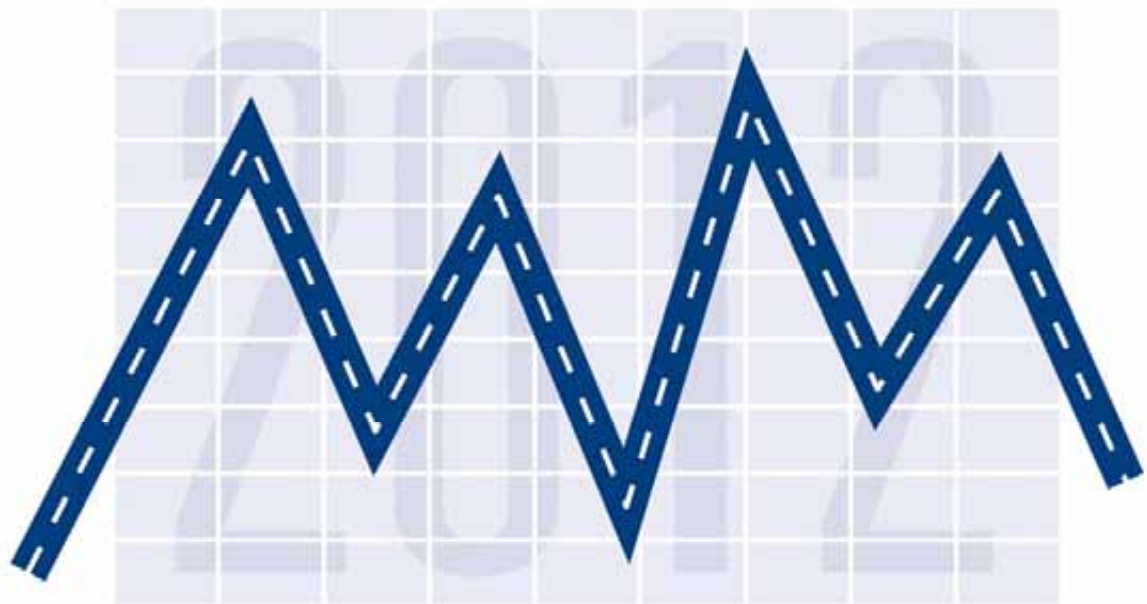


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

## Tenth 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 and several divisions within the Utah Department of Public Safety, including the Utah Highway Patrol, Driver License Division and Utah Highway Safety Office.

Special thanks to Marty Asay, George Braden, Art Brown, Kim Gibb, Ron Gordon, Jennifer Hemenway, Sandi Johnson, Gary Mower, Sofia Nystrom, Teri Pectol, Ben Peterson, Jacey Skinner, Sgt. Ted Tingey, David Walsh, Holly Watson and Doreen Weyland for their assistance in preparing this report.

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*Statistical Note: Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.*

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## Executive Summary

### DUI in Utah FY 2012

#### DUI-Related Fatalities Increased in CY 2011

- From CY 2010 to CY 2011, DUI/alcohol-related fatalities in Utah increased from 25 to 39, and DUI/drug-related fatalities increased from 26 to 30.

#### Law Enforcement: Arrests

- There were 13,031 DUI arrests in FY 2012, 785 fewer than in the previous year. This represents a decrease of almost six percent, and a decrease of nearly 15 percent since FY 2010.
- The majority of the arrests, almost 84 percent, were for per se violations that included driving under the influence of alcohol, drugs, or both.
- Not a Drop violations by persons under the legal drinking age of 21 decreased almost 16 percent, with a decrease of nearly 29 percent since FY 2010.
- Arrests included 972 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints that involved 100 law enforcement agencies throughout the state.
- Half of all DUI arrests were made by municipal law enforcement agencies.
- Seventy-two percent of DUI drivers were male and the proportion of female DUI drivers continued to increase.
- Eight percent of arrestees were under the legal drinking age of 21.

- The average BAC was .14; the highest was .39, nearly *five times* the legal limit.
- The majority of DUI arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 72 percent of the total.
- Sixty-eight percent of arrests were for a first DUI offense, 21 percent were for a second offense, seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense.
- From CY 2010 to CY 2011, the percentage of total crash fatalities that were DUI/alcohol-related increased from 9.9 percent to 16.0 percent.
- From CY 2010 to CY 2011, the percentage of total crash fatalities that were DUI/drug-related increased from 10.3 percent to 12.3 percent.

### Courts: Adjudications and Sanctions

- In FY 2012, there were 9,599 DUI cases in Utah’s Justice Courts. Among the cases resolved, 59 percent resulted in a guilty plea or verdict.
- Justice Court judges ordered offenders to participate in an educational series in 3,066 cases, ordered offenders into substance use disorder treatment in 2,409 cases, and ordered ignition interlock devices in 831 cases.
- There were 2,102 DUI cases disposed by the state’s District Courts. Among the cases resolved, 75 percent resulted in a guilty plea or verdict.
- District Court judges ordered offenders to participate in an educational series in 303 cases, ordered offenders into substance use disorder treatment in 613 cases, and ordered ignition interlock devices in 246 cases.

### Driver License Control

- The Driver License Division conducted 5,070 hearings in FY 2012 to determine if there was sufficient information to warrant the suspension or revocation of the individual’s driver license.

### Assessment, Education and Treatment

- Eighty-one percent of participants who completed the PRIME for Life program, Utah’s court-ordered educational series for DUI offenders, reported they were highly motivated to reduce to or maintain their drinking at low-risk levels.



***DUI/alcohol-related fatalities in Utah increased from 25 in calendar year 2010 to 39 in calendar year 2011. The story of one of these tragedies is included below, and is made even more heartbreaking by the fact that all of these deaths were 100% preventable.***

## Introduction

## 1

## Introduction

**J**onathan Bowers was described as “an extremely good person . . . willing to go out of his way to do things for everyone”. Around 6:00 a.m. on Sunday, May 22, 2011, he was on his way to work as an EMT with Gold Cross Ambulance. He was stopped at a red light at the four-way intersection of 4015 West 6200 South in Taylorsville, when a speeding car sideswiped the car in the adjacent lane and continued forward to rear end Jonathan’s vehicle, causing it to crash into the car in front of him. The driver of the speeding car, 26-year-old Gabriel Perez-Guiterez, was traveling at 75 miles per hour in a 40 mph zone and made no attempt to brake or steer to avoid the collision. Perez-Guiterez’s vehicle continued through the intersection and hit a pole on the opposite side of the street, where it finally stopped. Witnesses saw Perez-Guiterez exit the vehicle, run from the scene, and jump a fence. He was found hiding in a window well and was arrested and booked into jail for investigation of hit-and-run and DUI. Tests revealed he had a blood alcohol level of .19 and marijuana metabolite in his system.



*Jonathan M. Bowers, 1979-2011*

Drivers of two of the cars involved in the collision were taken to the hospital for treatment of their injuries, but were released shortly thereafter. Jonathan Bowers, 31, was also taken to the hospital, but died about a week later as a result of the severe injuries he sustained in the crash.

