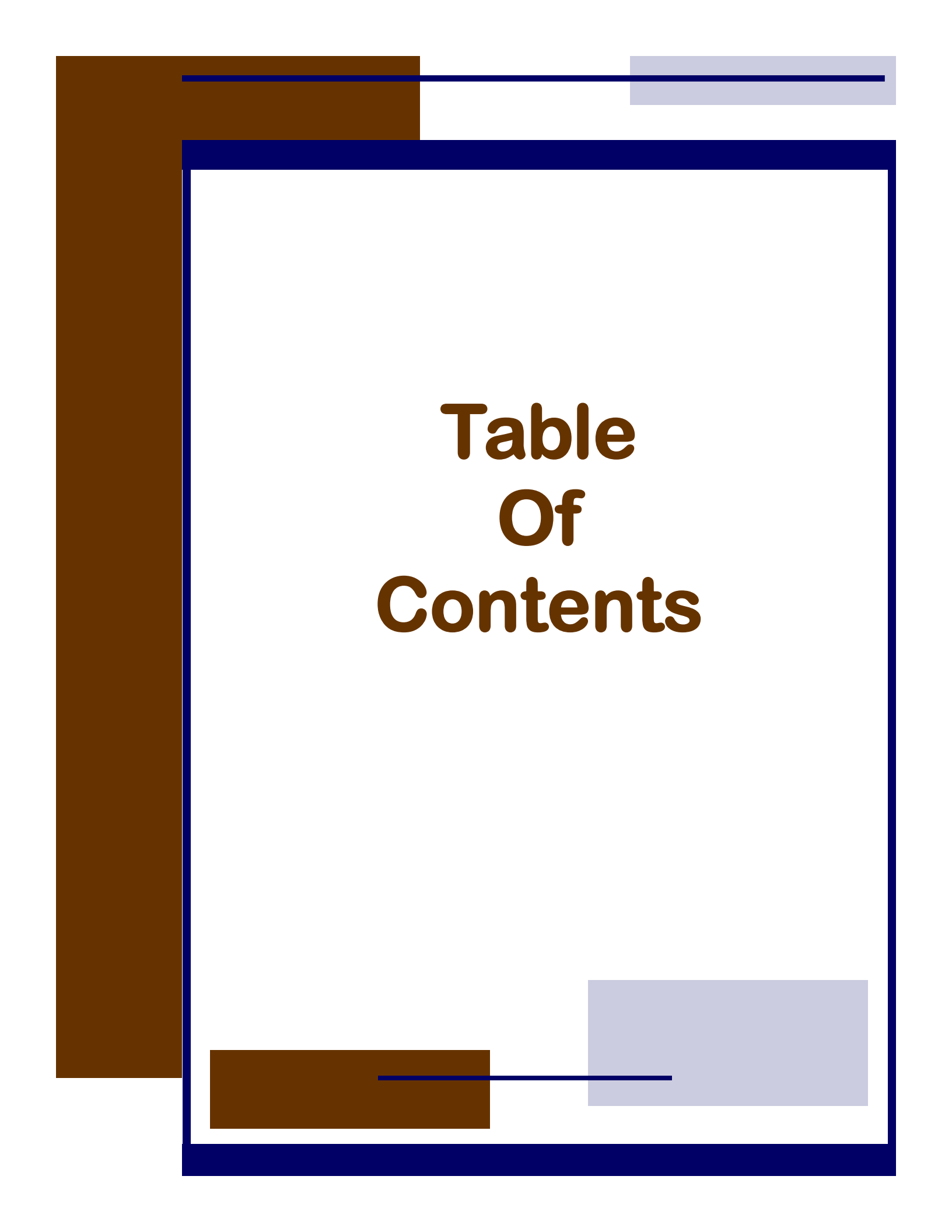


**Annual Report  
On  
Drunk Driving  
In  
Springdale,  
Arkansas  
For the Year  
2008**

Prepared by:  
Jeff C. Harper  
Springdale City Attorney  
November 23, 2009

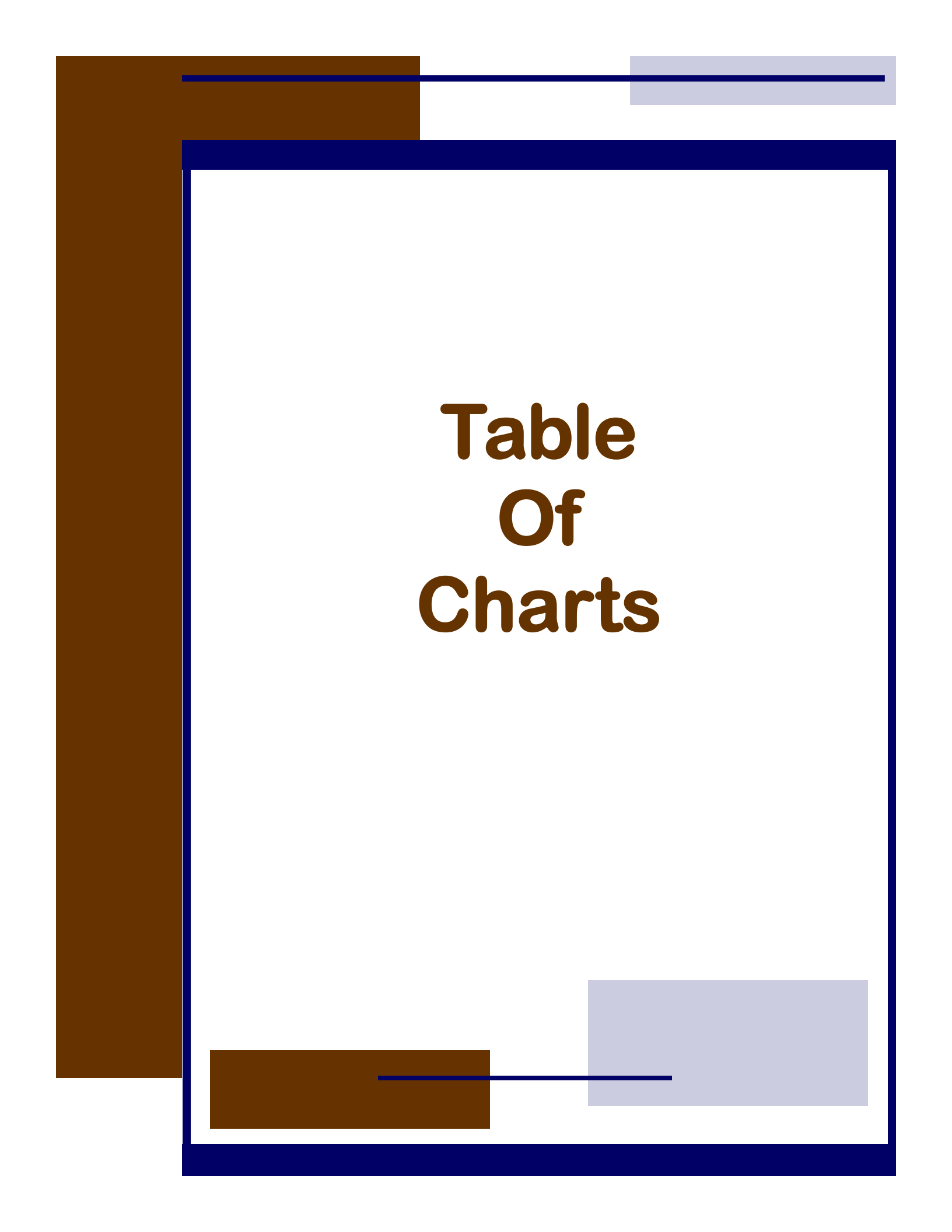


# Table Of Contents

## TABLE OF CONTENTS

I.	General Summary of Arrests	
A.	Law Enforcement Agency Making Arrests .....	1
B.	Driving the Vehicle Compared to Actual Control (ACV) .....	1
C.	County of Arrest .....	2
D.	DWI Alcohol Compared to DWI Drugs .....	2
E.	Comparison of Totals For the Past Five Years .....	3
F.	Average Age of Persons Arrested for DWI .....	3
G.	Average BAC of Persons Arrested for DWI .....	4
H.	Month of Arrest .....	4
I.	Location of Arrests .....	5
J.	Reason for Stop .....	6
K.	Hours in Which Most DWI Arrests Were Made .....	8
L.	Days in Which DWI Arrests Were Made .....	10
M.	Special Recognition .....	10
II.	Information on Offenders	
A.	Gender .....	12
B.	Race and Gender .....	12
C.	Arrest by Race (DWI versus All Arrests) .....	15
D.	Age, Race and Gender .....	15
E.	How Much They Drank .....	16
F.	Implied Consent .....	17
G.	Repeat Offenders .....	17
	1. Comparison of BAC Levels of First Time Offenders With Repeat Offenders .....	17
	2. Race/Gender of Repeat Offenders .....	18
H.	Where Offenders Lived .....	19
III.	DWI Related Crashes	
A.	By Day of Week .....	20
B.	By Month .....	21
C.	DWI Collisions by Time/Day .....	22
	1. Time .....	22
	2. Day/Time .....	22
D.	By Type of Motor Vehicle Collision .....	22
E.	Fatality Crashes .....	23
F.	Personal Injury Crashes .....	24
G.	Property Damage Crashes .....	24

