

UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

# Fifth Annual DUI Report to the Utah Legislature

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# Acknowledgements

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Also contributing to this report are the Utah Administrative Office of the Courts; Utah Department of Public Safety, including the Highway Patrol, Bureau of Criminal Identification, Driver License Division and Highway Safety Office; and the Utah Division of Substance Abuse and Mental Health.

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## Executive Summary

### DUI in Utah FY 2007

#### DUI-Related Fatalities Increased in 2006

- DUI-related fatalities in Utah increased from 45 in calendar year 2005 to 66 in calendar year 2006.
- At the same time, Utah maintained the lowest rate of DUI-related fatalities in the nation, at 23 percent. The average nationwide was 41 percent.

#### Law Enforcement: Arrests

- There were 14,658 DUI arrests in FY 2007, 520 more than the previous year. The majority of the arrests, 80 percent, were for violation of the .08 blood alcohol concentration (BAC) per se statute.
- Sixty-one percent of all arrests for DUI were made by municipal law enforcement agencies.
- Seventy-nine percent of DUI drivers were male.
- Eleven percent of arrestees were under the legal drinking age of 21. DUI drivers between the ages of 25 and 36 accounted for 37 percent of all arrests.
- The majority of DUI arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 65 percent of the total arrests.
- The average BAC was .14, with the highest at .41, over *five times* the legal limit!

## Courts: Adjudications and Sanctions

- Justice Courts handled the bulk of the DUI cases, with 9,849 (83%); District Courts handled 2,025 DUI cases (17%).
- Seventy-three percent of District Court DUI cases and 62 percent of Justice Court DUI cases resulted in a guilty plea or verdict.
- Justice Court judges ordered 652 offenders to participate in an educational series, ordered 580 offenders into substance abuse treatment, and ordered ignition interlock devices for 338 offenders.
- District Court judges ordered 444 offenders to participate in an educational series, ordered 626 offenders into substance abuse treatment, and ordered ignition interlock devices for 288 offenders.
- The average jail sentence for DUI offenders was 171 days; the average time served was just under 36 days; and the average fine for a DUI conviction was \$1,528.

## Driver License Control

- The Driver License Division conducted 4,237 hearings to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
- In 1,834 cases, either the arresting officer or the DUI offender used the telephonic option to call in for the driver license hearing.

## Recommended Action

### ■ **Create the Plea of “Impaired Driving”**

Establish the plea of “Impaired Driving” (§41-6a-502.5), a class B misdemeanor to be used solely as a conviction reduced from a charge of driving under the influence of alcohol and/or other drugs under §41-6a-502. It does not have separate elements and is not a stand alone charge. It is to be used in place of alcohol or drug-related reckless driving for negotiated pleas or for reductions used as an incentive for the completion of court-ordered requirements.

■ **Amend the DUI Statutes to:**

- Calculate the ten-year look back period for interlock restricted driver (IRD) and alcohol restricted driver (ARD) violations from offense date to offense date, instead of conviction date to conviction date (§41-6a-518.2 and §41-6a-529);
- Add a definition of “drug” or “drugs” to §41-6a-501 to mean “any substance that when taken into the human body, can impair the ability of a person to safely operate a motor vehicle,” so that psychotoxic chemicals (inhalants) and other substances will be included for purposes of DUI;
- Broaden the venue of jurisdiction over individuals who tamper with ignition interlock devices to allow cities and counties to try offenders (§41-6a-518.1);
- Add persons under the legal drinking age of 21 to the definitions of “interlock restricted driver” and “alcohol restricted driver” (§41-6a-518.2 and §41-6a-529);
- Increase the administrative impound fee from \$230 to \$330 on DUI violations (§41-6a-1406), with revenues appropriated as follows:
  - \$660,000 in ongoing funding to the Department of Public Safety, Utah Highway Patrol for additional DUI Law Enforcement Officers, and
  - \$660,000 in ongoing funding to the Department of Public Safety, Liquor Law Enforcement Program for additional Liquor Law Enforcement Officers; and
- Amend the Not a Drop statute (§53-3-231) to address problems with individuals who fail to obtain the required assessment and recommendation for appropriate action from a substance abuse program.

■ **Appropriate Funding to Support DUI Law Enforcement and Youth Intervention and Treatment Services**

- Appropriate funding to create the **Computer Expedited Arrest System to Eliminate (CEASE) DUI** in Utah.
- Appropriate funding to expand substance abuse intervention and treatment services for Utah youth.



## Introduction

Christmas Eve 2006 will forever be linked with tragedy for the Ceran family of Cedar Hills in Utah County. In the early morning hours of Sunday, December 24<sup>th</sup>, the family was headed home after a cast party for the Hale Centre Theatre production of “A Christmas Carol,” in which Gary Ceran played the role of Bob Cratchit, and two of his children also had smaller parts. At the intersection of 5400 South and 700 West in Murray, the family’s car was struck by a pickup truck driven by 24-year-old Carlos Prieto. Prieto had run a red light and was intoxicated; he told police he had consumed five beers. Gary’s wife, Cheryl, and their 15-year-old son, Ian, were killed instantly; 7-year-old Julianna died a short time later at Primary Children’s Medical Center. Gary, 18-year-old Clarissa, and 12-year-old Caleb suffered injuries that were serious, but not life-threatening. Prieto was charged with three counts of automobile homicide and two counts of driving under the influence and causing serious bodily injury, all third-degree felonies. He was also charged with two misdemeanors for driving under the influence and causing bodily injury and driving without a license. On April 9, 2007, Prieto plead guilty to the three counts of automobile homicide, in exchange for prosecutors dismissing the charges for driving under the influence and without a license. In May, he was sentenced to two consecutive terms of up to five years in prison, and another term to run concurrently. Since the tragedy, Prieto has accepted responsibility and participated in alcohol treatment. Gary Ceran and his family have completely forgiven the man who took three of their loved ones from them.

Just before 10:00 p.m. on Friday, February 9, 2007, a 17-year-old Skyline high school senior driving a Jeep Cherokee crashed into a Volkswagen Jetta carrying five members of the Williams Family as they drove home from a basketball game in Salt Lake County. Michelle Williams, six months pregnant, was killed, as were her 11-year-old son Ben and 9-year-old daughter Anna. Christopher Williams and his 6-year-old son, Sam, were hospitalized and have since recovered from their injuries. The driver who hit the Williams family fled the scene; a bottle of vodka was found in his Jeep. When police found him a few blocks from the crash scene, he told them he was “too drunk” to take the field sobriety tests. On February 15<sup>th</sup>, the teen was charged with four counts of second degree felony automobile homicide, which included Michelle Williams’ unborn baby. He was also charged with third-degree felony DUI resulting in a serious injury, misdemeanor DUI resulting in injury, leaving the scene of an accident (class A

misdemeanor), and minor in possession of alcohol (class B misdemeanor). His blood alcohol content was reported to be .15, nearly twice the legal limit. The teenager plead guilty to the four second-degree felony counts of automobile homicide; all other counts were dismissed. The District Attorney requested he be tried as an adult, but he remained in the juvenile system and in June, a Juvenile Court Judge sentenced him, now 18, to a secure facility for juveniles until he turns 21. The Judge hopes he will receive more treatment and counseling than would have been available for him in the adult prison system. The Williams family has offered the driver “unconditional forgiveness” for his actions.