Gabriel Perez-Guiterez was charged with the following: automobile homicide, a second degree felony; failure to remain at the scene, a third degree felony; two counts of DUI causing substantial bodily injury, class A misdemeanors; DUI with a controlled substance, a class B misdemeanor; driving on a revoked license, a class C misdemeanor; and speeding, a class C misdemeanor. On February 28, 2012, Perez-Guiterez appeared before the Third District Court and entered pleas of guilty to automobile homicide and driving under the influence; the other charges were dismissed. On April 27, 2012, Perez-Guiterez was sentenced to one to 15 years in prison for automobile homicide, and to an additional year for the DUI.

On the same date, at the same time, and at the same intersection as the incident described above, another driver, not involved in the collision, was passed out in his vehicle at the red light. He was 20 years old and his blood alcohol level was .12. He was charged with DUI, unlawful consumption by a minor, and driving on suspension. He pled guilty to the DUI and the other counts were dismissed. He failed to appear for sentencing in December 2011 and a warrant is still out for his arrest.

Information for this story was obtained from the Information and Warrant of Arrest provided by the Salt Lake County District Attorney’s Office, articles in the *Salt Lake Tribune*, and reports on the ksl.com website.

## Purpose of the Report

The *Tenth 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); and
- 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;
  - driver license control; and
  - alcohol education, assessment, and treatment.



## 2012 DUI and Related Legislation



The following bills and appropriations were passed by the Utah Legislature in the 2012 General Session:

**S.B. 50**     **Motor Vehicle Impound Amendments**  
*Senator Michael G. Waddoups*

This bill requires a peace officer to seize and impound a vehicle if the peace officer arrests, cites, or refers for administrative action the operator of the vehicle for driving the motor vehicle while the operator's license is denied, suspended, revoked, or disqualified for violating certain drug or alcohol-related offenses.

**S.B. 214**    **Justice Court Process Amendments**  
*Senator Curtis S. Bramble*

This bill provides that a sentence imposed by a justice court may be stayed if a defendant files a proper notice of appeal for a trial de novo in district court.

Provides if a stay is ordered, the court may order post-conviction restrictions on the defendant's conduct as appropriate, including drug and alcohol use and use of an ignition interlock.

Provides that the provisions allowing a stay do not apply to convictions for an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

**H.B. 85**     **Forensic Phlebotomy**  
*Representative Val L. Peterson*

This bill amends who, acting at the request of a peace officer, is authorized to draw blood to determine its alcohol or drug content to include the following: a physician; a registered nurse; a licensed practical nurse; a paramedic; emergency medical service personnel other than paramedics who are authorized by the Department of Health in rule; and a person with a valid permit issued by the Department of Health.

Amends related immunity from liability provisions.

## H.B. 254 Controlled Substances Amendments

*Representative Gage H. Froerer*

This bill amends the definition of a controlled substance analog to allow proof that the substance is chemically substantially similar to a controlled substance, without requiring proof of the effect of the substance by the expert testimony of a pharmacologist.

Adds benzyloperazine to Schedule I of the controlled substances list.

Adds AM-2201, RCS-4, JWH-210, and JWH-203, analogs of banned substances found in “spice” and “bath salt” products, to the list of listed controlled substances in the Utah Controlled Substances Act.

## H.B. 354 Alcoholic Beverage Amendments

*Representative Ryan D. Wilcox*

This bill creates the Alcohol Abuse Tracking Committee to establish a process to collect information related to abuse of alcoholic products, including: underage drinking violations, DUI violations, over-serving and over-consumption violations, costs of social services related to abuse of alcohol, where alcoholic products are obtained that result in violations or costs, and any additional information related to the abuse of alcoholic products.

## Appropriations

### **Alcoholic Beverage Enforcement and Treatment Restricted Account**

The 2012 Legislature appropriated \$5,308,900 to the Alcoholic Beverage Enforcement and Treatment Restricted Account (§32B-2-401) for FY 2013. Funding from this account is distributed annually on a formula basis to Utah’s municipalities and counties to be used for one or more of the following purposes: (1) alcohol-related prevention; (2) treatment of offenders with alcohol problems; (3) alcohol-related law enforcement, including DUI; (4) prosecution of alcohol-related cases; and (5) confinement of alcohol law offenders.

### **DUI Overtime Enforcement Project**

The 2012 Legislature increased the appropriation to the Utah Highway Safety Office for its DUI Overtime Enforcement Project from \$400,000 to \$600,000. The new \$200,000 in funding is ongoing.

## FY 2012 USAAV DUI Committee

The Utah Substance Abuse Advisory Council's DUI Committee members represent state and local agencies and organizations dealing with the DUI issue in Utah. With the support and action of the Utah Legislature and other key leaders and policymakers, during FY 2012 the Committee continued its work to strengthen Utah's ability to more effectively address the DUI problem.



<b>Anna Kay Waddoups</b> Citizen Member and Chair	
<b>Senator Stuart Adams</b>	Senator <i>Utah State Senate</i>
<b>David Beach</b>	Director, Utah Highway Safety Office <i>Utah Department of Public Safety</i>
<b>Edward Berkovich</b>	Traffic Safety Resource Prosecutor <i>Utah Prosecution Council</i>
<b>Bart Blackstock</b>	Citizen Member and Former Deputy Director of the Driver License Division, <i>Utah Department of Public Safety</i>
<b>Paul Boyden</b> Vice Chair	Executive Director <i>Statewide Association of Prosecutors</i>
<b>Patty Fox</b>	Probation Program Manager <i>Salt Lake County Criminal Justice Services</i>
<b>Colonel Daniel Fuhr</b>	Superintendent, Utah Highway Patrol <i>Utah Department of Public Safety</i>
<b>Kim Gibb</b>	Chief, Records Bureau, Driver License Division <i>Utah Department of Public Safety</i>
<b>Chief Wayne Hansen</b>	Farmington Police Department <i>Utah Chiefs of Police Association</i>
<b>Linda Mayne</b>	Education Specialist for Driver Education <i>Utah State Office of Education</i>
<b>Doug Murakami</b>	Director of Alcohol Education <i>Utah Department of Alcoholic Beverage Control</i>
<b>Sheriff Frank Park</b>	Tooele County Sheriff's Office <i>Utah Sheriffs Association</i>
<b>Teri Pectol</b>	Impaired Driving/Youth Alcohol Program Manager, Utah Highway Safety Office, <i>Utah Department of Public Safety</i>
<b>Richard Schwermer</b>	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
<b>Holly Watson</b>	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson, Director	Utah Substance Abuse Advisory Council



## 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 2012, law enforcement officers made 13,031 DUI arrests. This was 785 fewer than in FY 2011, representing a decrease of almost six percent, and a decrease of nearly 15 percent since FY 2010.

### DUI Arrests

#### DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2012 was very similar to previous years. The majority of the arrests, nearly 84 percent, were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle. Under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol or other drugs. Ten percent of arrests were for refusal to submit to a chemical test. It is also illegal to drive with any measurable controlled substance metabolite in one's body, which accounted for one 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 nearly five percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.2 percent of the total. Of particular note is the number of arrests for Not a Drop violations, which decreased almost 16 percent from FY 2011 to FY 2012, with a decrease of nearly 29 percent since FY 2010.