H.	Comparison of DWI Crashes in the Last Five Years .....	25
I.	Leaving the Scene of an Accident .....	26
J.	Race/Gender of DWI Offenders in Crashes .....	26
K.	DWI Crashes by Offense Number .....	27
L.	Underage Drivers in DWI Crashes.....	28
M.	Location of DWI Crashes .....	28
N.	Estimate of Property Damage of DWI Crashes in 2008 .....	29
O.	Other Offenses Committed by Persons Arrested in DWI Crashes .....	30
	1. Driver's License Violations .....	30
	2. No Insurance .....	30
	3. No Seatbelt .....	30
IV.	Prosecution of DWI Offenders (Disposition)	
	A. Handling of DWI Cases by Prosecution Agency .....	31
	B. Conviction Rate in Cases Adjudicated .....	31
V.	Underage Drinking and Driving	
	A. DUI .....	35
	1. Total DUI Arrests .....	35
	2. DUI Accidents .....	36
	B. Underage DWI .....	36
	C. Underage DWI Repeat Offenders .....	37
VI.	Arkansas DWI/DUI Law .....	38

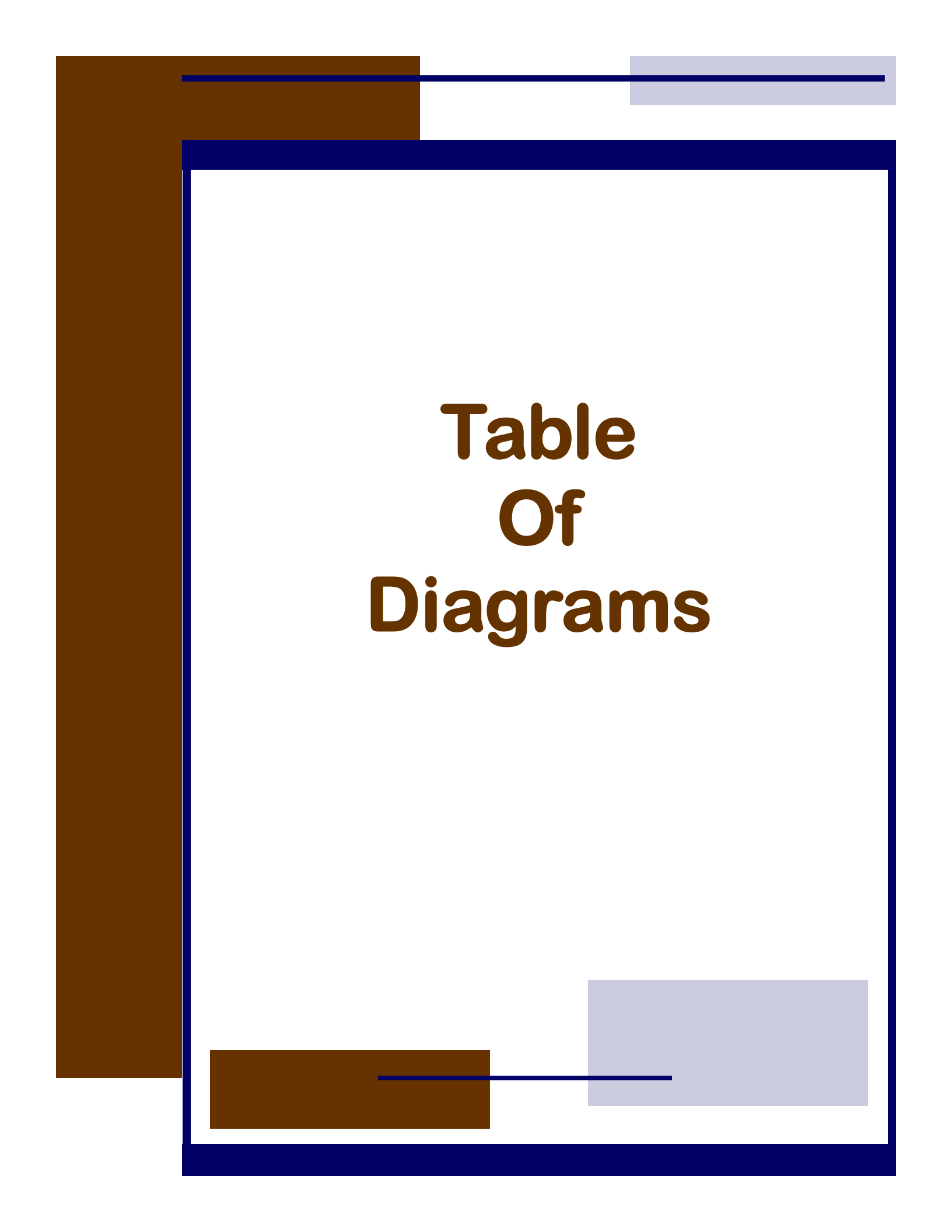


# Table Of Charts

## Table of Charts

Chart No. 1	Location of DWI Arrests (Non-Accidents) Which Occurred on Highways in the City of Springdale, Arkansas in the Year 2008 .....	5
Chart No. 2	Location of DWI Arrests (Non-Accidents) Which Occurred on City Streets in the City of Springdale, Arkansas in the Year 2008 .....	6
Chart No. 3	Reasons Police Stopped DWI Offender in the Year 2008	7
Chart No. 4	Days/Hours in Which Highest DWI Arrests Were Made in the Year 2008 .....	9
Chart No. 5	Breakdown of DWI Arrests by Race/Gender for Year 2008 .....	13
Chart No. 6	Comparison of Percentages by Race/Gender of Persons Arrested for DWI in 2004 through 2008 .....	14
Chart No. 7	Comparison of Average Age of Persons Arrested for DWI in the Four Largest Race/Gender Groups for 2004 Through 2008 .....	16
Chart No. 8	Comparison of Average BAC Levels in the Four Largest Race/Gender Groups in 2004 Through 2008 .....	16
Chart No. 9	Day/Time in Which Most DWI Crashes Occurred .....	22
Chart No. 10	Total DWI Crashes by Type of Crash for the Last Five Years .....	25
Chart No. 11	Comparison of DWI Crashes in Past Five Years .....	26
Chart No. 12	Total Number and Percentage by Race/Gender of Persons Who Were DWI Involved in Crashes in 2008 ...	27
Chart No. 13	2008 DWI Crashes by Offense .....	28
Chart No. 14	State or U.S. Highway Where DWI Crashes Occurred in 2008 .....	29

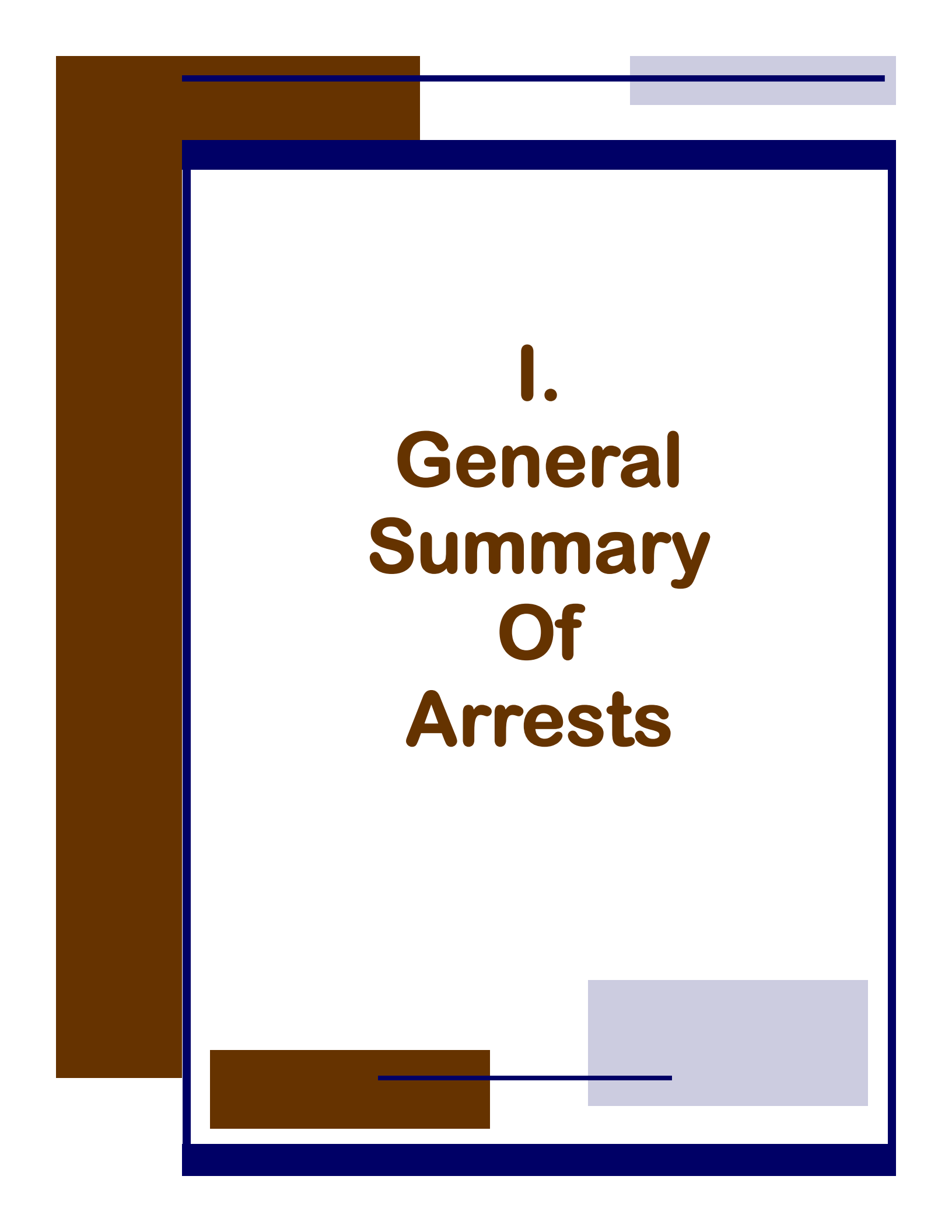
Chart No. 15	2008 Dispositions on DWI Cases Handled by City of Springdale .....	32
Chart No. 16	2008 Dispositions of DWI Cases Handled by City of Springdale and Washington County Prosecutor .....	33
Chart No. 17	Dispositions on Cases Handled by City of Springdale (All Misdemeanor Cases) Years 2004 through 2008 ....	34
Chart No. 18	Total DUI Arrests Made in Springdale .....	35
Chart No. 19	Race/Gender Comparison of Underage DWI Arrests in 2008 .....	37



