

Multnomah County Sheriff's Office

Ten Year Review of DUII Data: 1998 to 2007

August 2008



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Introduction

This report examines arrests, bookings and jail usage among DUII offenders in Multnomah County from 1998 through 2007. The purpose is to better understand the crime of Driving Under the Influence of Intoxicants (DUII) and to help evaluate the effectiveness of sanctions imposed by judges.

Specific questions to be addressed include:

- What are the demographic characteristics of DUII offenders?
- How many arrests occur each year for DUII?
- How many yearly bookings take place for DUII? and What types of bookings are most common?
- How much jail time do DUII offenders typically serve?
- How many jail bed days are used by DUII offenders?
- How many offenders repeat their crime of DUII?
- What are the optimal sanctions for DUII to prevent re-offenses?

Literature Review and Background

An on-line literature search provided background information about offender characteristics, recidivism rates, sanction types, and an evaluation of Multnomah County's DUII Intensive Supervision Program (DISP).

Offender Characteristics

A review of DUII-related literature (Maruschak 1999; NHTSA 2005; and Lapham 2007) found that DUII offenders were most commonly:

- Unmarried
- White
- Male
- Aged 25-45, average age of 36
- Prefer to drink beer, and prefer to drink at bars/taverns
- "Problem drinkers" who exhibit signs of alcohol dependence.
- Unemployed or under-employed
- Frequently engaged in criminal/deviant behavior

Repeat offenders are far more likely than first time offenders to have criminal histories for offenses other than DUII, with a significant number of offenders also on probation, parole, or pretrial release at the time of their most recent arrest for DUII.

Recidivism

Recidivism rates are relatively high among DUII offenders, with estimates that about one-third of all those arrested for DUII are repeat offenders (NHTSA 2005). The following factors are considered predictors of DUII recidivism:

- Offender's level of alcohol dependency - Individuals indentified as "problem drinkers" have the highest rates of recidivism at 36%. (Nochajski *et al.* 1993).

- Offender's criminal history - Individuals with criminal histories, excluding DUII arrests, are more than twice (26%) as likely as those with no criminal history (11%) to be re-arrested for DUII (Nochajski *et al.* 1993).
- Poor driving records - Thirty-eight percent (38%) of repeat offenders were found to have had their driver licenses revoked prior to their first DUII arrest, compared to only 6% of one-time offenders (Cavaiola *et al.* 2007).

Sanctions

There are three general types of sanctions typically imposed on DUII offenders:

- Punitive sanctions, including incarceration, fines, and community service.
- Rehabilitative sanctions, such as education, treatment programs, and victim panels.
- Incapacitation sanctions, such as impounding vehicles or license plates, installing ignition interlocks, or requiring electronic monitoring or home incarceration.

The best measure of the effectiveness of a sanction is its ability to prevent or decrease recidivism.

According to most of the research literature, punitive sanctions have limited effects on recidivism. This includes home incarceration, with a study finding that 69% of DUI offenders sentenced to house arrest were re-arrested within 5 years of release (Stanz & Tewsbury 2000).

Yu (2000) also found that punitive sanctions do not significantly decrease DUII recidivism, but rather careful screening for alcohol-related problems and treatment are key to preventing reoffenses.

In reviewing the effectiveness of various types of treatment programs, Nochajski *et al.* (1993) found that:

- Only 16% of DUII offenders sentenced to a typical alcohol treatment program were convicted of another DUII within six years of receiving treatment.
- Fourteen percent (14%) of offenders who completed a special 12-week group therapy treatment program were re-arrested for DUII, compared to 36% of those who did not complete the program.
- A group treatment program that was enhanced by the addition of two 20-minute individual intervention sessions found that DUII offenders assigned to the enhanced program were 35% less likely to reoffend than offenders assigned to the basic group therapy program.

While treatment programs have been proven to reduce DUII recidivism, these programs may even be to be more effective when combined with other sanctions that limit an offender's driving opportunities, such as license suspension, impounding offenders' vehicles or license plates, installing ignition interlocks, and requiring electronic monitoring or home incarceration (Voas and Fisher 2008).

Multnomah County DISP

Multnomah County's DISP uses a combination of sanctions tailored to fit the needs of individual offenders, including therapy/treatment, electronic monitoring, drug/alcohol and polygraph testing, and mandatory vehicle sales. DISP was studied by Lapham *et al.* (2007) to assess the effectiveness of electronic monitoring and mandatory vehicles sales as deterrents to future DUII behavior and other traffic offenses.

