



# Division of Corrections



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## DUI Offender Profile, April 2005

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This report profiles those offenders incarcerated in West Virginia Division of Corrections facilities on January 1, 2005, that were serving a sentence for 3rd or subsequent offense DUI or a related offense. Driving under the influence continues to be a volatile social and political issue. Recently, the required BAC for DUI was reduced from .10 to .08 by the enactment of Senate Bill 166 by the 2004 Legislature. Also, many people are injured or killed in accidents caused by individuals driving under the influence of drugs and/or alcohol. Since DUI continues to attract a great deal of interest, it is important that policy makers have information regarding DUI offenders readily available to them. It is for this reason that this report has been compiled.

### DATA COLLECTION METHOD

Much of the information needed to compile this report was not available by using the automated records system that the WVDOC had available. Therefore, a survey was compiled and distributed to the facilities operated by the DOC.

Staff members responsible for maintaining inmate files in the various institutions operated by the WVDOC were asked to complete this form for all offenders in their facility incarcerated for DUI or a related offense. For the purpose of this study, the crimes studied are 3rd or subsequent offense DUI, driving on a license that was suspended or revoked for a DUI offense, fleeing from an officer while DUI, and DUI causing death.

### SIGNIFICANT FINDINGS

- 42.1% of all DUI offenders incarcerated in WVDOC facilities have been arrested more than 5 times for DUI related Crimes, up from 22.4% in 2001.
- 8.6% of offenders currently serving time for a DUI or related offense are also currently serving time for a violent offense.
- 12.2% of DUI Offenders are currently incarcerated for DUI Causing Death.
- The typical DUI offender tends to be a white male around 40 years old.
- The number of DUI offenders incarcerated in WVDOC facilities remained nearly unchanged from 2001.

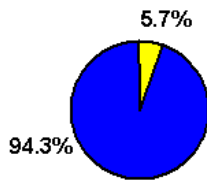
A similar study was conducted and published by the WVDOC in June 2001. For survey questions that are common to both studies, both sets of data will be included in order to give a comparison and note any trends that are observable.

## DUI OFFENDERS COMPARED WITH TOTAL DOC POPULATION

Offenders incarcerated for 3rd Offense DUI or related crimes on January 1, 2005 made up 5.7% of the total inmate population in WVDOC facilities.

Chart 1: DUI offenders as percentage of DOC population.

### DUI Offenders as Percentage of DOC Population



3,891 = Total Population in DOC Facilities

■ DUI Offenders    ■ All Other Offenders

### COUNTY OF COMMITMENT

Table 1 shows the breakdown of DUI offenders sentenced from various counties in West Virginia. Offenders are represented in the county in which their first DUI sentence for which they are currently serving occurred.

