



Annual Report
on
Drunk Driving
in
Springdale, Arkansas
for the year
2011



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December 10, 2012



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Introduction



INTRODUCTION

This is the 13th Annual Report on Drunk Driving which has been published by our office. Drunk driving continues to be a problem in Springdale, as it does throughout the United States. Every year in the United States, people die in drunk driving crashes and many people are injured.

The bad news for 2011 was Springdale had three fatality drunk driving crashes, with three persons killed in the crashes. Also, there were 53 persons hurt in DWI crashes that occurred in Springdale in 2011.

The good news for Springdale in 2011 was that the number of DWI crashes is at the lowest point it has been in the last eleven years. There were 95 crashes in Springdale in 2011, which is down from 102 crashes in 2010. The 102 crashes that occurred in 2010 was previously the lowest number of DWI crashes that occurred in one year since 1999. Also, DWI crashes made up only 4.02% of the total accidents that occurred in Springdale in 2011, which is also at its lowest point in the last eleven years.

Jeff C. Harper
City Attorney



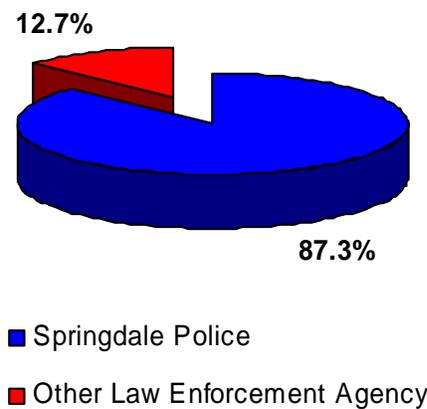
1.
*General
Summary
of
Arrests*



A. Law Enforcement Agency Making Arrest.

In the year 2011, there were 598 total arrests for violation of the Arkansas Omnibus DWI Act in Springdale, Arkansas. Of this total, 522 arrests were made by the Springdale Police Department, 71 arrests were made by the Arkansas State Police, and 5 arrests were made by the Washington County Sheriff's Office.

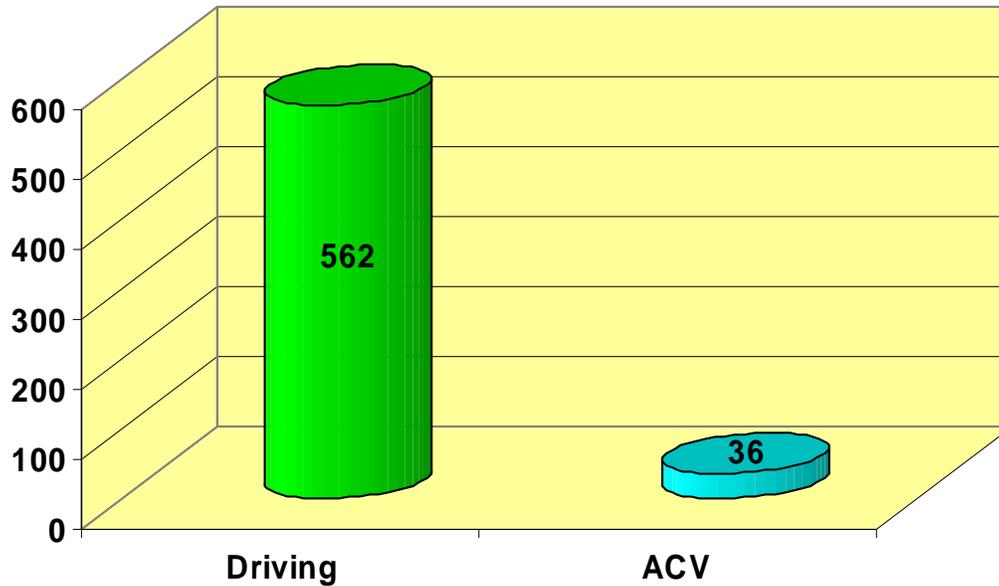
**Diagram 1
DWI Arrests by Agency**



B. Driving the Vehicle Compared to Actual Control (ACV)

Of the 598 total arrests for violating the Arkansas Omnibus DWI Act, 562 persons were charged with actually driving the vehicle, while the remaining 36 arrests involved persons who were not driving, but were in actual physical control of the motor vehicle while intoxicated (ACV). The percentage of people charged with ACV represents approximately 6% of the total arrests for violating the Omnibus DWI Act.

Diagram 2
DWI (Driving) v. ACV (Actual Physical Control)



C. County of Arrest

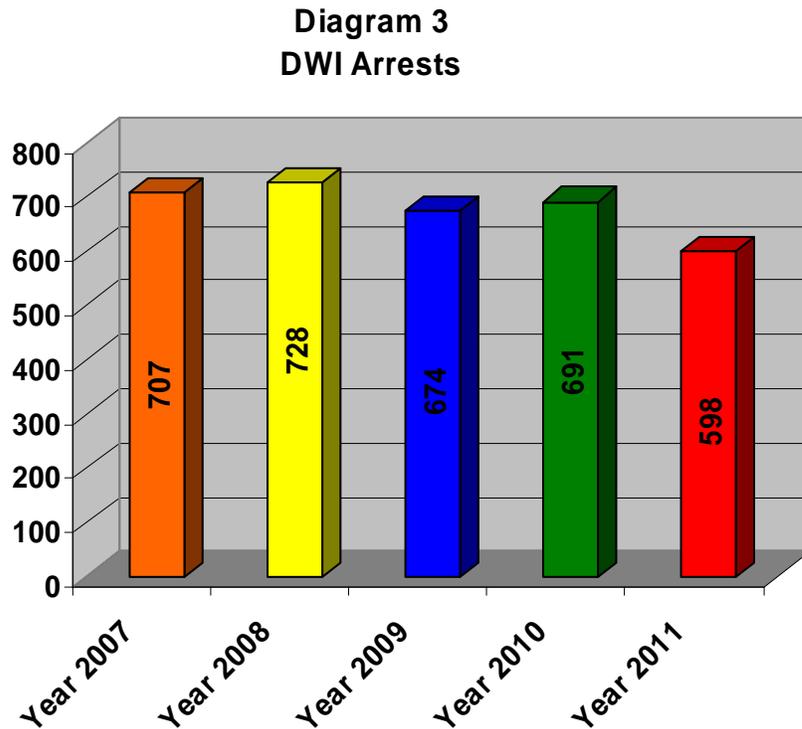
Springdale is located in two counties, with approximately 91.3% of the population living in Washington County and 8.7% living in Benton County. Of the 598 DWI arrests made in Springdale, 587 (approximately 98.2%) occurred in Washington County, while 11 arrests (approximately 1.8%) occurred in Benton County.

