

Missoulian

Felony drunken driving offenders in UM study say tough laws, treatment are top deterrents

By TRISTAN SCOTT of the Missoulian | Posted: Thursday, February 4, 2010 6:00 am

A University of Montana study that targeted repeat DUI offenders shows that tougher laws and chemical dependency treatment are the strongest deterrents to chronic drunken driving.

Timothy Conley, associate professor of social work at UM, led a research team of students who surveyed 201 incarcerated felony DUI offenders to determine what they believe would discourage Montanans from drinking and driving. The offenders are inmates at the Montana State Prison in Deer Lodge, at the Montana Women's Prison in Billings, and at the WATCH programs in Warm Springs and Glendive.

Among its findings, the study conservatively estimates that felony DUI offenders have driven under the influence 369 times per conviction and become alcohol dependent at an early age. In Montana, DUI becomes a felony after the fourth offense.

The majority of the inmates surveyed said treatment is more effective than incarceration in preventing future offenses, and that the Assessment Course Treatment program - a current requirement for offenders convicted of their first, second and third DUI offenses - is ineffective and fails to prevent repeat offenders from driving drunk.

The inmates were split evenly about whether DUI should become a felony earlier than the fourth offense; treatment populations endorsed a felony charge after a third DUI or less because a felony gives them better access to residential treatment.

Conley will discuss the study's findings with the Montana Legislature's Law and Justice Interim Committee on Feb. 8. The committee is charged with analyzing the effectiveness of Montana's current DUI laws and their enforcement so lawmakers can address the issue during the 2011 session.

"This study should offer a fresh perspective to lawmakers," Conley said. "This gives them the collective voice of 201 people who have been convicted of felony DUI."

Rep. Ron Stoker, R-Darby, is vice chairman of the Law and Justice Interim Committee and has been researching Montana's DUI laws. He recently met with two Ravalli County judges to discuss the laws, and said educating the public is the best long-term measure to curb recidivism.

"It is a societal problem to drink and drive in Montana," Stoker said. "It's at times even a badge of honor to get picked up on a DUI in some parts of the state, and the Saturday night saloon is a traditional gathering place. Education is the only course that will change that culture."

Stoker said he heard similar concerns about the mandatory ACT Program from the judges he spoke with, who said they have limited options when contemplating sentences on misdemeanor DUI offenses. Revoking driver's licenses and short jail sentences do not seem to work.

"We need to focus on the offender's rehabilitation. We always want to rehabilitate. We don't just want to stick them away in a Joe Arpaio jail," Stoker said, referring to the sheriff of Maricopa County, Ariz., who set up a tent city as an extension of his jail.

Indeed, the inmates who Conley and his research team interviewed agreed that a DUI charge has little affect on someone who is alcohol dependent because the consequences are so meager.

"My first couple DUIs was just, yeah, like a speeding ticket," said one inmate, whose name was kept confidential as a condition of the study.

"I feel that at the first offense it should be harsher because I think that you just get slapped on the hand on that offense ... and you just think, 'Oh, OK, you know, no big deal, and you don't understand really the consequences of continuing to do it,'" said another inmate.

"Yeah, on my first few DUIs it was like everyone else, it was just a slap on the back of the hand, a fine and a couple days in jail and the rest all suspended and it didn't deter me," said yet another inmate. "I thought, 'Well, OK, I'll go out and do it again.' "

Interviews with inmate focus groups found that mandatory residential treatment after a second or third DUI offense is necessary "to change the attitudes, outlooks and belief systems of offenders, to interrupt the addictive process, to achieve sobriety and hence, to interrupt a life process of habitual drinking and driving," according to the report.

Conley said although the results of the study are preliminary and analysis is ongoing, the report could not have been completed without the willing participation of the inmates and the Department of Corrections.

"In my experience, those convicted of multiple DUIs have always wanted to tell others how to keep from winding up like them," Conley said. "We are fortunate to have a longstanding cooperative relationship with the Department of Corrections, and we couldn't have done this study if they hadn't worked so well with us."

The report is available online at www.cor.mt.gov/content/news/MultipleDUIStudy.pdf.

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