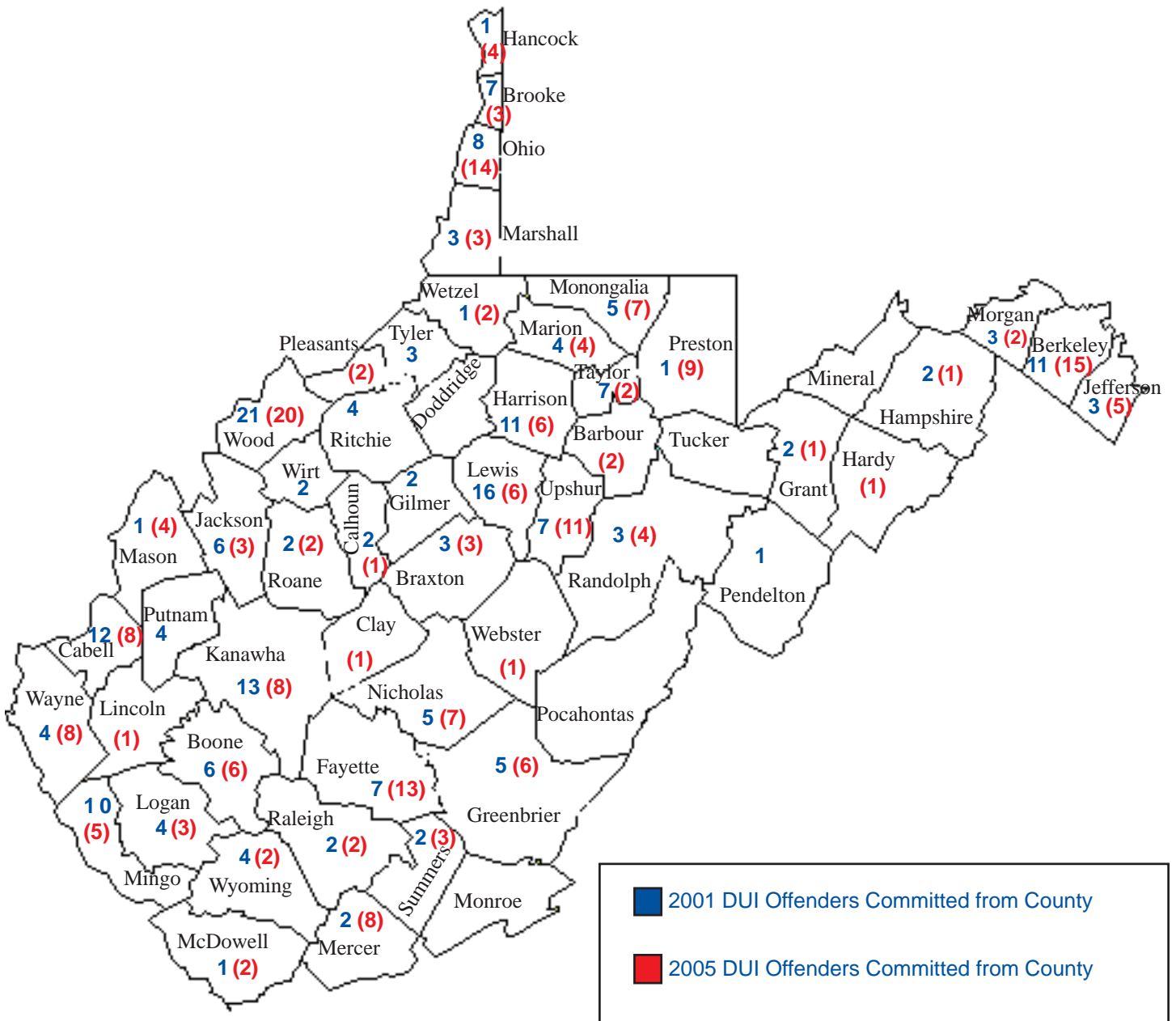
As shown, the county that sentenced the most offenders to the WV Division of Corrections custody was Wood County with twenty (20) DUI offenders incarcerated on January 1, 2005. Berkeley (15), Ohio (14), Fayette (13), and Upshur (11) also sentenced more than ten DUI offenders that were serving in DOC institutions on January 1, 2005.

Table 1: DUI Offenders by Sentencing County, 2001 and 2005

County	DUI's 2001	DUI's 2005	Difference
Wood	21	20	-1
Berkeley	11	15	4
Ohio	8	14	6
Fayette	7	13	6
Upshur	7	11	4
Preston	1	9	8
Cabell	12	8	-4
Kanawha	13	8	-5
Mercer	2	8	6
Wayne	4	8	4
Monongalia	5	7	2
Nicholas	5	7	2
Boone	6	6	0
Greenbrier	5	6	1
Harrison	11	6	-5
Lewis	16	6	-10
Jefferson	3	5	2
Mingo	10	5	-5
Hancock	1	4	3
Marion	4	4	0
Mason	1	4	3
Randolph	3	4	1
Braxton	3	3	0
Brooke	7	3	-4
Jackson	6	3	-3
Logan	4	3	-1
Marshall	3	3	0
Summers	2	3	1
Barbour	0	2	2
McDowell	1	2	1
Morgan	3	2	-1
Pleasants	0	2	2
Raleigh	2	2	0
Roane	2	2	0
Taylor	7	2	-5
Wetzel	1	2	1
Wyoming	4	2	-2
Calhoun	2	1	-1
Clay	0	1	1
Grant	2	1	-1
Hampshire	2	1	-1
Hardy	0	1	1
Lincoln	0	1	1
Webster	0	1	1
Gilmer	2	0	-2
Pendleton	1	0	-1
Putnam	4	0	-4
Ritchie	4	0	-4
Tyler	3	0	-3
Wirt	2	0	-2
<b>Total</b>	<b>223</b>	<b>221</b>	<b>-2</b>

# DUI Offenders by Sentencing County

## 2001 vs. 2005



The map above illustrates the sentencing county for DUI offenders housed in DOC facilities. Please note that the blue numbers indicate the number of DUI offenders sentenced from that county taken from the June 2001 study and that the red number in parentheses indicates the number of inmates housed in DOC facilities on January 1, 2005.

