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SAN ANTONIO  
ALCOHOL SAFETY ACTION PROJECT  
ANALYTIC STUDY NO. 4

Analysis of Adjudication  
1975 - 1976

Thomas E. Hawkins  
Charles B. Dreyer  
Evelyn J. Cooper

Southwest Research Institute  
8500 Culebra Road  
San Antonio, Texas

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15. Supplementary Notes While every attempt has been made to make this a <i>stand-alone</i> document, it should be recognized that an Alcohol Safety Project encompasses a wide spectrum of activities, which are integrated into a total system. A full appraisal of effectiveness can only be made after a careful review of all the Evaluation Reports and the Final Reports of the Project Director.			
16. Abstract <p>Adjudication activities during the 2-year continuation period of the San Antonio Alcohol Safety Action Project involved the processing of DWI cases by the Bexar County District Attorney and County Courts-At-Law. This document contains a summary of adjudication activities during the initial 3 years of operation, a description and analysis of activities during the continuation period, and conclusions and recommendations for locally funded ASAP's based on the 5-year San Antonio experience.</p> <p>The adjudication abstract at the beginning of this report summarizes the major activities and findings during the 1975-1976 continuation period. The evaluation objectives and research questions which formed the basis of the analysis are given in Section I, while Section II, Background, describes prior experience and continuation period activities. Results of the Evaluation, Section III, includes analyses of the efficiency of the adjudication process' system flow requirements, judicial acceptance requirements, and the sample of 100 data.</p> <p>The conclusions and recommendations presented in Section IV represent an overall summary of the effects of adjudication activities during the entire 5-year period.</p> <p>Adjudication lies at the center of the diagnosis-referral-rehabilitation system established under the ASAP concept. It is the Courts which decide the appropriate sentence, conditions of probation, and rehabilitation assignments for DWI offenders. This analytic study evaluates the methods which were developed in San Antonio to assist the Courts in the decision-making process; it does not discuss the effectiveness of these decisions in reducing the reoccurrence of DWI. The effectiveness of the diagnostic services and rehabilitation modalities available to the Courts under the ASAP concept is evaluated in Analytic Study No. 5-6, Analysis of PDE and Rehabilitation.</p>			
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# METRIC CONVERSION FACTORS

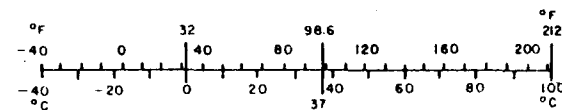
## Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
<b>LENGTH</b>				
in	inches	2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
<b>AREA</b>				
in <sup>2</sup>	square inches	6.5	square centimeters	cm <sup>2</sup>
ft <sup>2</sup>	square feet	0.09	square meters	m <sup>2</sup>
yd <sup>2</sup>	square yards	0.8	square meters	m <sup>2</sup>
mi <sup>2</sup>	square miles	2.6	square kilometers	km <sup>2</sup>
	acres	0.4	hectares	ha
<b>MASS (weight)</b>				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
<b>VOLUME</b>				
tsp	teaspoons	5	milliliters	ml
Tbsp	tablespoons	15	milliliters	ml
fl oz	fluid ounces	30	milliliters	ml
c	cups	0.24	liters	l
pt	pints	0.47	liters	l
qt	quarts	0.95	liters	l
gal	gallons	3.8	liters	l
ft <sup>3</sup>	cubic feet	0.03	cubic meters	m <sup>3</sup>
yd <sup>3</sup>	cubic yards	0.76	cubic meters	m <sup>3</sup>
<b>TEMPERATURE (exact)</b>				
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

\* 1 in. = 2.54 (exact). For other exact conversions and more detailed tables, see *SI Units, Part 2, 1980, Units of Weights and Measures*, Part 52, 25, SI Catalog No. 1-1-10-200.

## Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
<b>LENGTH</b>				
mm	millimeters	0.04	inches	in
cm	centimeters	0.4	inches	in
m	meters	3.3	feet	ft
m	meters	1.1	yards	yd
km	kilometers	0.6	miles	mi
<b>AREA</b>				
cm <sup>2</sup>	square centimeters	0.16	square inches	in <sup>2</sup>
m <sup>2</sup>	square meters	1.2	square yards	yd <sup>2</sup>
km <sup>2</sup>	square kilometers	0.4	square miles	mi <sup>2</sup>
ha	hectares (10,000 m <sup>2</sup> )	2.5	acres	
<b>MASS (weight)</b>				
g	grams	0.035	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	
<b>VOLUME</b>				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
l	liters	1.06	quarts	qt
l	liters	0.26	gallons	gal
m <sup>3</sup>	cubic meters	35	cubic feet	ft <sup>3</sup>
m <sup>3</sup>	cubic meters	1.3	cubic yards	yd <sup>3</sup>
<b>TEMPERATURE (exact)</b>				
°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F



