

# Montana's 2010 DUI Research Project Report

**Montana's 2010 DUI Research Project was a collective effort  
made possible by the volunteers from around the state.**

**The following volunteers participated in  
Montana's 2010 DUI Research Project**

**Beaverhead County- Peggy Zetler, Dr. Tom Straugh, Joan Bacon, Cindy Decker, Amy Walker and Judge John Gutcheck**  
**Blaine County- Cheryl Schuldt, Karla Zarn, Jim Doyle and Kay Johnson**  
**Flathead County - Becky Sturdevant and Betty Simmons**  
**Flathead Reservation- Darbie Morigeau, Captain Fiddler an Larry Gennings (and his staff)**  
**Gallatin County - Cathy Bender, Judge Michelle Snowberger and Michelle Westberg**  
**Hill County - LuAnn McLain, John See, Linda Kaul, Shirley Campbell, Wendy Dumas, Lillian Bachmeier, Virginia Seigel, Audrey Barger, Dena Tippets, Kathy Vigliotti, Judge Margaret Hencz, and Gabe Matosich**  
**Lake County – Ivy McGowan**  
**Madison County - Lynn Lowder, Lizz Parrish, Bundy Bailey, Scott Newell, Dave Schenk, Roger Thompson and Mary Ann O'Malley**  
**Mineral County – Denyse Traeder, Judge Wanda James, Juli Balenger and Coleen Vearrier**  
**Missoula County- Bryan Cochran, Roger Enoch and other University of Montana students**  
**Park County - Ashly Holland, Glen Farrell, Judge Linda Budeski and Judge Kara Bailey**  
**Phillips County - Carol Smith and Debbie Peigneux**  
**Richland County- Melissa Larson**

**Special thanks to Vern Brown for analyzing the data collected and producing this Report**

### **Project Description**

Currently, there is not a statewide system for tracking DUI data from citation/arrest to sentencing in Montana. From January 1, 2010 through December 31, 2010 a team of concerned citizens launched an effort to track DUI cases around the state. By following DUI cases from citation to sentencing, Montana's 2010 DUI Research Project generated data previously unavailable. The Project's data collection team consisted of volunteers and prevention advocates from across the state.

This data collection team tracked DUI's from start to finish on the Flathead Reservation and in Beaverhead, Blaine, Flathead, Gallatin, Hill, Lake, Madison, Mineral, Missoula, Park, Phillips and Richland counties. A total of 2,660 DUI's were tracked during 2010.

### **Challenges and Limitations**

Initially, volunteers in more than 20 counties and on three reservations agreed to participate in the Project. However, a significant number of volunteers dropped out of the project because they encountered roadblocks in accessing the data or the data collection process was too labor intensive.

For those that did collect data through the life of the Project, it quickly became evident that only a small number of DUI arrests in 2010 would be fully adjudicated by the end of the year, but, even this was valuable information. However, it limits the results to some degree.

### **Unanticipated Effects**

Anecdotal evidence indicated the Project had several unanticipated effects. Media coverage about the Project, coupled with direct communications between volunteers and court staff quickly made prosecutors and judges aware that their decisions were being scrutinized, for the first time in most cases. This seemed to reduce the number of cases being plead down and increased the severity of the penalties imposed by judges. In addition, new relationships between community members, judges and court clerks were formed. When volunteers picked up DUI tracking data from judges or court clerks they often discussed why cases were plead down to lesser charges, the motivation behind sentencing and the tools that might effectively reduce DUI recidivism including ignition interlock devices and Secure Continuous Remote Alcohol Monitors (SCRAM).

