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AN ANALYSIS OF THE TRAFFIC
SAFETY SYSTEM, 1975

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Los Angeles County ASAP
311 South Spring Street
Los Angeles, CA 90013

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16. Abstract <p>This study analyzes the operations, procedures, and effectiveness of the traffic safety system in Los Angeles County's mini-ASAP, specifically how it deals with persons arrested on charges of drinking and driving. The mini-ASAP is that portion of the County served by the Rio Hondo, Citrus and Pomona Court Districts.</p> <p>First, the study describes the mini-ASAP area and gives a general picture of its traffic safety system. Then it analyzes the effectiveness of the law enforcement component of the traffic safety system by looking at arrest data. Next, it studies three of the judicial components--the conviction phase, which handles pre-and post-sentence investigations of persons arrested for drinking and driving; the sentencing phase; and the problem of backlog in the courts. Finally, the study looks at the rehabilitation component of the system and ASAP's impact on recidivism of persons arrested for drinking and driving.</p>			
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METRIC CONVERSION FACTORS

Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
in	inches	2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
AREA				
in ²	square inches	6.5	square centimeters	cm ²
ft ²	square feet	0.09	square meters	m ²
yd ²	square yards	0.8	square meters	m ²
mi ²	square miles	2.6	square kilometers	km ²
	acres	0.4	hectares	ha
MASS (weight)				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
VOLUME				
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 ³	cubic feet	0.03	cubic meters	m ³
yd ³	cubic yards	0.76	cubic meters	m ³
TEMPERATURE (exact)				
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

* 1 inch = 2.54 centimeters. For other metric conversions and more detailed tables, see Table 2000, Bureau of Weights and Measures, Publication 2000, 1974, NIST Monograph 100-1.

Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
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
AREA				
cm ²	square centimeters	0.16	square inches	in ²
m ²	square meters	1.2	square yards	yd ²
m ²	square meters	0.4	square miles	mi ²
ha	hectares (10,000 m ²)	2.5	acres	
MASS (weight)				
g	grams	0.035	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	
VOLUME				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
l	liters	1.06	quarts	qt
l	liters	0.76	gallons	gal
m ³	cubic meters	35	cubic feet	ft ³
m ³	cubic meters	1.3	cubic yards	yd ³
TEMPERATURE (exact)				
°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F

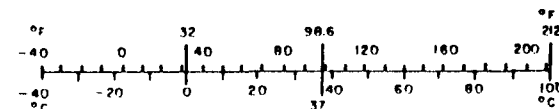


TABLE OF CONTENTS

	Page
I. ABSTRACT	1
II. INTRODUCTION	3
A. The Mini-ASAP	3
B. The Traffic Safety System in the Mini-ASAP	6
C. Major ASAP Traffic Safety Countermeasures in the Mini-ASAP	8
1. Law Enforcement Countermeasure	8
2. Judicial Countermeasure	9
3. Rehabilitation Countermeasure	11
4. Other Input	11
III. OVERVIEW OF THE SYSTEMS OPERATIONS IN BASELINE AND OPERATIONAL YEARS--TABLE 1.	13
A. Summary of Table 1	14
B. Report Format	17
IV. ASAP IMPACT ON THE LAW ENFORCEMENT COMPONENT OF THE TRAFFIC SAFETY SYSTEM	18
A. Total Arrest Activity in the Mini-ASAP, 1972-1975	18
B. Total Arrest Activity in the Mini-ASAP as Compared with Arrest Activity in Los Angeles County, 1972-1975	20
C. Sample-Related Arrest Statistics	21
1. Arrests by ASAP and Regular Patrols	21
2. Conviction Rates for ASAP and Non-ASAP Patrols	21
D. Conclusions Regarding ASAP Impact on the Law Enforcement Component	23
V. IMPACT OF ASAP ON THE JUDICIAL COMPONENT OF THE TRAFFIC SAFETY SYSTEM: CONVICTION PHASE	25
A. Procedure for the Adjudication of DUI Cases--the Conviction Phase	25
1. Misdemeanor Cases	26
2. Felony	28
3. Variations in Procedure	28
B. Distribution of Dispositions for DUI Arrests from 1972-1975--Total Sample.	29

TABLE OF CONTENTS (CONTD.)