## ADJUDICATION ABSTRACT

Adjudication activities for the continuation period involved the processing of DWI cases by the Bexar County District Attorney as a reduction in charge to public intoxication after successful completion of a prescribed course of ASAP instruction, and by the Bexar County Courts-At-Law on the original DWI charge. In addition, the District Attorney and four of the five Courts-At-Law participated from April 1975 to March 1976 in a research experiment to permit a valid assessment of the effectiveness of the ASAP-sponsored rehabilitation modalities. The research design required the random assignment of clients into treatment--no treatment groups as determined to be appropriate by the Problem Drinker Evaluation Center operated by ASAP.

Total dispositions and the outcomes for the continuation period followed the patterns of the initial ASAP years. Between 75 to 80 percent of the outcomes resulted in probation for a DWI conviction or a reduced charge conviction; both of these results provided an opportunity for ASAP diagnosis, referral and rehabilitation. The rejected-dismissed outcome remained at about 13 percent, which was considered high, but it was primarily the result of plea-bargaining on multiple charges.

All three key ratios, which measured the extent to which the system handled its extraordinary caseloads and the degree to which the diversionary ASAP system was utilized for charge reductions, held steady, or improved during the continuation period. The backlog/disposition and dispositions/booked DWI ratios both indicated that the judicial system was effective in handling the workload generated by ASAP. The District Attorney, while using charge reduction as a mechanism to help control backlog, wholeheartedly supported the ASAP concept by referral of 75 percent of the reduced charges to an ASAP rehabilitation modality.

Analysis of the degree to which the judicial system cooperated in the random assignments required by the research design indicated an overall compliance of 95 percent. The cooperation of the County Courts-At-Law judges and the District Attorney in meeting the requirements of a rigorous research design was exemplary.

The scientific evaluation of adjudication, which was based on a detailed analysis of a sample of 100 DWI's arrested in January of each year, confirmed the previous findings that the judicial system made extensive use of the ASAP concepts during the continuation period; over 60 percent were referred to the Problem Drinker Evaluation Center, and over 55 percent referred to an ASAP rehabilitation modality.

The activities undertaken by ASAP in adjudication during the 5-year San Antonio ASAP provided considerable insight into the actions necessary for an ASAP to positively affect the judicial system. ASAP did not impose outside theory on the courts. Rather, it worked with them and maintained throughout the project a posture of flexibility. The San Antonio ASAP often accepted the achievement of one objective (e.g., increased referrals) at the price of abandonment of other objectives (e.g., records of conviction for DWI). But, because of its flexibility, ASAP made an impact on the entire criminal justice philosophy: attention was shifted from trial to disposition system, from legal technicalities to case processing, from the individual judge to the concept of a court system and from an isolated sentence to a team interaction between all legal and public health agents.



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## I. EVALUATION OBJECTIVES AND RESEARCH QUESTIONS

Adjudication activities for the continuation period involved the processing of DWI cases by the Bexar County District Attorney and County Courts-At-Law. The system employed both prosecution in the courts on the DWI charge, and reduction in charge to public intoxication after successful completion of a prescribed course of instruction (AlcoLearn).

Three research questions were to be answered by the administrative evaluation. The evaluation methodology was a longitudinal comparison between baseline periods and the continuation period for seven evaluation measures.

- What were the dispositions and disposition rates for DWI cases?
- To what extent did the adjudication system handle the extraordinary caseloads created by ASAP?
- To what extent was the diversionary AlcoLearn system being used by the District Attorney?

Two research questions were to be answered by the administrative evaluation of the research requirements of the random assignment design. The evaluation methodology was a comparison between actual random assignments and preset performance targets.

- To what extent were the system flow requirements of the research design met?
- To what extent were the judicial acceptances of the research design met?

Three research questions were to be answered by the scientific evaluation. The evaluation methodology for all three questions was pre-arrest tracking for 3 years and post-arrest tracking for 1 year of a randomly selected sample of 100 DWI's arrested during January of 1975 and 1976. Results were compared to similar data developed during the first 3 years of the project.

- Was there a change in the distribution of dispositions and referrals during the continuation period?
- Was there a change in the processing time during the continuation period?
- Was there a change in the sanctions imposed during the continuation period?

Adjudication lies at the center of the diagnosis-referral-rehabilitation system established under the ASAP concept. It is the Courts which decide the appropriate sentence, conditions of probation, and rehabilitation assignments for DWI offenders. This analytic study evaluates the methods which were developed in San Antonio to assist the Courts in the decision-making process; it does not discuss the effectiveness of these decisions in reducing the reoccurrence of DWI. The effectiveness of the diagnostic services and rehabilitation modalities available to the Courts under the ASAP concept is evaluated in Analytic Study No. 5-6, Analysis of PDE and Rehabilitation.