These two DUI-related incidents<sup>1</sup> may be the ones we most remember from the past year, but all DUI events are tragedies. In fiscal year 2007 there were 14,658 arrests for DUI in Utah, and in calendar year 2006, 66 of our fellow citizens lost their lives to drivers under the influence of alcohol or other drugs. These figures and the incidents described above illustrate while notable progress is being made to effectively address DUI in Utah, there are still areas that warrant attention. This year’s report provides an update of DUI-related data for the state, as well as recommended action designed to prevent and reduce the incidence and related tragedy of DUI in the future.

### Purpose of the Report

The *Fifth Annual Driving Under the Influence Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts);
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
  - law enforcement;
  - adjudication;
  - sanctions;
  - drivers’ license control; and
  - alcohol education, assessment, and treatment.

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<sup>1</sup> Information for the DUI incidents involving the Ceran and Williams families was obtained from newspaper articles by Deseret Morning News reporters Sara Israelsen, Wendy Leonard, Pat Reavy, Linda Thomson, Zack Van Dyck, and Ben Winslow; and **Salt Lake Tribune** reporters Nate Carlisle and Stephen Hunt.

## 2007 DUI and Related Legislation



The following bills and appropriations were passed by the 2007 Utah Legislature:

### S.B. 4      Driving Under the Influence Amendments – *Senator Carlene M. Walker*

Clarifies the application of the ten-year look back period for felony driving under the influence violations.

Amends the definition of alcohol restricted driver and provides the court shall order an ignition interlock system as a condition of probation for an alcohol restricted driver violation or describe why the order would not be appropriate.

Increases the fee for a license reinstatement application for an alcohol or drug-related offense.

Increases the administrative fee for license reinstatement after an alcohol or drug-related offense and increases the amount of revenue generated by the administrative fee that is deposited in the State Laboratory Drug Testing restricted account.

Provides the Driver License Division shall deny, suspend, disqualify, or revoke a person's license for certain violations.

Requires the Driver License Division to reinstate a person's license if the person's charges for certain violations are reduced or dismissed within the suspension period.

Requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person's driver license upon receiving record of a person's conviction for operating a vehicle without an ignition interlock system if the person is an interlock restricted driver.

### S.B. 51      Alcoholic Beverage Enforcement and Treatment Restricted Account Amendments – *Senator Michael Waddoups*

Expands the list of agencies that could be awarded grants by the Utah Substance Abuse and Anti-Violence Coordinating Council to include the Department of Alcoholic Beverage Control, the Department of Human Services, and the Utah State Office of Education.

## Appropriations

### **Alcoholic Beverage Enforcement and Treatment Restricted Account (§32A-1-115)**

The 2007 Legislature appropriated \$4,984,800 to the Alcoholic Beverage Enforcement and Treatment Restricted Account for FY 2007-08. Funding from this account is distributed on a formula basis to Utah's municipalities and counties to be used for the following purposes: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders.

### **Underage Drinking Prevention Media Campaign**

In 2006, the Legislature appropriated \$1.6 in one-time funding for Utah's Underage Drinking Prevention Media Campaign. In the 2007 Session, the Legislature approved ongoing funding for the campaign and increased the annual appropriation to \$1.8 million in FY 2008, and \$1.7 in FY 2009 and future years.

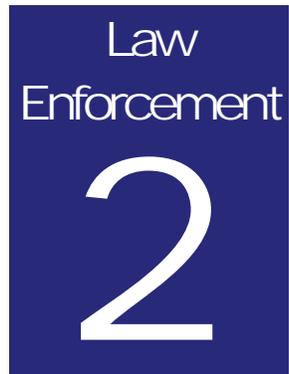
## 2007 USAAV DUI Subcommittee



The Utah Substance Abuse and Anti-Violence (USAAV) Coordinating Council DUI Subcommittee members represent agencies and organizations dealing with the DUI issue in Utah. With the support and action of Utah's Legislature and other key leaders and policymakers, the subcommittee continues to work to strengthen Utah's ability to effectively address the DUI problem.

<b>Anna Kay Waddoups</b> Citizen Member and Chair	
David Beach	Director, Highway Safety Office <i>Utah Department of Public Safety</i>
Brent Berkley	Traffic Safety Resource Prosecutor <i>Utah Prosecution Council</i>
Bart Blackstock	Citizen Member and Former Deputy Director Driver License Division, <i>Department of Public Safety</i>
Paul Boyden	Executive Director <i>Statewide Association of Public Attorneys</i>
Neil Cohen	Compliance Officer <i>Utah Department of Alcoholic Beverage Control</i>
Col. Lance Davenport	Superintendent, Utah Highway Patrol <i>Utah Department of Public Safety</i>
Victoria Delheimer	Program Administrator, Substance Abuse Treatment <i>Utah Division of Substance Abuse and Mental Health</i>
Patty Fox	Post-Trial Services Program Manager <i>Salt Lake County Criminal Justice Services</i>
Kim Gibb	Bureau Chief, Driver License Division <i>Utah Department of Public Safety</i>
Chief Wayne Hansen	Farmington Police Department <i>Utah Chiefs of Police Association</i>
Gail Johnson	Education Specialist <i>Utah State Office of Education</i>
Teri Pectol	Program Manager, Highway Safety Office <i>Utah Department of Public Safety</i>
Richard Schwermer	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
Sheriff Kirk Smith	Washington County Sheriff's Office <i>Utah Sheriffs Association</i>
Carlene M. Walker	Senator <i>Utah State Senate</i>
Holly Watson	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson <i>Director, USAAV Council</i>	Monica Taylor <i>Administrative Assistant, USAAV/CCJJ</i>





## Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI arrests. In FY 2007, Utah law enforcement officers made 14,658 DUI arrests, 520 more than in the previous year.