# Table Of Diagrams

## Table of Diagrams

Diagram 1	DWI Arrests by Agency .....	1
Diagram 2	DWI (Driving) v. ACV (Actual Physical Control) .....	2
Diagram 3	DWI Arrests .....	3
Diagram 4	DWI Monthly Arrests for 2008 .....	4
Diagram 5	SPD Officers Who Made Over 25 DWI Arrests in 2008 ..	11
Diagram 6	Total DWI arrests in 2008 .....	12
Diagram 7	Race/Gender Percentages of Persons Arrested for DWI in 2008 .....	14
Diagram 8	Comparison of Arrests by Race/Gender (DWI versus All Arrests) Made in 2008 .....	15
Diagram 9	DWI #1, #2, #3, #4 and #5 Offenders BAC Percentage .....	18
Diagram 10	2008 DWI Repeat Offenders by Race/Gender .....	19
Diagram 11	Day of the Week DWI Crashes Occurred in 2008 .....	20
Diagram 12	Breakdown of DWI Related Crashes by the Month They Occurred – 128 Total .....	21
Diagram 13	Percentage of Total Accidents in Springdale That Were DWI Related .....	23

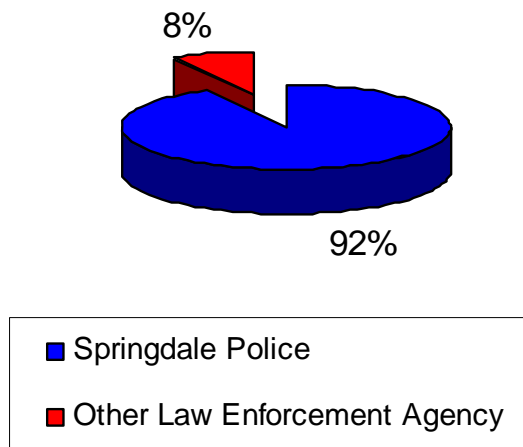


**I.**  
**General  
Summary  
Of  
Arrests**

**A. Law Enforcement Agency Making Arrest.**

In the year 2008, there were 728 total arrests for violation of the Arkansas Omnibus DWI Act in Springdale, Arkansas. Of this total, 671 arrests were made by the Springdale Police Department, 42 arrests were made by the Arkansas State Police, and 15 arrests were made by the Washington County Sheriff's Office.

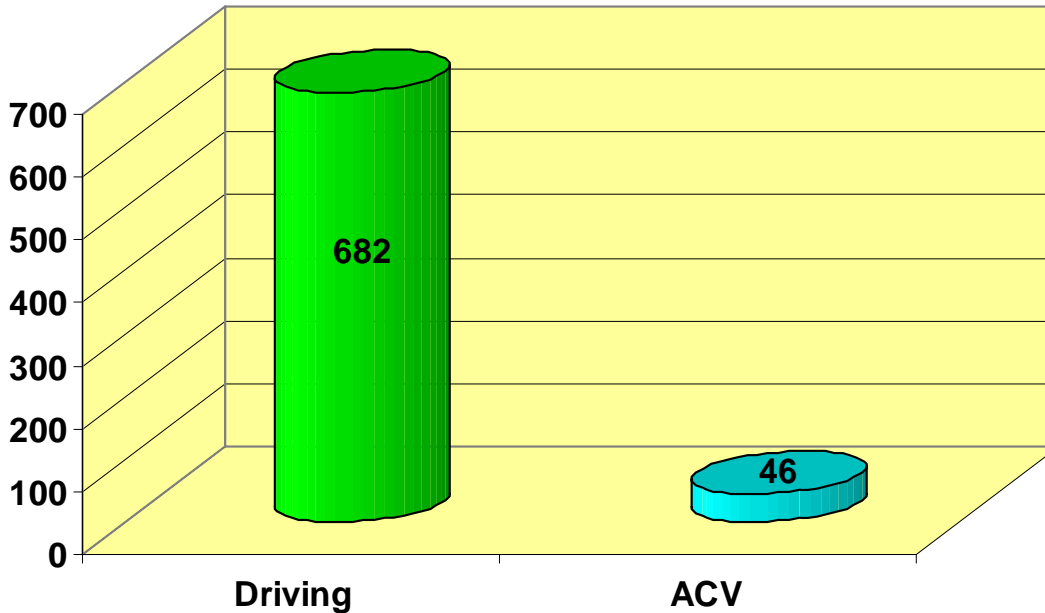
**Diagram 1  
DWI Arrests by Agency**



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

Of the 728 total arrests for violating the Arkansas Omnibus DWI Act, 682 persons were charged with actually driving the vehicle, while the remaining 46 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**

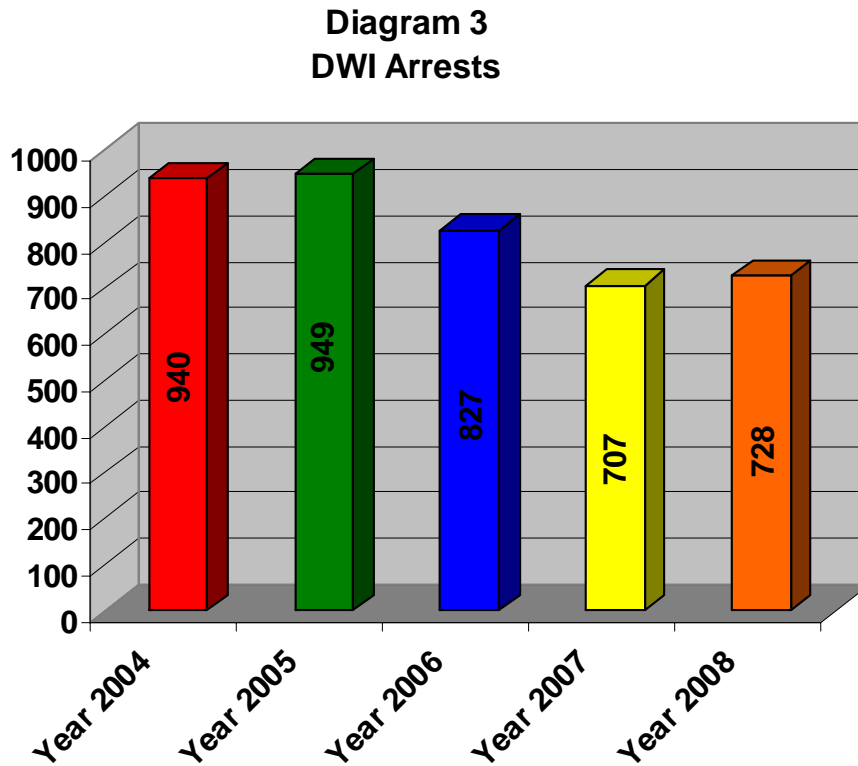
Springdale is located in two counties, with approximately 93% of the population living in Washington County and 7% living in Benton County. Of the 728 DWI arrests made in Springdale, 711 (approximately 98%) occurred in Washington County, while 17 arrests (approximately 2%) occurred in Benton County.

**D. DWI Alcohol Compared to DWI Drugs.**

Of the 728 total arrests, 27 persons were charged with DWI (drugs) rather than DWI (alcohol). Those persons charged with DWI (drugs) made up approximately 4% of the total DWI arrests in 2008.

**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 2004 through the year 2008.



**F. Average Age of Persons Arrested for DWI**

The average age of persons arrested for DWI in Springdale in 2008 was 32.75 (last year's average age was 31.46).