## II. BACKGROUND

### A. Findings From Project's Initial Three Years

Adjudication consisted of two countermeasures: **Prosecution**—additional assistant district attorneys and a supervisory district attorney; **Court Services**—a court coordinator and additional court dockets. During the initial 3 years, Prosecution expended \$26,278, while Court Services required \$45,879. It should be noted that there was no probation countermeasure. Despite the fact that early (1971) agreements were reached between the Adult Probation Office and ASAP, it was never possible to convert them into an integrated approach.

The administrative evaluation was limited to a comparison of dispositions against preset performance estimates. Few performance estimates were met, dismissal rates were higher than planned, and conviction rates were lower than planned. Essentially, throughout most of the initial 3 years, the Bexar County Courts-At-Law continued to operate as they had in the past. Even though the system reacted reasonably as planned, there was a mounting court backlog in 1972. With the addition of a supervisory district attorney and the introduction of AlcoLearn in 1973, dispositions began to approach DWI arrests. There was a substantial deterioration of court activity in 1974 due to the fact that all three County judges were running for election. Unquestionably, the AlcoLearn program was the key element which kept dispositions close to arrests. Under AlcoLearn, participating individuals ( $BAC \geq 0.14$  and not more than two prior alcohol-related offenses) received a reduced charge conviction in return for successful completion of the ASAP-AIDE school.

The scientific evaluation of the diagnosis-referral-rehabilitation system was designed to: develop the degree of change of dispositions from baseline to operational years; determine profiles of disposition groups; develop the changes in processing times from baseline to operational years; and determine what effects alternative judicial dispositions had on subsequent driving behavior. A random sample of 100 DWI's arrested in January was selected for each year and pre-arrest tracked for 3 years and post-arrest tracked for 1 year.

Overall, approximately 40 percent of the possible cases were referred to ASAP. Its involvement in the adjudication process, while substantial, clearly had much room for improvement. Several conclusions could be drawn from the statistical analysis of the distribution of dispositions.

- Sanctions that were imposed underwent little or no change during ASAP. Jail sentences were infrequent and light. License suspensions were rare. Fines, amounting to about \$75 on the average, remained the primary sanction.
- There was a tendency for the judges to award increasingly stiffer dispositions with increasing BAC levels. However, a refusal to take the BAC test resulted in lesser sanctions.

Analysis of processing time to disposition indicated that the adjudication system was able to accommodate the tremendous increase in DWI arrestees. Processing time increased drastically in 1972, but had returned to pre-ASAP averages by 1973. The additional personnel funded and new procedures instituted by ASAP achieved their purpose.

The analysis of subsequent behavior was generally inconclusive. However, there was one trend worthy of report. The ASAP concept of DWI probation appeared to have met its goal. Probationers had the lowest DWI recidivism rate and one of the lowest subsequent accident rates.

It could be concluded that ASAP had no major impact on the Traffic Safety System. However, considering the situation before ASAP, the total independence of the judiciary and its reluctance to change, ASAP made substantial progress in preparing the system for major change. Starting in 1975, new systems, additional personnel, and enlightened attitudes began to prevail in Bexar County. The 3 years of the initial ASAP demonstration simply were not enough to bring about the degree of change originally contemplated.

## **B. Description of System During Continuation Period**

### **1. Overview**

During the continuation period, two paths could be taken by an individual charged with DWI: prosecution through the County Courts-At-Law on the DWI charge, or a diversionary path through which the individual was offered a reduction in charge to Public Intoxication provided he successfully completed an educational program (social drinkers) or a group therapy program (problem drinkers). Under either path, individuals were categorized as to the degree of their drinking problem at the Problem Drinker Evaluation Center operated by ASAP, and a recommendation was made to the judge or to the District Attorney. Three basic rehabilitation modalities were available: an educational school (Alcohol Instruction and Driver Education) operated for ASAP by the Greater San Antonio Safety Council; a rehabilitation treatment program (Alcohol Treatment Program) operated by Bexar County Mental Health-Mental Retardation; and Power Motivation Training operated for ASAP by a group of counselors certified in that treatment technique. The Bexar County Adult Probation and Rehabilitation Office exercised probationary authority over DWI's placed on probation, but that office did not officially cooperate with ASAP.

### **2. Prosecution**

The DWI charges were filed with the Bexar County District Attorney's Office. The prosecutor assigned to the case examined the charge for sufficiency of evidence and plea-bargaining potential. He could reject it for lack of evidence or plea-bargain it to retain another charge (generally unlawfully carrying or resisting arrest), or he could file the case for subsequent court action, either on the DWI charge or on a reduced charge of Public Intoxication.