This study was very sophisticated compared to most research of its kind in that it relied upon a quasi-experimental design in which offenders were randomly assigned to one of four DISP treatment groups: standard DISP, DISP with electronic monitoring only, DISP with mandatory vehicle sales only, and DISP with no electronic monitoring or vehicle sales. Findings indicate that electronic monitoring may be effective in the short-term, while the monitoring device or protocol is in place, but relatively ineffective in the long run after monitoring is removed. With mandatory vehicle sales the results were inconclusive. Two of four DISP groups in the study were subject to mandatory vehicle sales, with a deterrent effect detected in one group but not in the other.

Methodology

The analysis that follows examines DUII arrests and bookings that occurred between January 1, 1998 and December 31, 2007. Data for the analysis were extracted from DSSJ via a series of custom queries through Cognos, a relational database system developed by the Public Safety Coordinating Council of Multnomah County. Arrest data are for persons taken into custody by the Portland Police Bureau and the Multnomah County Sheriff's Office who were 18 or older at the time of arrest. Booking data are for Multnomah County Sheriff's Office adult jail facilities. Some analyses are based on "snapshot" data (jail bed counts per day), for a one year period from January 1, 2007 to December 31, 2007.

Limitations of the data include: no arrest data from Gresham Police, the second largest city in Multnomah County; no systematic court data such as judgments, sentencing, and dispositions; and no data outside of Multnomah County. A few records may also be missing from DSSJ or have minor errors, especially in earlier years of data. Policy and operational variables, such as jail space limitations and DUII enforcement programs, are also not analyzed in this report.

Findings

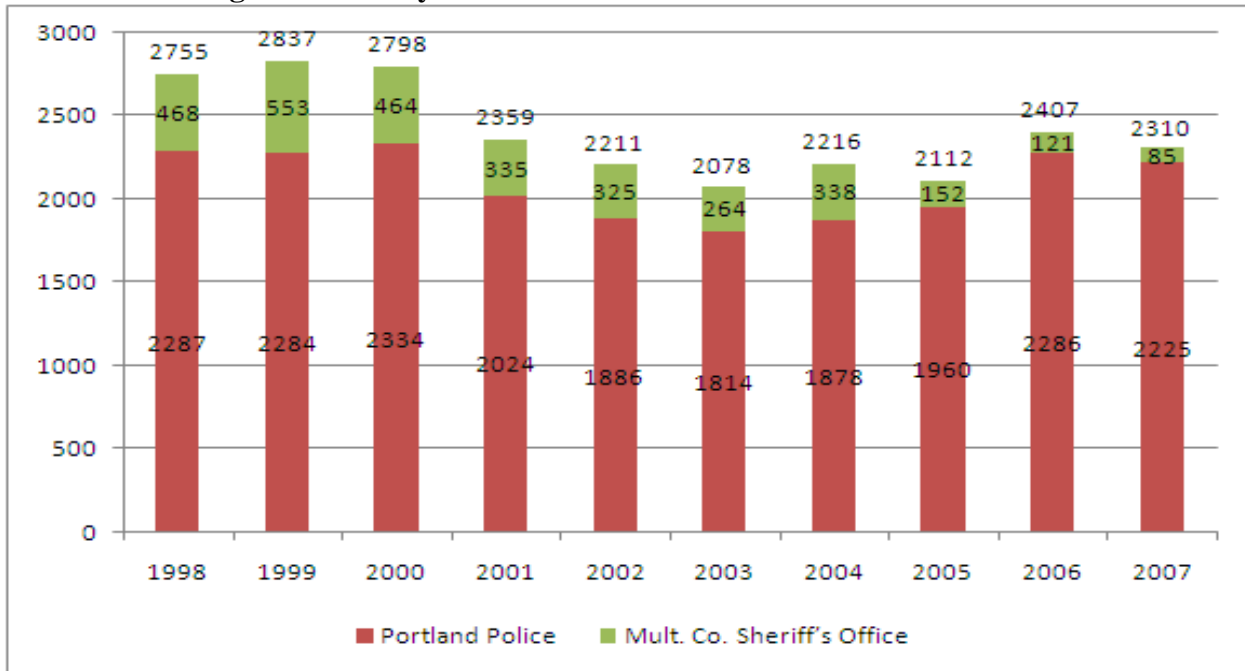
What are the demographic characteristics of DUII offenders?

