
LAFAYETTE OWI DATA

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THE KNOWLEDGE EFFECT

In 2007, The Lafayette Coalition to Prevent Substance Abuse (LCPSA) was formed to address a major issue within the community – alcohol. This organization is comprised of local agencies that have taken an interest in implementing preventative measures to combat substance abuse issues. In 2008, the coalition secured funding through the Department of Health and Hospitals to implement strategies that are modeled after the Strategic Prevention Framework (SPF). The foundation of these strategies is altering the environment of the community resulting in changed behavior and perceptions for substance abuse. After assessing the needs and available resources within the community, the coalition selected several target issues and a target population. Data indicated individuals 12-29 were at high-risk for substance abuse, and in order to produce measurable change this group of people were selected. Insufficiencies in resources were identified and four priorities were adopted: altering community norms, increasing enforcement, creating individual programs, and limiting the availability of alcohol to minors.

The Lafayette Coalition to Prevent Substance Abuse later became known as The Knowledge Effect. The change in name resembled the stance in which the coalition took to creating a healthier environment by increasing community knowledge on consequences associated with alcohol abuse. Much transformation took place by increasing enforcement for drinking and driving, enforcing penalties on selling alcohol to minors, publicizing the consequences of alcohol abuse through media campaigns, and educating middle and high school students. As enforcement increased, the coalition sought to identify the effects enforcement may have on Lafayette City Court's conviction and prosecution totals. The coalition proposed to develop a system for tracking the outcomes of all offenses relating to Operating While Intoxicated (OWI).

In order to properly track each arrest, key players and information were needed. The court monitor was employed by the coalition to develop a database to track the OWIs and sustain the system beyond grant funding. The process of tracking each arrest begins with the collection of arrest reports which are provided by the Lafayette Police Department. Included in each arrest are a series of questions that supply pertinent information. These records are collected by Court Services, an agency that monitors court ordered offenders, and entered into the database. A file is created to monitor the case until a verdict or plea is obtained. The sentence coordinators accompanied by the court monitor attend court and are responsible for documenting the outcome of each offender's court appearance. After documentation of each disposition, the information is again entered into the database.

The database was originally designed to maintain proper documentation of criminal offenders who were ordered to unsupervised probation through the office of Court Services. Adding a few modifications to the database provided the coalition with the means to track critical OWI information. The database is capable of generating the following: sentence information on each OWI client; the location in which the last drink was served; enforcement data; and data relating to prosecution and conviction data. The database is one of the coalition's greatest sustainability efforts and continues to produce significant data pertaining to community needs.

ACTION PLAN OUTCOMES

In 2008, The Knowledge Effect identified driving under the influence as a top priority issue that needed to be addressed. According to the LSU Research Group, Lafayette Parish has consistently ranked in the top three for alcohol-related injuries and crashes resulting in numerous fatalities. Over the years, research has concluded that alcohol abuse is one of the leading causes of preventable deaths and Lafayette is no exception. Louisiana is notorious for alcohol prevalence and has always been an exception to the norm within the United States. This is evident in the availability of alcohol among youth, drive-thru daiquiri shops, and loose open-alcohol container laws. To achieve measurable outcomes the coalition was tasked with prioritizing issues that could bring about change within Lafayette. Driving under the influence was at the pinnacle of problems affecting our community.

To address the concern over driving under the influence, The Knowledge Effect partnered with the Lafayette Police Department to reorganize the Alcohol Traffic Action Campaign (ATAC) task force. ATAC was re-instated in 2009 and manned by police that are specifically trained to identify impaired driving. Since the implementation of the ATAC task force, arrests have increased significantly. As depicted in Table 1, 250 arrests were made in 2006, 211 in 2007, 234 in 2008, all prior to ATAC. Re-instating ATAC led to 548 arrests in 2009, 847 in 2010, and 1,116 in 2011. The ATAC task force has directly impacted Lafayette City's environment by enforcing the consequences associated with drunk driving.