The stated criteria used by the District Attorney for the diversionary path was an arrest BAC below 0.15 percent and at most two prior alcohol-related arrests. In actual practice, the District Attorney also used the diversionary path as a safety valve to maintain a relatively stable court backlog, and he did offer the reduced charge to individuals who exceeded the stated criteria.

### **3. Initial Court Action**

The DWI case was filed on the docket of one of the five Bexar County Courts-At-Law. At, or prior to, the hearing of the case, one of the three situations occurred; a jury trial (which was rare); a court hearing in the presence of the County Court-At-Law judge; or plea-bargaining with an agreement between prosecution and defense. There were four possible outcomes.

- The DWI case was dismissed by the judge at the court hearing, or found not guilty in a jury trial. In either case, the DWI defendant was considered not guilty, and the charge was dismissed.
- The DWI defendant was found or pled guilty to a lesser charge as a result of plea-bargaining, and was convicted of Public Intoxication. A fine was usually the only sentence.

- The DWI defendant was found or pled guilty as charged, and was convicted of DWI. He was usually sentenced to a fine and jail. If the defendant convicted of DWI did not apply for probation, or if his probation application was rejected by the County Court judge, his DWI conviction became final. The sentence was imposed, and the DWI conviction was entered on his driving record.
- Most defendants convicted of DWI made a formal application for probation. When probation was requested, the Court could order a pre-sentence investigation by the probation officer and a problem drinker evaluation by ASAP. The Court scheduled a probation hearing to be held in two or three weeks to consider the probation request. In almost all cases, probation was granted.

#### 4. Diagnosis and Referral

When the DWI probation applicant reported to ASAP for a problem drinker evaluation, he was given the Mortimer-Filkins (M-F) questionnaire and interview, and pertinent information was gathered regarding his background, DWI arrest, and prior criminal record. On the basis of this information, the DWI probation applicant was classified as a social drinker (SD), a problem-developing drinker (PDI), a mid-range problem drinker (PDII), or an alcoholic drinker (PDIII).

- If the M-F test score was less than or equal to 60, it indicated a probable social drinker. If he had no more than two alcohol-related arrests prior to his DWI arrest, the social drinker identification would be strengthened. However, other factors also were taken into account in determining the actual drinker classification. The candor of the applicant as detected during the M-F interview determined the validity and degree of reliance placed on the score as a classificatory indicator. The admission of blackout spells and/or tremors by the applicant weighed heavily against a social drinker classification. The arrest BAC and its relationship to the time of arrest also had a bearing on the drinker classification.
- If the M-F test score was between 61 and 84, it indicated a probable problem-developing drinker. This identification was strengthened if the applicant had no more than four prior alcohol-related arrests. Other factors included whether the applicant was candid during his M-F interview, whether he admitted having had blackout spells and/or tremors, and the applicant's arrest BAC and its relationship to the time of arrest.
- A M-F test score ranging between 85 and 114 indicated a probable mid-range problem drinker. If an applicant in the M-F score range had no more than five prior alcohol-related arrests, the mid-range problem-drinker identification would be strengthened. An applicant with a lower M-F score but with other conflicting indicators (e.g., an excessive number of prior alcohol-related arrests or lack of candor) could also be identified as a mid-range problem drinker. Other factors considered included candor at the M-F interview, admission of blackout spells or tremors, the arrest BAC level, and the time of night of the DWI arrest.
- If the evaluation disclosed that the DWI probationer applicant had an M-F test score above 114, he was identified as an alcoholic drinker. Lack of candor exhibited in the M-F interview, coupled with numerous prior alcohol-related arrests or admission of blackout spells and tremors resulted in an applicant with an M-F score below 115 also being classified as an alcoholic drinker.

The County Court-At-Law judge decided at the probation hearing whether or not to accept the PDE-recommended condition(s) of probation for the applicant. If the recommendation was not accepted, at his discretion, the judge then exercised numerous options. These options included granting probation with AIDE, ATP, or some non-ASAP treatment as its condition; granting probation without any rehabilitative conditions; or denying the probation request, thereby making the DWI conviction final.

## **5. Rehabilitation Modalities**

The educational school (Alcohol Instruction and Driver Education) to which social drinkers were referred was an 8-hour, four-session course. The AIDE school curriculum was divided into four major topics for presentation to the students:

- What alcohol does to most people
- What alcohol does to you as an individual
- What alcohol does to you as a driver
- What steps you can take to prevent driving while impaired or legally intoxicated from drinking alcohol.