Across the past 10 years 21,872 unique individuals were arrested for DUII. Of these, 80% were male and only 20% were female. The average age of both male and female DUII arrestees was 35 years. Most (74%) were White, 14% were Hispanic, 8% were African American, 3% were Asian, and 1% was American Indian/Alaskan Native. These findings are very similar to those of the research literature discussed above.

How many arrests occur each year for DUII?

In the 10 year period from 1998 to 2007, the Portland Police Bureau and the Multnomah County Sheriff's Office (MCSO) made 24,083 arrests with DUII as the highest charge, for an average of 2408 arrest per year. See Figure 1 next page. The 24,083 arrests represent 21,872 individuals, with 9% arrested more than once for DUII. The number of DUII arrests reached a high of 2837 in 1999, but began declining after the turn of the century, reaching a low point in 2003 of 2078. However, arrests appear to be on the rise again over the past four years.

Figure 1: Yearly DUII Arrests for Portland Police and MCSO



How many yearly bookings take place for DUII? and What types of bookings are most common? From 1998 to 2007, there were 54,053 bookings into a Multnomah County Adult Jail facility where DUII was the **primary charge**, for an average of 5405 per year. The total number of bookings far exceeds the number of arrests for DUII because an offender may be booked multiple times for the same offense. There are several types of DUII bookings:

DUII Original Arrests: Bookings into a MCSO jail facility may stem from probable cause arrests by a law enforcement agency if the incident occurred in Multnomah County. These comprise about 12% of the standard bookings with DUII as the primary charge.

Cite in lieu and Cite and ID: Most frequently DUII arrestees are not booked into jail at the time of arrest. They are typically “cited in lieu” of custody if they have appropriate and reliable identification at the time of the traffic stop, or Cite and ID’d at the booking facility if the arrestee does not have adequate identification. Such bookings result in no jail time at the time of arrest. Cite and IDs account about one-third of those brought to booking on a primary charge of DUII. MCSO has no data on the number of cite in lieu events, since they do not technically result in a booking.

Court Ordered: These bookings may be administered as “Book and Keep” directly from court to jail or as a Turn-Self-In (TSI) booking. TSI bookings are offenders whom present themselves to jail to serve a sentence. The sentence may be one continuous episode or in segments, such as on weekends. Just under half, or about 47%, of bookings to jail are ordered through court.

Violation of agreement: About 40% of DUII bookings arise from a warrant or detainer. A bench warrant is issued if a person fails to show up for court. A detainer is issued by a parole/probation officer when a person violates terms of his/her release. In either instance, the charges at booking are the same as those of the original arrest.

In-transit bookings: These are custody holds for other jurisdictions. There was only one In Transit booking for DUII over the ten year period, which is not included in this analysis.