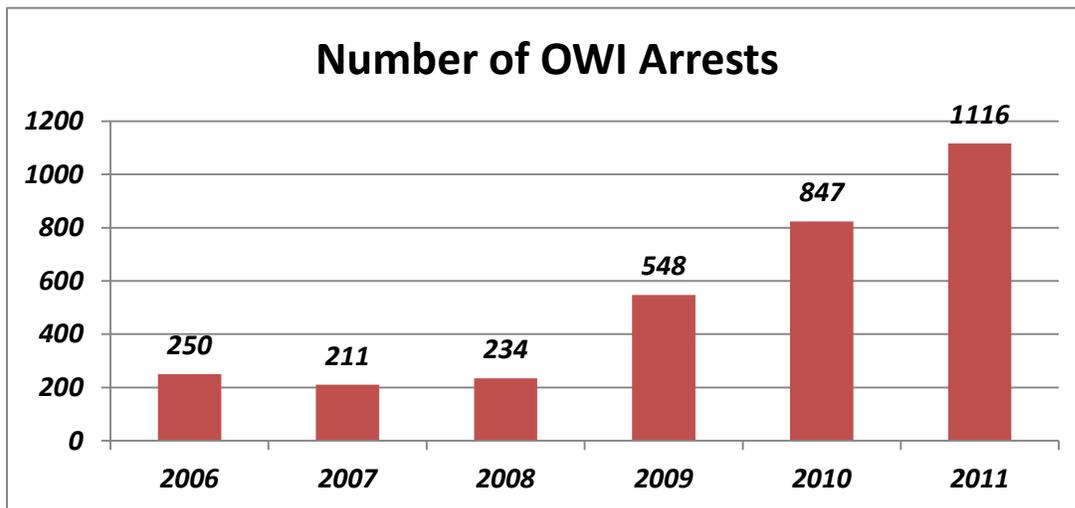


TABLE 1

OFFENDER STATISTICS

BAC LEVEL

Upon arrest an OWI offender is required to conduct a breath test which allows law enforcement to measure an individual's level of Blood Alcohol Content (BAC). Not all OWI offenders submit to the intoxilyzer test; those who do not are considered a refusal. The legal limit of intoxication is a .08 for adults and a .02 for youth under 21 years of age.

Several factors influencing BAC levels are the amount of alcohol consumed, weight of the individual, and level of alcohol tolerance. The number of OWI arrests in Lafayette has increased significantly since the re-instatement of the Alcohol Traffic Action Campaign (ATAC) task force in 2009. BAC Data for 2008 is not available. As illustrated in Table 2, BAC levels have decreased beginning in 2009. A possible explanation for this decrease may be increased enforcement. Offenders who “refuse to blow” are not figured into these calculations. Additionally, numbers are first depicted for the target population as a whole, then youth are evaluated separately to determine the impact on this demographic. For the purposes of this report, youth is defined as all individuals 20 years old and younger.

In 2009, the Lafayette Police Department arrested 548 OWI offenders, 307 which submitted to the intoxilyzer. The average BAC level was a .161 which is two times the legal limit. Youth arrested in 2009 had an average BAC level of .131 which is six times the legal limit for this age. For 2010, ATAC conducted 847 arrests, 513 submitted and the average BAC level was a .147. A slight decrease in BAC has transpired which may indicate that a decline in alcohol consumption has occurred in those arrested for OWI. In respect to youth, the level of BAC has also lessened to a .11. Most recently, the results for 2011 are as follows: 1,116 OWI arrests were conducted, 676 submitted to the intoxilyzer, and the average BAC was a .133. The average BAC for youth slightly declined to .10.

Since ATAC’s reinstatement, arrest numbers have consistently increased possibly affecting the BAC levels of those who submitted to the intoxilyzer test. The trend illustrated in Table 2 supports evidence-based theories indicating environmental strategies are an effective method of changing negative community norms.