The method of instruction relied on individual response in a group setting and was structured for interaction between the students and the instructor and among students. The objective was to educate social drinkers arrested for DWI toward an attitudinal change, modification of their behavior, and personal preventive planning.

The rehabilitation treatment programs (Alcohol Treatment Program, Mental Health-Mental Retardation) included detoxification, chemotherapy, in-patient care, out-patient care, group therapy, individual counseling, family-marital-vocational counseling, and alcohol education. The group therapy treatment modality was a 16-hour, eight-session course.

In addition to the above, power motivation training (PMT) was implemented at the ATP utilizing three ATP counselors and three ASAP-related trainers. Power motivation training was a dynamic and intensive 35-hour group therapy model designed for borderline problem drinkers and problem drinkers other than severe or chronic alcoholics. The concept out of which PMT was developed was that people who drink abusively do so in order to feel powerful and thereby compensate for feelings of powerlessness. PMT provided these persons having alcohol or alcohol-related problems with alternatives to drinking; it provided them with an opportunity to identify and build their strengths and skills in a way that was conducive to positive change. Some of the techniques and skills brought out in the training were: relaxation exercises; conflict-resolution techniques; risk-taking assessment; win-win strategies; identification of powerful versus powerless feelings; and appropriate goal-setting techniques.

## **C. Description of Random Assignments During Continuation Period**

### **1. Overview**

During the twelve months between April 1975 and March 1976, individuals diagnosed at the Problem Drinker Evaluation Center were randomly assigned to treatment-no treatment groups

appropriate to their drinking problem. Four of the five County Courts-At-Law accepted this random assignment procedure, as did the District Attorney for the diversionary path. However, all of these key officials in the adjudication process reserved the right to make any case disposition they felt was in the best interests of the individual or the community. The participating courts agreed in early 1975 to limit their exercise of judicial discretion in rejecting the PDE-recommended conditions of probation to not more than 10 percent.

## 2. Research Design

Social drinkers (SD) were to be randomly assigned 50 percent to the Alcohol Instruction and Driver Education school and 50 percent to ASAP Control Group Level A, which received no treatment. Problem-Developing Drinkers (PDI) and Mid-Range Problem Drinkers (PDII) were screened to determine their potential for Power Motivation Training. If they met the education and language requirements, they were to be randomly assigned 33 percent to Power Motivation Training and the Alcohol Treatment Program, 33 percent to the Alcohol Treatment Program, and 33 percent to ASAP Control Group Level B, which received no treatment. If they did not meet the requirements for PMT, they were to be randomly assigned 50 percent to the Alcohol Treatment Program and 50 percent to ASAP Control Group Level B. All individuals processed into random assignment were asked to volunteer for the ASAP program. There were few refusals in San Antonio.

### III. RESULTS OF THE EVALUATION

#### A. Administrative Evaluation of Adjudication

##### 1. Analytic Methodology

The efficiency of the adjudication process during the continuation period was measured by a longitudinal comparison between baseline periods and the continuation period for seven evaluation measures. Four of the measures concerned judicial dispositions and outcomes, while the other three measures concerned key ratios:

- Backlog/Dispositions and Dispositions/Booked DWI measures of the extent to which the system handled its extraordinary caseloads.
- AlcoLearn/Reduced Charge Conviction a measure of the degree to which the diversionary ASAP system was utilized.

##### 2. Analysis of Longitudinal Performance Measure Data

The longitudinal performance measure data are contained in Table 1. The data are presented annually for all five of the ASAP years in San Antonio.

Total dispositions and the outcomes for the continuation period followed the patterns of the initial ASAP years. In 1976 approximately 80 percent of the outcomes resulted in probation for a DWI conviction or a reduced charge conviction; both of these results provided an opportunity for ASAP diagnosis referral, and rehabilitation. The rejected-dismissed outcome remained high, but this primarily was the result of plea-bargaining on multiple charges. The typical case involved a DWI charge and either a "resisting arrest" charge or an "unlawfully carrying" charge. Invariably, the defendant's lawyer plea-bargained the DWI charge and accepted sentence on the other charge.

TABLE 1. LONGITUDINAL PERFORMANCE MEASURE DATA

Evaluation Measure	1972	1973	1974	1975	1976
Total Dispositions	3787	5384	4212	3941*	4718*
<i>Outcomes</i>					
DWI Conviction—Final	10.1%	7.6%	8.3%	8.2%	8.5%
DWI Conviction—Probation	59.7%	53.8%	42.2%	46.5%	39.7%
Reduced Charge Conviction	18.3%	26.0%	31.5%	30.6%	40.4%
Rejected—Dismissed	11.9%	12.6%	18.0%	14.7%	11.5%
<i>Ratios</i>					
Backlog/Dispositions	0.81	0.69	1.46	0.25	0.14
Dispositions/Booked DWI	0.60	0.89	0.69	0.96	1.08
AlcoLearn/Reduced Conv.	—	0.19	0.61	0.87	0.60
*Additional cases, which were several years old, were also dismissed.					