DUI Arrests by Violation Type	FY 2010		FY 2011		FY 2012		Percent Change FY 11-FY 12
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drugs	12,559	82.2%	11,586	83.9%	10,911	83.7%	-5.8%
Refusal of Chemical Test	1,704	11.1%	1,324	9.6%	1,350	10.4%	+1.9%
Not a Drop (< 21)	834	5.5%	706	5.1%	594	4.6%	-15.9%
Drug or Metabolite	174	1.1%	185	1.3%	149	1.1%	-19.5%
Commercial Driver (.04)	14	0.1%	15	0.1%	27	0.2%	+0.8%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</b>	<b>100.0%</b>	<b>-5.7%</b>

Source: Utah Department of Public Safety, Driver License Division

### DUI Overtime Enforcement Events

The arrests made in FY 2012 included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts. During FY 2012, 100 law enforcement agencies throughout the state participated in overtime events, including local police agencies, sheriffs' offices, the Utah Highway Patrol, Motor Vehicle Enforcement, Utah Parks and Recreation, and two university police departments.

The table below shows the measures associated with DUI overtime enforcement events in FY 2012. Of the total 972 DUI arrests, 724 were for alcohol, 190 were for other drugs, and 58 were for metabolite.

Statewide DUI Overtime Enforcement Events	FY 2010	FY 2011	FY 2012	Percent Change FY 11 – FY 12
DUI Shifts Worked	2,235	2,183	2,116	-3.1%
Vehicles Stopped	22,340	21,352	19,313	-9.5%
DUI Arrests	1,053	1,020	972	-4.7%
Vehicles Impounded	961	929	915	-1.5%
Alcohol-Related Arrests*	616	640	566	-11.6%
Drug-Related Arrests**	461	509	468	-8.1%
Warrants Served	427	465	384	-17.4%
Other Warnings/Citations	17,883	17,547	17,425	-0.7%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)  
 \*\*Felony and misdemeanor (e.g., drug possession)

### DUI Arrests by Agency Type

Half of all arrests in FY 2012 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 35 percent of arrests, and county sheriffs' offices responsible for 14 percent of DUI arrests.

DUI Arrests by Agency Type	FY 2010		FY 2011		FY 2012	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	2,143	14.0%	1,787	12.9%	1,873	14.4%
City Police/Other	7,617	49.8%	7,140	51.7%	6,586	50.5%
Highway Patrol	5,525	36.1%	4,889	35.4%	4,572	35.1%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</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, although the proportion of females arrested for DUI appears to be increasing. In FY 2012, 72 percent of arrestees were male and 27 percent were female. From FY 2003 to FY 2012, the proportion of females arrested for DUI has increased nearly nine percent.

DUI Arrests by Gender	FY 2010		FY 2011		FY 2012	
	Number	Percent	Number	Percent	Number	Percent
Male	11,402	74.6%	10,109	73.2%	9,448	72.5%
Female	3,815	25.0%	3,663	26.5%	3,539	27.2%
Unspecified	68	0.4%	44	0.3%	44	0.3%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

### DUI Arrests by Age

The youngest DUI drivers in FY 2012 were 14 years old, and the oldest were in their mid to late eighties. Eight percent of arrestees were under the legal drinking age of 21, a decrease of nearly 20 percent since FY 2011, and a 28 percent decrease since FY 2010.

DUI Arrests by Age	FY 2010		FY 2011		FY 2012	
	Number	Percent	Number	Percent	Number	Percent
Age Unknown	1	< 0.1%	1	< 0.1%	4	< 0.1%
Ages 14-20	1,457	9.5%	1,303	9.4%	1,046	8.0%
Ages 21-24	2,853	18.7%	2,458	17.8%	2,271	17.4%
Ages 25-36	5,922	38.7%	5,411	39.2%	5,275	40.5%
Ages 37-48	3,049	19.9%	2,737	19.8%	2,612	20.0%
Ages 49-93	2,003	13.1%	1,906	13.8%	1,823	14.0%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

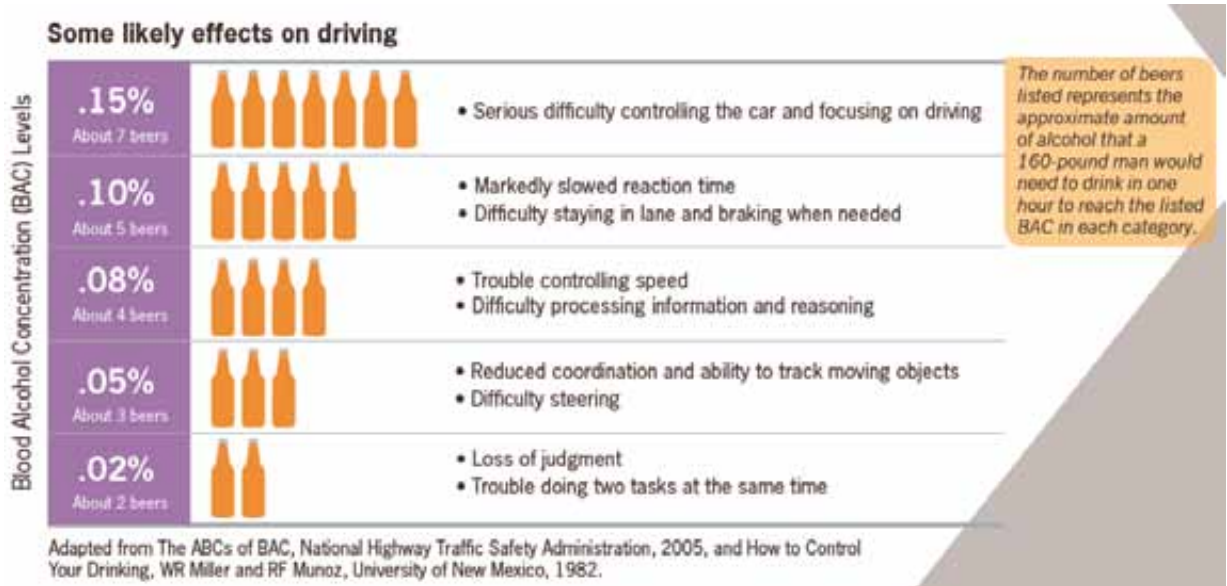
### DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC remained at .14 during FY 2012, with the highest BAC recorded at .39, *nearly five times the legal limit.*

DUI Arrests by BAC	FY 2010		FY 2011		FY 2012	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	4,153	27.2%	3,994	28.9%	4,929	37.8%
.01 - .07	898	5.9%	813	5.9%	763	5.9%
.08 - .10	1,635	10.7%	1,402	10.1%	1,334	10.2%
.11 - .15	2,923	19.1%	2,528	18.3%	2,457	18.9%
.16 - .20	1,967	12.9%	1,833	13.3%	1,614	12.4%
.21 - .25	806	5.3%	807	5.8%	729	5.6%
.26 - .45	317	2.1%	314	2.3%	312	2.4%
Refused BAC Test	1,698	11.1%	1,345	9.7%	276	2.1%
No Test/Unknown	597	3.9%	495	3.6%	617	4.7%
Drug Only	291	1.9%	285	2.1%	0	0.0%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

According to a 2011 report published by the Centers for Disease Control and Prevention (CDC), to reach a BAC of .14, a 160-pound man would need to consume between five and seven beers within one hour (see table below).<sup>1</sup>



### DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2012, with an average of 1,086 arrests per month. The highest number of arrests occurred in July (1,309), with the lowest number of arrests in April (992).