D. DWI Alcohol Compared to DWI Drugs.

Of the 598 total arrests, 30 persons were charged with DWI/ACV (drugs) rather than DWI/ACV (alcohol). Those persons charged with DWI/ACV (drugs) made up approximately 5% of the total DWI arrests in 2011.

E. Comparison of Totals For the Past Five Years.

The diagram below is a breakdown of the total number of DWI arrests made within the City of Springdale from year 2007 through the year 2011.



F. Average Age of Persons Arrested for DWI

The average age of persons arrested for DWI in Springdale in 2011 was 34.37 (last year's average age was 30.92).

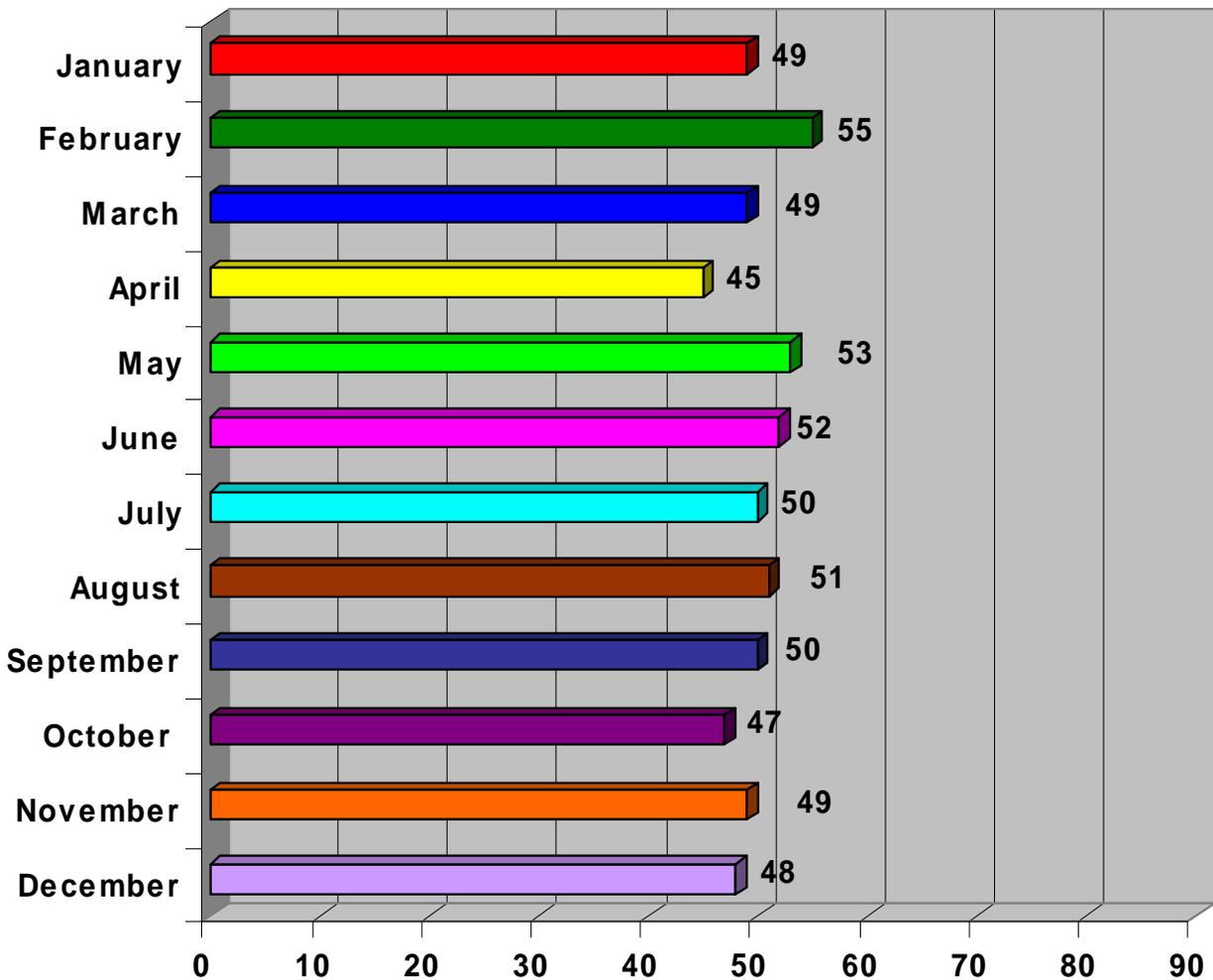
G. Average BAC of Persons Arrested for DWI

An analysis of 108 tests on record for blood alcohol concentration (BAC) given to persons arrested for violating the Omnibus DWI Act in the year 2011, showed an average BAC of .1544%. This is up from the average of .1526% in 2010, but down from the average of .1576% in 2009.

H. Month of Arrest

The following chart sets out the 2011 DWI arrests in Springdale by the month of the arrest.

Diagram 4
DWI Monthly Arrests for 2011



I. Location of Arrests

The Chart below sets out the number of DWI arrests which do not involve accidents that occurred on the highways within the City of Springdale, Arkansas in 2011.

Chart No. 1 Location of DWI Arrests (Non-Accidents) Which Occurred on Highways in the City of Springdale, Arkansas In the Year 2011	
<u>Highway</u>	<u>No. of Arrests</u>
South Thompson (Hwy. 71 S)	81
West Sunset (Hwy. 412 W)	51
I-540	34
East Robinson (Hwy. 412 E)	28
N. Thompson (Hwy. 71 N)	27
Hwy. 265	11
Hwy. 264	4

The next chart sets out the locations in which a DWI (non-accident) arrest was made for all other locations with at least 7 DWI arrests within the City of Springdale, Arkansas in 2011.