All three key ratios held steady or improved during 1976. The backlog/disposition ratio has been reduced to 0.14, reflecting efforts to decrease the number of cases awaiting disposition. This is further shown by the dispositions/booked DWI ratio which was greater than 1. The AlcoLearn/reduced conviction ratio of 0.60 shows that the District Attorney's office, while continuing to use charge reduction as a safety valve to keep the backlog under control, made extensive use of ASAP rehabilitation modalities. More than half of the reduced charge convictions resulted in some contact with ASAP.



## B. Administrative Evaluation of Research Design Requirements

### 1. Analytic Methodology

The extent of achievement of the random assignment design was evaluated by comparing actual random assignments with preset performance targets. Figure 1 shows research design requirements and actual random assignments during the 1-year research period. Judicial acceptance and evaluation requirements determined the final number of random rehabilitation participants admitted to the research study for evaluation.

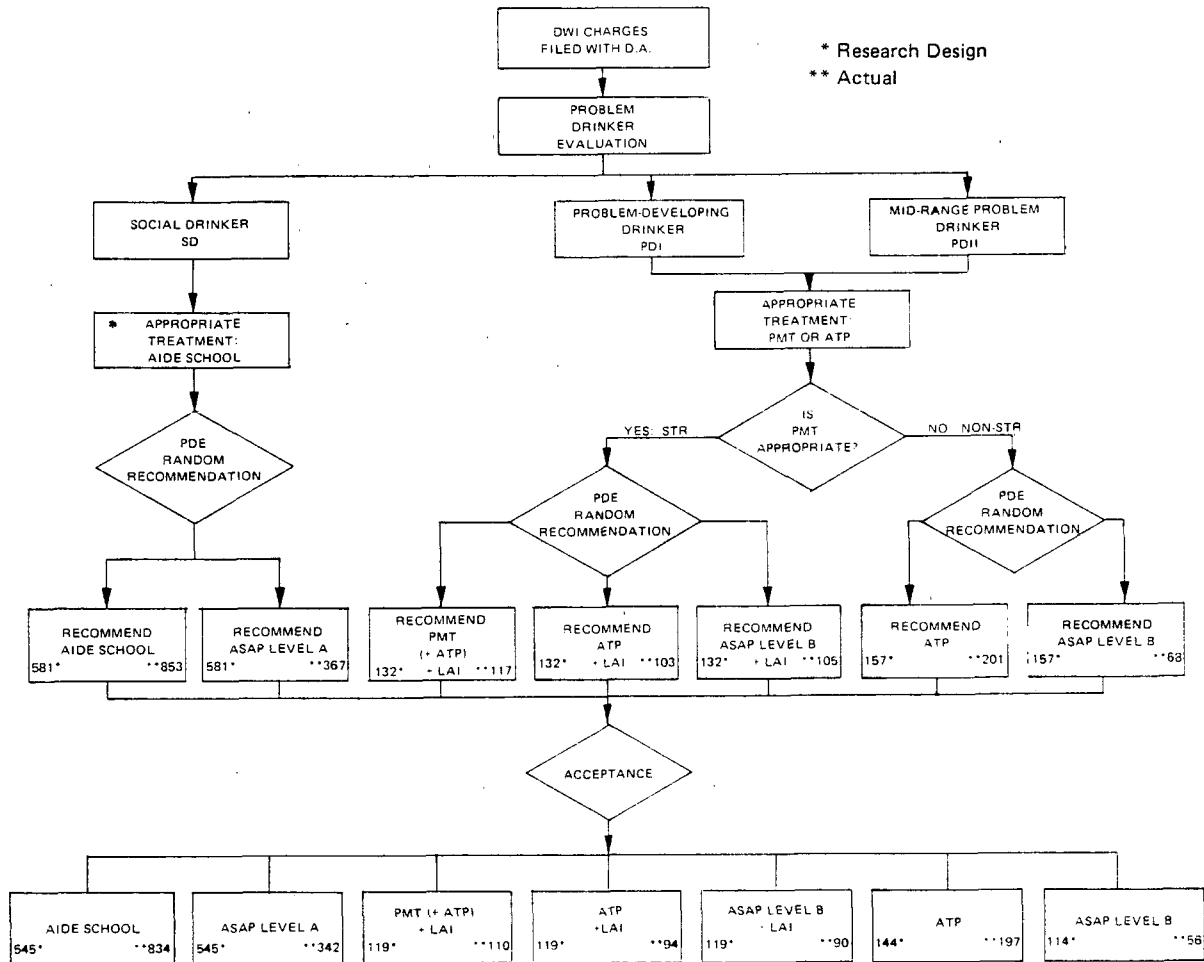


FIGURE 1. DIAGNOSIS RANDOM-REFERRAL-REHABILITATION FLOWS

### 2. Analysis of System Flow Requirements

The research design called for equal numbers of clients to be recommended to treatment groups and to control groups. Examination of actual random recommendations shown in Figure 1 reveals that the research design for STR recommendations was most nearly met. Recommendations to each segment of STR equaled close to 100. Random recommendations to AIDE school, however, far outdistanced recommendations to Level A, and random recommendations to ATP also exceeded recommendations to Level B. PDE Center staff did not consistently recommend every other client to a control group, and the imbalance in recommendations went undetected.

### 3. Analysis of Judicial Acceptance Requirements

Through 31 March 1976, when random recommendations were terminated, the participating County Courts (Nos. 1, 2, 3, 4) and the District Attorney continued to comply with 95 percent of ASAP recommendations as they had done in 1975. The rate of compliance in cases referred from the county courts was 89.9 percent, with the highest and lowest percentage of referrals being 93.9 and 71.8 percent, respectively; for DA referrals, it was 98.5 percent. There continued to be reluctance on the part of the judges to assign problem drinkers to control groups; the judges rejected nearly 18 percent of such recommendations. Notwithstanding this fact, the cooperation of the judges and District Attorney in meeting a rigorous research design was exemplary.