	Page
C. Profiles of the Major Conviction Types	32
D. Conclusions Regarding ASAP Impact on the Judicial Component--Conviction Phase . .	33
VI. IMPACT OF ASAP ON THE JUDICIAL COMPONENT OF TRAFFIC SAFETY SYSTEM--SENTENCING COMPONENT. .	34
A. Court Procedures for the Sentencing of DUI Cases	34
1. Rio Hondo Court	35
2. Citrus Court.	37
3. Pomona Court	41
4. Variations in Sentencing Procedures from 1972-1975	45
B. Use of PSI Countermeasures by the Mini-ASAP Courts, 1973-1975.	45
C. Agreement Between PSI Recommendations and Court Sentencing Action, 1973-1975 . . .	49
D. Sanction Patterns to Which DUIs Were Sentenced, 1972-1975	50
E. Changes in the Incidence and Amount of Fine, Jail and Probation Sentenced and Suspended Each Year	54
F. Relationship of Sanctions to Referral Actions, 1972-1975.	56
G. Court Referral Actions, 1972-1975	58
H. Profiles of Referrals and Non-Referrals . .	61
I. Conclusions Regarding ASAP Impact on the Judicial Component: Sentencing Phase . .	63
VII. IMPACT OF ASAP ON THE JUDICIAL COMPONENT: BACKLOG PROBLEMS IN THE COURT	66
A. Number of Failures to Appear and Continuances	66
B. Number of Cases Going to Trial Each Year. .	68
C. Changes in Processing Time for DUI Cases. .	69
D. Conclusions Regarding ASAP Impact on Court Backlog	71
VIII. IMPACT OF ASAP ON THE REHABILITATION COMPONENT OF THE SYSTEM	73

TABLE OF CONTENTS (CONTD.)

	Page
A. DUI Movements through Treatments, 1972-1975	73
B. Conclusions Regarding ASAP Impact on the Rehabilitation Component	75
IX. IMPACT OF ASAP ON RECIDIVISM IN THE TRAFFIC SAFETY SYSTEM	76
A. Findings of Additional Analyses	76
B. Conclusions Regarding ASAP Impact on Recidivism	80
X. SUMMARY, CONCLUSIONS, RECOMMENDATIONS	81
APPENDICES	
A. STUDY METHODOLOGY	84
B. DATA COLLECTIONS FORMS	93
C. STATISTICAL COMPARISON OF SAMPLES	99
D. CALIFORNIA VEHICLE CODE: DUI AND RECKLESS DRIVING	103

LIST OF TABLES

	Page
1. A Statistical Summary of the System Flow in Baseline, First, Second and Third Operational Years	13
2. Arrests in the Mini-ASAP, 1972-1975	18
3. Alcohol-Related Arrests in Los Angeles County and the Mini-ASAP, 1972-1975	20
4. Proportion of Individuals Arrested by ASAP and Regular Patrols, 1973-1975	21
5. Conviction Type by Year and Arrest Type-- Analysis of Variance	22
6. ASAP Arrests vs. Regular Arrests--Discriminant Analysis	23
7. Conviction Type by Year, 1972-1975	30
8. Conviction of DUI vs. Lesser Charges, 1972-1975-- Analysis of Variance	30
9. Convictions vs. Dismissals, Baseline vs. Operational Years--Analysis of Variance	31
10. DUIs vs. Pleadowns, 1972-1975--Discriminant Analysis	32
11. Pre- and Post-Sentence Investigations, 1972-1975	46
12. Pre- and Post-Sentence Investigations by Year 1973-1975--Analysis of Variance	46
13. Pre and Post-Sentence Investigations by Court, 1973-1975	48
14. Pre- and Post-Sentence Investigations by Court, 1973-1975--Analysis of Variance	48
15. Court Referrals by Pre-Sentence Recommendations, 1973-1975	49
16. Sanction Type by Year, 1972-1975	50
17. Sanction Type by Conviction Type, 1972-1975	51

LIST OF TABLES (CONTD.)

