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DUIs not much of a deterrent in Basalt

Basalt police research shows 25 of 46 drivers arrested for DUI last year were repeat offenders

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The Aspen Times

Roughly half of the drivers busted by the Basalt Police Department on suspicion of driving under the influence of alcohol in 2009 were repeat offenders, according to statistics tracked by the agency.

Officers made 74 DUI arrests last year. Sgt. Stu Curry said he was able to track the driving records of 46 of the arrestees. Of those, 25 had been busted for a prior DUI in Colorado, he said.

Seventeen of those arrested had one prior conviction for DUI, Curry said. Four had been popped twice before. Two had been arrested three times before, and two had been arrested four times before.

"I was really shocked," Curry said of the results.

He wasn't able to track the driving his-

stories of the 28 arrestees who were from out of state or Latino and natives of other countries. In some cases, arresting officers were unable to determine an identity for the Latino drivers. In other cases, they couldn't verify that the Latino drivers had a valid Colorado driver's license, he said.

Of the 25 repeat offenders, 15 had been previously arrested in the upper Roaring Fork Valley, by the Aspen, Snowmass Village or Basalt police departments or the Pitkin County Sheriff's Office, Curry's research shows.

The DUI arrests that stood out in 2009 tended to be cases with repeat offenders, he said. In one case this winter, an officer had stopped a vehicle on Highway 82 for a traffic violation when a citizen pulled up behind her and reported he had nearly been driven off the road by another motorist who was weaving on the road. He provided a solid description of the vehicle. The officer chased it down and made a DUI arrest — at 8:30 a.m., according to Curry.

In another case, Curry stopped a driver at 6 p.m. Christmas Eve for the man's fourth DUI arrest. Last fall, another Basalt officer picked up a local woman

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for her fifth DUI.

Curry estimated that less than half of the DUI arrests made in Basalt are from officers initiating a stop. More arrests are the products of citizens calling the police to make REDDI, or Report Every Drunk Driver Immediately, reports, and also the investigation of accidents.

Basalt higher than state average

Basalt's percentage of repeat offenders is higher than the state average. Denver Post reporter David Olinger investigated Department of Motor Vehicle records and found that 16 percent of nearly 32,000 drivers investigated for drunken driving in Colorado last year had one prior DUI arrest. Another 7 percent had two or more prior arrests.

Drunken drivers haven't caused accidents that have killed other drivers in recent years, but Jeff Reese and Susan Grove were almost victims of a repeat offender on May 8, 2008. The couple were returning to their Basalt home from a baseball game in Denver. They were less than 2 miles from home when they were struck on Two Rivers Road by a vehicle driven by Oscar Canas Portillo of El Jebel.

Reese and Grove both suffered brain injuries and multiple broken bones. The couple, who now live in Aspen, are still battling to recover from their injuries. Grove has returned to work part-time at Aspen Valley Hospital. Reese intends to return to work as an accountant when his speech improves. His speech is slurred because of his brain injury.

Blood tests showed that Canas Portillo was impaired by drugs and alcohol at the time of the accident, police said. He had at least three, and possibly four, prior convictions for driving under the influence before the accident, Curry said.

Canas Portillo pleaded guilty to two counts of vehicular assault causing bodily injury and was sentenced in February to 12 years in prison.

Victim wants stronger penalties

Reese said Friday that Canas Portillo should have faced stronger penalties for his prior DUI convictions. That way, he wouldn't have been in a position to kill or injure anyone.

Reese wants stronger sentences for repeat DUI offenders.

"They should go to prison or go to counseling for alcoholism," he said. "First time, correct your problems. Second time, lose your license for good" unless the person can convince a judge they have turned their life around.

Some state lawmakers want to pass a bill this session to create mandatory jail sentences for repeat offenders by making it a felony for two or more convictions for drunken driving. But similar bills have failed before. The state doesn't have money to house the thousands of additional inmates who would be created under tougher DUI laws. Counties don't want the state to pass on the expense to them.

Dan Shipp, a Roaring Fork Valley defense attorney who works on DUI cases around the state, said he doesn't believe the mandatory jail times will get passed simply because of the financial impact. Courts, however, are slowly but steadily adopting new techniques he believes will pare down the number of repeat DUI offenders.

Deterrents are emerging

Courts are requiring people convicted of DUI to use a device called a ignition interlock system with increasing frequency. The vehicle operator must blow into the device, which checks for alcohol in their breath. If alcohol is detected, the vehicle won't start.

A person convicted of an alcohol offense for the first time can get their license back after as little as 30 days if they agree to use the ignition interlock, Shipp said. A person who refuses to take a blood or alcohol test when stopped by a officer loses their license for one year, he said.

Shipp foresees the day coming when judges will require regular use of ignition interlock systems for longer periods of time for repeat DUI offenders. It is a less-expensive alternative than prison or jail time.

"I think it's a great deterrent," he said.

He said he was surprised that Basalt's records indicate there were so many repeat offenders in 2009. Shipp said he has probably handled 1,000 DUI cases throughout the state in the last decade. He estimated only 35 to 40 of those cases involved repeat offenders.

There are no statewide sentencing guidelines for repeat offenders. In many cases, the penalty for a second offense is no different than the first offense.

"I do not see a significant rise in the fines. I do not see a significant increase in the amount of public service," Shipp said of courts in Pitkin, Eagle and Garfield counties.

But courts are starting to require increased amounts of alcohol treatment and education for repeat offenders. Chronic drug and alcohol offenders in Pitkin County, for example, are required to appear regularly for drug and alcohol tests, and they face severe penalties if they fail.

For most, the financial implications of a drunken driving arrest are a deterrent, Shipp said. State officials contend that a DUI conviction will cost the offender about \$10,200 for legal fees, fines and increased car insurance premiums.