**Chart No. 2
Location of DWI Arrests (Non-Accidents) Which Occurred
on City Streets in the City of Springdale, Arkansas
In the Year 2011**

City Street	No. of Arrests
Huntsville/Elm Springs Road	15
Butterfield Coach Road	14
Pleasant Street	10
Emma Avenue	10
Backus Avenue	7

J. Reason for Stop

An analysis of over 50% of the DWI arrests that did not involve accidents was made to determine the reason the person was stopped. The chart on the following page sets out in percentages the initial reason why the violator was stopped by the police.

**Chart No. 3
Reasons Police Stopped DWI Offender
In the Year 2011**

Reason	Percentage
Offender committed a moving traffic violation	45%
Police officer dispatched	45%
Officer stopped vehicle for vehicle defect or license violation (such as a tag violation or no lighting)	6%
Officer stopped vehicle for suspicion of criminal activity or to make lawful contact with the driver (non-traffic offense)	4%

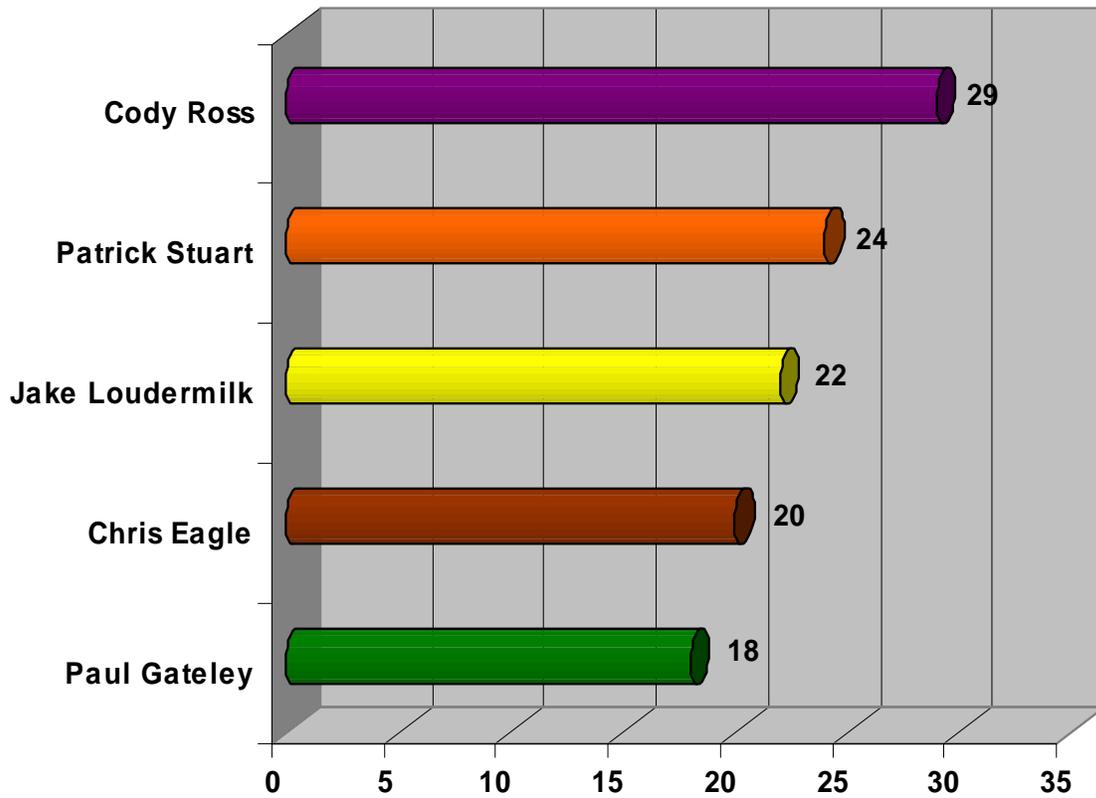
Since cell phone usage has become common, the number of citizen reports to the police concerning persons believed to be driving while intoxicated have increased. As the chart above shows, 45% of the DWI violators that were stopped by the police (not including accidents) were stopped when police answered a call from a citizen concerning the person in the vehicle that was stopped. Most of these cases involved a person calling the Police Department on their cell phone to report the bad driving.

Of the cases involving an officer observing the driver commit a moving traffic violation, the number one violation that was committed which led to the stop was driving the vehicle left of center.

K. Special Recognition

In 2011, five Springdale Police Officers made 18 DWI arrests or more. Officer Cody Ross made the most with 29 DWI arrests. The five officers who made at least 18 DWI arrests in 2011 are listed below.

**Diagram 5
SPD Officers Who Made 18 or More
DWI Arrests in 2011**





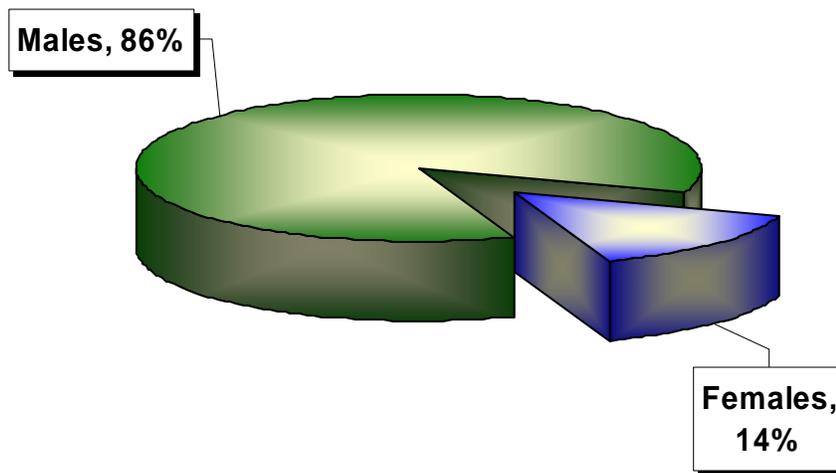
11.
Information
on
Offenders



A. Gender

Of the 598 DWI arrests made in 2011, 514 (approximately 86%) were males and 84 (approximately 14%) were females.