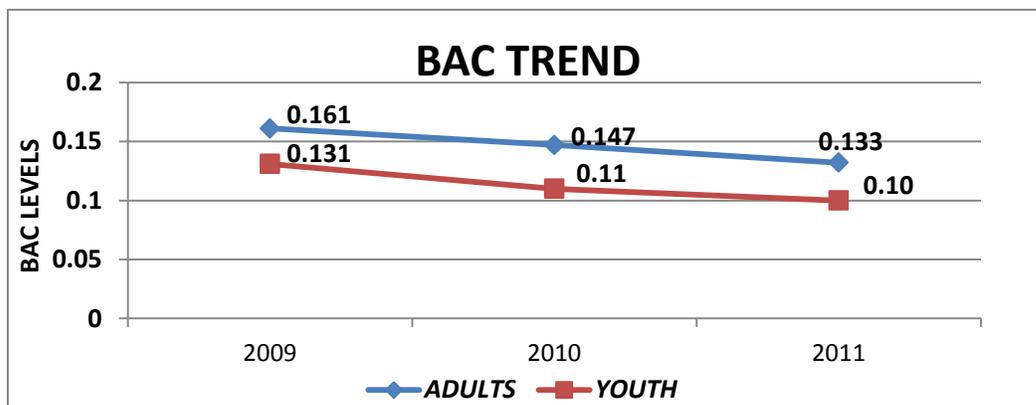


TABLE 2

LAST DRINK SERVED

In the early developments of the SPF coalition, the Prevention Substance Committee and the Governor’s Initiative to Build a Healthy Louisiana proposed a strategy to inform business owners of OWI arrests that have occurred once an individual left the owner’s establishment. This strategy is used to raise awareness of violations that may have occurred and is not grounds for pressing charges.

This report involves a systematic process of tracking the last alcohol establishment reported by the offender upon an OWI arrest. Offenders are asked a series of questions, one

of which provides data to track the location of Last Drink Served. The collected data is then recorded in the Court Service's database. Each establishment that is listed in the report receives a letter of advisement that their business was listed in the police report as the last place the offender consumed alcohol. These locations are sent to the Lafayette Police Department to assist in a more targeted approach for compliance checks and sting operations. The list of businesses that have received a letter is sent to the local alcohol authority as well as the state Alcohol Tobacco Control office.

The types of establishments that are being monitored are all businesses that possess a Class A license which permits the sale and consumption of alcohol on premise. In 2011, 84 Last Drink Served letters were sent out to local businesses, which constitute 20% of all Class A licensed businesses. Many establishments received multiple notifications of Last Drink Served. The concept of notifying these businesses is merely an effort to encourage local companies to take part in preventing alcohol abuse especially among youth under 21.

OFFENDER INFORMATION

In the early stages of planning, the coalition selected a target population to implement evidenced based, SPF-SIG strategies. This group of individuals was identified as high-risk for substance abuse problems based on data that was presented by various agencies within the coalition. Below is data that has been collected through the arrest information from OWI offenders. This supports the need for targeting programs towards individuals 12 to 29 years of age. Additional data is provided to illustrate other needs within the community.

From years 2009-2011, males have committed 76% of OWIs and women committed 24%. As illustrated in Table 3, OWI numbers are broken-down by the following ethnic groups: Caucasians 74%, African Americans 20%, Hispanics 3%, and all other ethnic groups 3%. The majority of OWIs, approximately 30%, are committed by individuals between the ages 21 to 25. Individuals 30 to 40 commit 21% of OWIs, ages 26 to 29 commit 15% and ages 18 to 20 commit 14%. This data indicates that white, males between ages 21 to 25 are more likely to commit an OWI than any other demographic.