DUI Arrests by Month	FY 2010		FY 2011		FY 2012	
	Number	Percent	Number	Percent	Number	Percent
July	1,239	8.1%	1,359	9.8%	1,309	10.0%
August	1,318	8.6%	1,264	9.1%	1,086	8.3%
September	1,380	9.0%	1,152	8.3%	1,188	9.1%
October	1,264	8.3%	1,303	9.4%	1,190	9.1%
November	1,272	8.3%	965	7.0%	1,019	7.8%
December	1,178	7.7%	1,094	7.9%	1,065	8.2%
January	1,251	8.2%	1,202	8.7%	1,016	7.8%
February	1,214	7.9%	1,061	7.7%	1,022	7.8%
March	1,396	9.1%	1,178	8.5%	1,067	8.2%
April	1,171	7.7%	1,095	7.9%	992	7.6%
May	1,391	9.1%	1,128	8.2%	1,052	8.1%
June	1,211	7.9%	1,015	7.3%	1,025	7.9%
<b>TOTAL</b>	<b>15,285</b>	<b>100.0%</b>	<b>13,816</b>	<b>100.0%</b>	<b>13,031</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

<sup>1</sup> Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.



## DUI Arrests by County

Consistent with past years, the majority of DUI arrests during FY 2012 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for nearly 72 percent (9,320) of the total. Salt Lake County had the highest number of arrests with 5,497 (42%), while Piute County had the fewest arrests with four (.03%).

The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI Arrests FY 2012		July 1, 2011 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2011	
	Number	Percent	Number	Percent	Number	Percent
Beaver	60	0.46%	6,615	0.24%	251,989,795	0.96%
Box Elder	127	0.97%	50,466	1.79%	880,904,140	3.36%
Cache	411	3.15%	114,721	4.08%	856,557,910	3.27%
Carbon	116	0.89%	21,485	0.76%	300,404,855	1.15%
Daggett	13	0.10%	1,115	0.04%	31,865,230	0.12%
Davis	1,234	9.47%	312,603	11.11%	2,506,374,700	9.56%
Duchesne	155	1.19%	19,111	0.68%	238,039,860	0.91%
Emery	59	0.45%	10,997	0.39%	313,821,160	1.20%
Garfield	29	0.22%	5,149	0.18%	107,421,690	0.41%
Grand	122	0.94%	9,322	0.33%	320,217,420	1.22%
Iron	238	1.83%	46,767	1.66%	688,709,375	2.63%
Juab	103	0.79%	10,323	0.37%	388,247,215	1.48%
Kane	62	0.48%	7,208	0.26%	137,293,655	0.52%
Millard	92	0.71%	12,591	0.45%	455,119,960	1.74%
Morgan	34	0.26%	9,668	0.34%	128,316,115	0.49%
Piute	4	0.03%	1,544	0.05%	28,035,650	0.11%
Rich	13	0.10%	2,276	0.08%	46,076,505	0.18%
Salt Lake	5,497	42.18%	1,045,829	37.17%	8,696,140,695	33.16%
San Juan	56	0.43%	14,954	0.53%	287,110,095	1.09%
Sanpete	78	0.60%	28,173	1.00%	197,819,780	0.75%
Sevier	163	1.25%	20,903	0.74%	319,515,890	1.22%
Summit	346	2.66%	37,208	1.32%	723,895,740	2.76%
Tooele	493	3.78%	59,133	2.10%	813,840,500	3.10%
Uintah	434	3.33%	33,315	1.18%	393,856,170	1.50%
Utah	1,544	11.85%	530,789	18.86%	3,768,572,075	14.37%
Wasatch	121	0.93%	24,456	0.87%	326,975,030	1.25%
Washington	374	2.87%	141,219	5.02%	1,367,394,025	5.21%
Wayne	8	0.06%	2,742	0.10%	46,154,615	0.18%
Weber	1,045	8.02%	233,241	8.29%	1,602,608,420	6.11%
<b>TOTAL</b>	<b>13,031</b>	<b>100.00%</b>	<b>2,813,923</b>	<b>100.00%</b>	<b>26,223,278,270</b>	<b>100.00%</b>
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division						
Source for Population Data: Utah Population Estimates Committee						
Source for Vehicle Miles Traveled: Utah Department of Transportation						

### 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 2012 as a starting point, then counting back ten years to determine previous arrests. Each offender was placed in a column determined by the type of the most recent arrest. Nearly 68 percent of arrests were for a first offense, 21 percent were for a second offense, seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense. The total number of arrests reflected in this table is fewer than the total arrests for FY 2012 because each offender was counted only once, while the offender may have been arrested more than one time during the fiscal year.

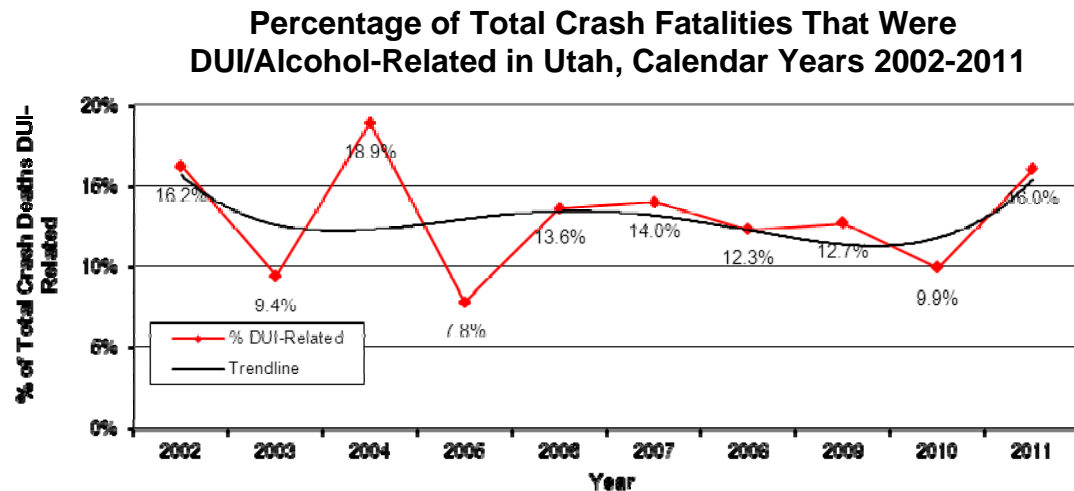
FY 2012 Arrest Type Offense	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	TOTAL	
						Number	Percent
1 <sup>st</sup>	7,183	744	267	116	10	8,320	67.84%
2 <sup>nd</sup>	2,019	299	273	18	14	2,623	21.39%
3 <sup>rd</sup>	696	135	21	8	0	860	7.01%
4 <sup>th</sup>	227	69	8	3	1	308	2.51%
5 <sup>th</sup>	79	25	0	0	0	104	0.85%
6 <sup>th</sup>	25	5	0	0	0	30	0.24%
7 <sup>th</sup>	10	4	0	0	0	14	0.11%
8 <sup>th</sup> - 13 <sup>th</sup>	4	2	0	0	0	6	0.05%
<b>TOTAL</b>	<b>10,243</b>	<b>1,283</b>	<b>569</b>	<b>145</b>	<b>25</b>	<b>12,265</b>	<b>100.00%</b>

Source: Utah Department of Public Safety, Driver License Division

### DUI-Related Crashes, Injuries and Fatalities

#### DUI/Alcohol-Related Crashes, Injuries and Fatalities

The figure below illustrates the trend in Utah's DUI/alcohol-related crash fatalities from calendar years 2002 through 2011.