### C. Scientific Evaluation of Adjudication

#### 1. Analytic Methodology

The answer to each research question was derived by tabulating the necessary data on the annual random samples of 100 DWI arrestees. Identical data definition, collection, and tabulation procedures were utilized for each annual sample to permit valid longitudinal and dispositional comparisons.

The statistical procedures employed in answering each research question depended on the nature of the tabulated data. Choice of statistical method was dependent on the structure of the desired comparison. Most of the questions required the comparison of two or more groups, with respect to the distribution of dispositions. While the dispositions of DWI cases were non-numeric, they were ranked in terms of sanction severity: from not guilty; to rejected/dismissed; to guilty-reduced charge; to guilty DWI-probation; and to guilty DWI-final conviction as the most severe disposition. This ranking was employed to test the significance of differences between two groups' dispositions by the two-sample Wilcoxon Rank Test. Its extension, the Kruskal-Wallis H Test, was used to compare three or more groups. Percentage or frequency comparisons between the two groups of fixed sample sizes were tested for significance by Brownlee's normal approximation procedure, assuming an underlying binomial model. Two-sided statistical tests of the null hypothesis were always employed.

#### 2. Analysis of Sample of 100 Data

Table 2 summarizes the distribution of dispositions and referrals during the last 3 years of the San Antonio ASAP. There has not been a significant change in the overall distribution of the court dispositions in 1975-1976 from either the 1974 or the 1972-1974 time periods. However, in comparison to 1974, there was a statistically significant increase in the last two years in referrals to the Problem Drinker Evaluation Center and to the ASAP rehabilitation modalities.

Table 3 illustrates the variation in length of time required to process DWI cases to the various dispositions from 1971

TABLE 2. DISTRIBUTION OF DISPOSITIONS

Dispositions	1974 (n = 100)	1975 (n = 100)	1976 (n = 100)
Felony & Juvenile Courts	0	3	0
*Justice of Peace Court	N/A	N/A	12
Bond forfeiture	6	5	0
Pending Year End	8	3	8
County Court Disposition	86	89	80
Not Guilty	0%	1%	0%
Rejected/Dismissed	10%	13%	14%
*Guilty-Reduced	42%	28%	43%
*Guilty DWI-Probation	42%	48%	40%
Guilty DWI-Final	6%	10%	4%
*Eligible for Referral	(n = 72)	(n = 78)	(n = 78)
Referred PDE	22%	33%	63%
Referred AIDE	42%	49%	32%
Referred ATP	1%	9%	22%
Referred PMT	0%	3%	3%

to 1975. Compared to the pre-ASAP (1971) conditions, there was a significant reduction in processing time for final convictions. The other three outcomes required about the same or greater times, primarily because of the additional time required to obtain a problem-drinker evaluation and/or attend a rehabilitation prior to final disposition of the case.

