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Philip M. Stinson

Bowling Green State University, stinspm@bgsu.edu

John Liederbach

Bowling Green State University, jlieder@bgsu.edu

Steven L. Brewer

PSU, slb64@psu.edu

Natalie E. Todak

ASU, Todak@asu.edu

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Research Brief *One-Sheet* – No. 6

Officers Arrested for Drunk Driving

Philip M. Stinson, Sr., John Liederbach, Steven L. Brewer, Jr., & Natalie E. Todak

Background

Cases involving police who drive drunk are part of the larger problem of driving under the influence (DUI). The Centers for Disease Control and Prevention report that alcohol-impaired traffic accidents kill over 10,000 people annually, accounting for nearly one-third of all traffic-related deaths in the United States (Centers for Disease Control and Prevention, 2011). But, cases that involve *police* who drive drunk (or, Police DUIs) should also be recognized as a phenomenon that presents unique problems. Police DUI's have the potential to weaken public trust and the legitimacy of strategies designed to mitigate drunk driving, because the drunk driver in these cases is among those expected to enforce DUI laws and protect society from drivers who are intoxicated. We know that police *do* sometimes drive drunk through scandals or journalistic investigations of particular (usually horrific) cases; but, there are neither systematic studies focused on police DUI nor data that describe the phenomenon on a national scale.

Methods

Data were collected as part of a larger study on police crime designed to locate cases in which sworn law enforcement officers had been arrested for any type of criminal offense(s). Data were collected from published news articles using the Google NewsTM search engine and its Google AlertsTM email update service. The present study focuses on the identification and description of the subset of cases in which police officers were arrested for driving under the influence (DUI) of alcohol and/or drugs. These cases were coded in terms of the: (a) arrested officer, (b) employing agency, (c) each of the charged offenses, (d) the nature of the DUI event, (e) organizational employment outcomes, and (f) criminal case dispositions. Additional content analyses were conducted in order to ascertain the nature of the DUI cases in terms of (g) DUI-related traffic accidents, (h) injuries in a DUI-related traffic accident, (i) driving an on-duty police vehicle while DUI, (j) driving a take-home police vehicle while DUI, (k) driving a police vehicle outside officer's jurisdiction while DUI, (l) driving a personally-owned vehicle while DUI, (m) refusal to perform field sobriety tests, (n) refusal to provide a BAC test sample, (o) resisting arrest, (p) possession of a firearm while DUI, and (q) sequence of events in DUI-related traffic accidents.

Findings

The news searches identified 782 cases in which police officers were arrested for DUI. The cases involved the arrests of 750 sworn officers employed by 511 nonfederal state and local law enforcement agencies located in 406 counties and independent cities in all 50 states and the District of Columbia. DUI was the most serious offense charged against arrested officers in 665 of the cases (85.0%). The most serious offense charged in the remaining 15% of the DUI cases included, among others, simple assault ($n = 27$, 3.5%), weapons offenses ($n = 20$, 2.6%), aggravated assault ($n = 18$, 2.3%), murder or non-negligent manslaughter ($n = 16$, 2.0%), vandalism ($n = 12$, 1.5%), and negligent manslaughter ($n = 11$, 1.4%). Some of the cases involved officers who were DUI while *on-duty* ($n = 37$, 4.7%).

Many of the cases involved traffic accidents ($n = 416$, 53.2%), often resulting in victim injuries and fatalities. Some of the officers' DUI-related traffic accidents happened when they flipped their own car or crashed into another car causing it to flip. Some officers fled the scene after being involved in a DUI-related traffic accident, and more than two-thirds of them were criminally charged with hit-and-run. A few were involved in a DUI-related traffic accident while attempting to elude and evade the police. Other officers were arrested after being involved in a DUI-related traffic accident that resulted because they were driving in the wrong direction in a traffic lane.

Of the cases in which case disposition was known, more than three-fourths resulted in some type of criminal conviction (80.4%). Criminal conviction was significantly less likely in cases where the arrested officer was reassigned, suggesting that courts may interpret reassignment as "punishment enough." The arrested officers' refusal to submit to a BAC test also significantly reduced the likelihood of conviction, presumably because these cases lacked the necessary evidence. Job loss was known to have occurred much less frequently than criminal conviction, as the arrested officer was known to have lost their job in less than one-third (30.4%) of the cases.

Implications

Our data appear to capture instances of police DUI where an officer has lost their presumed "exemption" from law enforcement and been arrested because something about the facts of their case compelled official law enforcement action rather than professional courtesy and non-arrest. Collectively, these data describe cases that were impossible to ignore, and the actions of intoxicated police who were perhaps deemed not worthy of the typical professional courtesies.

The analyses in regard to job loss and criminal case disposition provide data on how both police organizations and the courts respond to known cases of police DUI. Job loss was known to have occurred much less frequently than criminal conviction, which seems to substantiate the notion that many police agencies and officers minimize or purposively ignore the problem. Police DUI case outcomes also seem to be significantly influenced by factors associated with characteristics of both the employing agency and the geographic location of the case. Police who are employed by larger agencies and/or those located in metropolitan counties are significantly less likely to lose their job as a result of a DUI arrest.

References

Centers for Disease Control and Prevention. (2011). *Impaired Driving: Get the Facts*. Retrieved from http://www.cdc.gov/motorvehiclesafety/Impaired_Driving/impaired-driv_factsheet.html

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Criminal Justice Program
Bowling Green State University
Bowling Green, OH 43403-0148