Figure 2: Bookings by Booking Type with DUII as Primary Charge

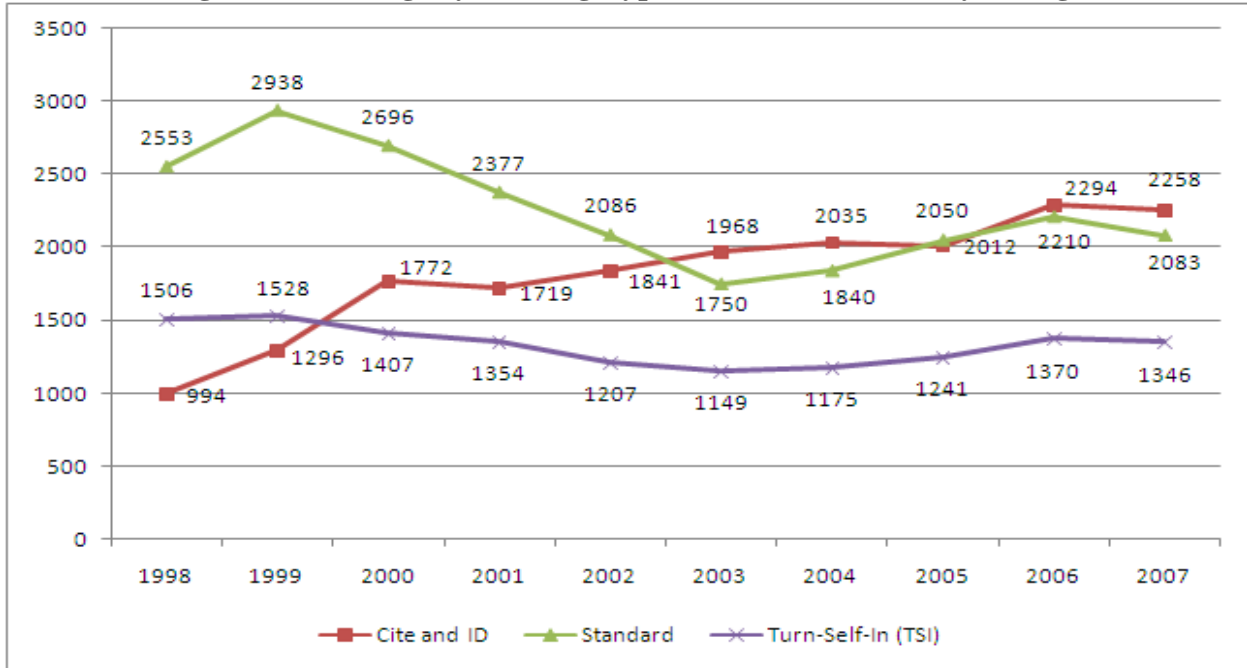


Figure 2 above displays the number of Cite and ID, standard and TSI bookings from 1998 to 2007. Cite and ID bookings for DUII appear to be steadily trending up over time, while standard bookings dropped 40% from 1999 to 2003, but then increased from 2003 to 2006. The trend for TSI bookings is very similar to that for standard bookings.

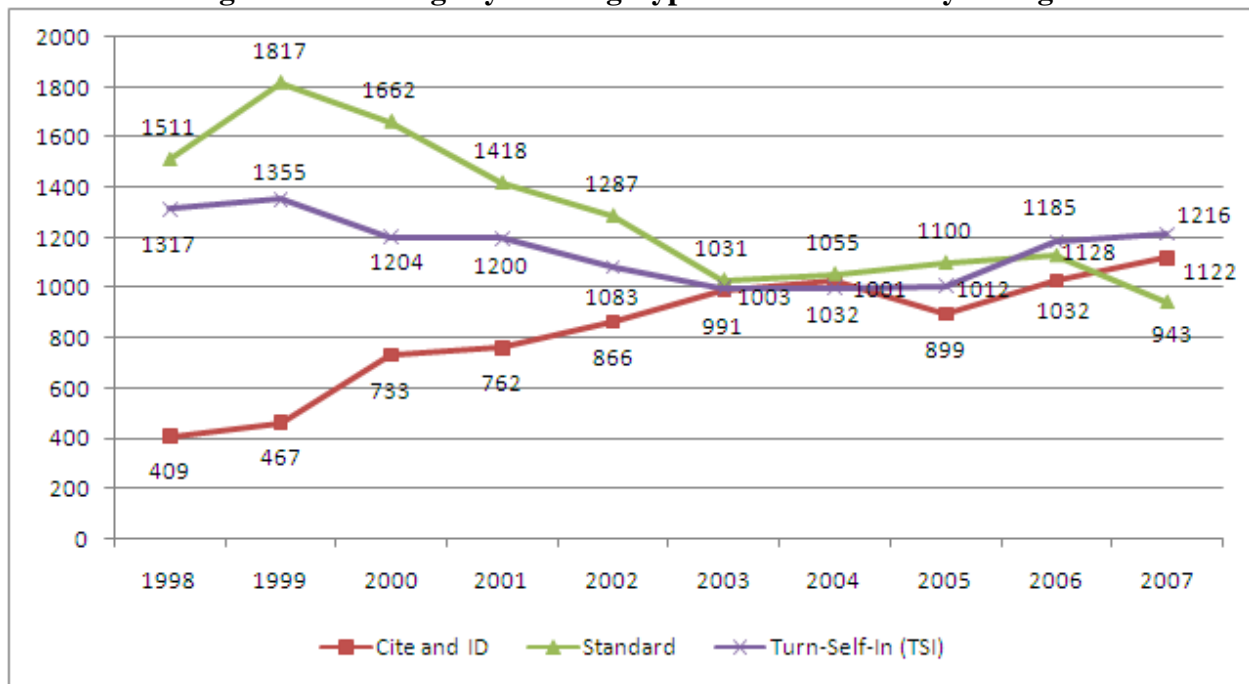
In 64% of the bookings where DUII was the primary charge, other charges were associated with the booking. The most commonly associated charges were (by level):

Felony: Controlled Substance, Attempt to Elude, Criminal DWS, Hit and Run Injury, and Theft I.