### **Summary of the data collected from the 2010 DUI Research Project:**

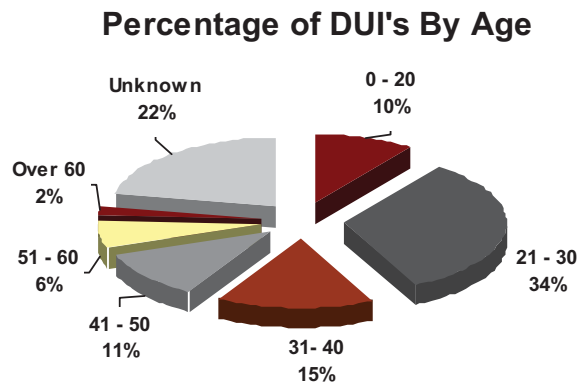
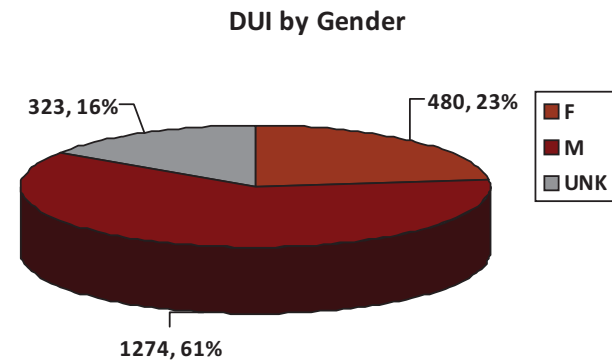
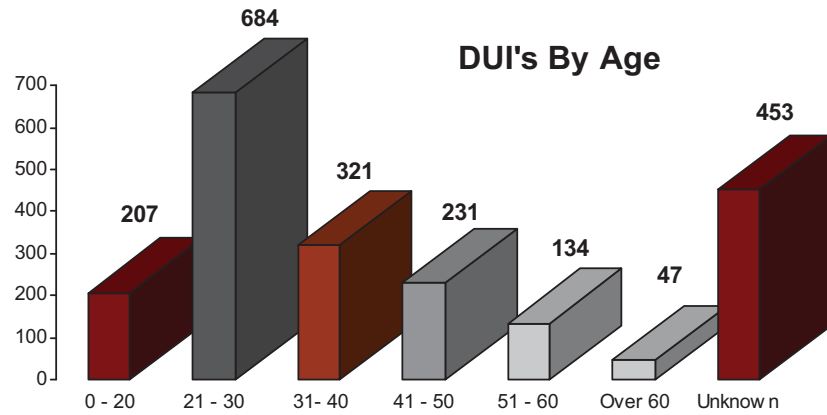
Notable findings include:

- The people most frequently cited for DUI were those between the ages of 21 and 30; the second age group most frequently cited was 31-40.
- Almost 2/3 of the DUI citations were men.

- Depending on the court, the average time between arrest and final adjudication or sentencing ranged from 79 days to 220 days.
- The average blood alcohol concentration (BAC) of those cited for DUI was 0.18, over double the legal limit.
- 24.4 percent of DUI offenders refused a breath test.
- 7.5 percent of DUI offenders under the age of 21 refused a BAC test.
- 10.0 percent of "per se" DUI offenders refused a BAC test.
- 17.1 percent of first time DUI offenders refused a BAC test.
- 41.7 percent of fourth/felony DUI offenders refused a BAC test.

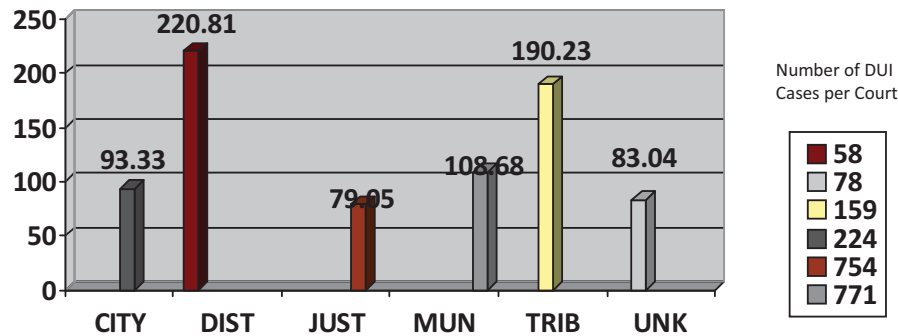
The DUI Research Project was not designed or executed in a way that allows for generalization to the rest of the state. However, it helps to paint a picture of how DUI's are adjudicated in Montana. It also revealed some of the gaps in the DUI data collection system in Montana and provides a starting point for discussing the adjudication of DUI's with prosecutors and members of the judicial system in Montana communities.