### DUI Arrests

#### DUI Arrests by Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2007 was very similar to previous years. The majority of the arrests, 80 percent, were for violations of the per se law, for driving at or above the legal blood alcohol concentration level of .08. Almost 12 percent of arrests were for refusal to submit to a chemical test. Under Utah law, any person who operates a motor vehicle is considered to have given consent to tests of breath, blood, urine, or oral fluids for the purpose of determining whether they are driving in violation of the DUI laws. Refusal may result in revocation of the driver license and prohibition of driving without an ignition interlock device. It is also illegal to drive with any measurable controlled substance or metabolite in one's body, which accounted for almost two percent of arrests. Violations of the Not a Drop statute, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for six percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.2 percent of the total.

DUI Arrests by Type	FY 2005		FY 2006		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
Per se Alcohol (.08)	10,019	73.3%	10,747	76.0%	11,732	80.0%
Refusal of BAC Test	1,807	13.2%	1,800	12.7%	1,737	11.9%
Not a Drop (< 21)	767	5.6%	837	5.9%	910	6.2%
Drug or Metabolite	1,038	7.6%	718	5.1%	251	1.7%
Commercial Driver (.04)	44	0.3%	36	0.3%	28	0.2%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.0%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

Many of the arrests made in FY 2007 occurred as a result of specialized DUI overtime enforcement events specifically targeted at removing drivers under the influence of alcohol and/or other drugs from Utah’s roads. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts. During FY 2007, 65 law enforcement agencies throughout the state participated in overtime events, including local police agencies, Sheriffs’ offices, and the Utah Highway Patrol.

The table below shows all measures associated with DUI overtime enforcement events increased from FY 2006 to FY 2007, with the exception of the number of vehicles stopped, which decreased by 17 percent. Of the total 1,536 DUI arrests in FY 2007, 1,230 were for DUI-alcohol, 162 were for DUI-drug, 100 were for metabolite, and 44 were not specified.

<b>Statewide DUI Overtime Enforcement Events</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>Percent Change FY 06 – FY 07</b>
5-Hour Shifts Worked	1,987	2,347	+18.1%
Vehicles Stopped	22,476	18,642	-17.0%
DUI Arrests	1,329	1,536	+15.6%
Vehicles Impounded	1,215	1,436	+18.2%
Alcohol-Related Arrests*	611	862	+41.1%
Drug-Related Arrests**	519	631	+21.6%
Warrants Served	312	528	+69.2%
Other Warnings/Citations	16,583	19,276	+16.2%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*Includes open container and youth alcohol violations (possession, consumption, attempted purchase, Not a Drop)  
 \*\*For example, drug possession

DUI Arrests by Agency Type

More than half of all arrests in FY 2007 were made by municipal law enforcement agencies (61%), with the Utah Highway Patrol responsible for 22 percent of arrests, and Sheriffs Offices responsible for 16 percent of DUI arrests.

<b>DUI Arrests by Agency Type</b>	<b>FY 2005</b>		<b>FY 2006</b>		<b>FY 2007</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Sheriffs Offices	2,529	18.5%	2,329	16.5%	2,386	16.3%
City Police/Other	7,464	54.6%	8,441	59.7%	8,979	61.2%
Highway Patrol	3,682	26.9%	3,368	23.8%	3,293	22.5%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.0%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly consistent over the past three years. In FY 2007, 79 percent were male and 21 percent were female.

DUI Arrests by Gender	FY 2005		FY 2006		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
Male	11,017	80.6%	11,160	78.9%	11,611	79.2%
Female	2,625	19.2%	2,955	20.9%	3,024	20.6%
Unspecified	33	0.2%	23	0.2%	23	0.2%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.00%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest DUI driver in FY 2007 was 13 years old. Eleven percent of arrestees were under the legal drinking age of 21. Drivers between the ages of 25 and 36 accounted for 37 percent of all arrests.

DUI Arrests by Age	FY 2005		FY 2006		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
Unknown	2	0.0%	0	0.0%	0	0.0%
13-20	2,163	15.8%	1,606	11.4%	1,643	11.2%
21-24	3,716	27.2%	2,633	18.6%	2,726	18.7%
25-36	4,105	30.0%	5,110	36.1%	5,488	37.4%
37-48	2,718	19.9%	3,143	22.2%	3,081	21.0%
49+	971	7.1%	1,646	11.7%	1,720	11.7%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.0%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2007, with an average arrest rate of 1,221 per month. The highest number of arrests occurred in September (1,314), with the lowest number of arrests in February (1,100).

DUI Arrests by Month	FY 2005		FY 2006		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
July	1,196	8.7%	1,291	9.1%	1,214	8.3%
August	1,125	8.2%	1,202	8.5%	1,228	8.4%
September	1,099	8.0%	1,174	8.3%	1,314	9.0%
October	1,102	8.1%	1,233	8.7%	1,250	8.5%
November	1,109	8.1%	1,123	7.9%	1,178	8.0%
December	1,173	8.6%	1,211	8.6%	1,257	8.6%
January	1,221	8.9%	1,184	8.4%	1,175	8.0%
February	1,106	8.1%	1,016	7.3%	1,100	7.5%
March	1,188	8.7%	1,264	8.9%	1,246	8.5%
April	1,049	7.7%	1,159	8.2%	1,202	8.2%
May	1,174	8.6%	1,161	8.2%	1,277	8.7%
June	1,133	8.3%	1,120	7.9%	1,217	8.3%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.0%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by County

Consistent with past years, the majority of DUI arrests during FY 07 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 65 percent (9,526) of the total. Salt Lake County had the highest number of arrests with 4,971 (34%), while Wayne County had the fewest arrests with five (0.0%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county. Overall, the three measures are fairly consistent within each county.