Misdemeanor: Reckless Driving, Criminal DWS, FTA on a Citation, Hit and Run Property, and Mischief II.

There were 32,841 bookings from 1998 to 2007 for which DUII was the **only** charge. Figure 3 displays the number of these bookings by booking type. Standard bookings decreased by 43% from 1999 to 2003; then after trending upward for several years, hit a ten-year low of just 943 in 2007. Cite and IDs have nearly tripled over the past ten years. TSI bookings have been rising over the past three years, after hitting a low point of about 1000 in 2004.

Figure 3: Bookings by Booking Type with DUII as Only Charge

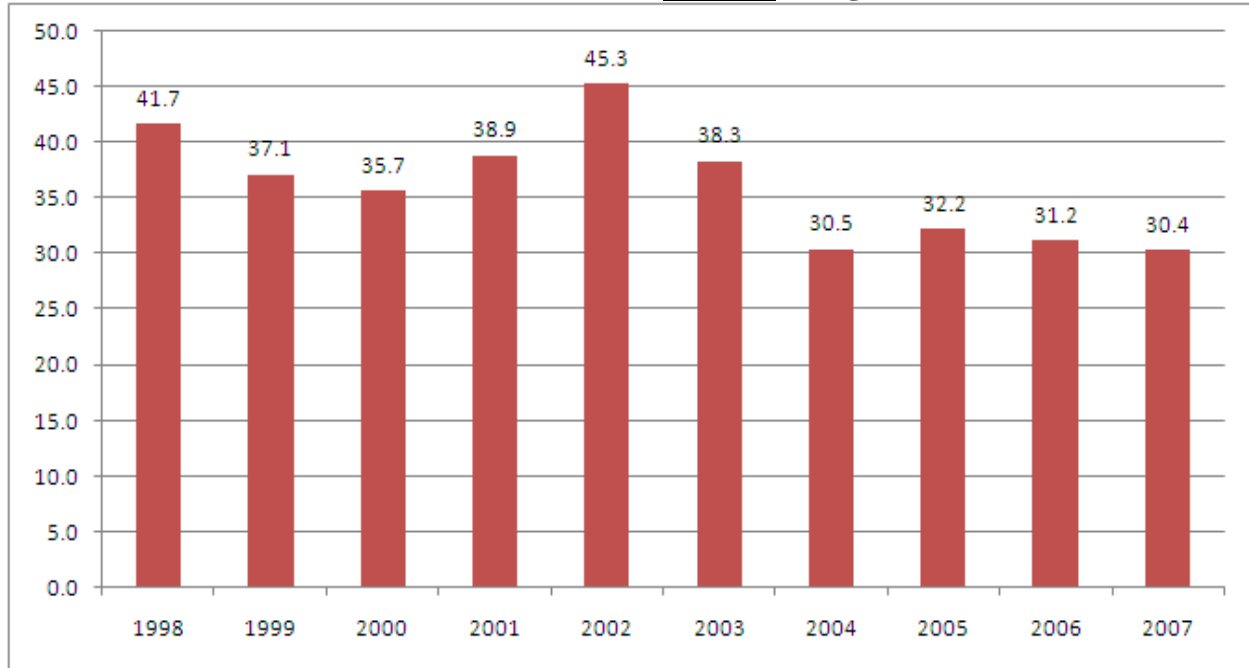


How much jail time do DUII offenders typically serve?

Of the approximately 22,580 DUI offenders who were standard booked from 1998 to 2007, 28% were released after serving the time on their sentence, 7% were released on bail, 7% had a court-ordered release, 6% were released due to overcrowding, and 11% were released for other reasons.