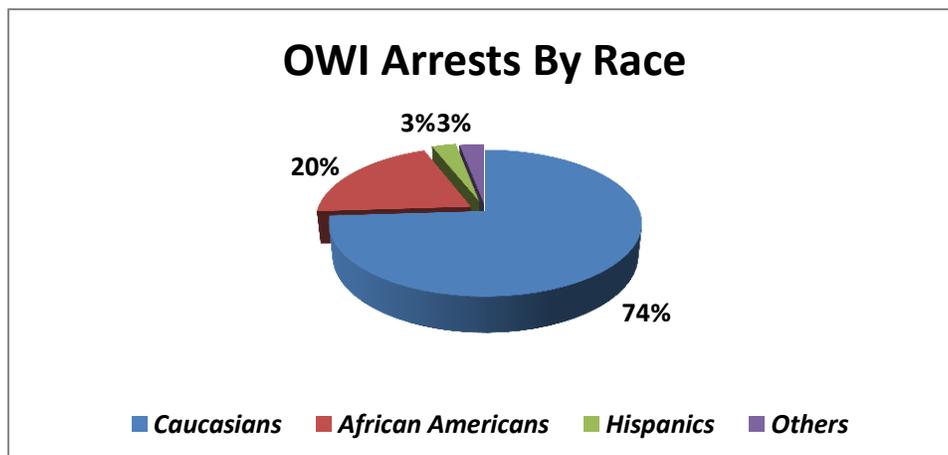


TABLE 3

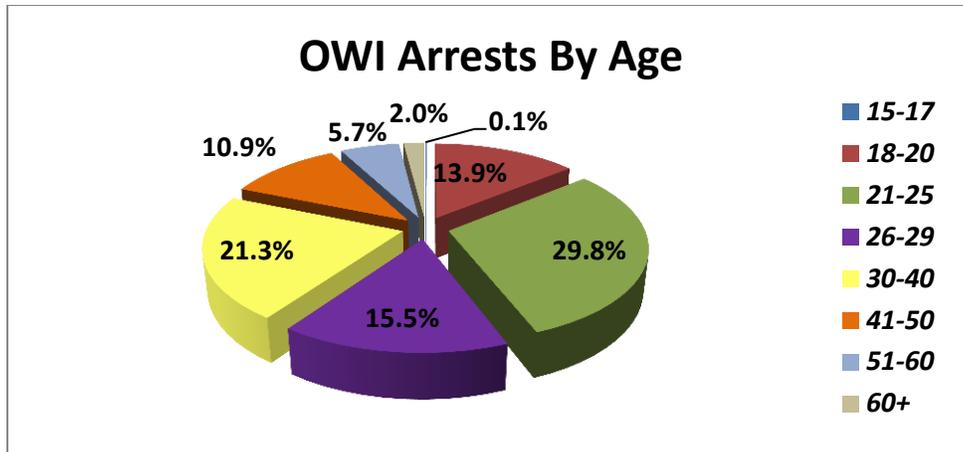


TABLE 4

YOUTH-RELATED OFFENSES

As a SPF funded coalition, our aim was to select a target population which would be assessed to measure changes in norms, perceptions, behaviors, and attitudes. The Knowledge Effect targeted individuals 12 to 29 to affect both minors and adults alike. For the purposes of this section, a minor is defined as persons below the Minimum Legal Drinking Age (MLDA).

In 2008 prior to the re-instatement of the ATAC task force, 40 minors were arrested for an OWI. The number of youth-related arrests has increased each year. In 2009, only 59 minors were arrested for OWI. That number rose to 123 in 2010 and 181 in 2011.

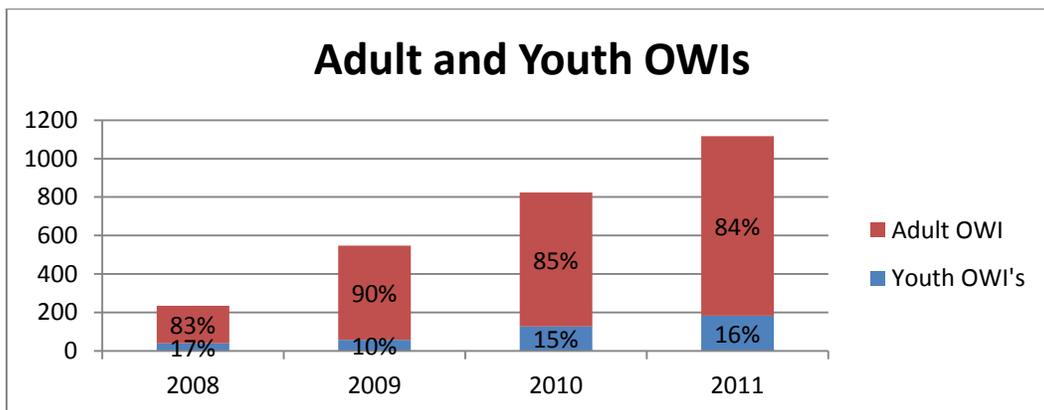


TABLE 5

Although minors' BAC levels are slightly decreasing each year, the percentage of youth who refuse the breath test is high. In 2009, 59 minors were arrested for OWI and 10 of them refused the intoxilyzer test. In 2010, 14 minors refused out of 123. Out of 181 minors arrested for OWI in 2011, 13% refused the breath test. In addition to the issue of high refusals, the number of minors who are repeat offenders is steadily growing. In 2009 the percentage of youth who were sentenced for a 2nd OWI is 1.6%, for 2010 it increased to 3.2%, and 2011 resulted in 6.6% 2nd OWI offenses.