County	DUI Arrests FY 2007		Population Estimate July 1, 2006		Vehicle Miles Traveled Calendar Year 2006	
	Number	Percent	Number	Percent	Number	Percent
Beaver	110	0.7%	6,428	0.2%	259,363,622	1.0%
Box Elder	189	1.3%	45,987	1.8%	950,444,979	3.6%
Cache	492	3.4%	105,671	4.0%	962,042,197	3.7%
Carbon	190	1.3%	19,504	0.7%	293,236,490	1.1%
Daggett	15	0.1%	949	0.0%	35,453,183	0.1%
Davis	1,530	10.4%	286,547	11.0%	2,465,471,494	9.4%
Duchesne	158	1.1%	15,585	0.6%	217,416,021	0.8%
Emery	104	0.7%	10,438	0.4%	354,091,160	1.3%
Garfield	45	0.3%	4,772	0.2%	117,190,331	0.5%
Grand	203	1.4%	9,024	0.3%	278,740,313	1.1%
Iron	410	2.8%	43,424	1.7%	675,134,992	2.6%
Juab	216	1.5%	9,315	0.4%	408,596,690	1.6%
Kane	73	0.5%	6,294	0.2%	139,181,086	0.5%
Millard	135	0.9%	13,230	0.5%	466,147,966	1.8%
Morgan	33	0.2%	8,888	0.3%	142,721,012	0.5%
Piute	9	0.1%	1,373	0.0%	27,193,551	0.1%
Rich	21	0.1%	2,121	0.1%	54,539,784	0.2%
Salt Lake	4,971	33.9%	996,374	38.1%	8,555,082,596	32.7%
San Juan	134	0.9%	14,647	0.6%	279,318,785	1.1%
Sanpete	137	0.9%	25,799	1.0%	252,643,319	1.0%
Sevier	133	0.9%	19,984	0.8%	429,945,803	1.6%
Summit	347	2.4%	36,871	1.4%	733,056,452	2.8%
Tooele	452	3.1%	54,375	2.1%	908,077,669	3.5%
Uintah	492	3.4%	27,747	1.1%	352,421,358	1.5%
Utah	1,625	11.1%	475,425	18.2%	3,647,327,465	13.9%
Wasatch	214	1.5%	21,053	0.8%	296,594,189	1.1%
Washington	815	5.6%	134,899	5.2%	1,268,127,699	4.8%
Wayne	5	0.0%	2,535	0.1%	38,518,998	0.1%
Weber	1,400	9.5%	215,870	8.2%	1,558,806,269	6.0%
<b>TOTAL</b>	<b>14,658</b>	<b>100.0%</b>	<b>2,615,129</b>	<b>100.0%</b>	<b>26,166,885,473</b>	<b>100.0%</b>

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division  
 Source for Population Data: Governor's Office of Planning and Budget, Demographic and Economic Analysis Section  
 Source for Vehicle Miles Traveled: Utah Department of Transportation

DUI Arrests by Blood Alcohol Concentration (BAC)

The average BAC remained at .14 during FY 2007, with the highest BAC recorded at .41, over five times the legal limit!

DUI Arrests by Blood Alcohol Content	FY 2005		FY 2006		FY 2007	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	3,389	24.8%	3,375	23.9%	3,428	23.4%
.01 - .07	810	6.0%	897	6.3%	924	6.3%
.08 - .10	1,342	9.8%	1,497	10.6%	1,569	10.7%
.11 - .15	2,404	17.6%	2,676	18.9%	2,854	19.5%
.16 - .20	1,820	13.3%	1,950	13.8%	2,127	14.5%
.21 - .25	769	5.6%	819	5.8%	873	6.0%
.26+	309	2.3%	362	2.6%	382	2.6%
Refused BAC Test	1,824	13.3%	1,775	12.6%	1,808	12.3%
No Test/Unknown	650	4.7%	540	3.8%	470	3.2%
Drug Only	358	2.6%	247	1.7%	223	1.5%
<b>TOTAL</b>	<b>13,675</b>	<b>100.0%</b>	<b>14,138</b>	<b>100.0%</b>	<b>14,658</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

Repeat DUI Offenders by Type of Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by selecting offenders arrested in FY 2007 as a starting point, then counting back 10 years to determine previous arrests. Each offender was placed in an arrest type column determined by the type of the most recent arrest. Finally, the total number of arrests reflected in this table is fewer than the total arrests for FY 2007 because each offender was counted only once (although the offender may have been arrested more than one time during the fiscal year). The data show approximately 66 percent of arrests were for a first offense; 22 percent were for a second offense; 8 percent were for a third offense; and five percent were for a fourth or subsequent offense.

Arrest Type Offense	Per se Alcohol (.08)	Refusal of BAC Test	Not a Drop (< 21)	Drug or Metabolite	Commercial Driver (.04)	TOTAL	
						Number	Percent
First	7,346	878	486	185	15	8,910	65.6%
Second	2,175	402	332	37	11	2,957	21.8%
Third	821	184	44	10	2	1,061	7.8%
Fourth	303	84	9	5	0	401	3.0%
Fifth	110	44	2	0	0	156	1.2%
Sixth	39	14	0	0	0	53	0.4%
Seventh	10	8	0	0	0	18	0.1%
Eighth	5	3	0	0	0	8	0.1%
Ninth	3	1	0	0	0	4	0.0%
Tenth +	3	2	0	1	0	6	0.0%
<b>TOTAL</b>	<b>10,815</b>	<b>1,620</b>	<b>873</b>	<b>238</b>	<b>28</b>	<b>13,574</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

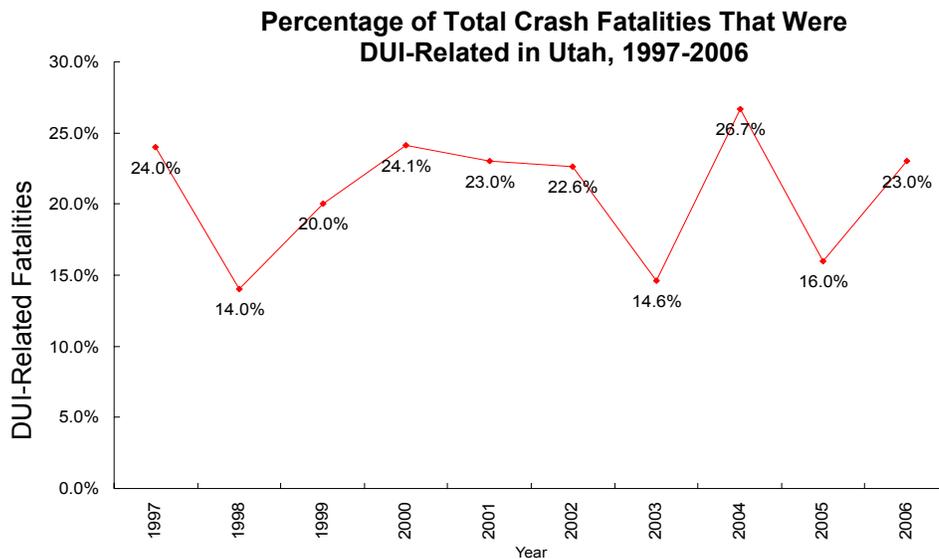
## DUI-Related Crashes, Injuries and Fatalities

According to the Utah Department of Public Safety Highway Safety Office, a DUI-related crash occurs in Utah every four hours. The following table shows the total number of DUI-related vehicle crashes for each calendar year from 1997 to 2006, including the number of persons injured and the number of persons killed as a result of the crashes. While the number of DUI-related fatalities in Utah increased from calendar year 2005 to 2006, Utah maintained the lowest rate of DUI-related fatalities in the nation, at 23 percent. The average nationwide was 41 percent (National Highway Traffic Safety Administration).