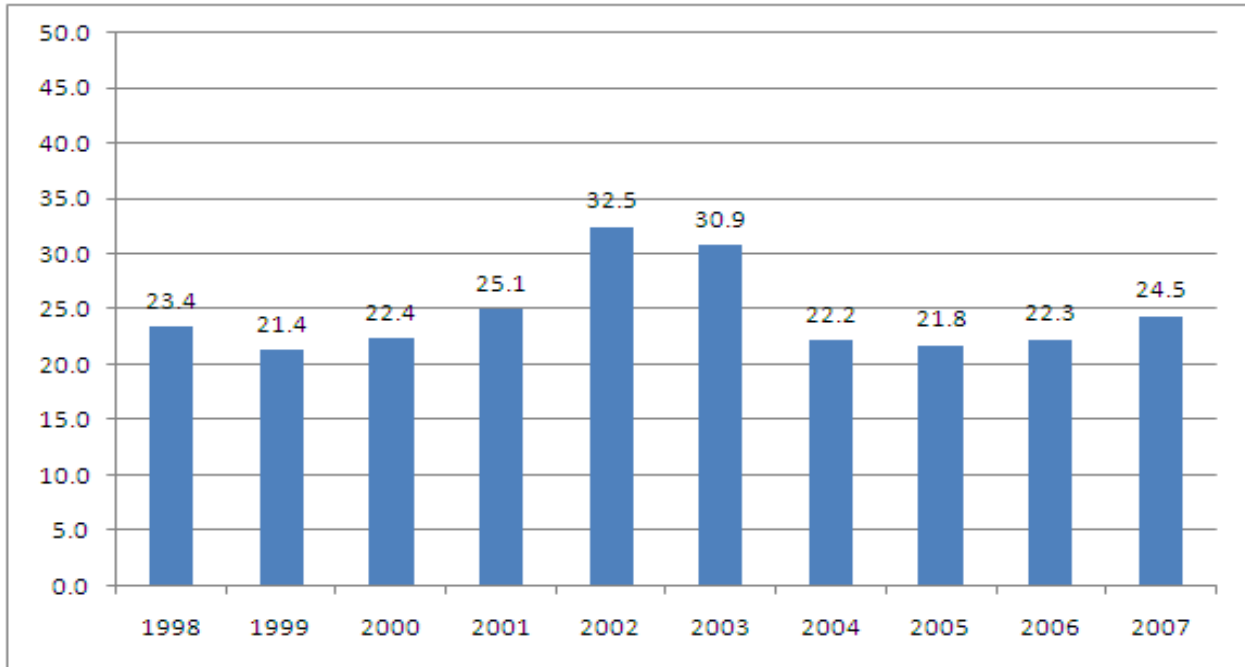
Over the ten-year period, 6290 offenders with a primary charge of DUII served some jail time as part of their sentences, with an overall average length of stay of 36 days. Average length of stay for this group reached a high of 45.3 days in 2002, but by 2007 had dropped to a low of 30.4 days. See Figure 4 next page. It is important to note that 41% of those with a primary charge of DUII were released on their own recognizance in less than one day.

Figure 4: Average Length of Stay for those Released Due to Time Served on their Sentence -where DUII was the primary charge-



There were a total of 3825 offenders over the past ten years charged **only** with DUII who served time in jail as part of their sentence. This group experienced a shorter overall average length of stay of 25 days, with the yearly average varying from a low of 21.4 days in 1999 to a high of 32.5 days in 2002.

Figure 5: Average Length of Stay for those Released Due to Time Served on their Sentence -where DUII was the only charge-



Of the approximately 13,000 TSI bookings where DUII was the primary charge, 71% of the offenders were permanently released after fully completing their sentences, 19% were classified as “TSI no shows” subject to additional sanctions, and the remaining 10% were released for other reasons. The average length of jail stay for TSI bookings where offenders were released after serving time on their sentences was approximately 5 days.