**Diagram 6
Total DWI Arrests in 2011 by Gender**



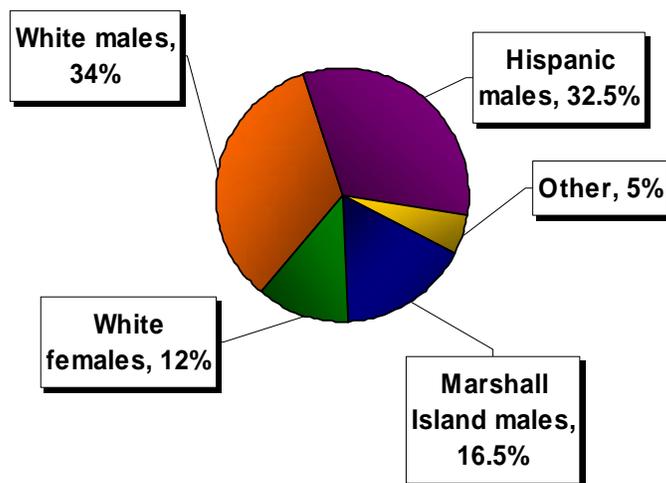
B. Race and Gender

The breakdown by race/gender of the 598 DWI arrests made in Springdale in 2011 is set out in Chart 4 on the following page. Following Chart 4 is Diagram 7, which sets out the race/gender percentage of persons arrested for DWI in 2011, and Chart 5, which shows the race/gender breakdown based on the percentage of overall DWI arrests and compares the 2011 percentages with years 2007, 2008, 2009 and 2010. The year 2011 represents the seventh year in a row in which the percentage of Hispanic males arrested actually went down from the previous year.

**Chart No. 4
Breakdown of DWI Arrests by Race/Gender
For Year 2011**

Race/Gender	Total No. of Arrests
White males	204
Hispanic males	195
Marshall Island males	99
White females	72
Black males	10
Asian/Pacific Islander males (not including Marshall Islanders)	6
Hispanic females	5
Marshall Island females	3
Asian/Pacific Islander females (not including Marshall Islanders)	2
Black females	2
	<hr/> 598

**Diagram 7
Race/Gender Percentages of Persons
Arrested for DWI in 2011**



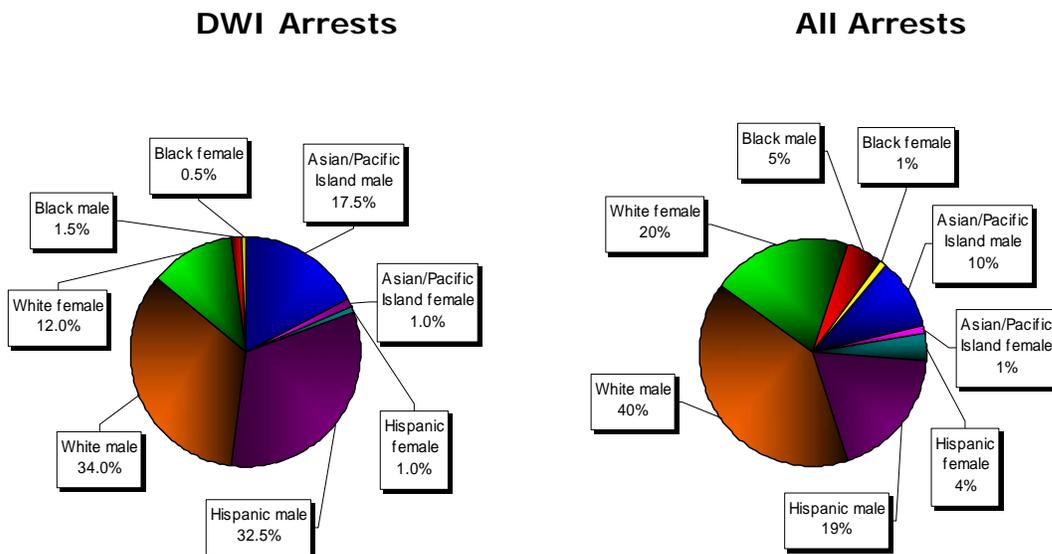
**Chart No. 5
Comparison of Percentages by Race/Gender of Persons
Arrested for DWI in 2007 through 2011**

	2007	2008	2009	2010	2011
Hispanic males	49%	44%	42.5%	37%	32.5%
White males	30%	29.5%	30%	31%	34%
White females	10%	11%	11%	12%	12%
Marshall Island males	8%	10.5%	12%	14%	16.5%
Other	<u>3%</u>	<u>5%</u>	<u>4.5%</u>	<u>6%</u>	<u>5%</u>
Total	100%	100%	100%	100%	100%

C. Arrest by Race/Gender (DWI Versus All Arrests)

The diagram below sets out by race and gender the percentages of persons arrested for DWI compared to all arrests in Springdale in 2011.

**Diagram 8
Comparison of Arrests by Race/Gender
Made in 2011**



D. Age, Race and Gender

Chart 6 sets out the average age of the four highest race/gender groups represented in DWI arrests for years 2007 through 2011.

	<u>Average Age</u>				
	2007	2008	2009	2010	2011
White males	35.40	36.51	35.36	36.34	38.07
Hispanic males	28.90	30.88	29.70	30.86	29.82
White females	35.61	34.2	35.53	36.2	34.23
Marshall Island Males	26.84	29.53	30.30	29.48	30.08

E. How Much They Drank

The next chart compares the average BAC levels of the four top race/gender groups from 2007 through 2011.

**Chart No. 7
Comparison of Average BAC Levels
in the Four Largest Race/Gender Groups
in 2007 Through 2011**

	2007	2008	2009	2010	2011
White males	.1562%	.1598%	.1580%	.1533%	.1525%
Hispanic males	.1587%	.1648%	.1567%	.1539%	.1590%
White females	.1521%	.1595%	.1471%	.1519%	.1495%
Marshall Island Males	.1480%	.1625%	.1621%	.1555%	.1612%

F. Implied Consent

A total of 157 persons out of 598 refused to take a test to measure their blood alcohol content when they were requested to do so by law enforcement officers. This represents approximately 26.25% of the total persons arrested.