# DUI Demographics



# DUI Sentencing Results

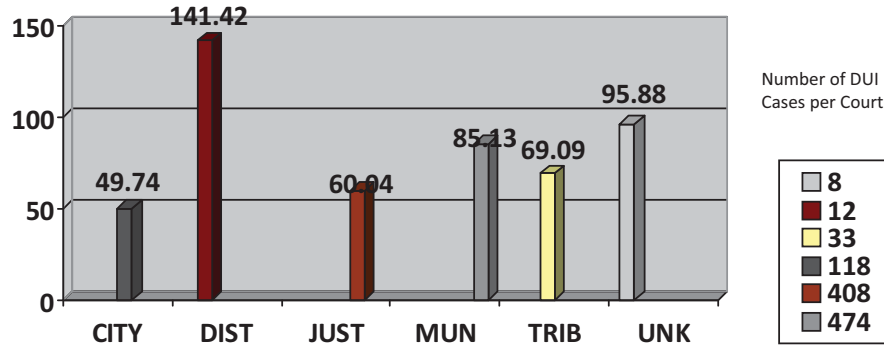
### DUI Average Days to Sentencing



"DUI Sentencing Results" does not include DUI arrests for whom no arrest dates were provided. All ongoing DUI's (still being adjudicated past 12/31/10) were counted as having finished adjudication on 12/31/10 for purposes of calculation for the "DUI Average Days to Sentencing" graphs.

# DUI Sentencing Results - Complete Adjudication in 2010

### DUI Average Days to Sentencing



"DUI sentencing results - Complete Adjudication in 2010" does not include DUI arrests for whom no arrest dates were provided. Only DUI arrests that were completely adjudicated in calendar year 2010 are included.

# BAC Results

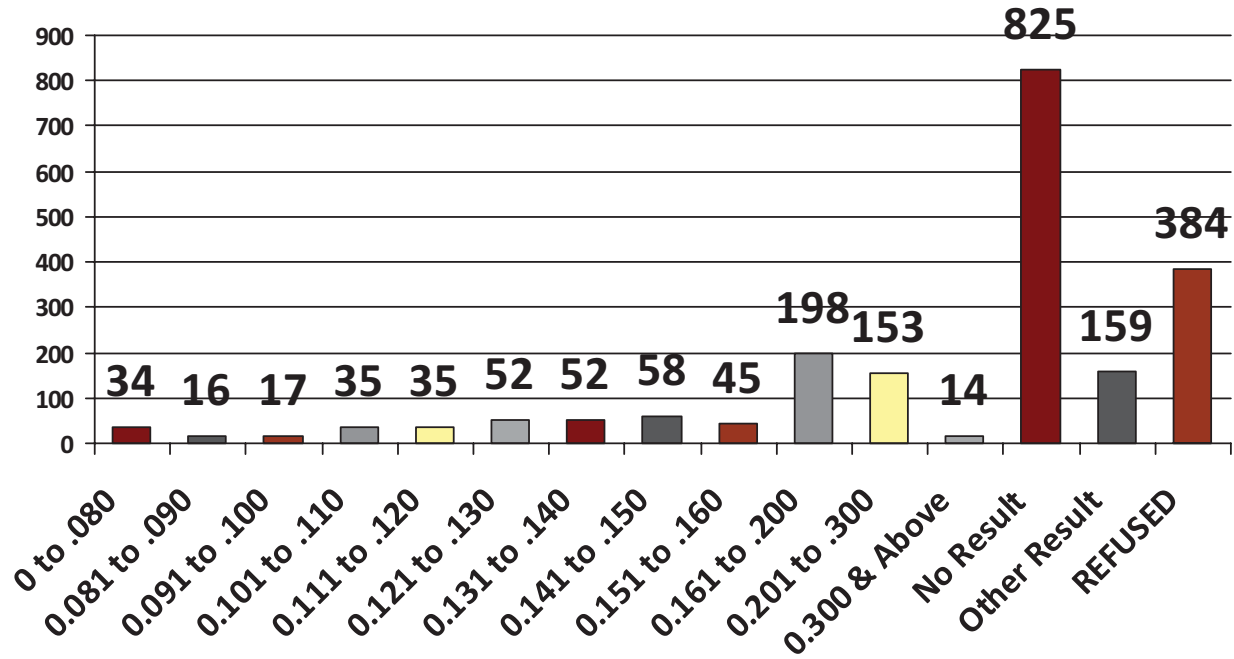
**Average BAC for DUI:**  
(Non-Refusing only)

