

# DUI Law Changes

# DUI Changes-0.05 Legislation

- ▶ 0.05 Changes to take effect December 30, 2018
- ▶ Utah Highway Patrol and Highway Safety have started a work group to prepare for the implementation
- ▶ Strategies include:
  - ▶ 4 hour in-service training with SFST updates for UHP and will be available through UHP Alcohol technicians for local agencies
  - ▶ DPS Highway Safety Office will develop information sheets that will be distributed to all law enforcement agencies
  - ▶ Policy changes to include the use of a PBT only upon determining reasonable suspicion of impairment

# DUI Changes-0.05 Legislation

- ▶ Instructions will focus on impairment not BAC levels
- ▶ Use of media partners to educate, dispel myths, and prepare for implementation of lower BAC level
- ▶ Traffic Safety Resource Prosecutor will educate at the annual prosecutor and judicial conferences
- ▶ Plans are in place to track 0.05-0.08 arrests using Driver License and Intoxilyzer Software

# DUI Changes- Impaired Wrong-way Drivers

- ▶ Became effective on May 8<sup>th</sup>
- ▶ This law enhances a DUI to a Class A misdemeanor for a driver going wrong way on a limited access highway
- ▶ We are appreciative of the legislature for passing this law due to the extreme dangerous nature of a wrong way impaired driver

# 24/7 Sobriety Program

# What is the 24/7 Sobriety Program?

- ▶ Objective of the program is to reduce recidivism in a cost effective manner
- ▶ Alcohol or drug testing ordered by a judge to a defendant
- ▶ Defendant is required to go to a jail facility and test for alcohol two times a day, seven days a week
- ▶ Defendants can also be ordered to be tested for drugs
- ▶ Under certain circumstances monitoring may be done remotely using ankle monitors
- ▶ Legislature provided funding to initiate the pilot program
- ▶ Ongoing costs are funded by participants

# Origins of the 24/7 Program

- ▶ Started in early 1990's in South Dakota
- ▶ The goal was to reduce recidivism, reduce overcrowding in the correctional facilities, and allow offenders the opportunity to maintain their driving privilege so they could continue working
- ▶ They developed a plan where judges could impose a condition of bond where the offenders would be tested for alcohol in the morning and evening
- ▶ High rates of compliance because defendants could be released from Jail but have to follow certain conditions:
  - ▶ No Alcohol
  - ▶ No bars
  - ▶ Breath test at the jail at 7 AM and 7 PM
  - ▶ Failure to comply resulted in jail time

# Historical Statistics from South Dakota

- ▶ Feb 2005-Feb 2018
- ▶ 48,014 participants
- ▶ The historical average is 53% of participants will appear on time and test
- ▶ Passing rate 99.05% of those tested
- ▶ 10 million tests administered



# Results from South Dakota

- ▶ Recidivism rates were substantially lower for people who participated in the program compared to those that did not participate
- ▶ Decrease of fatalities for all causes reduced by 4%
- ▶ Reduced felony DUI by 41% over a 12 year period of time (3<sup>rd</sup> offense)
- ▶ Other benefits
  - ▶ Less domestic violence
  - ▶ Less issues with employment

# Weber County Pilot Program

- ▶ During the 2016 General Session, funding was appropriated for a 24/7 sobriety program to be piloted in Weber County
- ▶ In 2017, the funding earmarked was transferred from the Attorney General's office to the Department of Public Safety
- ▶ Code added as 41-6a- 515.5
- ▶ Language was added that allowed individuals assigned to the program to keep their driver license while on the program
- ▶ In 2017 a committee of individuals from the Department of Public Safety, Weber County Sheriff's Office, Weber Prosecutor's Offices, Ogden county judges was formed
- ▶ Monthly meetings have been conducted to implement the program

# Weber County Program

- ▶ 2018 Legislation was passed to make minor changes to the law regarding the pilot program
- ▶ Researchers from the University of Utah will collect data on the program to determine the effectiveness of the program
- ▶ The program was started July 1, 2018, selected courts within Weber County are participating

# Weber County Pilot

- ▶ Weber County has identified the Keisel facility as the testing site for the program



# Weber County Program

- ▶ DUI offenders may be ordered by the judge to participate in the program
- ▶ The participants will be required to go the Keisel facility in the morning between 6 AM and 8 AM and again at night between 6 PM and 8 PM
- ▶ The participants would provide a breath sample in a portable breath test (PBT)
- ▶ If a result is positive, they would do a confirmation test on an Intoxilyzer
- ▶ Random drug testing is an option for drug related DUI offenders who are ordered to participate in the program

# Costs of the Program

- ▶ The participants will be required to pay the following fees dependent on their court order:
  - ▶ \$30 initial administrative fee (one time)
  - ▶ \$2 per breath test
  - ▶ \$6 for each urine test
  - ▶ \$7.55 per day for a transdermal bracelet

# Sanctions

- ▶ The sanctions for violations are timely
- ▶ Offenses include:
  - ▶ Testing Positive
  - ▶ Not showing up for a testing appointment
- ▶ Sanctions are as follows:
  - ▶ Positive test
    - ▶ 1<sup>st</sup> offense 8 hour jail commitment
    - ▶ 2<sup>nd</sup> offense 16 hour commitments
    - ▶ 3<sup>rd</sup> offense 24 hour commitment
    - ▶ 4<sup>th</sup> offense taken in custody, required to meet with judge and may be removed from the program



# Sanctions Cont.

- ▶ Not Showing up for test
  - ▶ 1<sup>st</sup> offense 12 hour Jail commitment
  - ▶ 2<sup>nd</sup> offense 24 hour jail commitment
  - ▶ 3<sup>rd</sup> offense 48 hour jail commitment
  - ▶ 4<sup>th</sup> offense Taken into custody and may be removed from the program



# Benefits

- ▶ The program will allow the offender to have their driving privilege restored during the duration of the program which could be imposed for one year
- ▶ Anticipated reduction in DUI related fatalities
- ▶ Anticipated reduction in recidivism
- ▶ Personal positive contact with jail personnel to improve accountability
- ▶ Offenders do not serve jail time and can continue to function in the community
- ▶ Reduction in court costs and such as juries and judges etc.
- ▶ Participants may be more productive in the workforce
- ▶ May help change a person's drinking habits which might help them to stay sober beyond the program

PBT



# SCRAM



# Drug Urinalysis

- ▶ Seven panel illicit drug panel
- ▶ Cocaine
- ▶ Opiates
- ▶ Amphetamines
- ▶ Marijuana
- ▶ Oxycodone
- ▶ PCP
- ▶ Antidepressants
- ▶ Ecstasy



Questions?