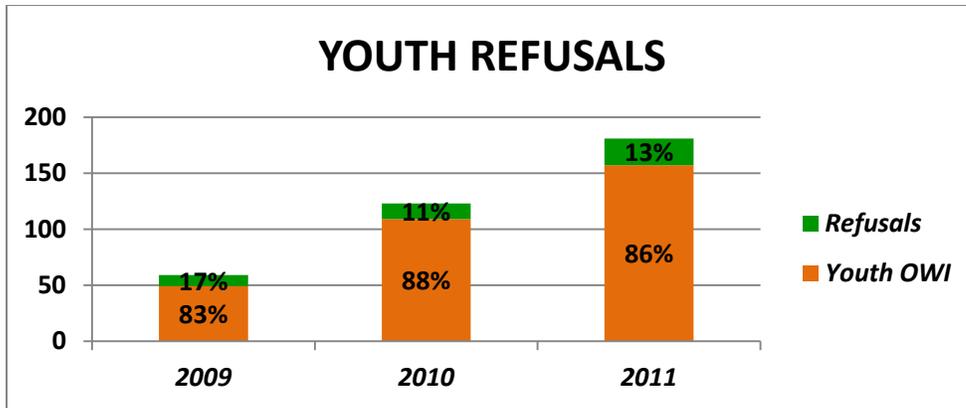


TABLE 6

COURT DATA

OWI TIME LOG

As previously mentioned OWI arrests have escalated tremendously since 2009. The rise in arrests has created unforeseen repercussions within the court system. The influx created a backlog of cases within Lafayette City Court which causes cases to be processed at a much slower rate. As people are arrested for an OWI, on average, it may take 8 months before the case initially appears in court. This number was figured from the average time of arrest to initial appearance in court. Additionally, on average, it takes an arrest 2 months from initial appearance to reach a verdict. Depending on the circumstances, this time period may be even longer. Figures for the OWI time log are also calculated from the information that is entered into the database.

PROSECUTION DATA

Often conviction and prosecution data are collected to determine the effectiveness of a prosecutor and the court process. As outlined in the goals set by the coalition, the court monitor was employed to track OWIs from arrest to conviction. The following data illustrates the number of cases arrested which are not being filed in court. This is defined as prosecution which for the purposes of this report, varies from conviction.

The Knowledge Effect has built a series of relationships with various agencies, one of which is Court Services. This agency monitors criminal offenders who are sentenced by City or District Court. This relationship is essential in that Court Services receives all OWI arrests reports and provides documentation for the outcomes of OWI arrests which are needed for calculating prosecution and conviction. A process has been established for gathering the necessary data to calculate these numbers.

First, Court Services obtains every OWI arrest report from the Lafayette Police Department which is then entered into the database. At this point, each arrest is assigned a temporary docket number until it is billed by the Prosecutor’s office or the defendant makes an initial appearance in Lafayette City Court. When a case has not been filed, it remains within the Court Service database as a “Dummy Docket” or DD case. The “Dummy Docket”

coding indicates that the case has not received a Lafayette City Court docket number, and has not appeared in Lafayette City-Court. These numbers will be used to determine how many cases were never billed in city court and will give us the opportunity to determine where the case was sent.

After calculating total arrests for 2009, 548 cases were entered into the Court Service Database. Of these cases, 468 were either processed through Lafayette City Court or Lafayette City Prosecutor's Office. Of those 18 were amended, 20 were dismissed, 7 were refused, 4 were found guilty, 6 were found not guilty, 4 "other" (unable to attend court due to incapacitation or death), 18 are still pending, 391 pled no contest or pled guilty. Eighty cases were handled by District Court. Of the 80, 16 were transferred to the District Attorney's (DA) office due to a felony charge; 28 were requested by the DA; and 36 were transferred to the pre-trial diversion program through the DA's office.