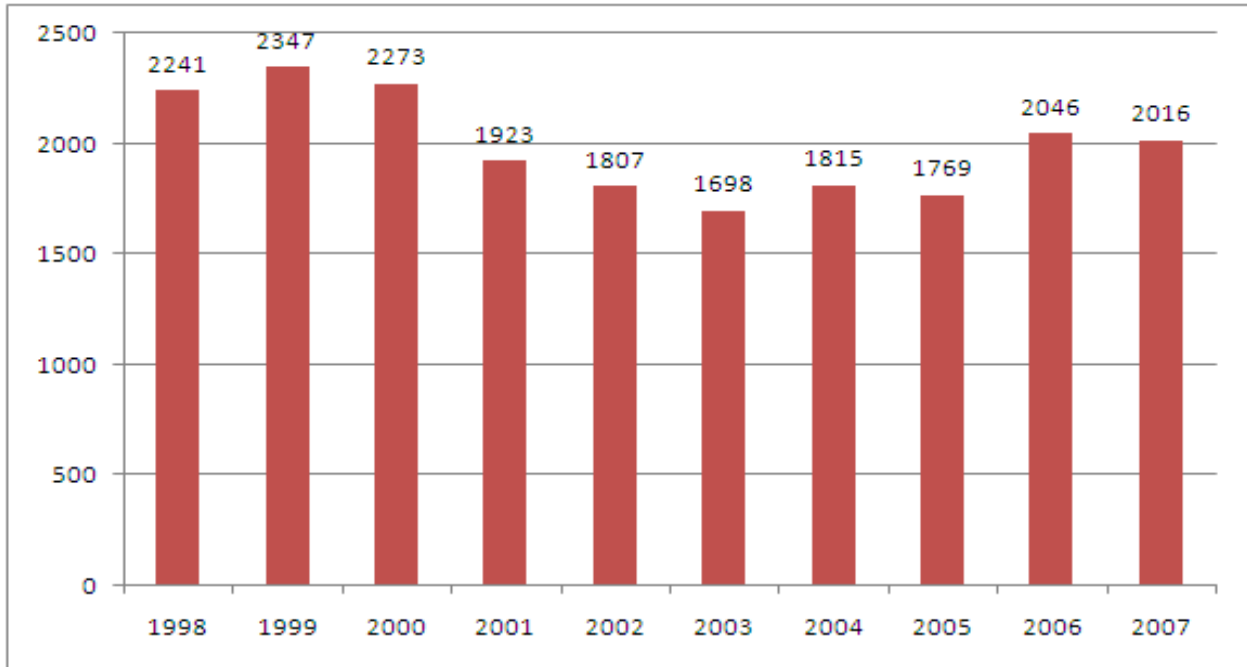
How many jail bed days are used by DUII offenders?

In 2007, those in jail with DUII as the primary charge used 32,157 bed days. This is equivalent of 88 beds per day or 5% of the total bed days for the year.

How many offenders repeat their crime of DUII?

From 1998 to 2007, 91% of those arrested with DUII as their highest charge had only that one arrest for DUII during those 10 years. After beginning to drop at the turn of the century and reaching a low point of 1698 persons in 2003, the number of those experiencing a first arrest for DUII has begun to rise again, reaching numbers over 2000 in both years 2006 and 2007. See Figure 6 below.