Source: Utah Department of Public Safety, Highway Safety Office

The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2002 to 2011, including the number of persons injured and the number of persons killed as a result of the crashes. The number of DUI-related fatalities involving drivers with a blood alcohol level of .08 or greater in Utah increased from 25 in calendar year 2010 to 39 in calendar year 2011.

Calendar Year	DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah Calendar Years 2002-2011						
	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
2002	2,088	30,433	1,685	5.5%	328	53	16.2%
2003	1,952	28,352	1,360	4.8%	309	29	9.4%
2004	1,948	29,638	1,570	5.3%	296	56	18.9%
2005	1,977	29,221	1,398	4.8%	282	22	7.8%
2006	2,488	27,433	1,844	6.7%	287	39	13.6%
2007	2,718	27,420	1,900	6.9%	299	42	14.0%
2008	2,330	24,673	1,596	6.5%	276	34	12.3%
2009	2,019	22,847	1,288	5.6%	244	31	12.7%
2010	1,723	21,675	1,150	5.3%	253	25	9.9%
2011	Not Available	Not Available			243	39	16.0%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI-related crashes include only those incidents that involved alcohol.  
 \*\*DUI-related fatalities include only drivers with a BAC of  $\geq$  .08.

### DUI/Drug-Related Crashes, Injuries and Fatalities

The table below shows the number of DUI-related vehicle crashes, injuries and fatalities involving drugs only (no alcohol or BAC less than .08) for available years.

Calendar Year	DUI/Drug-Related Crashes, Injuries and Fatalities in Utah Calendar Years 2007-2011						
	Total DUI/Drug-Related Crashes*	Injuries			Fatalities		
		Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	DUI/Drug-Related Fatalities*	Percent DUI/Drug-Related
2007	158	27,420	113	0.4%	299	16	5.4%
2008	565	24,673	428	1.7%	276	12	4.3%
2009	547	22,847	443	1.9%	244	36	14.8%
2010	525	21,675	382	1.8%	253	26	10.3%
2011	Not Available	Not Available			243	30	12.3%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.  
 \*\*DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of  $<$  .08.

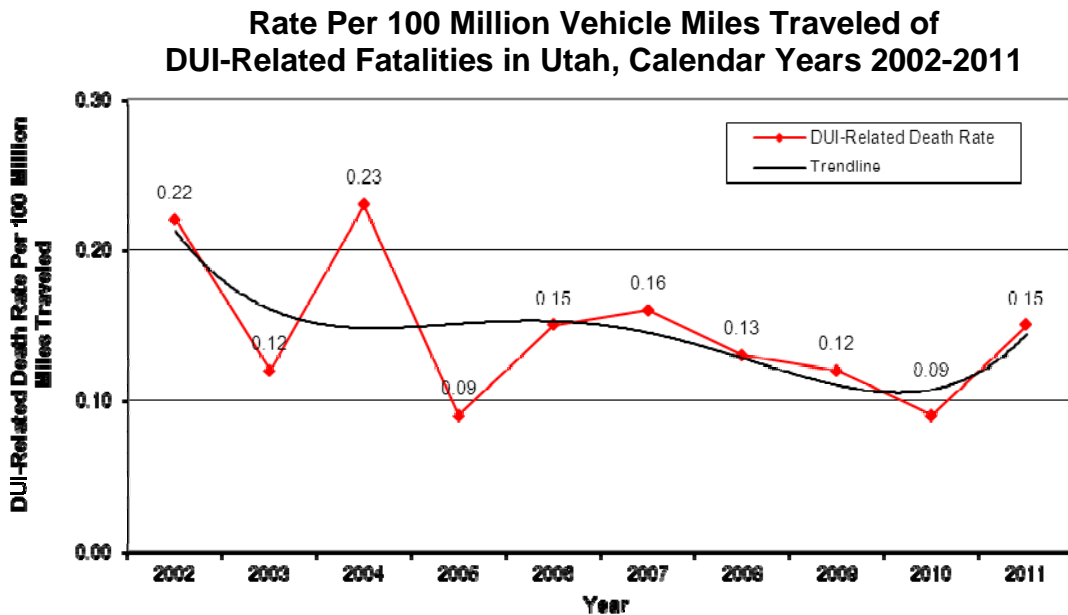
Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

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, for calendar years 2002 through 2011.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2002-2011				
	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
2002	53	2,331,826	0.23	24,422,264,975	0.22
2003	29	2,372,457	0.12	23,946,840,430	0.12
2004	56	2,430,224	0.23	24,624,791,795	0.23
2005	22	2,505,844	0.09	25,129,538,952	0.09
2006	39	2,576,228	0.15	26,166,885,473	0.15
2007	42	2,636,077	0.16	26,824,244,333	0.16
2008	34	2,691,122	0.13	25,883,467,343	0.13
2009	31	2,731,558	0.11	26,217,108,843	0.12
2010	25	2,774,663	0.09	26,617,169,711	0.09
2011	39	2,813,923	0.14	26,223,278,270	0.15

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI-related fatalities include only those incidents that involved alcohol and where the driver had a BAC of  $\geq .08$ .

The figure below illustrates the rates of DUI-related fatalities in Utah for calendar years 2002 through 2011, per 100 million vehicle miles traveled. From CY 2010 to CY 2011, the DUI-related fatality rate per 100 million vehicle miles traveled increased from 0.09 to 0.15.



Source: Utah Department of Public Safety, Highway Safety Office

### Day and Hour of Alcohol-Impaired Driver Crashes

The Utah Highway Safety Office reports in calendar year 2010 the highest percentages of alcohol-impaired driver total crashes occurred on Saturday (22.6%) and Sunday (19.3%). The highest percentages of alcohol-impaired driver fatal crashes occurred on Saturday (29.2%) and Monday (25.0%). Alcohol-impaired driver total crashes peaked in the evening and early morning hours, between 7:00 p.m. and 2:59 a.m. Fatal alcohol-impaired driver crashes varied by hour and peaked at 11:00 p.m.



***According to the Utah Highway Safety Office,  
an alcohol-impaired driver crash occurs  
in Utah every five hours.***

### 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. For FY 2012, the Legislature appropriated \$5,308,900 to be distributed from the *Alcoholic Beverage Enforcement and Treatment Restricted Account* (§32B-2-401) to municipalities and counties statewide on a formula basis.<sup>2</sup> Funds may 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. Municipalities and counties receiving \$1,000 or more are required to submit an Annual Report to the Utah Substance Abuse Advisory 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. In accordance with the statute, those that do not submit their reports forfeit their funds for the current fiscal year and the funds are allocated to other entities.