Calendar Year	DUI-Related Crashes, Injuries and Fatalities in Utah, 1997-2006						
	Total DUI-Related Crashes	Injuries			Fatalities		
		Total Injured Persons	DUI-Related Injured Persons	Percent DUI-Related	Total Crash Fatalities	DUI-Related Fatalities	Percent DUI-Related
1997	1,862	31,328	1,594	5.1%	366	88	24.0%
1998	1,909	30,232	1,771	5.9%	350	49	14.0%
1999	2,045	29,959	1,849	6.2%	360	72	20.0%
2000	2,163	30,086	1,846	6.1%	373	90	24.1%
2001	2,150	29,375	1,764	6.0%	291	67	23.0%
2002	2,104	30,433	1,685	5.5%	328	74	22.6%
2003	1,947	28,352	1,360	4.8%	309	45	14.6%
2004	1,966	29,638	1,570	5.3%	296	79	26.7%
2005	2,056	29,221	1,398	4.8%	282	45	16.0%
2006	Not Available	Not Available			287	66	23.0%

Information Compiled by: Utah Department of Public Safety, Highway Safety Office  
 Data Source: 1997-2005 Utah Crash Data and 1997-2006 Fatality Analysis Reporting System (FARS) Data

The figure below illustrates the DUI-related crash fatality data in the table above for Utah, from 1997 to 2006.



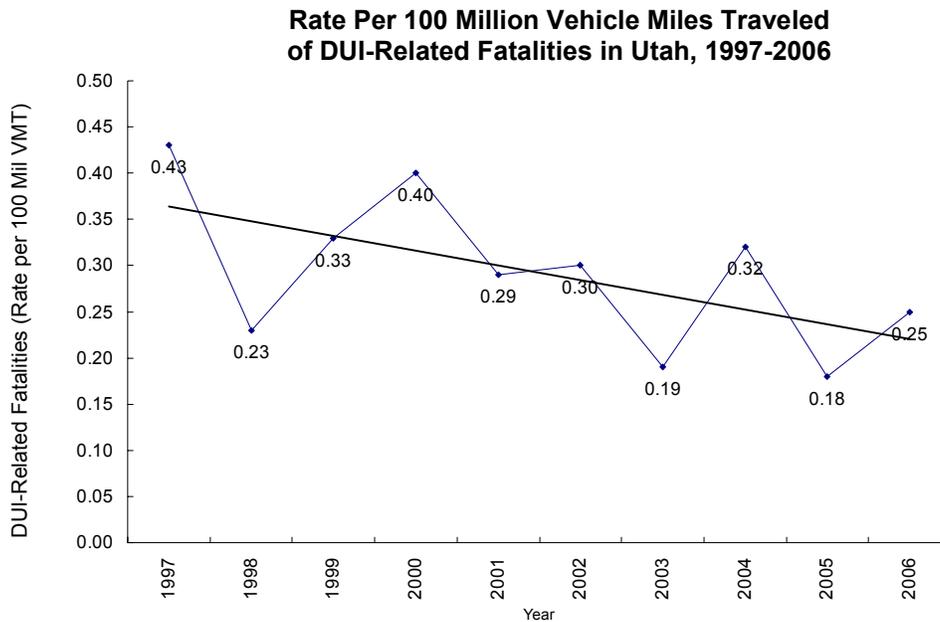
Source: Utah Department of Public Safety, Highway Safety Office

Rates of DUI-Related Fatalities by Population and Vehicle Miles Traveled  
 The following table shows the rates of DUI-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, from 1997 to 2006.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, 1997-2006				
	DUI-Related Fatalities	DUI-Related Fatality Rates per 10,000 Population		DUI-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population	Rate	Vehicle Miles Traveled	Rate
1997	88	2,099,409	0.42	20,407,590,239	0.43
1998	49	2,141,632	0.23	21,236,980,216	0.23
1999	72	2,193,014	0.33	21,867,355,694	0.33
2000	90	2,246,553	0.40	22,517,131,427	0.40
2001	67	2,295,971	0.29	23,398,734,621	0.29
2002	74	2,338,761	0.32	24,438,992,554	0.30
2003	45	2,385,358	0.19	23,963,242,376	0.19
2004	79	2,469,230	0.32	24,624,791,795	0.32
2005	45	2,547,389	0.18	25,129,538,952	0.18
2006	66	2,615,129	0.25	26,166,885,473	0.25

Information Compiled by: Utah Department of Public Safety, Highway Safety Office  
 Data Source: Fatality Analysis Reporting System (FARS) Data, 2000-2006

The figure below illustrates the rate of DUI-related fatalities in Utah from 1997 to 2006, per 100 million vehicle miles traveled. Despite yearly fluctuations, the rate has maintained a downward trend.



Source: Utah Department of Public Safety, Highway Safety Office

Day and Hour of DUI-Related Crashes

The Highway Safety Office reports in calendar year 2005, the highest percentage of DUI-related crashes, including property damage only crashes, injury crashes and fatal crashes, occurred on Saturday. DUI-related injury crashes peaked in the evening and early morning hours, between 6:00 p.m. and 1:00 a.m. Fatal DUI-related crashes varied by hour, and peaked at 6:00 p.m.

Use of State Beer Tax Funds for DUI Law Enforcement

The state’s beer tax funds are used to support DUI enforcement, as well as other alcohol-related enforcement, education/prevention and treatment activities. In FY 2007, the Legislature appropriated \$4,350,000 to be distributed from the *Alcoholic Beverage Enforcement and Treatment Restricted Account* (§32A-1-115) to municipalities and counties statewide on a formula basis.<sup>2</sup> Funds can be spent in one or more of six general categories: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders. Communities receiving more than \$1,000 in beer tax revenues are required to submit an Annual Report to the Utah Substance Abuse and Anti-Violence Coordinating Council by October 1<sup>st</sup> of each year, outlining how funds were utilized, whether the programs or projects funded were effective, and certifying the funds were used in accordance with the law. Municipalities and counties that do not submit their reports by the deadline forfeit their alcohol funds for the current fiscal year, and these funds are then allocated to other entities, in accordance with the statute.

The following table shows how FY 07 funds were expended, as reported in the Alcohol Funds Annual Reports received to date.