**0.178**

**Percent of DUI's Who Refused:**  
(By Total Reported Arrests)

**24.41%**

**BAC Results**



## Pleadings Where Offender Accepted DUI Test

Original Charge	Total Number of Charges per	45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406	61-8-406 DUI per se	No COP or Incomplete Results	Percent with COP
61-8-410 DUI-Under 21	74										74	0.00%
61-8-406 DUI-Per Se	108		1		1				1		105	2.78%
61-8-401 DUI-1	1151		5		2			2	26	2	1109	3.65%
61-8-401 DUI-2	223		3		1		1		3		214	4.04%
61-8-401 DUI-3	34										34	0.00%
61-8-401 DUI (Unknown #)	42										42	0.00%
61-8-731 DUI-Felony	28										28	0.00%
Unknown	33										33	0.00%

## Pleadings Where Offender Refused DUI Test

Original Charge	Total Number of Charges per	45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406	61-8-406 DUI per se	No COP or Incomplete Results	Percent with COP
61-8-410 DUI-Under 21	6										6	0.00%
61-8-406 DUI-Per Se	12		1								11	8.33%
61-8-401 DUI-1	237		5	1	6	1	1	1	12	3	206	13.08%
61-8-401 DUI-2	75		2						1	1	70	6.67%
61-8-401 DUI-3	13										13	0.00%
61-8-401 DUI (Unknown #)	12										12	0.00%
61-8-731 DUI-Felony	20	1									18	10.00%
Unknown	9										9	0.00%

## Percent Refused By Charge

Charge	Refused BAC Test	Accepted BAC Test	Total	Percent Who Refused By Charge
61-8-410 DUI-Under 21	6	74	80	7.50%
61-8-406 DUI-Per Se	12	108	120	10.00%
61-8-401 DUI-1	237	1151	1388	17.07%
61-8-401 DUI-2	75	223	298	25.17%
61-8-401 DUI-3	13	34	47	27.66%
61-8-401 DUI (Unknown #)	12	42	54	22.22%
61-8-731 DUI-Felony	20	28	48	41.67%
Unknown	9	33	42	21.43%

More DUI offenders refused BAC tests as their exposure to the adjudication of DUI's increased. Fairly low numbers of DUI offenders under the age of 21 refused the BAC test (7.5 percent). "Per se" and first time offenders were also low at 10.0 percent and 17.1 percent respectively. By the time a DUI offender has reached felony status, they are more than four times as likely as a "per se" offender and twice as likely as a first time DUI offender to refuse a BAC test. Over 40 percent of DUI felony offenders refused a BAC test.

## Arrests by County, Agency, and Month

### Blaine

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0
MHP	6	6	0	0	3	1	0	0	0	0	0	1	1	0	0
SD	20	20	0	6	4	2	3	0	0	1	0	2	0	1	1
Subtotal of Blaine	27	27	0	7	7	3	3	0	0	1	0	3	1	1	1

### Flathead

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	3	3	0	0	0	1	0	0	2	0	0	0	0	0	0
MHP	10	10	0	0	2	1	6	0	1	0	0	0	0	0	0
SD	14	14	0	0	3	3	0	0	7	1	0	0	0	0	0
TP	191	190	1	0	28	29	25	24	27	32	25	0	0	0	0
UNK	19	19	0	0	4	5	7	1	1	1	0	0	0	0	0
Subtotal of Flathead	237	236	1	0	37	39	38	25	38	34	25	0	0	0	0