In 2010, 847 cases were entered into the Court Service Database. Out of these cases, 689 were either processed through Lafayette City Court or Lafayette City Prosecutor's Office. Of those 8 were refused, 25 were amended, 3 dismissed, 5 found guilty, 5 found not guilty, 135 are pending, 508 pled no contest or guilty. Of the 154 handled by District Court, 32 were transferred to the DA's office due to a felony charge; 29 were requested by the DA; and 93 were transferred to the pre-trial diversion program through the DA's office; and there was insufficient information on the disposition of the 4 remaining cases.

As a result of the increase in OWIs, cases from 2011 are still being processed in 2012 and are beyond the scope of this report. As of March 2012, many cases from 2011 are still being handled in Lafayette City Court, which again supports the fact that arrests are creating a backlog of cases within Lafayette City Court.

CONVICTION DATA

Conviction data, for the purposes of this report, is defined as cases that are convicted for an OWI. Along with assistance from Court Services, OWIs are tracked from the time of arrest until a verdict or plea is reached in court. To reiterate, each arrest is assigned a temporary docket number and documented in Court Service's database. Upon initial appearance in court an actual docket number is assigned to the case. The outcome of each court appearance is tracked until the offender enters a plea or a verdict is determined.

To understand convictions, the verdicts and pleas must first be defined. A case is considered a conviction when the defendant is found guilty at trial, enters a plea of no contest, or enters a plea of guilty. A non-conviction is defined as cases that have been amended to a non-OWI charge, dismissed cases, cases found not guilty at trial or cases that have been sent through the pre-trial diversion program. Three types of cases are deducted from the total number of cases filed, those classified as pending, refused and those that have been transferred to district court. Amended cases are handled differently and will be discussed in more detail later.

When cases for a given year have been completely cleared through the court process, actual verdicts can be utilized to determine conviction outcomes. These figures are

generated from the Court Services database and are based on all cases that have reached an outcome.

After calculating total arrests for 2009, 468 were processed through Lafayette City Court or Lafayette City Prosecutor's Office. In order to determine conviction data those refused, pending and the "other" category will be removed from the total count leaving 439 possible convictions. Those considered convictions will include the 391 who pled no contest or guilty and 4 found guilty. Those considered non-convictions will include the 18 amended, 6 found not guilty and 20 dismissed. This report considers amended cases a non-conviction since we are tracking OWI charges for this grant.

After calculating the arrests for 2010, 689 processed through Lafayette City Court or Lafayette City Prosecutor's Office. In order to determine conviction data those refused and pending category will be removed from the total count leaving 546. Those considered convictions will include 5 found guilty and 508 who pled no contest or guilty. Those considered non-convictions will include the 25 amended, 3 dismissed, and 5 found not guilty. This report considers amended cases a non-conviction since we are tracking OWI charges for this grant.

One factor that should be noted is amended cases depicted in the conviction data above are only cases amended from an OWI charge to a non-OWI charge. Some areas consider pre-trial diversions as a conviction, but due to the data being tracked for the purpose of this grant, pre-trials are not considered a conviction.

AMENDED CASES

Prosecutors have been given the authority to use discretion when convicting cases, and on occasion a case will lack evidence to convict the defendant of the alleged charge. In this instance the prosecutor is liable to amend the offense or charge the defendant with a lesser crime. For purposes of this report, amended charges are defined as those cases that have been amended to a charge lesser than an OWI. In 2009 18 cases were amended and 25 were amended in 2010 to lesser charges.

CONCLUSION

The coalition acknowledges that this report was created utilizing the data available to the court monitor. After much research, it was concluded that no standard formula is widely-used for calculating prosecution and conviction totals. Most research indicates that these calculations were open to interpretation and the method that is utilized should be clearly documented.

The Knowledge Effect has impacted the community greatly and its efforts are noted throughout this report. The coalition will continue to utilize environmental strategies to combat issue that arise from substance use among youth and substance abuse among adults. Our aim is to serve the community through education, public policy initiatives, community events, and trainings that ensure community wellness targeting both youth and adults. In doing this, the coalition aspires to create a healthier environment for our community.