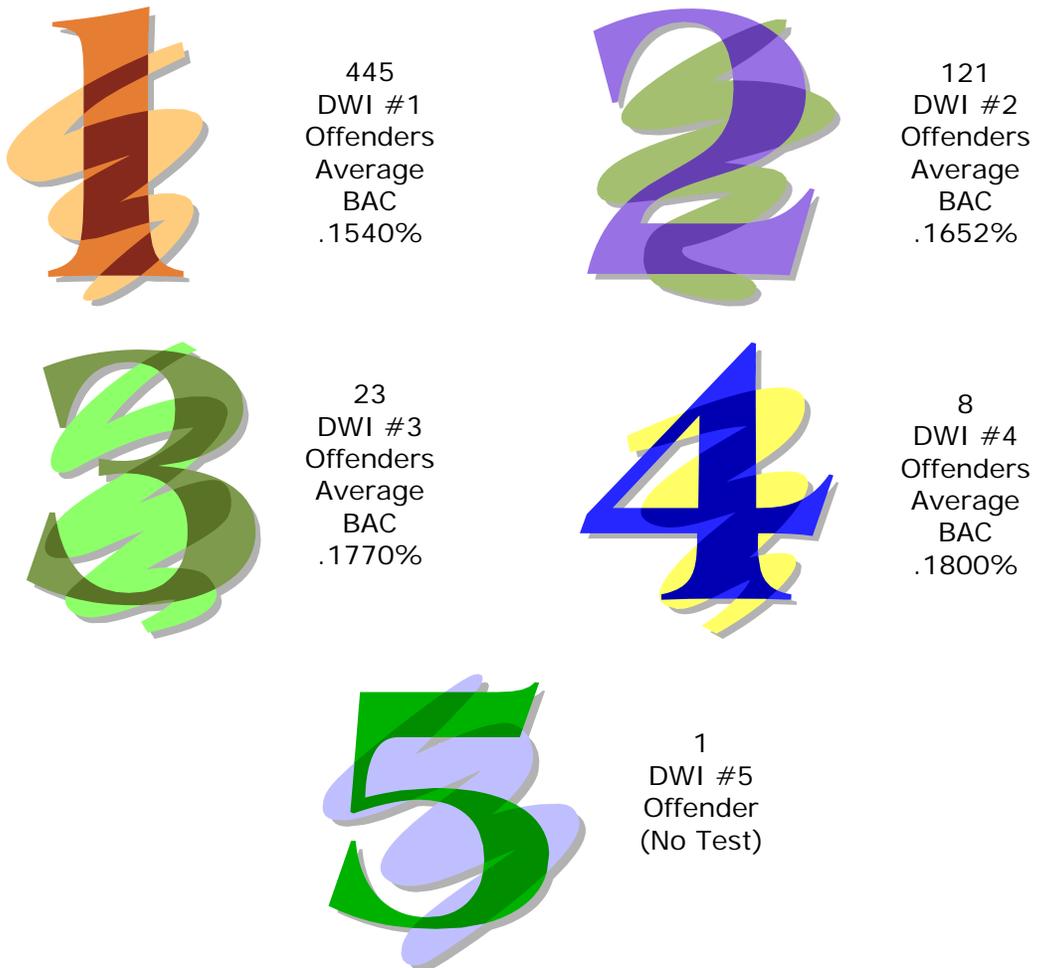
G. Repeat Offenders

1. Comparison of BAC Levels of First Time Offenders With Repeat Offenders

As in each year of the last ten years, repeat offenders had a higher average blood alcohol concentration (BAC) than first time offenders. The average BAC for first time offenders in 2011 was .1540%, while the average BAC for repeat offenders was .1694%.

The following diagram shows the total number of offenders in 2011 for each offense category, as well as the average BAC levels by each offense category (DWI #1, DWI #2, DWI #3, DWI #4 and DWI #5). Repeat offenders made up approximately 26% of the total, while first time offenders made up approximately 74% of the total DWI arrests.

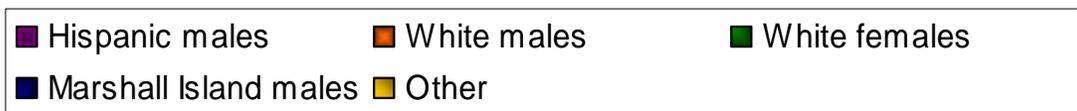
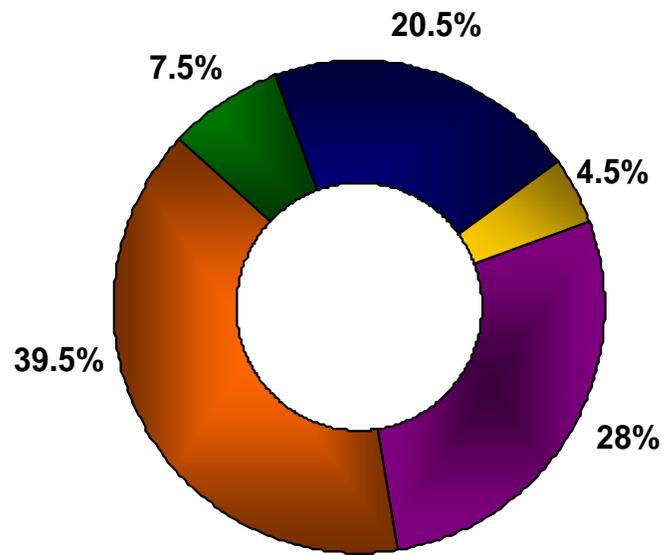
Diagram 9



2. Race/Gender of Repeat Offenders

The next diagram sets out the race/gender of those offenders who were repeat offenders (DWI #2, DWI #3, DWI #4 and DWI #5).