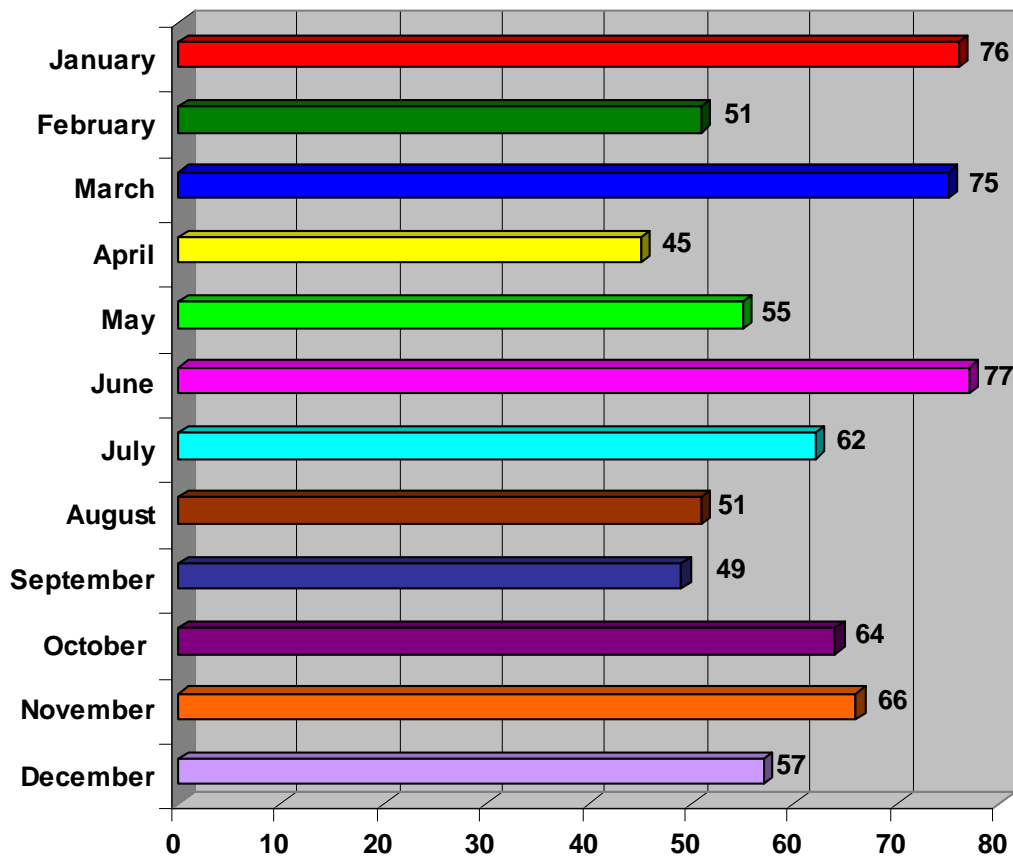
### G. Average BAC of Persons Arrested for DWI

Of the 497 total tests on record for blood alcohol concentration (BAC) given to persons arrested for violating the Omnibus DWI Act in the year 2008, the average BAC was .1617%. This is up from .15636% in 2007.

### H. Month of Arrest

The following chart sets out the 2008 DWI arrests in Springdale by the month of the arrest.

**Diagram 4  
DWI Monthly Arrests for 2008**



## I. Location of Arrests

Over 50% of the DWI arrests that did not involve accidents occurred on highways within the City of Springdale. 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 2008.

<b>Chart No. 1 Location of DWI Arrests (Non-Accidents) Which Occurred on Highways in the City of Springdale, Arkansas In the Year 2008</b>	
<b><u>Highway</u></b>	<b><u>No. of Arrests</u></b>
South Thompson (Hwy. 71S)	85
West Sunset (Hwy. 412 W)	83
East Robinson (Hwy. 412 E)	48
N. Thompson (Hwy. 71 N)	33
I-540	29
Hwy. 265	26
Hwy. 264	3

The next chart sets out the locations in which a DWI (non-accident) arrest was made for all locations which had at least 8 DWI arrests within the City of Springdale, Arkansas in 2008.

**Chart No. 2  
Location of DWI Arrests (Non-Accidents) Which Occurred  
on City Streets in the City of Springdale, Arkansas  
In the Year 2008**

City Street	No. of Arrests
West Huntsville/Elm Springs Road	29
East Emma	21
Powell Street	15
Butterfield Coach	10
S. Pleasant	9
Park Street	9
West End Street	8
Randall Wobbe Lane	8
48 <sup>th</sup> Street	8

**J. Reason for Stop**

An analysis of over 95% 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 2008**

<b>Reason</b>	<b>Percentage</b>
Offender committed a moving traffic violation	58%
Police officer dispatched/flagged down by witness concerning vehicle stopped	33%
Officer stopped vehicle for suspicion of criminal activity (not a traffic offense)	5.5%
Officer stopped vehicle for other reason (such as no vehicle license or no tail lights)	3.5%

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, 33% 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 violation they observed.

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. Of the moving traffic violations observed by the police officer which led to the stop, over 42%

were because the driver went left of center. The second highest violation was disobeying a traffic control device (stop sign or red light), which represented 10% of the total persons stopped for a moving traffic violation by officers that led to a DWI arrest. The third highest violation was speeding, which represented about 9.5% of the total persons stopped for a moving traffic violation by officers that led to a DWI arrest.

**K. Hours in Which Most DWI Arrests Were Made**

Not surprisingly, most DWI arrests not involving accidents were made in the early morning hours and usually on Saturday or Sunday. The chart on the next page sets out the day and the hour in which most of the DWI offenders were arrested in the year 2008. All of these cases involved non-accidents. Section III contains information related to accidents.

**Chart No. 4  
Days/Hours in Which Highest DWI Arrests Were Made  
In the Year 2008**

<u>Day of Week</u>	<u>Time of Day</u>	<u>No. of Arrests</u>
Sunday	2:00 am – 2:59 am	35
Sunday	1:00 am – 1:59 am	31
Sunday	3:00 am – 3:59 am	30
Saturday	2:00 am – 2:59 am	26
Saturday	3:00 am – 3:59 am	23
Sunday	Midnight – 12:59 am	23
Saturday	10:00 pm – 10:59 pm	19
Sunday	4:00 am – 4:59 am	15
Saturday	1:00 am – 1:59 am	14
Saturday	4:00 am – 4:59 am	14
Saturday	11:00 pm – 11:59 pm	12
Friday	11:00 pm – 11:59 pm	11
Sunday	5:00 am – 5:59 am	10
Friday	9:00 pm – 9:59 pm	10

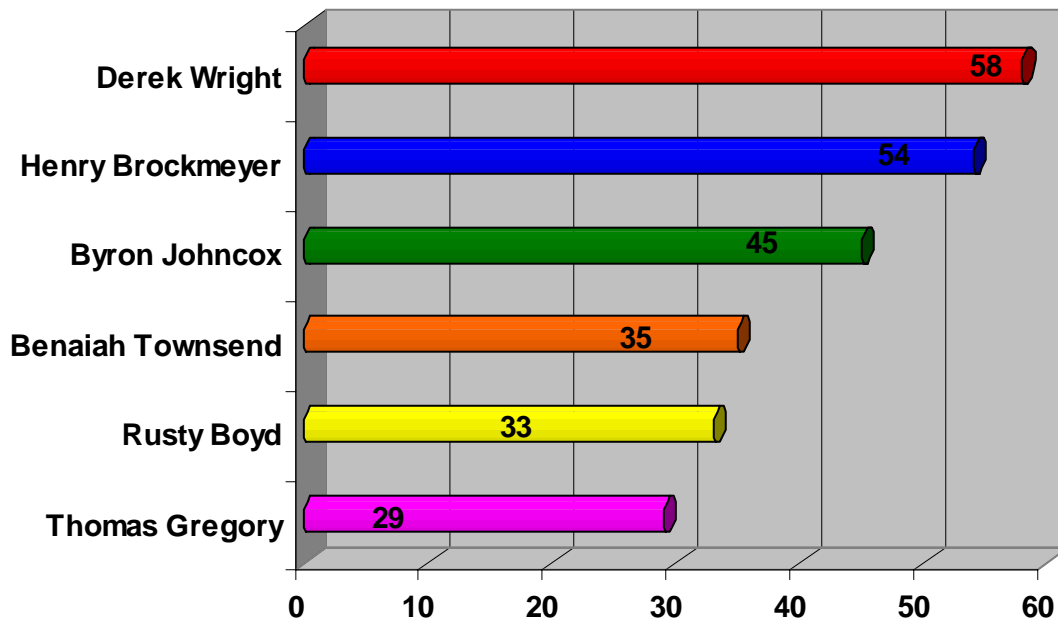
**L. Days in Which DWI Arrests Were Made (Non-Accidents)**