### Gallatin

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	285	258	27	60	33	27	31	19	13	16	13	17	15	8	6
MHP	164	123	41	15	13	8	9	8	9	18	9	9	6	6	13
SD	152	110	42	20	9	13	8	7	13	9	10	6	5	5	5
UNK	367	357	10	3	31	29	23	14	32	26	40	35	57	25	42
UP	16	15	1	1	0	1	2	3	3	1	3	1	0	0	0
Subtotal of Gallatin	984	863	121	99	86	78	73	51	70	70	75	68	83	44	66

## Hill

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	102	102	0	12	11	19	7	6	9	14	2	6	3	6	7
MHP	42	41	1	2	3	2	2	5	5	4	4	6	4	1	3
SD	41	41	0	4	6	2	7	0	3	5	3	3	1	3	4
Subtotal of Hill	185	184	1	18	20	23	16	11	17	23	9	15	8	10	14

## Lake

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
UNK	80	80	0	7	10	8	11	13	14	6	7	1	1	1	1
Subtotal of Lake	80	80	0	7	10	8	11	13	14	6	7	1	1	1	1

## Madison

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	9	9	0	0	2	3	0	1	0	0	1	0	2	0	0
MHP	10	10	0	0	1	1	0	2	0	1	0	3	1	1	0
SD	22	22	0	1	2	4	4	1	1	1	1	0	4	3	0
Subtotal of Madison	41	41	0	1	5	8	4	4	1	2	2	3	7	4	0

## Mineral

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MHP	18	7	11	0	1	0	0	0	0	2	3	0	0	1	0
SD	7	6	1	0	0	0	1	0	1	0	2	0	0	1	1
UNK	9	6	3	0	0	0	0	0	0	0	0	0	1	1	4
Subtotal of Mineral	34	19	15	0	1	0	1	0	1	2	5	0	1	3	5

## Missoula

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	147	147	0	20	18	18	3	29	39	20	0	0	0	0	0
UNK	106	102	4	27	31	28	0	10	6	0	0	0	0	0	0
Subtotal of Missoula	253	249	4	47	49	46	3	39	45	20	0	0	0	0	0

## Park

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	68	68	0	3	4	3	5	9	7	3	2	2	9	11	10
MHP	44	44	0	2	6	6	3	1	6	3	3	6	3	2	3
SD	26	26	0	4	4	1	4	1	2	0	5	3	1	0	1
Subtotal of Park	138	138	0	9	14	10	12	11	15	6	10	11	13	13	14

## Phillips

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MHP	9	9	0	1	0	0	1	0	1	1	0	1	2	2	0
SD	12	12	0	0	0	3	0	1	0	1	1	1	2	1	2
UNK	1	1	0	0	0	0	0	0	1	0	0	0	0	0	0
Subtotal of Phillips	22	22	0	1	0	3	1	1	2	2	1	2	4	3	2

## Richland

Enforcement Agency	DUI Arrests	Arrests w/Dates	Arrests w/o Dates	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
CP	34	34	0	3	2	5	1	3	2	1	3	3	5	3	3
MHP	8	8	0	1	0	0	1	0	3	0	0	0	1	1	1
SD	33	33	0	6	4	4	2	1	3	2	4	3	1	2	1
UNK	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Subtotal of Richland	76	76	0	10	6	9	4	4	8	3	7	6	7	6	6

Total:	2077	1935	142	199	235	227	166	159	211	169	141	109	125	85	109
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## Pleadings by County, Court, and Charge