Diagram 10
2011 DWI Repeat Offenders by Race/Gender





III
DWI
Crashes

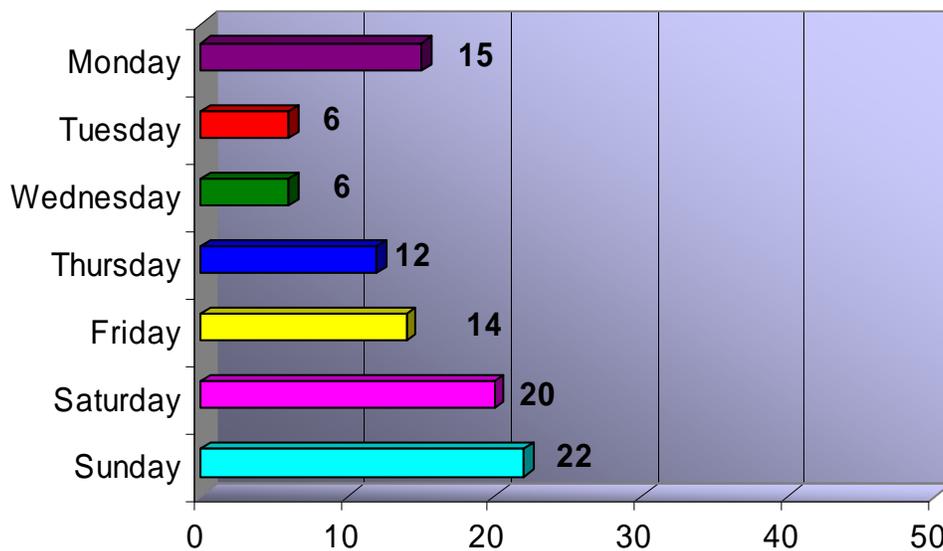


There were a total of 95 DWI related traffic crashes that occurred in Springdale during 2011. This is down almost 7% from the 102 DWI related traffic crashes that occurred in 2010. This is the lowest number of DWI crashes in the last eleven years. In the year 2000, there were 96 DWI crashes, but the lowest number since 2000 has been 102 in 2010 up to the lowest number of 95 this year.

A. By Day of Week

The diagram below sets out the day of week in which DWI crashes occurred.

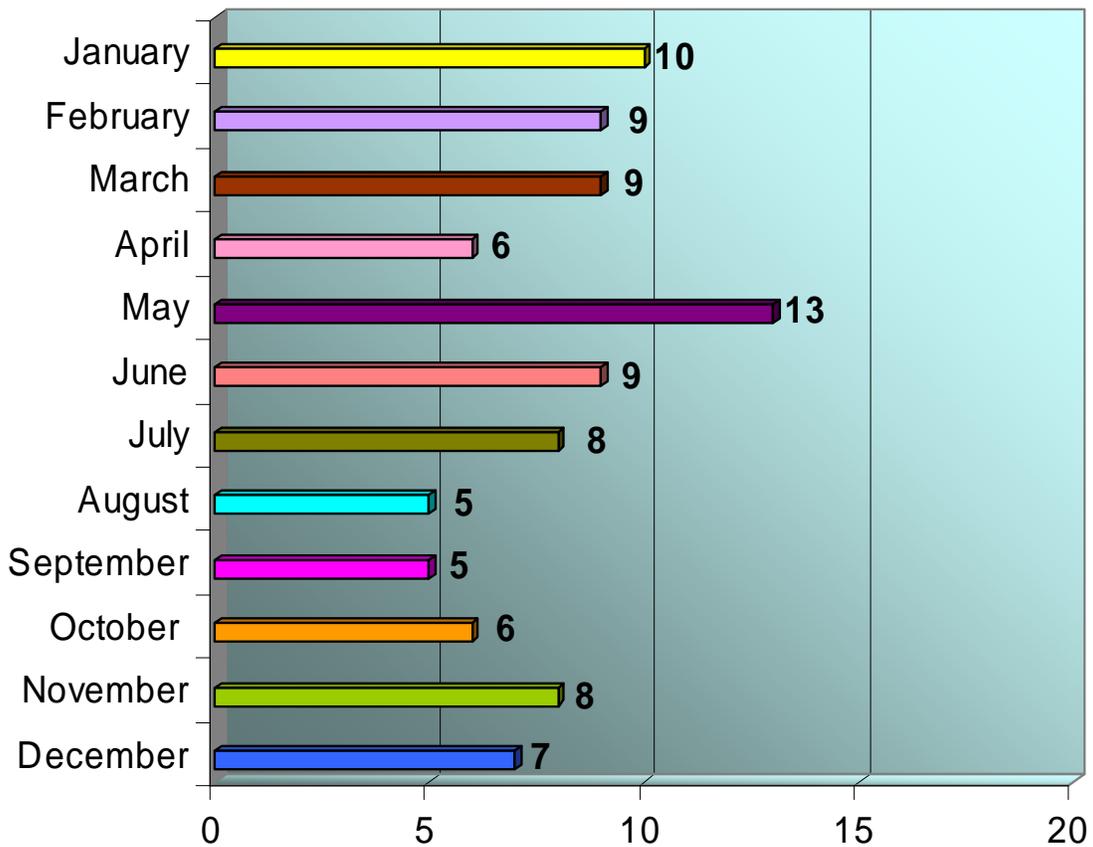
**Diagram 11
Day of the Week DWI Crashes
Occurred in 2011**



B. By Month

The following diagram is a breakdown of DWI related crashes which occurred in Springdale during 2011, by the month in which the collision occurred.

Diagram 12
Breakdown of DWI Related Crashes by the
Month They Occurred
Total 95



C. DWI Collisions By Time/Day

1. Time

The time of day in which most DWI crashes occurred was between 2:00 a.m. – 2:59 a.m., which accounted for 9 total DWI crashes. The following two times tied for second with seven 7 DWI crashes: midnight – 12:59 a.m. and 4:00 p.m. – 4:59 p.m.

2. Day/Time

The chart below reflects the three highest days and times for DWI crashes in the year 2011.

<u>Day</u>	<u>Time</u>	<u>No. of Crashes</u>
Sunday	midnight – 12:59 a.m.	5
Saturday	4:00 p.m. – 4:59 p.m.	3
Monday	2:00 a.m. – 2:59 a.m.	3

D. By Type of Motor Vehicle Collision

Springdale had a total of 2,365 traffic accidents in 2011, which was down from the 2,388 traffic accidents in. The total of 2,365 includes all traffic accidents, even those that occurred on private property (1,801 occurred on public roadways and 564 occurred on private property). Of these 2,365 accidents, 95 (86 on public roadways and 9 on private property)

involved DWI related crashes, which is approximately 4.02% of the total amount of accidents.

Diagram 13



4.02% of the total accidents, which occurred in the City of Springdale, were DWI related.

E. Fatality Crashes

Springdale had ten fatality crashes in 2011, with ten people killed in the fatality crashes (one person was killed in each fatality crash). Three of Springdale's 2011 fatality crashes involved a drunk driver, which means 30% of the total amount of fatality crashes that occurred in Springdale during 2011 involved a DWI driver.