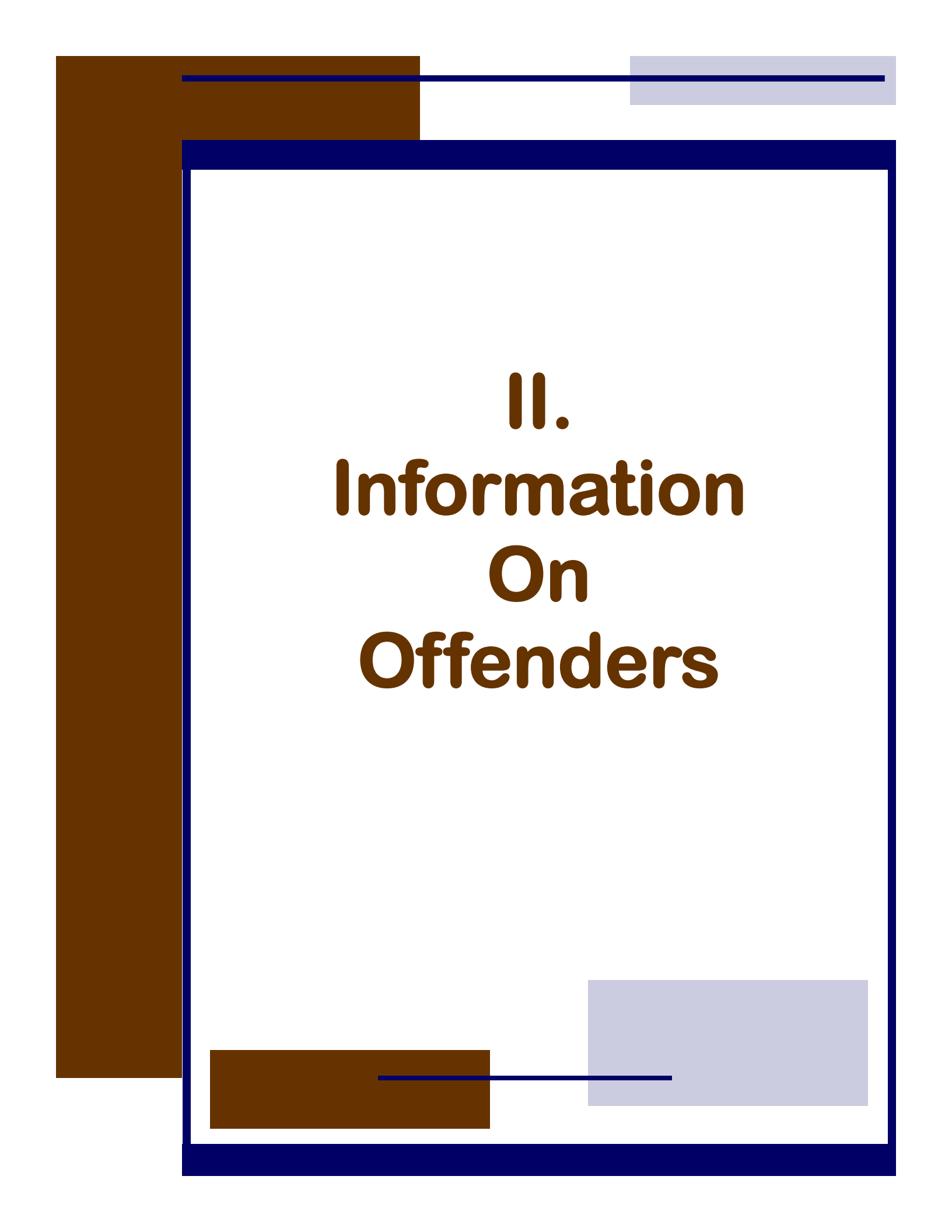
Sunday was the number one day in which DWI arrests (non-accidents) were made and Saturday was the second highest day in which DWI arrests (non-accidents) were made. One hundred ninety-nine (199) persons were arrested on Sunday, 160 persons were arrested on Saturday, and 71 persons were arrested on Friday. These three days represent approximately 72% of the total DWI arrests that did not involve accidents. Fifty-seven percent (57%) of the total DWI arrests that did not involve accidents occurred between Friday at 6:00 p.m. and Sunday at 6:00 a.m.

**M. Special Recognition**

In 2008, six Springdale Police Officers made 25 DWI arrests or more. Officer Derek Wright was first, making 58 DWI arrests. The six officers who made at least 25 DWI arrests in 2008 in Springdale are listed in Diagram 5 on the next page.

**Diagram 5**  
**SPD Officers Who Made 25 or More**  
**DWI Arrests in 2008**



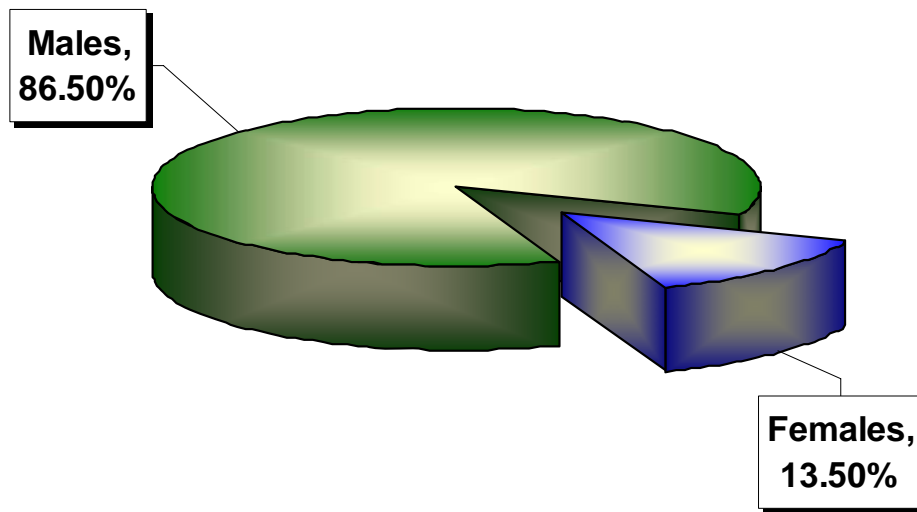


**II.  
Information  
On  
Offenders**

**A. Gender**

Of the 728 DWI arrests made in 2008, 630 (approximately 86.5%) were males and 98 (approximately 13.5%) were females.

**Diagram 6  
Total DWI Arrests in 2008**



**B. Race and Gender**

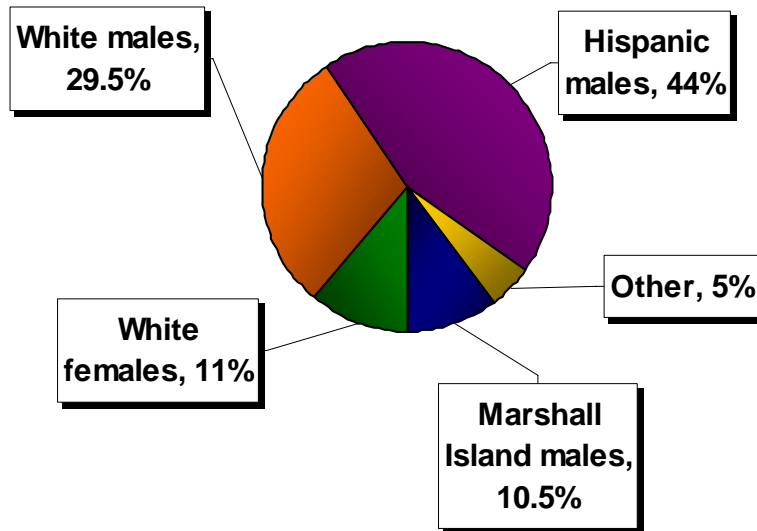
The breakdown by race/gender of the 728 DWI arrests made in Springdale in 2008 is set out in Chart 5 on the following page. Following Chart 5 is Diagram 7, which sets out the race/gender percentage of persons arrested for DWI in 2008, and Chart 6, which shows the race/gender breakdown based on the percentage of overall DWI arrests and compares the 2008 percentages with years 2004, 2005, 2006 and 2007. The year

2008 represents the fourth year in a row in which the percentage of Hispanic males arrested actually went down from the previous year.

**Chart No. 5  
Breakdown of DWI Arrests by Race/Gender  
For Year 2008**

<b>Race/Gender</b>	<b>Total No. of Arrests</b>
Hispanic males	322
White males	214
White females	79
Marshall Island males	75
Hispanic females	14
Black males	10
Asian males	6
Marshall Island females	4
Pacific Island males	2
American Indian male	1
Asian female	1
	<hr/>
	728

**Diagram 7  
Race/Gender Percentages of Persons  
Arrested for DWI in 2008**



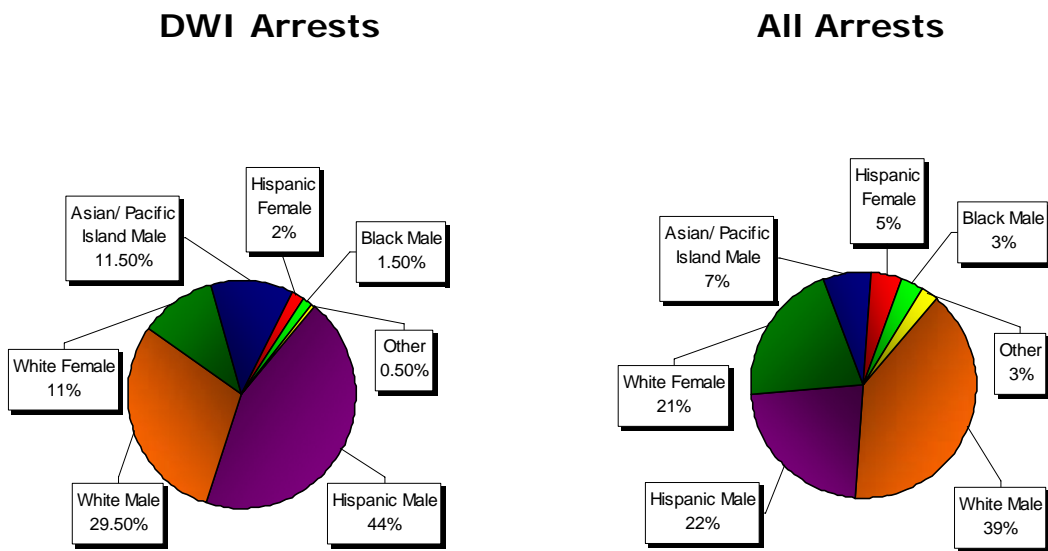
**Chart No. 6  
Comparison of Percentages by Race/Gender of Persons  
Arrested for DWI in 2004 through 2008**

	2004	2005	2006	2007	2008
Hispanic males	59%	58%	55.5%	49%	44%
White males	26%	26.5%	27.5%	30%	29.5%
White females	7%	7%	8%	10%	11%
Marshall Island males	6%	4.5%	4.5%	8%	10.5%
Other	<u>2%</u>	<u>4%</u>	<u>4.5%</u>	<u>3%</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 versus all arrests in Springdale in 2008.