<b>FY 2007 Alcohol Funds Reports How Funds Were Used - As of 11/1/07</b>	<b>Number of Communities (N = 132)</b>	<b>Percent<sup>3</sup></b>
DUI Law Enforcement	91	68.9%
General Alcohol-Related Law Enforcement	80	60.6%
Prosecution/Court Costs for Alcohol-Related Cases	41	31.1%
Treatment of Alcohol Problems	10	7.6%
Alcohol-Related Education/Prevention	62	47.0%
Confinement of Alcohol Law Offenders	16	12.1%

Source: Utah Substance Abuse and Anti-Violence Coordinating Council, FY 2007 Alcohol Funds Annual Reports

<sup>2</sup> In accordance with §32A-1-115 (UCA), the State Tax Commission distributes funds to municipalities and counties in December of each year based upon the following formula: percentage of state population (25%); percentage of statewide convictions for all alcohol-related offenses (30%); percentage of all state stores, package agencies, liquor licensees, and beer licensees (20%); and for confinement and treatment purposes (for alcohol-related offenses) based upon the percentage of the state population (25% to counties only).

<sup>3</sup> Communities may use alcohol funds for more than one of the six categories outlined in the statute.

Adjudications  
& Sanctions

3

## Adjudications and Sanctions

DUI offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. Misdemeanor cases are handled in Justice Courts, which are sponsored by municipalities and counties. Felony cases and cases not referred to the Justice Courts are handled in state District Courts. Of the 11,874 DUI cases handled in courts during FY 2007, District Courts handled 2,025 (17 percent) and Justice Courts handled 9,849 (83 percent). The number of DUI cases disposed in the state’s District Courts decreased in FY 2007, by 15 percent, and the number of DUI cases charged in the Justice Courts increased by two percent.

DUI Cases in Utah’s Courts	FY 2005	FY 2006	FY 2007	% Change FY 06 – FY 07
District Court Cases Disposed	2,256	2,386	2,025	-15.1%
Justice Court Charges	9,898	9,631	9,849	+2.3%
Total DUI Cases	12,154	12,017	11,874	-1.2%

Source: Utah Administrative Office of the Courts

### Justice Court DUI Data

#### Justice Court DUI Charges and Outcomes

During FY 2007, Utah’s Justice Courts handled 9,849 DUI cases, 218 more than in FY 2006. The following table details the DUI cases filed in Justice Courts and their outcomes. This table does not accurately represent the DUI conviction rate for the Justice Courts, as it includes cases filed in FY 2006 that were not resolved until FY 2007. In addition, 1,285 cases were still pending resolution at the end of FY 2007.

Justice Court DUI Charges and Outcomes	FY 2006		FY 2007		% Change FY 06 – FY 07
	Number	Percent	Number	Percent	
Total DUI Charges Filed	9,631	100.0%	9,849	100.0%	+2.3%
Guilty	5,908	61.3%	6,148	62.4%	+4.1%
Dismissed or Not Guilty	2,465	25.6%	2,416	24.5%	-2.0%
Cases Pending	1,258	13.1%	1,285	13.1%	+2.1%

Source: Utah Administrative Office of the Courts

### Justice Court DUI Sanctions

The Justice Courts also track other DUI-related case information such as blood alcohol content (BAC) reported; screening, assessment and treatment ordered; and ignition interlock ordered. The table below includes data for the 60 Justice Courts reporting to the Department of Public Safety’s Bureau of Criminal Identification. The numbers reflect only those dispositions loaded into the Criminal History Repository, and do not include those in the suspense file. The data indicate in 803 cases the blood alcohol content was known. The table further shows judges ordered offenders to participate in an educational series in 652 cases, substance abuse treatment in 580 cases, and that ignition interlock devices were ordered in 338 cases.

<b>Justice Court DUI Sanctions</b>	<b>FY 2007</b>
Number of Justice Courts Providing Data	60
Blood Alcohol Content Known	803
Substance Abuse Screening and Assessment Ordered	796
Substance Abuse Treatment Ordered	580
Educational Series Ordered	652
Ignition Interlock Ordered	338
Supervised (Non-Court) Probation	329
Electronic Monitoring	29
Enhancement Notification	777

Source: Utah Department of Public Safety, Bureau of Criminal Identification

### District Court DUI Data

#### District Court DUI Case Outcomes

The table below shows case outcomes for the 2,025 DUI cases processed by Utah’s eight District Courts during FY 2007, by Judicial District.

<b>FY 2007 District Court DUI Case Filings and Outcomes</b>										
<b>DUI Case Outcomes</b>	<b>Judicial District</b>								<b>Total</b>	<b>Percent</b>
	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>8<sup>th</sup></b>		
Bail Forfeiture				1					1	0.0%
Deceased	1	3	1	5	1				11	0.5%
Declined				1				1	2	0.1%
Dismissed	80	73	82	65	26	11	4	15	356	17.6%
Diversion									0	0.0%
Guilty	94	298	342	414	116	53	80	88	1,485	73.3%
Guilty/Mentally Ill									0	0.0%
No Contest		3	3	33	1		2	2	44	2.2%
Not Guilty				1	1			1	3	0.2%
Plea in Abeyance	1	8	1	10	2	2		2	26	1.3%
Remanded	1		44	2	3			2	52	2.6%
Transferred			8	33	1		1	2	45	2.2%
<b>TOTAL</b>	<b>177</b>	<b>385</b>	<b>481</b>	<b>565</b>	<b>151</b>	<b>66</b>	<b>87</b>	<b>113</b>	<b>2,025</b>	<b>100.0%</b>

Source: Utah Administrative Office of the Courts

Seventy-three percent of the cases resulted in a guilty plea or verdict. The defendant was found not guilty in only three cases. In nearly 18 percent of the cases, the case was either dismissed or declined for prosecution. It should be noted that this table is not an accurate depiction of the District Courts' DUI conviction rates, as it only examined cases that were disposed of during FY 2007. Pending cases were not included in the data analysis.

District Court Repeat Offender Data

The District Courts track how repeat DUI offenders are handled as well. In the table on the following page, which includes data for Fiscal Year 2005 through Fiscal Year 2007, the first column shows if the offender was charged as a first-time offender or a repeat offender. The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced.

In FY 2007 for example, 28 percent of DUI offenders were charged with a third offense, while 26 percent were actually third-time offenders, and 24 percent were sentenced as third-time offenders. Discrepancies between charges and sentencing are not unusual. An offender's sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

<b>District Court Repeat DUI Offender Data for Fiscal Years 2005-2007<sup>4</sup></b>									
<b>Offense</b>	<b>Offense Was Charged As</b>			<b>Offense Was Actually</b>			<b>Offense Was Sentenced As</b>		
	<b>FY 05</b>	<b>FY 06</b>	<b>FY 07</b>	<b>FY 05</b>	<b>FY 06</b>	<b>FY 07</b>	<b>FY 05</b>	<b>FY 06</b>	<b>FY 07</b>
1 <sup>st</sup> Offense	61%	59%	51%	56%	53%	49%	64%	59%	54%
2 <sup>nd</sup> Offense	15%	15%	16%	18%	22%	17%	18%	21%	17%
3 <sup>rd</sup> Offense	20%	22%	28%	20%	17%	26%	16%	16%	24%
4 <sup>th</sup> Offense	2%	2%	3%	3%	3%	3%	1%	2%	3%
5 <sup>th</sup> or More Offense	2%	2%	2%	3%	5%	5%	1%	2%	2%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Utah Administrative Office of the Courts

District Court DUI Sanctions

The District Courts also track DUI-related case information regarding sanctions ordered. The table on the following page shows in 607 cases the blood alcohol content was known. The table further shows judges ordered offenders to participate in an educational series in 46 percent of cases, substance abuse treatment in 64 percent of cases, and that ignition interlock devices were ordered in 288 cases. The decline in interlock devices ordered was due to a change in the law that created the "interlock restricted driver" and no longer required judges to order the devices in certain cases

<sup>4</sup> The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

(2006 – S.B. 18).<sup>5</sup> DUI offenders were notified 100 percent of the time that they may be subject to enhancements.