The table on the following page shows how FY 2012 funds were utilized, including dollars spent for each allowable activity, as reported in the Beer Tax Funds Annual Reports received to date.

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<sup>2</sup> In accordance with §32B-2-404 (UCA), the State Tax Commission distributes beer tax funds to municipalities and counties in December of each year based upon the following formula: percentage of state population residing in each municipality and county (25%); each municipality's and county's percentage of the statewide convictions for all alcohol-related offenses (30%); the percentage of the following in the state that are located in each municipality and county: state stores, package agencies, retail licensees, and off-premise beer retailers (20%); and for confinement and treatment purposes (for persons arrested for or convicted of offenses in which alcohol is a contributing factor) on the basis of the percentage of the state population located in each county (25% to counties only).

FY 2012 Beer Tax Funds Reports How Funds Were Used As of October 10, 2012	Municipalities and Counties Utilizing Beer Tax Funds for Each Activity		Beer Tax Funding Expended for Each Activity	
	Number	Percent <sup>3</sup>	Amount	Percent
DUI Law Enforcement	78	52.3%	\$ 896,186.76	20.4%
General Alcohol-Related Law Enforcement	94	63.1%	1,240,871.03	28.2%
Prosecution of Alcohol-Related Cases	44	29.5%	634,856.48	14.4%
Treatment of Alcohol Problems	6	4.0%	794,219.69	18.1%
Alcohol-Related Education/Prevention	49	32%	233,159.15	5.3%
Confinement of Alcohol Law Offenders	14	9.4%	597,243.60	13.6%
<b>Totals</b>			<b>\$4,396,536.71</b>	<b>100.0%</b>
Source: Utah Substance Abuse Advisory Council, FY 2012 Beer Tax Funds Annual Reports				

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<sup>3</sup> Recipients may use beer tax 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. Most misdemeanor DUI cases are handled in Utah's Justice Courts, which are sponsored by municipalities and counties. Felony cases, as well as cases not referred to the Justice Courts, are handled in the state's District Courts.

### Justice Court DUI Data

#### Justice Court DUI Cases and Outcomes

The following table details the 9,599 DUI cases in the Justice Courts during FY 2012. There were 478 fewer cases than in the previous year, a decrease of nearly five percent. Fifty-nine percent of cases resulted in a guilty plea or verdict, with nine percent not guilty or dismissed. This table does not represent the actual DUI conviction rate, however, as it includes cases filed in previous fiscal years that were not resolved until FY 2012. In addition, 3,027 cases were still pending resolution at the close of FY 2012.

Justice Court DUI Case Outcomes	FY 2010		FY 2011		FY 2012		% Change FY 11 – FY 12
	Number	Percent	Number	Percent	Number	Percent	
Guilty	6,371	55.9%	5,367	53.3%	5,702	59.4%	+6.2%
Dismissed or Not Guilty	2,322	20.3%	1,826	18.1%	870	9.1%	-52.4%
Cases Pending	2,712	23.8%	2,884	28.6%	3,027	31.5%	+5.0%
Total DUI Cases	11,405	100.0%	10,077	100.0%	9,599	100.0%	-4.7%

Source: Utah Administrative Office of the Courts

#### Justice Court Repeat DUI Offender Data

The Justice Courts also track how repeat DUI offenders are handled. In the table on the following page, which includes data for fiscal years 2010, 2011 and 2012, 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 2012 for example, 15 percent of DUI offenders were charged with a second offense, while 17 percent were actually second-time offenders, and 16 percent were sentenced as

second-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. Finally, almost all cases (> 99%) in the Justice Courts are first or second offenses, which are class B misdemeanors, or class A misdemeanors in the case of bodily injury, a passenger under 16, or a passenger under 18 if the driver is 21 older. A third DUI offense in Utah is a third degree felony, which would typically be handled in the District Courts.

<b>Justice Court Repeat DUI Offender Data for Fiscal Years 2010-2012<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 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>
1 <sup>st</sup> Offense	83.2%	84.3%	84.4%	79.9%	81.3%	82.1%	81.3%	83.0%	83.7%
2 <sup>nd</sup> Offense	16.6%	15.6%	15.3%	19.4%	18.1%	17.0%	18.4%	16.8%	16.0%
3 <sup>rd</sup> Offense	0.2%	0.1%	0.1%	0.5%	0.4%	0.6%	0.2%	0.2%	0.2%
4 <sup>th</sup> Offense	0.0%	0.0%	<0.1%	0.2%	<0.1%	0.1%	<0.1%	0.0%	<0.1%
5 <sup>th</sup> or Greater Offense	<0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.0%	0.0%	<0.1%
<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

#### Justice Court DUI Case Information and Sanctions

Additional DUI-related case information collected by the Justice Courts is shown in the table below. The table includes data for those Justice Courts in the Courts Information System (CORIS). The data indicate judges ordered offenders to participate in an educational series in 3,066 cases, substance abuse treatment in 2,409 cases, and that ignition interlock devices were ordered in 831 cases.

<b>Justice Court DUI Case Information and Sanctions</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Number of Justice Courts Providing Data	120	122	119
Blood/Breath Alcohol Content (BAC) Known	3,459	3,422	3,621
Substance Use Disorder Screening and Assessment	2,896	3,122	3,794
Substance Use Disorder Treatment Ordered	1,963	2,141	2,409
Educational Series Ordered	2,716	2,729	3,066
Ignition Interlock Ordered	468	564	831
Supervised (Non-Court) Probation	2,613	2,891	3,255
Electronic Monitoring	156	187	189
Enhancement Notification	NA	NA	1,113

Source: Utah Administrative Office of the Courts

<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.



## District Court DUI Data

As shown in the table below, Utah's District Courts disposed 2,102 DUI cases during FY 2012, 13 fewer than in FY 2011.

DUI in Utah's District Courts	FY 2010	FY 2011	FY 2012	% Change FY 11 – FY 12
District Court Cases Disposed	2,096	2,115	2,102	-0.6%

Source: Utah Administrative Office of the Courts

### District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,102 DUI cases disposed by Utah's eight District Courts during FY 2012. Seventy-five percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only one case. Fifteen percent of the cases were dismissed. This table is not a depiction of the District Courts' actual DUI conviction rates, as it includes only those cases that were disposed during FY 2012. Pending cases were not included in the data analysis.