Figure 6: Number of Individuals Experiencing First Arrests from 1998 to 2007

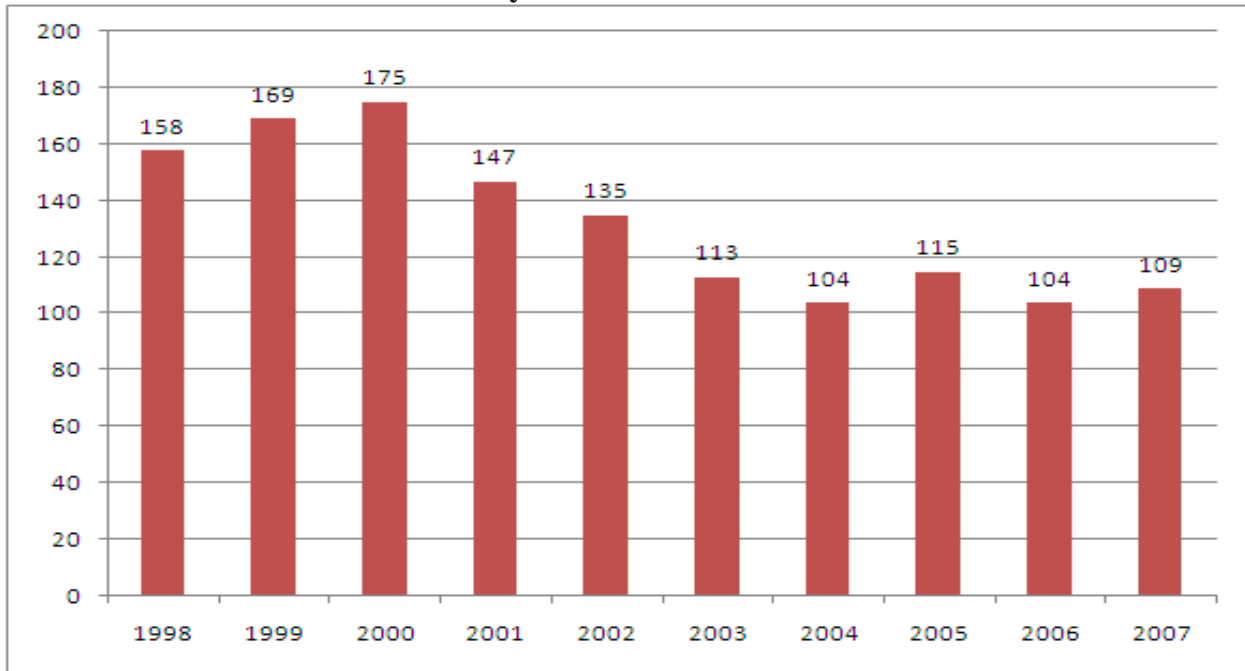


Over the ten year period, 9% of 21,872 individuals arrested for DUII (1938 arrestees) had at least one other DUII arrest, with 1% arrested for DUII three times or more within ten years. The average time between first and second arrests was approximately 2.5 years.

Between 1998 and 2007, there was a 31% decrease in the number of individuals arrested twice for DUII. In 1998, 158 individuals were arrested for DUII who had one or more other arrests for DUII in the 3 preceding years. See Figure 7 below. In 2007, only 109 such individuals were rearrested for DUII.

Figure 7: Number of Individuals Experiencing Second Arrests within Three Years

-arrest year based on 2nd arrest-



To gain more in-depth understanding of DUII recidivism, additional random subsamples of 100 offenders were pulled from the databases of those arrested once and those arrested more than once. The criminal history of these individuals in Multnomah County was then extracted and analyzed.

Of those arrested *once* for DUII from 1998 to 2007:

- 13% had been arrested **before** January 1, 1998 for DUII
- 34% had an arrest for any charge before their DUII arrest
- 25% had an arrest for any charge **after** their DUII arrest

Of those arrested *more than once* for DUII from 1998 to 2007:

- 13% had been arrested **before** January 1, 1998 for DUII
 - 46% had an arrest for any charge before their DUII arrest
 - 23% were arrested for any charge at least once **between** their first and second DUII arrest
 - 37% had an arrest for any charge **after** their second DUII
- The average time between the first and second DUII arrest was 896 days (in the 10 year reference period).

The data would seem to suggest that many repeat DUII offenders are engaged in a larger pattern of criminal behavior.

What are the optimal sanctions for DUII to prevent re-offenses?

Looking at arrest and booking data, it is difficult to determine a *most effective* sanction for DUII offenders. Many of the offenders have a criminal history beyond their DUII arrest, and these additional crimes can be a consideration during sentencing.

Of the 100 offenders in the subsample that had only one DUII arrest in Multnomah County during the ten-year period, only 55 had no other arrest activity. Of those 55, only 6 served any jail time for DUII, and of those, half served only 1 day or less. Thirty-six people served no jail time and were ordered to enter Diversion.

Of the 100 offenders in the subsample of people arrested more than once for a DUII, 37 did not experience arrests for anything other than DUII. Of those 37, three served jail time after their first DUII arrest; 27 were ordered to attend Diversion; and 7 served no time and were not ordered to attend Diversion. After their second arrest, 27 served time in jail, spending an average of 6.4 days behind bars.

With the data used for this analysis, it would be difficult to say there is a relationship between jail time and the likelihood of being re-arrested for DUII. Few first time arrests result in any jail time at all. Diversion is a commonly imposed by the court, but its impact on the likelihood of reoffending and being rearrested is difficult to establish.

Conclusion

This report has attempted to provide in-depth information about DUII arrests, bookings and jail stays in Multnomah County. As many arrestees for DUII have other charges and prior arrests, determining an optimal length of jail sentence for DUII offenders is extremely difficult. Many first time arrestees spend no time in jail, and research studies generally conclude that using jail as a sanction to prevent future DUII offenses simply does not work.

Further research should explore the background characteristics of offenders to determine whether different types of offenders would benefit from different sanctions. Those arrested for DUII with no other criminal history may be quite different from those with a history of interactions with law enforcement, for whom DUII may be part of a larger pattern of criminal behavior.

It is also extremely important to note that the Multnomah County Sheriff's Office has access only to arrest and booking data. Future analyses might attempt to combine data from multiple entities, such as the courts, DA's office, DCJ, DMV and other Oregon law enforcement agencies to gain a more complete picture of DUII offenders.

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