<b>District Court DUI Sanctions</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Blood Alcohol Content Known	797	857	607
Substance Abuse Screening and Assessment Ordered	823 (60.5%)	774 (58.6%)	620 (63.7%)
Substance Abuse Treatment Ordered	768 (56.6%)	747 (57.0%)	626 (64.3%)
Educational Series Ordered	601 (44.7%)	573 (44.2%)	444 (45.7%)
Ignition Interlock Ordered	359	432	288
Supervised (Non-Court) Probation	670	335	516
Electronic Monitoring	162	141	119
Enhancement Notification	100.0%	100.0%	100%
Source: Utah Administrative Office of the Courts			

### Other DUI Sanctions

The Driver License Division tracks other DUI sanctions. The following table lists the average sanctions applied against DUI offenders. Not all offenders are ordered to serve a jail sentence or perform community service hours; however, all convicted DUI offenders are assessed a fine and a surcharge. For a first offense, the minimum fine is \$700; for a second offense within 10 years, the minimum fine is \$800; and for a third or subsequent offense, the minimum fine is \$1,500.

<b>Average Jail Sentence, Community Service Hours and Fines</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Average Jail Sentence	147.5 days	147.9 days	171.2 days
Average Time Suspended	146.5 days	147.3 days	153.4 days
Average Time Served	16.9 days	13.4 days	35.8 days
Average Community Service Hours	80.2 hours	61.9 hours	78.9 hours
Average Fine for Other Alcohol/ Drug Related Convictions	\$1,310.85	\$1,378.53	\$1,321.93
Average Fine for DUI Convictions	\$1,546.35	\$1,498.22	\$1,528.52
Source: Utah Department of Public Safety, Driver License Division			

<sup>5</sup> The Department of Public Safety, Driver License Division reports there are currently a total of 5,866 records with an ignition interlock restriction. The Division received court orders for 1,421 interlock restrictions in FY 2007, which included both District and Justice Courts.



## Driver License Control

The Department of Public Safety’s Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence
- Driving with any measurable controlled substance or metabolite in the body
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

### Alcohol Hearing Statistics

When a driver is arrested for DUI, the license is taken and a 30-day temporary license is issued. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 30-day period of the temporary license.

As shown in the table below, there were 4,237 alcohol hearings held in FY 2007. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option, whereby officers or offenders can phone in for the hearing. In 1,834 cases, one of the parties called in for the hearing.

FY 2007 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	3,562	744	74	545	1,363	1,517
Not a Drop	208	31	6	27	64	106
Refusal	467	82	7	53	142	211
<b>TOTAL</b>	<b>4,237</b>	<b>857</b>	<b>87</b>	<b>625</b>	<b>1,569</b>	<b>1,834</b>

Source: Utah Department of Public Safety, Driver License Division



## Screening, Assessment, Education and Treatment

### Screening and Assessment

As part of any sentence for a DUI offense, Utah law requires offenders to participate in a screening and, if indicated by the screening, an assessment. A screening involves gathering information that is used to determine if an individual has a problem with alcohol/other drug abuse, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual's alcohol/other drug abuse, emotional and physical health, social roles, and other relevant areas of the individual's life. The assessment is used to determine the need for substance abuse treatment.<sup>6</sup>

### Education

For a first offense and for a second offense within 10 years, the sentence must include participation in an educational series if the court does not order treatment. The purpose of DUI education is to “address any problems or risk factors that appear to be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”<sup>7</sup> Utah DUI offenders sentenced to an educational series attend the PRIME for Life program developed by the Prevention Research Institute (PRI). The 16-hour curriculum presents research-based information about the risks associated with

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<sup>6</sup> Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

<sup>7</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

alcohol and other drug use that helps participants identify lifestyle choices to reduce their personal risks<sup>8</sup>.

PRi conducts periodic studies of PRIME for Life participants to measure the impact on changing beliefs about alcohol use, understanding the risks associated with alcohol use, and desire to change personal drinking behavior. The following table shows the findings from the most recent study, which includes offenders who received the program between January and June of 2006.<sup>9</sup>

<b>2006 Utah PRIME for Life Participant Characteristics and Outcomes</b>	
<b>Gender</b>	
Male	70%
Female	28%
No Answer	2%
<b>Race/Ethnicity</b>	
White	83%
Hispanic	7%
African American	2%
Other/No Answer	8%
<b>Number of Offenses</b>	
First-Time Impaired Driving Offense	49%
Two or More Impaired Driving Arrests	24%
Never Arrested for Impaired Driving	13%
No Answer	14%
<b>Self Assessment of Substance Abuse</b>	
Reported three or more indicators of possible alcohol dependence	51%
Reported parent, grandparent or sibling has/had problems with alcohol	64%
Described self as having alcoholism or addiction	25%
Reported making detailed plans to establish substitute behaviors to high-risk drinking and drug choices	78%
<b>PRIME for Life Course Evaluation</b>	
<b>This class:</b>	
Helped me develop skills to be able to drink less or use drugs less	85%
Helped me feel confident about being able to drink less or use drugs less	83%
Helped me to decide to drink less or use drugs less	82%
Changed my thinking about my drinking	89%
Changed my thinking about drug use	84%
Source: Utah PRIME for Life 2006 Evaluation Report, Prevention Research Institute. The full report can be found on the Utah Division of Substance Abuse and Mental Health website at <a href="http://www.dsamh.utah.gov">www.dsamh.utah.gov</a> .	

<sup>8</sup> Prevention Research Institute, PRIME for Life Utah 2004.

<sup>9</sup> In the six-month period included in this analysis, 425 participants provided usable data on the pre-test; 298 of these participants completed the post-test with usable information and are included in the data table.