**Diagram 8  
Comparison of Arrests by Race/Gender  
Made in 2008**



**D. Age, Race and Gender**

Chart 7 sets out the average age of the four highest race/gender groups represented in DWI arrests for years 2004 through 2008.

**Chart No. 7  
Comparison of Average Age of Persons Arrested  
For DWI in the Four Largest Race/Gender  
Groups for 2004 Through 2008**

	<u>Average Age</u>				
	2004	2005	2006	2007	2008
White males	36.75	34.55	34.30	35.40	36.51
Hispanic males	28.96	28.55	29.96	28.90	30.88
White females	36.83	38.30	34.22	35.61	34.2
Marshall Island Males	26.09	27.51	28.74	26.84	29.53

**E. How Much They Drank**

The next chart compares the average BAC levels of the four top race/gender groups from 2004 through 2008.

**Chart No. 8  
Comparison of Average BAC Levels  
in the Four Largest Race/Gender Groups  
in 2004 Through 2008**

	2004	2005	2006	2007	2008
White males	.1516%	.1562%	.1568%	.1562%	.1598%
Hispanic males	.1660%	.1616%	.1622%	.1587%	.1648%
White females	.1561%	.1652%	.1423%	.1521%	.1595%
Marshall Island Males	.1542%	.1630%	.1645%	.1480%	.1625%

## **F. Implied Consent**

A total of 138 persons out of 728 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 19% of the total persons arrested.

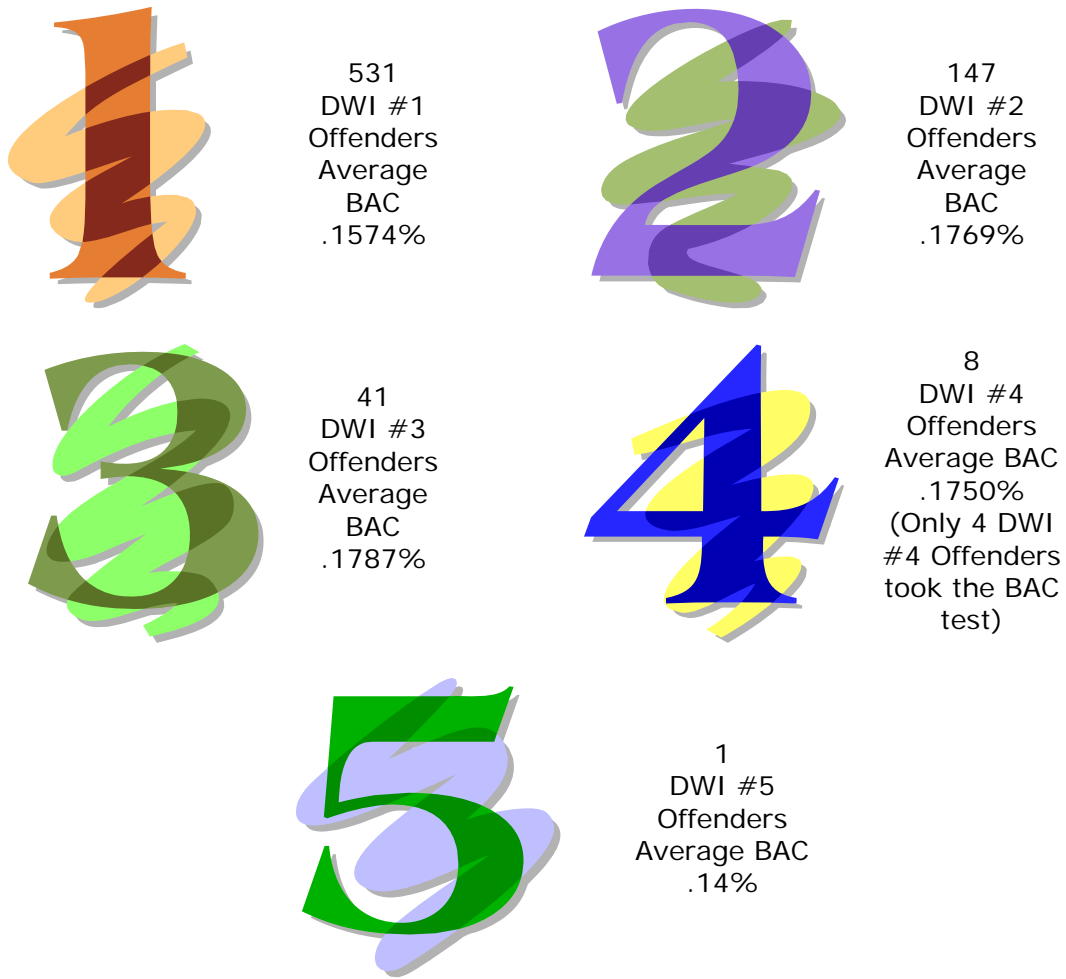
## **G. Repeat Offenders**

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

As in 2001 through 2007, repeat offenders had a higher average blood alcohol concentration (BAC) than first time offenders. The average BAC for first time offenders in 2008 was .1574%, while the average BAC for repeat offenders was .1785%.

The following diagram shows the total number of offenders in 2008 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 27% of the total, while first time offenders made up 73% of the total DWI arrests.

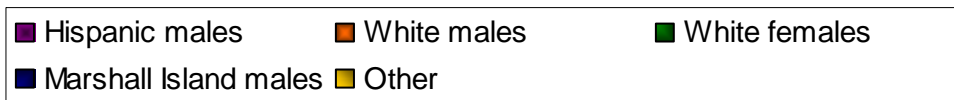
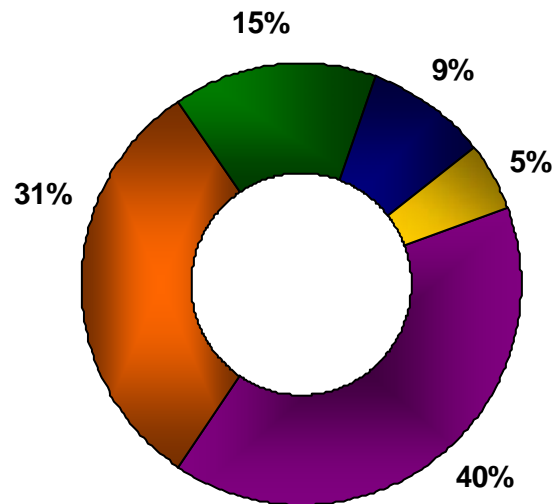
**Diagram 9**



**2. Race/Gender of Repeat Offenders**

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

**Diagram 10**  
**2008 DWI Repeat Offenders by Race/Gender**



#### **H. Where Offenders Lived**

Seventy-four percent (74%) of the 728 persons arrested for DWI within the city limits of Springdale gave a Springdale address. Approximately 94% of the persons arrested for DWI either lived in Washington or Benton County, Arkansas, and 96.5% of the persons arrested lived within the State of Arkansas. Only approximately 3.5% of the persons arrested gave an out of state address.



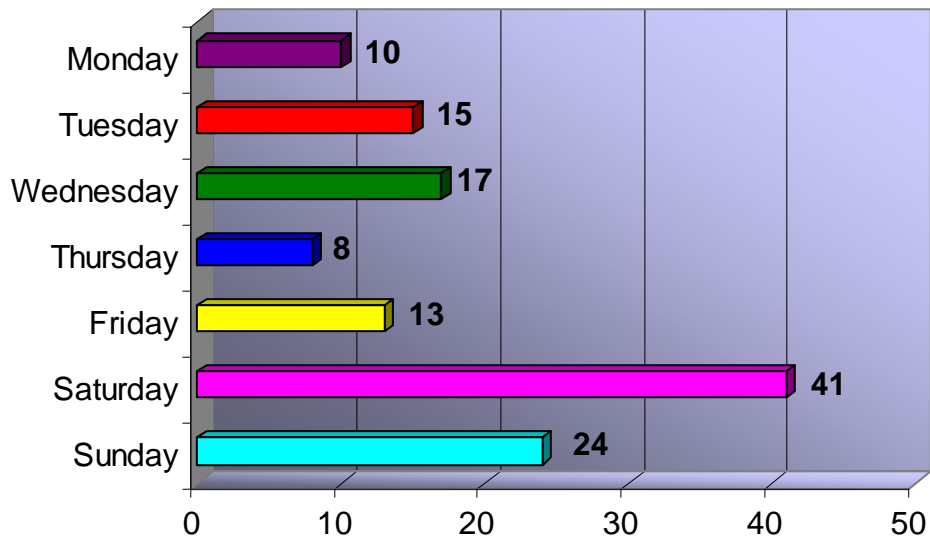
**III.  
DWI  
Related  
Crashes**

There were a total of 128 DWI related traffic crashes that occurred in Springdale during 2008. This is down approximately 6.5% from 2007, when there were 137 DWI related traffic crashes.