F. Personal Injury Crashes

Springdale had a total of 35 personal injury crashes involving DWI drivers in 2011. A total of 53 people were injured in DWI crashes that occurred in Springdale in 2011.

G. Property Damage Crashes

There were a total of 57 property damage crashes in Springdale in 2011, which involved a DWI driver. In 2010, there were 71 property damage crashes involving DWI drivers.

H. Comparison of DWI Crashes in the Last Five Years

The chart below sets out the number of DWI crashes by type of crash for the past five years.

<u>Type of Crash</u>	<u>No. of Crashes</u>				
	2007	2008	2009	2010	2011
Fatality	2	3	0	1	3
Personal Injury	35	37	35	30	35
Property Damage	<u>100</u>	<u>88</u>	<u>92</u>	<u>71</u>	<u>57</u>
Totals	137	128	127	102	95

The chart that follows sets out the total of DWI crashes and their increase or decrease for the past five years.

Chart No. 10
Comparison of DWI Crashes in Past Five Years

<u>Year</u>	<u>No. of Crashes</u>	<u>Percentage Increase (+) or Decrease (-) From Previous Year</u>
2007	137	-9.27%
2008	128	-6.57%
2009	127	-.75%
2010	102	-19.68%
2011	95	-6.86%

I. Leaving the Scene of an Accident

Twenty-two drunk drivers, which represents approximately 23% of the total amount of drunk drivers involved in DWI crashes in 2011, left the scene of the crash in violation of Arkansas law. In 2010, 34% of the total drunk drivers involved in DWI crashes left the scene.

J. Race/Gender of DWI Offenders in Crashes

The chart on the next page sets out the total number of persons arrested for DWI who were involved in DWI crashes in 2011 by race/gender, with the percentage this race/gender group makes up of the total.

Chart No. 11
Total Number and Percentage by Race/Gender of Persons Who
Were DWI and Involved in Crashes in 2011

Race/Gender	Total No. Involved in DWI Crashes	Percentage of Total Arrested
White males	37	39%
Hispanic males	24	25%
White females	16	17%
Marshall Island males	11	12%
Other	<u>7</u>	<u>7%</u>
Total	95	100%

K. DWI Crashes by Offense Number

The chart on the next page sets out the number of DWI drivers involved in crashes by the DWI offense number, as well as the percentage that each offense number represents of the total.

Chart No. 12
2011 DWI Crashes by Offense

<u>Offense No.</u>	<u>Total</u>	<u>Percentage</u>
#1	67	70.5%
#2	19	20%
#3	8	8.5%
#4	<u>1</u>	<u>1%</u>
Total	95	100%

L. Underage Drivers in DWI Crashes

There were a total of 3 underage DWI drivers in DWI crashes in Springdale, Arkansas in 2011. This means that in approximately 3% of the DWI crashes in Springdale in 2011, an underage DWI driver was involved. This is down significantly from 2010, when approximately 10% of the DWI crashes involved an underage DWI driver.

M. Location of DWI crashes

A total of 33 out of the 95 DWI crashes occurred on a State or U.S. Highway. This represents approximately 35% of the total DWI crashes. The chart on the following page sets out the 33 DWI highway crashes by where they occurred.

Chart No. 13
State or U.S. Highway Where DWI Crashes
Occurred in 2011

<u>Location of Crash</u>	<u>No. of Crashes</u>
West Sunset (west of S. Thompson)	7
East Robinson (Hwy. 412 East)	7
South Thompson	6
Hwy. 265 (Old Missouri Road)	5
I-540	3
North Thompson (North of Emma Avenue)	3
Hwy. 264	1
Hwy. 112	1
Total	33

The DWI crashes that occurred on city streets occurred throughout the City of Springdale. The highest locations were Huntsville/Elm Springs Road with six, and three crashes a piece on Wagon Wheel Road, 40th Street, 48th Street, and Don Tyson Parkway.

N. Estimate of Property Damage of DWI Crashes in 2011

Based on an analysis of 72 DWI crashes in which property damage was estimated on the report, each DWI crash costs approximately \$7,700.00 in property damage. With this average per accident (\$7,700.00), it is estimated that DWI crashes cost \$731,500.00 in property damages in Springdale, Arkansas in 2011.

0. Other Offenses Committed by Persons Arrested in DWI Crashes

1. Driver's License Violations

Fifteen persons arrested for DWI who were involved in motor vehicle crashes had a suspended or revoked driver's license at the time of the crash. Fourteen persons arrested for DWI who were involved in crashes did not have a driver's license at all. Taken together, there is approximately a 31% chance that a DWI driver involved in a crash in Springdale, Arkansas either had a suspended driver's license or no driver's license.

2. No Insurance

Thirty persons arrested for DWI who had crashes did not have motor vehicle insurance. This is approximately 32% of the drunk drivers involved in crashes in Springdale in 2011.

3. No Seatbelt

No drunk drivers involved in a crash in 2011 were charged with not having a seatbelt on.



IV.
Prosecution
of
DWI Offenders
(Dispositions)



A. Handling of DWI Cases by Prosecution Agency

The Springdale City Attorney's Office prosecutes all DWI cases that occur in Springdale, unless they are sent to the County Prosecutor's Office as a felony or with a related felony. In 2011, 24 cases were handled by the Washington County Prosecutor's Office. The remaining 574 cases were handled by the City of Springdale.

B. Conviction Rate on Cases Adjudicated

Of the 574 DWI arrests made in 2011 that were handled as misdemeanors by the City of Springdale, 543 have been adjudicated as of the date of this publication. Of the 543 adjudicated cases, 534 persons have been convicted of DWI, for a conviction rate on the cases adjudicated of 98.34%. Chart No. 14 sets out the dispositions of the cases handled by the City of Springdale, and Chart No. 15 sets out the dispositions on all cases, including felonies and those DWI cases that were sent to the Washington County Prosecutor's Office with related felonies. These charts are updated on the City Attorney's web site (www.springdalear.gov/cosa) as cases are adjudicated.

