

# Prosecuting the Hardcore Drunk Driver

## Prosecutor Presentation

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## Part 1: Overview of Hardcore Drunk Driver

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## 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

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Swift Identification

Certain Punishment

Effective Treatment

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## Judicial Challenges

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

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## Judicial Challenges

- Lack of financial resources
- Variations in alcohol evaluations
- Sentencing disparities

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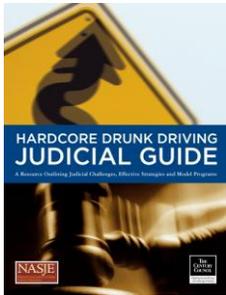
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## Definition of HCDD

- 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



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## DUI Offenders

### The Myth

- Otherwise law-abiding
- Social drinker
- Isolated incident



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## DUI Offenders

### The Myth

- Correct through brief or minimal intervention
  - Fine
  - Short jail
  - Traffic school



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## Non-problem / social drinkers arrested for DUI has decreased

- Education campaigns
- Social pressures
- Perception of risk of arrest



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All impaired drivers are dangerous

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Why look at Hardcore Drunk Drivers?

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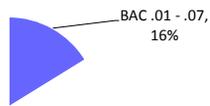
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FATAL CRASHES BAC / People



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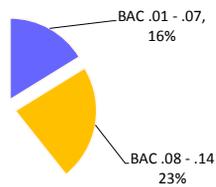
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FARS 2010, NHTSA

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FATAL CRASHES BAC / People



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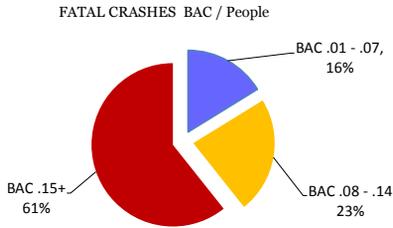
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## .15+ BAC

- 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*

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## 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

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# CHARACTERISTICS

## Studies of the HCDD

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- Ohio Hardcore DUI Offender – *Siegal, et al 2000*
- Recognizing, Managing and Containing the “Hardcore Drinking Driver” – *Gasperin and White, 2007*
- Evaluating the “hard core drinking driver” – *White and Syrcle, 2008*

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- 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*
- How Many Come Back? DUI Offender Recidivism in Vermont - *Clements 2002*
- Assessing Montana’s Multiple Offender Drunk drivers for Prevention Strategy Ideas – *Conley, et al 2010*

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## Characteristics

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

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## Education

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

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## Criminal History Averages

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

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## Relationships

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



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## Employment

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



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