TABLE 3. AVERAGE PROCESSING TIME OF DISPOSITION GROUPS (DAYS)

Disposition	1971	1972	1973	1974	1975	1976
Rejected/dismissed	158	409	163	189	82	146
Guilty reduced charge	113	122	131	150	127	155
Guilty DWI-probation	105	115	110	132	87	150
Guilty DWI-final	113	181	100	156	85	71

Table 4 shows the distribution of sanctions by disposition group. There were very significant increases in the severity of all three sanctions imposed on the guilty DWI-probation group in 1975-1976 versus 1972-1974. The new judges presiding in 1975 imposed heavier fines, longer probated jail terms, and more lengthy periods on probation. For the reduced charge convictions, the new judges tended to assess heavier fines, while the reverse was the case for final DWI conviction. There was no change in the length of jail for final convictions. It was interesting to note that the sentences and dispositions handed out by the courts closely match the views of the driving public in San Antonio. These data were developed during the final Voluntary Roadside Survey conducted by the San Antonio ASAP.

TABLE 4. DISTRIBUTION OF SANCTIONS BY DISPOSITION

Sanctions		Reduced	Probation	Final DWI
<i>Dispositions, 1972-74</i>				
Fine	Range Average	\$25 to \$200 \$72	\$50 to \$500 \$86	\$50 to \$220 \$104
Jail	Range Average	N/A N/A	10 to 90 days 30 days*	3 to 21 days 9 days
Probation	Range Average	N/A N/A	6 to 24 months 9 months	N/A N/A
<i>Dispositions, 1975-1976</i>				
Fine	Range Average	\$20 to \$200 \$86	\$50 to \$200 \$92	\$50 to \$109 \$62
Jail	Range Average	N/A N/A	15 to 730 days 99 days*	3 to 30 days 10 days
Probation	Range Average	N/A N/A	6 to 24 months 13 months	N/A N/A
<i>Dispositions, 1976</i>				
Fine	Range Average	\$25 to \$200 \$106	\$50 to \$350 \$125	\$50 \$50
Jail	Range Average	N/A N/A	15 to 365 days 115 days	3 days 3 days
Probation	Range Average	N/A N/A	6 to 24 months 14 months	N/A N/A

#### IV. CONCLUSIONS AND RECOMMENDATIONS

The procedures employed in San Antonio by the ASAP over its 5 years of operation provide valuable insight into actions required by another site attempting to initiate a locally funded ASAP concept.

When ASAP first started, no one was aware of the magnitude of change which would have to be made in the attitudes, procedures, and goals of the "lower court" criminal justice system. Starting from an emphasis on traditional systems, where either the judge or the prosecutor was only a trier-of-fact and an imposer of sanctions prescribed by statutes, ASAP oriented the system towards the health/legal approach, wherein the adjudication participants were integrated into a total spectrum of involvement.

- The problems associated with the adjudication of drinking-driving cases arise from many sources and at all stages, but three may be said to predominate. First, the lower courts lacked the resources and knowledge and procedures to develop and maintain effective systems spontaneously. Second, the population of drinking drivers was extremely large, and it contained many people addicted to a socially approved substance. Third, drinking-driving cases involved more than one agency and more than one branch of government, and systems designed to handle them encountered all the social problems of maintaining cooperation between the legislative, executive, and judicial branches. ✓
- ASAP spent its efforts in two different but related directions. First was the attempt to bolster the existing court system to the point where it could cope satisfactorily with the traditional model of adjudication. Second and more important was the subsequent attempt to design and implement efficient court-based referral systems, in which the cooperation of all agents in the system made the identification and processing of drinking drivers to appropriate referral opportunities more important than the technical handling of the individual case. The system, which offered a reduction in charge from DWI in return for cooperation with a referral to education or rehabilitation, became as common as the more traditional systems of sentencing under conditions of probation. The concept of "earned charge reduction" became a basic element in the San Antonio ASAP. ✓
- ASAP did not impose outside theory on the courts. It worked with them and, in doing so, paid a heavy price. ASAP had to be extremely flexible as court systems responded to outside and internal pressures and revealed their fragility at every moment of change. ASAP had to be flexible in accepting the achievement of one objective (e.g., increased referrals) even at the price of abandonment of another objective (e.g., records of conviction for DWI). The impact of the ASAP systems approach was evident, and they represent a major choice in criminal justice philosophy: to shift attention from trial to disposition system, from legal technicalities to case processing, from the individual judge to the concept of a court system, from an isolated sentence to a team interaction between all legal and public health agents. ✓

ASAP was confronted with and solved problems of obtaining judicial respect and cooperation and streamlining court and data systems to accommodate vastly increased caseloads. ASAP demonstrated conclusively that the health/legal approach, which requires some cooperation between the courts and the enforcement agencies and extensive cooperation between the courts and the agencies of the alcoholism treatment system, is entirely feasible and desirable to all parties attempting to ✓

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solve the problem of the abusive drinking driver. Without question, ASAP and the ASAP systems approach have stimulated a revolution, the long-term effects of which may be the major contribution of the San Antonio project.