FY 2012 District Court DUI Case Outcomes by Judicial District										
DUI Case Outcomes	Judicial District								Total	Percent
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>		
Deceased	0	1	0	1	1	0	1	0	4	0.2%
Declined Prosecution	0	0	0	0	1	0	0	0	1	< 0.1%
Dismissed	30	74	98	55	19	18	10	11	315	15.0%
Diversion	0	0	0	0	0	0	0	0	0	< 0.1%
Guilty	117	321	522	324	89	47	61	95	1,576	75.0%
No Contest	0	3	3	17	2	3	4	0	32	1.5%
Not Guilty	1	0	0	0	0	0	0	0	1	< 0.1%
Plea in Abeyance	3	2	2	5	0	4	0	1	17	0.8%
Remanded	1	3	59	7	2	0	1	0	73	3.5%
Transferred	0	2	54	27	0	0	0	0	83	3.9%
<b>TOTAL</b>	152	406	738	436	114	72	77	107	2,102	100.0%

Source: Utah Administrative Office of the Courts

### District Court Repeat DUI Offender Data

The District Courts also track how repeat DUI offenders are handled. In the table on the following page, which includes data for fiscal years 2010, 2011 and 2012, 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 2012 for example, 30 percent of DUI offenders were charged with a third offense, while 25 percent were actually third-time offenders, and 25 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 2010-2012<sup>5</sup></b>									
<b>Offense</b>	<b>Offense Was Charged As</b>			<b>Offense Was Actually</b>			<b>Offense Was Sentenced As</b>		
	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>
1 <sup>st</sup> Offense	53%	51%	46%	50%	47%	47%	56%	53%	52%
2 <sup>nd</sup> Offense	17%	15%	18%	21%	19%	21%	19%	18%	19%
3 <sup>rd</sup> Offense	27%	28%	30%	22%	24%	25%	23%	22%	25%
4 <sup>th</sup> Offense	1%	4%	3%	4%	6%	3%	1%	3%	2%
5 <sup>th</sup> -10 <sup>th</sup> Offense	1%	2%	3%	3%	4%	4%	1%	3%	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 Case Information and Sanctions

Other DUI-related case information, including sanctions ordered, is also collected by the District Courts. The table below includes the FY 2012 data for those cases where the values were known. The table shows judges ordered offenders to participate in an educational series in 303 cases, ordered substance abuse treatment in 613 cases, and that ignition interlock devices were ordered in 246 cases.

<b>District Court DUI Case Information and Sanctions</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Blood/Breath Alcohol Content (BAC) Known	560	451	462
Substance Use Disorder Screening and Assessment	686	691	623
Substance Use Disorder Treatment Ordered	648	674	613
Educational Series Ordered	419	337	303
Ignition Interlock Ordered	293	295	246
Supervised (Non-Court) Probation	786	792	793
Electronic Monitoring	122	119	101
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

<sup>5</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.

Driver License  
Control

4

## 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 metabolite in the body
- Not a Drop violation
- 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 5,070 requested alcohol hearings held in FY 2012. 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 2,587 cases, at least one of the parties called in for the hearing.

FY 2012 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	4,362	820	130	575	1,525	2,205
Not a Drop	205	45	7	10	62	117
Refusal	503	69	8	59	136	265
<b>TOTAL</b>	<b>5,070</b>	<b>934</b>	<b>145</b>	<b>644</b>	<b>1,723</b>	<b>2,587</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 and/or 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 and/or 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 use disorder treatment.<sup>6</sup> The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2012, for those cases where the values were known.

<b>Substance Use Disorder Screening and Assessment Ordered by the Courts</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Justice Courts	2,896	3,122	3,794
District Courts	686	691	623

Source: Utah Administrative Office of the Courts

### Education

For a first DUI 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

<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.

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® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”<sup>8</sup>

In the PFL program, “**low-risk choices** are defined as abstinence from drug use. The guidelines for alcohol include abstinence for those who have already developed alcoholism; otherwise no more than one standard drink (1/2 ounce of pure alcohol) in an hour, two standard drinks daily, or three standard drinks on any day (known as the 0-1-2-3 guidelines). The peak amount per week is 14 standard drinks.” **High-risk choices** are defined as any use that causes impairment or increases overall risk for health problems or premature death. Examples include using illegal drugs, prescription drugs other than as prescribed, or exceeding the 0-1-2-3 guidelines for alcohol. Additionally, PFL identifies some situations (e.g., driving, illness, medications, and workplace) when any amount of use may be high-risk.”<sup>9</sup>

The following table shows the orders for the educational series by the Justice and District Courts in FY 2012, for those cases where values were known.

<b>Educational Series Ordered by the Courts</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
Justice Courts	2,716	2,729	3,066
District Courts	419	337	303

Source: Utah Administrative Office of the Courts

PRI conducts periodic studies of PFL participants to measure the impact on changing beliefs about alcohol and other drug use, understanding the risks associated with alcohol/drug use, and desire to change personal drinking and drug use behaviors. In previous years this study was published annually; however, because the findings have been virtually identical from year to year, PRI now publishes the study less frequently. The most recent study provides data on 442 Utahns who participated in the PFL program during 2011, nearly all of whom were ordered to PFL following a substance-

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

<sup>8</sup> Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

<sup>9</sup> Ibid.

related arrest. Participants ranged in age from 15 to 74, with an average age of 29. Findings from this study are summarized in the table below and on the following page.<sup>10</sup>

<b>2011 Utah PRIME For Life Participant Characteristics and Outcomes</b>		
<b>Gender</b>		
Male		65%
Female		35%
<b>Race/Ethnicity</b>		
Caucasian		76%
Hispanic		14%
Multiracial		4%
Other		6%
<b>Type of Offense</b>		
Impaired Driving		59%
At Least One Previous Arrest for Impaired Driving		15%
Drug Possession		10%
Underage Drinking		22%
Not Arrested or Referred by Court		2%
Other		7%
<b>Key Findings</b>	<b>Pretest</b>	<b>Posttest</b>
<u>High Risk Attitudes and Beliefs</u>		
<ul style="list-style-type: none"> <li>▪ What is the maximum number of drinks you could drink in a day before it is high risk for you? <ul style="list-style-type: none"> <li>- 0-3 drinks</li> <li>- 4+ drinks</li> </ul> </li> <li>▪ Perceived risk for alcoholism/addiction: <ul style="list-style-type: none"> <li>- I could develop alcoholism</li> <li>- I could develop drug addiction</li> </ul> </li> </ul>		
	41%	70%
	59%	30%
	43%	70%
	56%	70%
<u>Readiness for Change</u>		
<ul style="list-style-type: none"> <li>▪ Usual number of drinks consumed in a day: <ul style="list-style-type: none"> <li>- Abstain</li> <li>- 1-3 drinks</li> <li>- 4+ drinks</li> </ul> </li> <li>▪ How motivated are you to reduce to or maintain your drinking at low-risk levels? <ul style="list-style-type: none"> <li>- A lot/Extremely</li> <li>- A little/Somewhat</li> <li>- Not at all</li> </ul> </li> </ul>		
	23%	48%
	17%	35%
	60%	17%
	65%	81%
	25%	14%
	10%	5%

<sup>10</sup>Ibid.

