy case loads

Judicial Challenges

• Lack of financial resources
• Variations in alcohol evaluations
• Sentencing disparities
WHO ARE HARDCORE DRUNK DRIVERS?

Definition of HCDD

- Drive with a high BAC level of .15 or above
- Repeat offenders, who have more than one drunk driving arrest
- Resistant to changing their behavior despite previous sanctions, treatment or education efforts
DUI Offenders

The Myth
• Otherwise law-abiding
• Social drinker
• Isolated incident

DUI Offenders

The Myth
• Correct through brief or minimal intervention
  – Fine
  – Short jail
  – Traffic school

Non-problem / social drinkers arrested for DUI has decreased

  – Education campaigns
  – Social pressures
  – Perception of risk of arrest
All impaired drivers are dangerous

Why look at Hardcore Drunk Drivers?

FARS 2010, NHTSA

FATAL CRASHES BAC / People

BAC .01 - .07, 16%

FARS 2010, NHTSA

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BAC .01 - .07, 16%
BAC .08 - .14, 23%
FARS 2010, NHTSA

**FATAL CRASHES BAC / People**

- **BAC .01 -.07, 16%**
- **BAC .08 -.14, 23%**
- **BAC .15+, 61%**

.15+ BAC

- 1% of nighttime weekend drivers
- 50% fatal crashes at that time
  - Simpson et al 1996
- 380 times more likely to be involved in single vehicle fatal crash than average non-drinking driver
  - Zador 1991

1.3 Million Arrests per Year

1.4 Million DUI arrests per year

- 11% of caseloads
- Sheer volume poses challenges
- Which offenders pose greatest threat to public safety

2010 FBI Crime Statistics
CHARACTERISTICS

Studies of the HCDD

- Recognizing, Managing and Containing the “Hardcore Drinking Driver” — Gasperin and White, 2007
- Evaluating the “hard core drinking driver” — White and Syrcle, 2008

- Repeat Offenders and Persistent Drinking Drivers in the U.S. — Hedlund and Fell / NHTSA 1995
- State of Knowledge of Alcohol-Impaired Driving: Research on Repeat DWI Offenders — Jones and Lacey / NHTSA 2000
- Assessing Montana’s Multiple Offender Drunk drivers for Prevention Strategy Ideas — Conley, et al 2010
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 Averages

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

• Unstable relationships
  – 42% 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