Chart No. 14
2011 Dispositions on DWI Cases Handled by City of Springdale
(as of 12/6/12)

Total Arrested	598
Total Handled by City of Springdale	574
Total Failure to Appear on Springdale Cases	25
Total No. Cases Ending in Finding of Guilty	534
Total No. Cases Ending in Finding of Not Guilty	9
Person Who Died Before Case Adjudicated	2
Cases Still Pending (awaiting trial date)	4
Total Convicted by Total No. Arrested (534/574)	93.03%
Conviction Rate on Cases Adjudicated (534/543)	98.34%

The next chart shows dispositions on all cases of DWI related arrests made in the City of Springdale (including felonies and those misdemeanors that were sent with a related felony to the County Prosecutor's Office).

Chart No. 15
2011 Dispositions on DWI Cases Handled by
City of Springdale and County Prosecutor's Office
(as of 12/6/12)

Total Arrested	598
Total Handled by City of Springdale	574
Total Handled by County Prosecutor's Office	24
Total No. of cases ending in a finding of Guilty	555
Total No. of cases ending in a finding of Not Guilty	10
Total No. Defendants Failed to Appear (warrants issued)	27
Defendants Died Before Case Adjudicated	2
Cases Still Pending	4
Total Convicted/Total No. Arrested (555/598)	92.81%
Conviction Rate on Cases Adjudicated (555/565)	98.23%

The next chart shows dispositions on misdemeanor cases handled by the City of Springdale from years 2007 through 2011.

Chart No. 16
Dispositions on Cases Handled
by City of Springdale (All Misdemeanor Cases)
Years 2007 through 2011 as of 12/6/12

	2007	2008	2009	2010	2011
Total Arrested	707	728	674	691	598
Total Handled by City	683	695	643	663	574
No. Failed to Appear	44	61	41	53	25
Other	3*	1*	2*	1*	2*
Pending	0	1	1**	4	4
Disposed of	636	625	599	605	543
No. Convicted	622	632	591	591	534
Percentage Convicted Of Cases Adjudicated	97.79%	98.89%	98.66%	97.68%	98.34%

*Died before case adjudicated

** Warrant issued for DWI



V.
*Underage
Drinking
and
Driving*



A. DUI

Arkansas has attempted to curtail underage drinking/driving by passing what is sometimes called a “zero tolerance” law, which means if you are under 21 years of age, it is unlawful under the Arkansas DUI law to drive with a BAC level of .02% to .07%.

If convicted of DUI #1, the defendant will receive a minimum \$100 fine, be required to perform public service, and be required to have an alcohol assessment, and their driver’s license will also be suspended by the State.

1. Total DUI Arrests

In the year 2011, there were 18 total arrests for DUI in Springdale, Arkansas. The next chart sets out the number of DUI arrests made in Springdale from years 2007 through 2011.

Year	No. of DUI's
2007	26
2008	20
2009	18
2010	12
2011	18

2. DUI Accidents

There was four crashes involving a DUI driver in 2011.

B. Underage DWI

Underage DWI means although the person was under 21 years of age, their BAC level was .08% or greater, the police officer who arrested them believed their BAC level was .08% or greater and they did not take a test to measure their BAC, or they were arrested for DWI/Drugs. Springdale had 38 underage DWI arrests in 2011, which is down from 39 in 2010, 55 in 2009, 58 in 2008, and 65 in 2007.

The 38 underage DWI arrests equate to approximately 6.4% of the total DWI arrests made in Springdale in 2011.

The following chart shows the breakdown by race/gender of those persons under 21 arrested for DWI in Springdale in 2011, both by the number arrested and the total percentage each race/gender group makes up of the total.

**Chart No. 18
Race/Gender Comparison of
Underage DWI Arrests in 2011**

<u>Race/Gender</u>	<u>Number</u>	<u>Percentage</u>
Hispanic/Male	20	52.5%
White/Male	11	29%
White/Female	4	10.5%
Marshall Island Male	<u>3</u>	<u>8%</u>
Total	38	100%

C. Underage DWI Repeat Offenders

There were 5 repeat offenders in the underage DWI category in 2011, which is down from 8 repeat offenders in both 2009 and 2010. Four of the underage repeat offenders were charged with DWI #2 and one repeat offender was charged with DWI #3.



v.
Arkansas
DWI/DUI
Law



ARKANSAS DWI LAW

Ark. Code Ann. §5-65-103. Unlawful acts.

(a) It is unlawful and punishable as provided in this act for any person who is intoxicated to operate or be in actual physical control of a motor vehicle.

(b) It is unlawful and punishable as provided in this act for any person to operate or be in actual physical control of a motor vehicle if at that time the alcohol concentration in the person's breath or blood was eight-hundredths (0.08) or more based upon the definition of breath, blood, and urine concentration in §5-65-204.

Ark. Code Ann. §5-65-102. Definitions.

(2) "Intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or an intoxicant, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians;

ARKANSAS DUI LAW

Ark. Code Ann. §5-65-303. Conduct proscribed.

(a) It is unlawful and punishable as provided in this subchapter for any underage person to operate or be in actual physical control of a motor vehicle while under the influence of an alcoholic beverage or similar intoxicant.

(b) It is unlawful and punishable as provided in this subchapter for any underage person to operate or be in actual physical control of a motor vehicle if at that time there was an alcohol concentration of two-hundredths (0.02) but less than eight-hundredths (0.08) in the underage person's breath or blood as determined by a chemical test of the underage person's blood or breath or other bodily substance.

STAFF OF CITY ATTORNEY'S OFFICE

Jeff C. Harper ~ ~ ~ ~ ~ City Attorney
Brooke Lockhart ~ ~ ~ ~ ~ Deputy City Attorney
Jonathan D. Nelson ~ ~ ~ ~ ~ Deputy City Attorney
Taylor Samples ~ ~ ~ ~ ~ Deputy City Attorney
Steve Helms ~ ~ ~ ~ ~ Investigator
Cindy Trimble ~ ~ ~ ~ ~ Administrative Legal Assistant/Paralegal
Lynda England ~ ~ ~ ~ ~ Case Coordinator/Victim Advocate
Linda Brown ~ ~ ~ ~ ~ Hot Check Administrator
Dixie Putt ~ ~ ~ ~ ~ Receptionist
Jacque Roth ~ ~ ~ ~ ~ Part-time Clerk