## INSTITUTION

Table 2 shows DUI offenders by the institution in which they are incarcerated. A comparison is shown between the number of inmates incarcerated in each institution on June 1, 2001 and the number incarcerated in each institution on January 1, 2005.

**Table 2:** DUI offenders by Institution

Institution	DUI's on 6/1/01	DUI's 1/1/05
Anthony Center	5	3
Beckley Correctional	56	31
Charleston Work Release	10	1
Denmar Correctional	16	15
Huttonsville Correctional	36	38
Huntington Work Release	14	0
Lakin Correctional Facility	0	9
Mt. Olive Corr. Complex	2	9
Northern Corr. Facility	3	4
Ohio Co. Correctional Ctr.	2	2
Pruntytown Corr. Ctr.	66	75
St. Marys Correctional	13	34
<b>Totals</b>	<b>223</b>	<b>221</b>

As can be seen from the table above, the number of DUI offenders currently serving time in WVDOC facilities has remained stable over the past 3 1/2 years. Some of the differences in individual institutions are due to an increase in population capacity for St. Marys Correctional Center, the addition of a Work Release Unit at Beckley, and the opening of Lakin Correctional Facility for Women.

## DUI DEMOGRAPHICS

The following tables illustrate demographic information regarding DUI offenders from both the June 2001 study and the current study. Table 3 breaks down DUI offenders by gender.

**Table 3:** DUI offenders by Gender, 2001 and 2005.

Gender	Offenders 2001	Offenders 2005
Male	215	209
Female	8	12
<b>Total</b>	<b>223</b>	<b>221</b>

From Table 3, it can be gleaned that women account for only 5.4% of all DUI offenders in WVDOC facilities. This is up from 3.6% in 2001. Males continue to comprise the vast majority of DUI offenders.

Table 4 deals with the racial background of DUI offenders incarcerated in WVDOC facilities in both June 2001 and January 2005.

**Table 4:** DUI Offenders by Race, 2001 and 2005.

Race	Offenders 2001	Offenders 2005
Caucasian	217	212
African American	5	9
Native American	1	0
<b>Total</b>	<b>223</b>	<b>221</b>

By looking at Tables 3 and 4, it may be noted that DUI offenders continue to be predominantly white males. Minorities and females continue to account for a small percentage of DUI offenders when compared to Caucasians and males.

Table 5 breaks down DUI offenders by age category. The number of DUI offenders in each age category from the 2001 study is also included for comparison.

**Table 5:** DUI offenders by Age Category, 2001 and 2005.

Age Category	Offenders 2001	Offenders 2005
Under 20	0	1
20-29	32	37
30-39	86	70
40-49	75	80
50-59	22	27
60 and over	8	6
<b>Total</b>	<b>223</b>	<b>221</b>

By viewing Table 5, it is apparent that the majority of DUI offenders continues to fall in the 30-49 age category. Nearly three-fourths (72.2%) of offenders fell in this category in June 2001, while just over two-thirds were in this age group in 2005 (67.3%). Overall, the population of DUI offenders appears to be aging slightly, with more offenders in both the 40-49 and 50-59 categories and less in the 30-39 category in this study than in the 2001 study.

The age of DUI offenders ranges from 19 to 72. The average age of DUI offenders is nearly 40 years old at 39.63 years. From these demographics, it appears that the typical DUI offender in WVDOC custody is a white male of around 40 years old.

## DUI OFFENSE TYPE

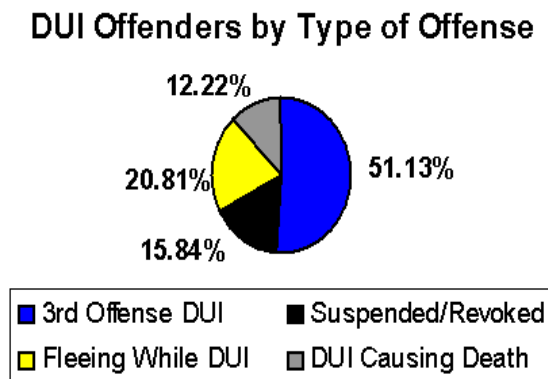
Table 6 gives a breakdown of the DUI offenders surveyed by DUI Offense type. In the 2001 study, the offenses were broken down into only two categories, 3rd Offense DUI and DUI Causing Death. From going back through the records of those inmates studied in 2001, it was possible to break the 3rd Offense offenders into three categories: 3rd Offense DUI, Driving on a License Suspended or Revoked for DUI, and Fleeing While DUI.