In addition to the information in the table on the previous page, the evaluation determined after attending the PRIME for Life course, “participants indicated significantly greater: agreement with attitudes and beliefs that are supportive of making low-risk choices; perception of risk associated with high-risk drinking and marijuana use; perception of personal risk for developing alcoholism; and motivation to reduce their use.”

## Treatment

For a first and second DUI offense, the court may order treatment; for a third or subsequent offense within 10 years, the court must order substance abuse treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. DUI offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”<sup>10</sup> Treatment should address both alcohol and other drug problems. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance abuse disorder.

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<sup>10</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.



Impaired  
Driving Media  
Campaign  
**6**

## Utah's Impaired Driving Media Campaign



In July 2007, the Utah Department of Public Safety's Highway Safety Office launched a new statewide media and outreach campaign focusing on changing Utah citizens' perceptions and behaviors regarding driving under the influence of alcohol, and reinforcing the message that impaired driving is one of the most frequently committed and deadliest crimes. The multi-media campaign builds on the National Highway Traffic Safety Administration's (NHTSA) television and radio ads and includes billboards, reflective mirror clings, coasters, napkins, and life-size cutouts of police officers!



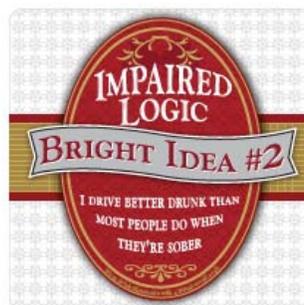
### Billboard



### Mirror Cling



### Coasters







## Recommended Action

### Create the Plea of “Impaired Driving”

Establish the plea of “Impaired Driving” (§41-6a-502.5), a class B misdemeanor to be used solely as a conviction reduced from a charge of driving under the influence of alcohol and/or other drugs under §41-6a-502. It does not have separate elements and is not a stand alone charge. It is to be used in place of alcohol or drug-related reckless driving for negotiated pleas or for reductions used as an incentive for the completion of court-ordered requirements.

### Amend the DUI Statutes to:

- Calculate the ten-year look back period for interlock restricted driver (IRD) and alcohol restricted driver (ARD) violations from offense date to offense date, instead of conviction date to conviction date (§41-6a-518.2 and §41-6a-529);
- Add a definition of “drug” or “drugs” to §41-6a-501 to mean “any substance that when taken into the human body, can impair the ability of a person to safely operate a motor vehicle,” so that psychotoxic chemicals (inhalants) and other substances will be included for purposes of DUI;
- Broaden the venue of jurisdiction over individuals who tamper with ignition interlock devices to allow cities and counties to try offenders (§41-6a-518.1);
- Add persons under the legal drinking age of 21 to the definitions of “interlock restricted driver” and “alcohol restricted driver” (§41-6a-518.2 and §41-6a-529);
- Increase the administrative impound fee from \$230 to \$330 on DUI violations (§41-6a-1406), with revenues appropriated as follows:

- \$660,000 in ongoing funding to the Department of Public Safety, Utah Highway Patrol for additional DUI Law Enforcement Officers, and
- \$660,000 in ongoing funding to the Department of Public Safety, Liquor Law Enforcement Program for additional Liquor Law Enforcement Officers; and
- Amend the Not a Drop statute (§53-3-231) to address problems with individuals who fail to obtain the required assessment and recommendation for appropriate action from a substance abuse program.

## **Appropriate Funding to Support DUI Law Enforcement and Youth Intervention and Treatment Services**

### **Appropriate funding to create the Computer Expedited Arrest System to Eliminate (CEASE) DUI in Utah.**

One of the keys to improving DUI law enforcement in Utah is an efficient arrest process. Currently, it takes an average of 1½ to 2 hours to fully process a DUI arrest, from stopping the suspect vehicle to booking the offender in jail. The CEASE DUI system will expedite the arrest process, and with its link to the e-warrants system will reduce the number of offenders refusing sobriety tests. The results will be arrests completed more quickly and accurately, officers back on the road more quickly to process more arrests, and reduced officer burnout.

### **Appropriate funding to expand substance abuse intervention and treatment services for Utah youth.**

According to the Utah Division of Substance Abuse and Mental Health, there are currently 16,003 youth under the age of 18 who are in need of substance abuse treatment. The current public treatment system capacity is only 2,137, which means 13,866 youth, or 87% of those in need, are not able to receive services through Utah's 13 Local Substance Abuse Authority agencies.

# UTAH DUI SENTENCING MATRIX

(Current as of October 2007)

	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	THIRD OR SUBSEQUENT OFFENSE WITHIN 10 YEARS
<b>CLASSIFICATION</b> (§41-6a-503)	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury inflicted</li> <li>if passenger is under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul> <b>THIRD DEGREE FELONY:</b> <ul style="list-style-type: none"> <li>if serious bodily injury</li> </ul>	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury inflicted</li> <li>if passenger under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul> <b>THIRD DEGREE FELONY:</b> <ul style="list-style-type: none"> <li>if any prior felony DUI conviction or automobile homicide conviction</li> <li>if serious bodily injury</li> </ul>	<b>THIRD DEGREE FELONY</b>
<b>SENTENCING Jail – SHALL order:</b> (§41-6a-505)	48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> electronic home confinement <sup>1</sup>	240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> electronic home confinement <sup>1</sup>	0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) May also require electronic home confinement <sup>1</sup>
<b>Fine – SHALL order:</b> (§41-6a-505)	\$700 minimum plus surcharge	\$800 minimum plus surcharge	\$1,500 minimum plus surcharge, unless 0-5 prison term is imposed
<b>Screening, Assessment, Education Series, Treatment – SHALL order:</b> (§41-6a-505)	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational Series, unless treatment is ordered</li> <li><b>MAY</b> order treatment</li> </ul>	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational Series, unless treatment is ordered</li> <li><b>MAY</b> order treatment</li> </ul>	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment</li> <li>Intensive treatment or inpatient treatment and aftercare for not less than 240 hours</li> </ul>
<b>Probation:</b> <sup>2</sup> (§41-6a-507)	<b>MAY</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
<b>Ignition Interlock:</b> <sup>3</sup> (§41-6a-518) (§41-6a-530)	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>
<b>High BAC: (.16 or higher)</b> (§41-6a-505)	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup></li> <li><b>SHALL</b> order treatment and interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup></li> <li><b>SHALL</b> order treatment and interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup> if 0-5 prison term is not imposed</li> <li><b>SHALL</b> order treatment and interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>
<b>License Suspension:</b> (§41-6a-509)	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years

<sup>1</sup> See §41-6a-506 for electronic home confinement provisions.

<sup>2</sup> Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance in the body).

<sup>3</sup> Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation.



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