2011 Utah PRIME For Life Participant Characteristics and Outcomes		
	<u>Pretest</u>	<u>Posttest</u>
<ul style="list-style-type: none"> <li>▪ How motivated are you to reduce to or maintain your drug use at low-risk levels?                             <ul style="list-style-type: none"> <li>- A lot/Extremely</li> <li>- A little/Somewhat</li> <li>- Not at all</li> </ul> </li> </ul>	69%	74%
	18%	16%
	13%	10%
<ul style="list-style-type: none"> <li>▪ Posttest: Confidence Outweighs Temptation (Confidence and Temptation Scales Range is 12 to 60.)                             <ul style="list-style-type: none"> <li>- Confidence in ability to make low-risk choices</li> <li>- Temptation to make high-risk choices</li> </ul> </li> </ul>	NA	35.3
	NA	23.2

Most participants in PRIME for Life during 2011 reported they *agreed* or *strongly agreed* PFL helped them in the following areas:

- Forming detailed plans (87%),
- Deciding to drink or use drugs less (82%),
- Feeling confident about making changes (85%), and
- Developing skills (88%).

### 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 use disorder 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>11</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. The table below shows the orders for substance use disorder treatment by the Justice and District Courts in FY 2012, for those cases where the values were known.

Substance Use Disorder Treatment Ordered by the Courts	FY 2010	FY 2011	FY 2012
Justice Court	1,963	2,141	2,409
District Court	648	674	613

Source: Utah Administrative Office of the Courts

<sup>11</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.



Impaired Driving Media Campaign  
**6**

## Utah's Impaired Driving Media Campaign



The Utah Department of Public Safety's Highway Safety Office supports the National Highway Traffic Safety Administration's "Drive Sober or Get Pulled Over" campaign goal to provide resources for communities to help keep their streets DUI-free. DUI Enforcement Mobilization is a statewide media and community outreach campaign focused on changing Utah citizens' perceptions and behaviors regarding driving under the influence of alcohol.



Partnership with Utah Highway Patrol Memorial Day Mobilization



Labor Day Mobilization/Crackdown

Halloween Zombies Against Drunk Driving - "ZADD"



Partnership with Department of Alcoholic Beverage Control  
Holiday Mobilization





# UTAH DUI SENTENCING MATRIX

(Current as of October 1, 2012)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND 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<sup>1</sup></li> <li>if passenger is under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul>	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury<sup>1</sup></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 third or subsequent offense within 10 years</li> <li>if serious bodily injury<sup>1</sup></li> <li>if any prior felony DUI conviction or automobile homicide<sup>1</sup> conviction</li> </ul>
<b>Jail</b> (§41-6a-505)	<b>SHALL</b> order: 48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> Electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> Electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) <b>MAY</b> order: Electronic home confinement <sup>2</sup>
<b>Fine, Surcharge, and Court Security Fee</b> (§41-6a-505) (§51-9-401)	<b>SHALL</b> order: \$700 minimum fine plus a \$630 surcharge plus a \$40 court security fee	<b>SHALL</b> order: \$800 minimum fine plus a \$720 surcharge plus a \$40 court security fee	<b>SHALL</b> order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$40 court security fee, unless a 0-5 prison term is imposed
<b>Screening, Assessment, Educational Series, Treatment</b> (§41-6a-505)	<b>SHALL</b> order: <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> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> </ul>	<b>SHALL</b> order: <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> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> </ul>	<b>SHALL</b> order: <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, unless 0-5 prison term is imposed</li> </ul>
<b>Probation</b> <sup>3</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>4</sup> (§41-6a-518) (§41-6a-530)	<b>MAY</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>MAY</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>MAY</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> 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)	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup></li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup></li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup> if 0-5 prison term is not imposed</li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>
<b>Driver License Suspension</b> (§41-6a-509)	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years

<sup>1</sup>A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

<sup>2</sup>See §41-6a-506 for electronic home confinement provisions.

<sup>3</sup>Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance or metabolite in the body).

<sup>4</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.

<sup>5</sup>Alcohol restricted driver

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
<b>Driver License Denial, Suspension, or Revocation</b>		
<b>Driving Under the Influence/ DUI Conviction</b> (§41-6a-509)	<p><b>If 21 or older:</b> 120 days</p> <p><b>If 19-20:</b> Longer of one year or until 21<sup>st</sup> birthday*</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday**</p> <p><b>Early License Reinstatement for Drivers Under 21:</b>            Court may order shortening of the suspension period after <b>6 months*</b> or <b>2 years**</b> if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If 19-20:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p>
<b>Driving with Controlled Substance/ Metabolite in Body Conviction</b> (§41-6a-517)	<p><b>If 21 or older:</b> 120 days</p> <p><b>If 19-20:</b> Longer of one year or until 21<sup>st</sup> birthday*</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday**</p> <p><b>Early License Reinstatement for Drivers Under 21:</b>            Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If 19-20:</b> Longer of two years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p>
<b>Refusal of Chemical Test</b> (§41-6a-521)	<p><b>If 21 or older:</b> 18 months</p> <p><b>If under 21:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p>	<p><b>If 21 or older:</b> 36 months</p> <p><b>If under 21:</b> Longer of 36 months or until 21<sup>st</sup> birthday</p>
<b>Per se Arrest</b> (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p><b>If 21 or older:</b> 120 days</p> <p><b>If 19-20:</b> 6 months</p> <p><b>If under 19:</b> 2 years</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If 19-20:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p>
<b>Not A Drop</b> (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p><b>If 19-20:</b> Until successful completion of substance abuse program recommendation, but not less than 6 months</p> <p><b>If under 19:</b> Until successful completion of substance abuse program recommendation, but not less than one year</p>	<p><b>If 19-20:</b> Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21<sup>st</sup> birthday</p>
<b>Failure to Install or Removal of Ignition Interlock Device</b> (§53-3-1007)	<p>An individual who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an ignition interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an ignition interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.</p>	
<b>Other Sanctions</b>		
<b>IRD – Interlock Restricted Driver</b> (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system.</small>	<ul style="list-style-type: none"> <li>• <b>18 months IRD</b> for 1<sup>st</sup> DUI (§41-6a-502) if over 21</li> <li>• <b>3 years IRD</b> for 1<sup>st</sup> Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1<sup>st</sup> DUI (§41-6a-502) if under 21</li> <li>• <b>3 years IRD</b> for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207)</li> <li>• <b>6 years IRD</b> for Felony DUI (§41-6a-502)</li> <li>• <b>10 years IRD</b> for Automobile Homicide (§76-5-207)</li> </ul> <p><small>Note: Abeyances count as convictions, as defined in §41-6a-501; if all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply</small></p>	
<b>ARD – Alcohol Restricted Driver</b> (§41-6a-529) <small>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.</small>	<ul style="list-style-type: none"> <li>• <b>2 years ARD</b> for 1<sup>st</sup> DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5)</li> <li>• <b>2 years ARD</b> for any Per se offense (§53-3-223)</li> <li>• <b>3 years ARD</b> for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense</li> <li>• <b>5 years ARD</b> for 1<sup>st</sup> Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502)</li> <li>• <b>10 years ARD</b> for 2<sup>nd</sup> offense, if 2<sup>nd</sup> offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), or Refusal to Submit to Chemical Test (§41-6a-521); and 1<sup>st</sup> offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5)</li> <li>• <b>Lifetime ARD</b> for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)</li> </ul> <p><small>Note: Abeyances count as convictions as stated in §53-3-229, excluding ARD and IRD abeyances; if Per se is drug only or metabolite, ARD does not apply.</small></p>	





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