**Table 6:** DUI offenders by offense type, 2001 and 2005

Type Of DUI	Offenders in 2001	Offenders in 2005
3rd Offense DUI	149	113
Suspended/Revoked	32	35
Fleeing while DUI	19	46
DUI Causing Death	23	27
<b>Total</b>	<b>223</b>	<b>221</b>

In viewing Table 6, one can see that the majority of DUI offenders are incarcerated for 3rd or subsequent offense DUI. There was a substantial increase in Fleeing while DUI during this time period. The percentage of those incarcerated for DUI Causing Death increased slightly to 12.2%. Chart 2 breaks down the percentage of DUI offenders that were incarcerated for the various DUI related crimes on January 1, 2005.

**Chart 2:** DUI offenders by type of DUI related offense.



## CRIMINAL HISTORY

When studying the criminal history of offenders incarcerated for 3rd Offense DUI, it should be noted that West Virginia law does not include a charge of 4th, 5th, or 6th, etc., Offense DUI. Therefore, it is common for an individual to be convicted of 3rd Offense DUI multiple times.

Tables 7 and 8 indicate the number of times that those offenders currently incarcerated in WVDOC facilities have been arrested for DUI or related offenses and also the number of times that these offenders have been convicted of DUI or related offenses. The comparison is made between DUI related arrests and DUI related convictions in an attempt to measure plea agreements or charge reductions.

**Table 7:** DUI Offenders by number of lifetime arrests.

# of Arrests	Offenders in 2001	Offenders in 2005
1-3 Arrests	91	80
4 or 5 Arrests	82	48
6 or more Arrests	50	93
<b>Total</b>	<b>223</b>	<b>221</b>

**Table 8:** DUI Offenders by number of lifetime convictions.

# of Convictions	Offenders in 2001	Offenders in 2005
1-3 Convictions	129	115
4 or 5 Convictions	73	60
6 or more Convictions	21	46
<b>Total</b>	<b>223</b>	<b>221</b>

From looking at the above tables it can be seen that convictions continue to be less common than arrests for DUI or related offenses. 42% of offenders incarcerated in WVDOC facilities have been arrested 6 or more times for DUI or related offenses, while only 21% have been convicted 6 or more times. Another thing that the increase in those offenders with 6 or more convictions could indicate is that the same individuals continue to commit this crime.

Of those offenders that were incarcerated on January 1, 2005, 14 of them were also incarcerated when the previous DUI Offender Profile study was completed in June 2001. Of these 14, only 3 were incarcerated for DUI Causing Death. The rest were in for lesser DUI related crimes.

## PAROLE GRANT STATISTICS

Another important thing to consider is the number of offenders that are also currently serving time for crimes other than DUI related offenses. Table 9 indicates the number of other crimes for which the offenders in this study are currently serving time for in addition to DUI and related offenses.

**Table 9:** DUI Offenders by # of current sentences for other crimes, 2005.

Other Crimes	# of Offenders
No Other Crimes	97
1 Other Crime	52
2 or More Other Crimes	72
<b>Total</b>	<b>221</b>

Table 9 reveals that a majority (56.1%) of all offenders currently serving time for a DUI or related offense are also currently serving time for another offense. Of those that are currently serving time for an offense in addition to their DUI related offense, 19 or 15.3% are currently incarcerated for a violent crime.

Table 10 shows the parole grant rate for those offenders incarcerated for DUI or related offenses for the calendar years 2001-2003.

**Table 10:** Parole Grant rates for DUI offenders, 2001-2003.

Year	Granted	Denied	Grant Rate
2001	48	126	27.6%
2002	67	107	38.5%
2003	78	121	39.2%
<b>Totals</b>	<b>193</b>	<b>354</b>	<b>35.3%</b>

From Table 10, it can be seen that the parole grant rate for DUI offenders went up substantially after 2001, which could have effected the slightly lower number of DUI offenders incarcerated in WVDOC facilities on January 1, 2005, in comparison with June 1, 2001.

## ACKNOWLEDGMENTS

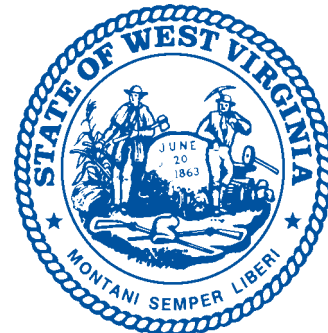


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