**A. By Day of Week**

The chart on the following page sets out the day of week in which DWI crashes occurred.

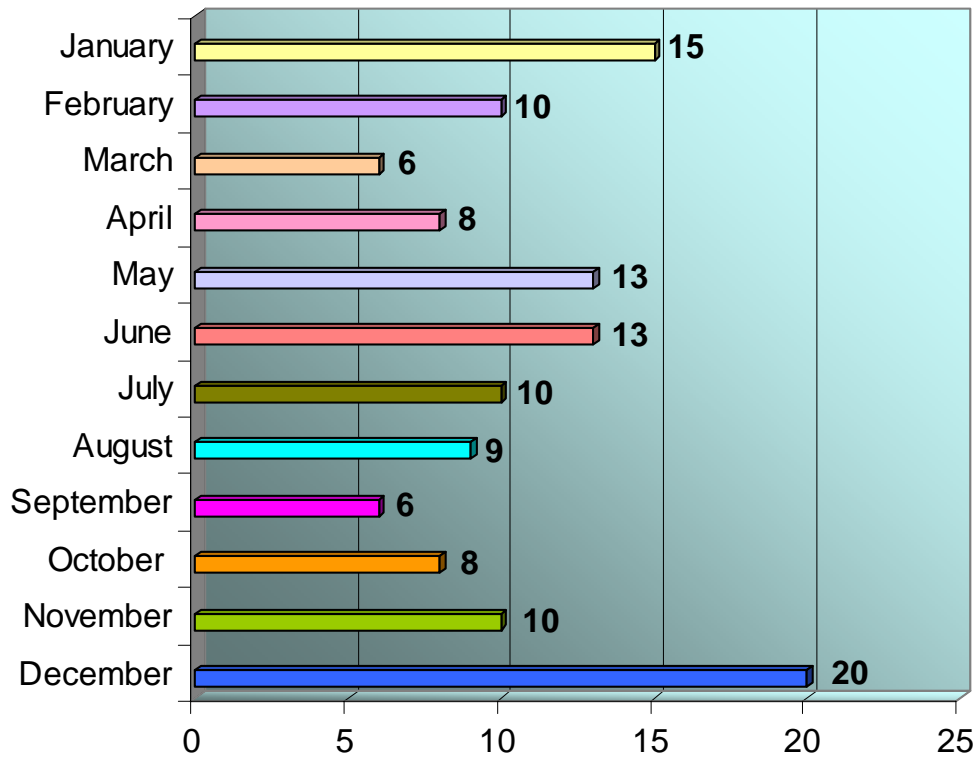
**Diagram 11  
Day of the Week DWI Crashes  
Occurred in 2008**



**B. By Month**

The following diagram is a breakdown of DWI related crashes which occurred in Springdale during 2008, by the month in which the collision occurred.

**Diagram 12**  
**Breakdown of DWI Related Crashes by the**  
**Month They Occurred**  
**Total 128**



**C. DWI Collisions By Time/Day**

**1. Time**

The time of day in which most DWI crashes occurred was between 9:00 p.m. – 9:59 p.m., which accounted for 14 total DWI crashes. This was followed by 12 DWI crashes that occurred between 8:00 p.m. – 8:59 p.m. and 11 crashes that occurred between 10:00 p.m. – 10:59 p.m. The fourth busiest hour for DWI crashes was 7:00 p.m. – 7:59 p.m., which accounted for 10 DWI crashes.

**2. Day/Time**

The chart below sets out the day/time in which most DWI crashes occurred.

<b><u>Day</u></b>	<b><u>Time</u></b>	<b><u>No. of Crashes</u></b>
Saturday	9:00 p.m. – 9:59 p.m.	7
Sunday	3:00 a.m. – 3:59 a.m.	6
Saturday	5:00 a.m. – 5:59 a.m.	5
Saturday	8:00 p.m. – 8:59 p.m.	5
Saturday	7:00 p.m. – 7:59 p.m.	4
Wednesday	6:00 p.m. – 6:59 p.m.	4

**D. By Type of Motor Vehicle Collision**

Springdale had a total of 2,455 traffic accidents in 2008, which was down from 2,740 traffic accidents in 2007. This includes all traffic accidents,

even those that occurred on private property (1,893 occurred on public roadways and 562 occurred on private property). Of these 2,455 accidents, 128 (118 on public roadways and 10 on private property) involved DWI related crashes, which is approximately 5.2% of the total amount of accidents.

### Diagram 13



**5.2% of the total accidents, which occurred in the City of Springdale, were DWI related.**

#### E. Fatality Crashes

Springdale had four fatality crashes in 2008, with four people killed in the fatality crashes (one person was killed in each fatality crash). Three of the four fatality crashes involved DWI drivers, which means a DWI driver was involved in 75% of the total fatality accidents that occurred in Springdale in 2008.

Of the three DWI fatality crashes, one involved a two car accident on I-540 which occurred on January 22, 2008 about 12:20 a.m. The second

DWI fatality crash occurred on August 18, 2008 on Silent Grove Road and was a one vehicle crash.

The third DWI fatality occurred on Highway 265/Old Missouri Road on December 21, 2008 and involved four motor vehicles. In addition to the one person killed in this accident, five people were injured. The DWI driver in the crash was charged by the Washington County Prosecutor's Office with negligent homicide as well as three counts of first degree battery. After a jury trial ending on November 4, 2009, the defendant was convicted of negligent homicide and three counts of felony battery and was sentenced to a total of 40 years in prison. The case was prosecuted by Washington County Deputy Prosecuting Attorneys Dustin Roberts and Chreea Stanimirovic.

#### **F. Personal Injury Crashes**

Springdale had a total of 37 personal injury crashes involving DWI drivers in 2008. This is up from 35 crashes in 2007. A total of 55 people were injured in the 37 personal injury crashes in 2008. The number of people injured was also up slightly from 54 persons who were injured in 2007.

#### **G. Property Damage Crashes**

There were a total of 88 property damage crashes in Springdale in 2008, which involved a DWI driver. In 2007, there were 100 property

damage crashes involving DWI drivers, so DWI related property damage crashes are down about 12% from 2007.

#### H. Comparison of DWI Crashes in the Last Five Years

The following charts set out the number of DWI crashes by type of crash for the past five years.

<b><u>Type of Crash</u></b>	<b><u>No. of Crashes</u></b>				
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Fatality	1	2	2	2	3
Personal Injury	42	40	47	35	37
Property Damage	<u>100</u>	<u>87</u>	<u>102</u>	<u>100</u>	<u>88</u>
Totals	143	129	151	137	128

**Chart No. 11**  
**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>
2004	143	-3.3%
2005	129	-9.79%
2006	151	+17%
2007	137	-9.27%
2008	128	-6.57%

**I. Leaving the Scene of an Accident**

Forty-two drunk drivers, which represents approximately 33% of the total amount of drunk drivers involved in DWI crashes, left the scene of the crash in violation of Arkansas law. In 2007, 37% of the total drunk drivers involved in DWI crashes left the scene, while 36% did so in 2006.

**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 2008 by race/gender, with the percentage this race/gender group makes up of the total.

**Chart No. 12**  
**Total Number and Percentage by Race/Gender of Persons Who**  
**Were DWI and Involved in Crashes in 2008**

Race/Gender	Total No. Involved in DWI Crashes	Percentage of Total Arrested
Hispanic males	45	35%
White males	35	27.25%
Marshall Island males	24	19%
White females	16	12.5%
Other	<u>8</u>	<u>6.25%</u>
Total	128	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. 13**  
**2008 DWI Crashes by Offense**

<u>Offense No.</u>	<u>Total</u>	<u>Percentage</u>
#1	89	69.5%
#2	33	26%
#3	6	<u>4.5%</u>
Total		100%

**L. Underage Drivers in DWI Crashes**

There were a total of 14 underage DWI drivers in DWI crashes in Springdale, Arkansas in 2008. This means that in approximately 11% of the DWI crashes in Springdale in 2008, an underage DWI driver was involved.

**M. Location of DWI crashes**

A total of 42 out of the 128 DWI crashes occurred on a State or U.S. Highway. This represents approximately 33% of the total DWI crashes, the same percentage as in 2007. The chart on the following page sets out the 42 DWI highway crashes by where they occurred.

**Chart No. 14**  
**State or U.S. Highway Where DWI Crashes**  
**Occurred in 2008**

<u>Location of Crash</u>	<u>No. of Crashes</u>
South Thompson (South of Emma Avenue)	13
West Sunset (West of South Thompson)	10
Highway 265 (Old Missouri Road)	6
North Thompson (North of Emma Avenue)	6
East Robinson (Hwy. 412 East of Thompson)	5
I-540	<u>2</u>
Total	42

The DWI crashes that occurred on city streets, occurred throughout the City of Springdale. The highest locations were Powell Street with five, Old Wire Road with four, and West Huntsville/Elm Springs Road and Backus Street with three.

**N. Estimate of Property Damage of DWI Crashes in 2008**

Based on an analysis of 112 DWI crashes in which property damage was estimated on the report, each DWI crash costs approximately \$5,729.46 in property damage. This seems low, but 62 (48%) out of the total 128 DWI crashes involved only one vehicle hitting a fixed object. With the average per accident (\$5729.46), it is estimated that DWI crashes cost \$733,370.88 in property damages in Springdale, Arkansas in 2008.