Blaine	Original Charge	Total Number of Charges per	45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406	61-8-406 DUI per se	61-8-460	Other	No COP or Incomplete Results
CITY	61-8-401 DUI-1	4												4
DIST	61-8-401 DUI (Unknown	3												3
JUST	61-8-401 DUI-1	13												13
	61-8-401 DUI-2	4												4
	61-8-401 DUI-3	1												1
	61-8-406 DUI-Per Se	2												2
		27												27
Flathead	Original Charge	Total Number of Charges per	45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406	61-8-406 DUI per se	61-8-460	Other	No COP or Incomplete Results
DIST	61-8-401 DUI (Unknown	5												5
	61-8-401 DUI-1	13												13
	61-8-401 DUI-2	6												6
	61-8-401 DUI-3	1												1
	61-8-410 DUI-Under 21	1												1
	61-8-731 DUI-Felony	4												4
JUST	61-8-401 DUI (Unknown	1												1
	61-8-401 DUI-1	20												20
	61-8-401 DUI-2	3												3
	61-8-401 DUI-3	2												2







		41		1			1	1	6	32				
<b>Mineral</b>	<b>Original Charge</b>	<b>Total Number of Charges per</b>	<b>45-5-207</b>	<b>45-5-208</b>	<b>61-3-312</b>	<b>61-8-301</b>	<b>61-8-301(1)</b>	<b>61-8-302</b>	<b>61-8-302(1)</b>	<b>61-8-406</b>	<b>61-8-406 DUI per se</b>	<b>61-8-460</b>	<b>Other</b>	<b>No COP or Incomplete Results</b>
<b>CITY</b>	<b>61-8-401 DUI-1</b>	1												1
<b>DIST</b>	<b>61-8-401 DUI (Unknown</b>	1												1
<b>JUST</b>	<b>61-8-401 DUI-1</b>	30												30
	<b>61-8-401 DUI-2</b>	1												1
	<b>61-8-410 DUI-Under 21</b>	1												1
		34												34
<b>Missoula</b>	<b>Original Charge</b>	<b>Total Number of Charges per</b>	<b>45-5-207</b>	<b>45-5-208</b>	<b>61-3-312</b>	<b>61-8-301</b>	<b>61-8-301(1)</b>	<b>61-8-302</b>	<b>61-8-302(1)</b>	<b>61-8-406</b>	<b>61-8-406 DUI per se</b>	<b>61-8-460</b>	<b>Other</b>	<b>No COP or Incomplete Results</b>
<b>MUN</b>	<b>61-8-401 DUI-1</b>	231												231
	<b>61-8-401 DUI-2</b>	9												9
	<b>61-8-401 DUI-3</b>	1												1
	<b>61-8-406 DUI-Per Se</b>	1												1
	<b>61-8-410 DUI-Under 21</b>	9												9
	<b>Unknown</b>	2												2
		253												253

Park	Original Charge	Total Number of Charges per	45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406 DUI per se	61-8-406 DUI per se	61-8-460	Other	No COP or Incomplete Results	
<b>CITY</b>	61-8-401 DUI-1	40		4		1					3			32	
	61-8-401 DUI-2	11		2						1				8	
	61-8-406 DUI-Per Se	4		1		1								2	
	61-8-410 DUI-Under 21	1												1	
	61-8-731 DUI-Felony	3												3	
	Unknown	7												7	
	<b>DIST</b>														
	61-8-731 DUI-Felony	1												1	
<b>JUST</b>	61-8-401 DUI-1	38		1		2					4			31	
	61-8-401 DUI-2	8		1		1								6	
	61-8-401 DUI-3	3												3	
	61-8-406 DUI-Per Se	3		1							1			1	
	61-8-731 DUI-Felony	4												4	
	Unknown	15												15	
			138		10		5					9			114
<b>Phillips</b>			45-5-207	45-5-208	61-3-312	61-8-301	61-8-301(1)	61-8-302	61-8-302(1)	61-8-406 DUI per se	61-8-406 DUI per se	61-8-460	Other	No COP or Incomplete Results	
	<b>CITY</b>														
		61-8-401 DUI-1	1												1
		61-8-401 DUI-2	1												1
		61-8-401 DUI-3	1												1
		61-8-406 DUI-Per Se	1												1
	<b>DIST</b>														
	Unknown	1												1	