## **0. Other Offenses Committed by Persons Arrested in DWI Crashes**

### **1. Driver's License Violations**

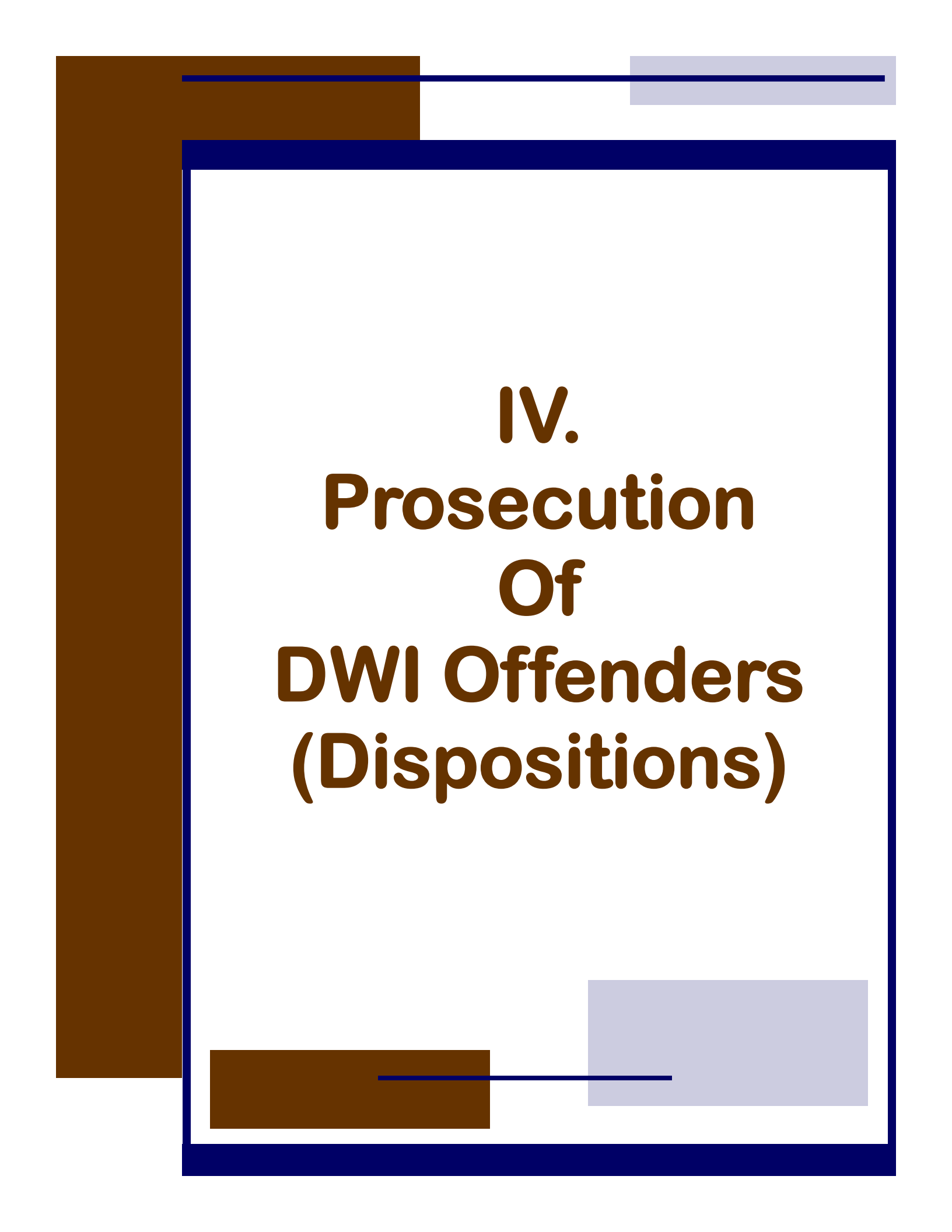
Twenty-two persons arrested for DWI who were involved in motor vehicle crashes had a suspended or revoked driver's license at the time of the crash. Thirty-one persons arrested for DWI who were involved in crashes did not have a driver's license at all. Taken together, there is approximately a 41% chance that a DWI driver involved in a crash in Springdale, Arkansas will either have a suspended driver's license or no driver's license.

### **2. No Insurance**

Thirty-one persons arrested for DWI who had crashes did not have motor vehicle insurance. This is approximately 24% of the drunk drivers involved in crashes in Springdale in 2008.

### **3. No Seatbelt**

There were only two drunk drivers involved in a crash that did not have their seatbelt on. This represents approximately 1.5% of the total drunk drivers involved in traffic crashes.



**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 2008, 33 cases were handed by the County Prosecutor's Office (32 by Washington County and one by Benton County). The remaining 695 cases were handled by the City of Springdale.

#### **B. Conviction Rate on Cases Adjudicated**

Of the 695 DWI arrests made in 2008 that were handled as misdemeanors by the City of Springdale, 632 have been adjudicated as of the date of this publication. Of the 632 adjudicated cases, 625 persons have been convicted of DWI, for a conviction rate on the cases adjudicated of 98.89%. Chart No. 15 sets out the dispositions of the cases handled by the City of Springdale, and Chart No. 16 sets out the dispositions on all cases, including felonies and those DWI cases that were sent to the county prosecutor's office with related felonies. These charts are updated on the City Attorney's web site ([www.springdalear.gov/cosa](http://www.springdalear.gov/cosa)) as cases are adjudicated.

**Chart No. 15**  
**2008 Dispositions on DWI Cases Handled by City of Springdale**  
**(as of 1/25/10)**

Total Arrested	728
Total Handled by City of Springdale	695
Total Failure to Appear on Springdale Cases	59
Total No. Cases Ending in Finding of Guilty	628
Total No. Cases Ending in Finding of Not Guilty	7
Persons Who Died Before Case Adjudicated	1
Cases Still Pending	0
Total Convicted by Total No. Arrested (628/695)	90.35%
Conviction Rate on Cases Adjudicated (628/634)	98.89%

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. 16**  
**2008 Dispositions on DWI Cases Handled by**  
**City of Springdale and County Prosecutor's Office**  
**(as of 1/25/10)**

Total Arrested	728
Total Handled by City of Springdale	695
Total Handled by County Prosecutor's Office (32 in Washington County and 1 in Benton County)	33
Total No. of cases ending in a finding of Guilty	657
Total No. of cases ending in a finding of Not Guilty	10
Total No. Defendants Failed to Appear (warrants issued)	60
Defendant Died Before Case Adjudicated	1
Case Pending	0
Total Convicted/Total No. Arrested (657/728)	90.24%
Conviction Rate on Cases Adjudicated (657/667)	98.50%

The next chart shows dispositions on misdemeanor cases handled by the City of Springdale from years 2004 through 2008.

**Chart No. 17**  
**Dispositions on Cases Handled**  
**by City of Springdale (All Misdemeanor Cases)**  
**Years 2004 through 2008 as of 3/26/10**

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Total Arrested</b>	940	949	827	707	728
<b>Total Handled by City</b>	919	938	818	683	695
<b>No. Failed to Appear</b>	83	109	62	44	59
<b>Other</b>	0	3*	1*	3*	1*
<b>Pending</b>	0	0	0	0	0
<b>Disposed of</b>	836	826	756	636	635
<b>No. Convicted</b>	822	816	749	622	628
<b>Percentage Convicted Of Cases Adjudicated</b>	98.32%	98.67%	99.07%	97.79%	98.89%

\*Died before case adjudicated



**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 2008, there were 20 total arrests for DUI in Springdale, Arkansas. This is down from 26 total DUI arrests in 2007. The next chart sets out the number of DUI arrests made in Springdale from years 2004 through 2008.

<b>Year</b>	<b>No. of DUI's</b>
2004	20
2005	21
2006	31
2007	26
2008	20

## **2. DUI Accidents**

There was one crash involving DUI drivers in 2008. No one was hurt in this crash.

### **B. Underage DWI**

Underage DWI means although the person was under 21 years of age, their BAC level was .08% or greater, or 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. Springdale had 58 underage DWI arrests in 2008, which is down from 65 in 2007.

The 58 underage DWI arrests equates to approximately 8% of the total DWI arrests made in Springdale in 2008. This is lower than the 9.2% in 2007.

The following chart shows the breakdown by race/gender of those persons under 21 arrested for DWI in Springdale in 2008, both by the number arrested and the total percentage each race/gender group makes up of the total.

**Chart No. 19  
Race/Gender Comparison of  
Underage DWI Arrests in 2008**

<u>Race/Gender</u>	<u>Number</u>	<u>Percentage</u>
Hispanic/Male	30	52%
White/Male	15	26%
White/Female	6	10%
Marshall Island Male	3	5%
Asian Male	2	3.5%
Hispanic Female	<u>2</u>	<u>3.5%</u>
Total	58	100%

**C. Underage DWI Repeat Offenders**

There were 4 repeat offenders in the underage DWI category in 2008, which is down from 7 in 2007. All of the underage repeat offenders were charged with DWI #2.



**VI.  
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  
Ernest B. Cate ~ ~ ~ ~ ~ Senior Deputy City Attorney  
Amber Roe ~ ~ ~ ~ ~ Deputy City Attorney  
Brooke Lockhart ~ ~ ~ ~ ~ Deputy City Attorney  
Truman Brewer ~ ~ ~ ~ ~ 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