	Page
18. Sanction Type by Offender Type, 1972-1975 . . .	53
19. Interval Amounts of Jail, Fine and Probation Sentenced and Suspended, 1972-1975	55
20. Interval Amounts of Jail and Fine Sentenced for Treatment Referrals and Non-Referrals, 1972-1975	57
21. Conviction Type by Referral, 1972-1975 . . .	58
22. Court Referral by Year and Conviction Type-- Analysis of Variance	59
23. Court Referrals by Conviction Type and Offender Type	60
24. Court Referral by Conviction Type and Offender Type-- Analysis of Variance . . .	60
25. Profiles of Treatment Referrals and Non- Referrals	62
26. Percentage of Failures to Appear, 1972-1975 .	67
27. Average Number of Continuances, 1972-1975 . .	67
28. Number of Continuances, 1972-1975--Analysis of Variance	68
29. Number of Cases Going to Trial, 1972-1975 . .	68
30. Interval Distribution of Case Processing Time from Arrest to Disposition for All Cases in 1972, 1972, 1974 and 1975.	69
31. Number of Days from Arrest to Disposition by Year and Conviction Type--Analysis of Variance	70
32. Number of DUIs Entering Rehabilitation, 1972- 1975--Analysis of Variance	73

LIST OF TABLES (CONTD.)

	Page
33. Proportion of Clients Referred to Treatment Who Entered a Rehabilitation Program, 1972-1975	73
34. Completion of Rehabilitation Programs, 1972- 1975--Analysis of Variance	74
35. Proportion of Clients Referred to Treatment Who Completed Rehabilitation Programs, 1972-1975	74
36. Recidivism--1972-1975--Analysis of Variance .	76
37. Recidivism by Year	77
38. A Demographic Profile of Recidivists, 1972- 1975--Regression	77
39. An Adjudication Profile of Recidivists, 1972- 1975--Regression	78
40. Age Distribution of the Samples	100
41. Total Prior Traffic Offenses of the Samples, 1972-1975	100
42. License Status of Sample Subjects, 1972-1975.	100
43. BAC Levels of Subjects in 1972-1975 Samples .	101
44. Compliance and Refusal of BAC Tests by 1972- Subjects	101
45. Percentage of BAC Levels Known for 1972-1975 Samples	101
46. Sex Distribution of 1972-1975 Samples	102
47. Number of Prior DUI Offenses for 1972-1975 Samples	102
48. Number of Total Alcohol-Related Prior Offenses for 1972-1975 Samples	102

LIST OF FIGURES

	Page
1. Map of the Mini-ASAP Area of Los Angeles County	4
2. Map of the Mini-ASAP Municipal Court Districts and Countermeasure Locations	5
3. The Flow of the Traffic Safety System . . .	7
4. Alcohol-Related Arrests Per 1,000 Licensed Drivers--Los Angeles County, Total Mini- ASAP, Covina Police Department and Sheriff's Patrol, 1972-1975	19
5. Procedures for the Adjudication of DUI Cases-- the Conviction Phase	27
6. Procedures for the Adjudication of DUI Cases-- the Sentencing Phase	34
7. Flow of January, 1975 Arrestees through the Sentencing Procedures at the Citrus Court: ASAP and Post-ASAP Period of 1975	40
8. Flow of January, 1975 Arrestees through the Sentencing Procedures at the Pomona Court: ASAP and Post-ASAP Periods of 1975	43

I. ABSTRACT

In May, 1972, Los Angeles County contracted with the U.S. Department of Transportation for \$6 million to develop an Alcohol Safety Action Project (ASAP). To maximize impact, the Project concentrated its countermeasure input in the eastern portion of Los Angeles County, an area referred to as the mini-ASAP. In this study, the impact which ASAP had on the mini-ASAP traffic safety system during its three operational years was assessed. Four samples of DUIs, arrested in January, 1972, January, 1973, January, 1974 and January, 1975, were tracked through the system and compared. Study results indicated significant impact by ASAP in each of the following areas:

Law Enforcement

1. The number of DUI arrests increased significantly in the mini-ASAP over the Project's operational years. During the last two operational years, countywide DUI arrests were decreasing while mini-ASAP arrests were increasing.
2. Arrest rates for ASAP's Covina police unit increased dramatically over the operational period, from 12 per 1,000 licensed drivers in 1972 to 69 in 1975. Arrest rates for the ASAP Sheriff's unit increased in 1973 over 1972, then stabilized.

Judicial

1. With the exception of 1974, the proportion of arrestees convicted of DUI charges increased over time and dismissals decreased. In 1975, 78 percent of arrestees were convicted on DUI charges, while in 1972 only 66 percent were so convicted.
2. By 1975, all three courts in the mini-ASAP had established PSI procedures. In that same year, 55 percent of all DUI arrestees received a pre- or post-sentence investigation.
3. There was a high level of agreement between the recommendations made by investigators in their pre-sentence investigations and the sentences given by the judges.

4. Sentences given to defendants tended to include less jail time and an increased use of probation with treatment referral. These trends suggest a less stringent and more individualized policy with respect to the sentencing of DUIs.
5. Treatment referrals increased over the operational years, not only for persons convicted of DUI charges, but also for persons convicted on lesser charges. In 1972, 25 percent of the DUI arrestees were referred to treatment; in 1975, 67 percent were referred.
6. There were improvements in court processing efficiency. There was a significant decrease in court case continuances and in the number of cases going to trial. However, there was an increase in court processing time and in the number of failures to appear.

Rehabilitation

1. There was a decrease in the number of referrals who actually entered and completed treatment in ASAP's first operational years. In the following two years, the trend was reversed. Treatment entries and completions increased significantly.
2. A wider range of treatment modalities was utilized for referrals.

Recidivism

1. There was a significant trend for DUI recidivism to decrease over time. However, the samples were small, and recidivism was studied for only one year after arrest. It was concluded that larger samples and more time are needed to measure recidivism impact accurately.

Several problem areas occurred in 1975 due to the withdrawal of ASAP funding. Agencies did find new funding sources and adjusted their procedures to the new situations. ASAP management, in conjunction with agency management, successfully found solutions to the problems.

II. INTRODUCTION

Recent studies indicated that a very high proportion (50 percent) of highway deaths are alcohol-related and that two-thirds of these deaths involve a problem drinker.¹ In an effort to reduce the incidence of drunk driving, the United States Department of Transportation's National Highway Traffic Safety Administration funded thirty-five Alcohol Safety Action Projects (ASAPs) throughout the nation.

In 1972, Los Angeles County received \$6 million to establish a local ASAP (L.A. ASAP) to operate for three and one-half years. The L.A. ASAP initiated and/or funded countermeasure programs which together constituted a systems approach in handling drinking drivers. The countermeasures were designed to impact the drinking driver from the time of his arrest through adjudication and rehabilitation. ASAP then monitored his subsequent driving record in order to evaluate the effectiveness of its efforts.

A. The Mini-ASAP

Los Angeles County has a population of over seven-million people who reside within an approximate 4,000 square-mile area. The L.A. ASAP operated throughout the County, but it chose a smaller portion to be a primary target area. It was the eastern portion of the County, which also became known as the mini-ASAP. All the major countermeasure efforts were made operative within it. Figure 1 outlines the mini-ASAP portion of the County and indicates the location of its three major courts.

-
1. James L. Nichols, Ph.D. and Raymond E. Reis, Jr., Ph.D. "One Model for the Evaluation of ASAP Rehabilitation Efforts," NHTSA Technical Report, DOT HS-801244, Department of Psychology, Human Factors Lab, University of South Dakota, October, 1974, p 1.

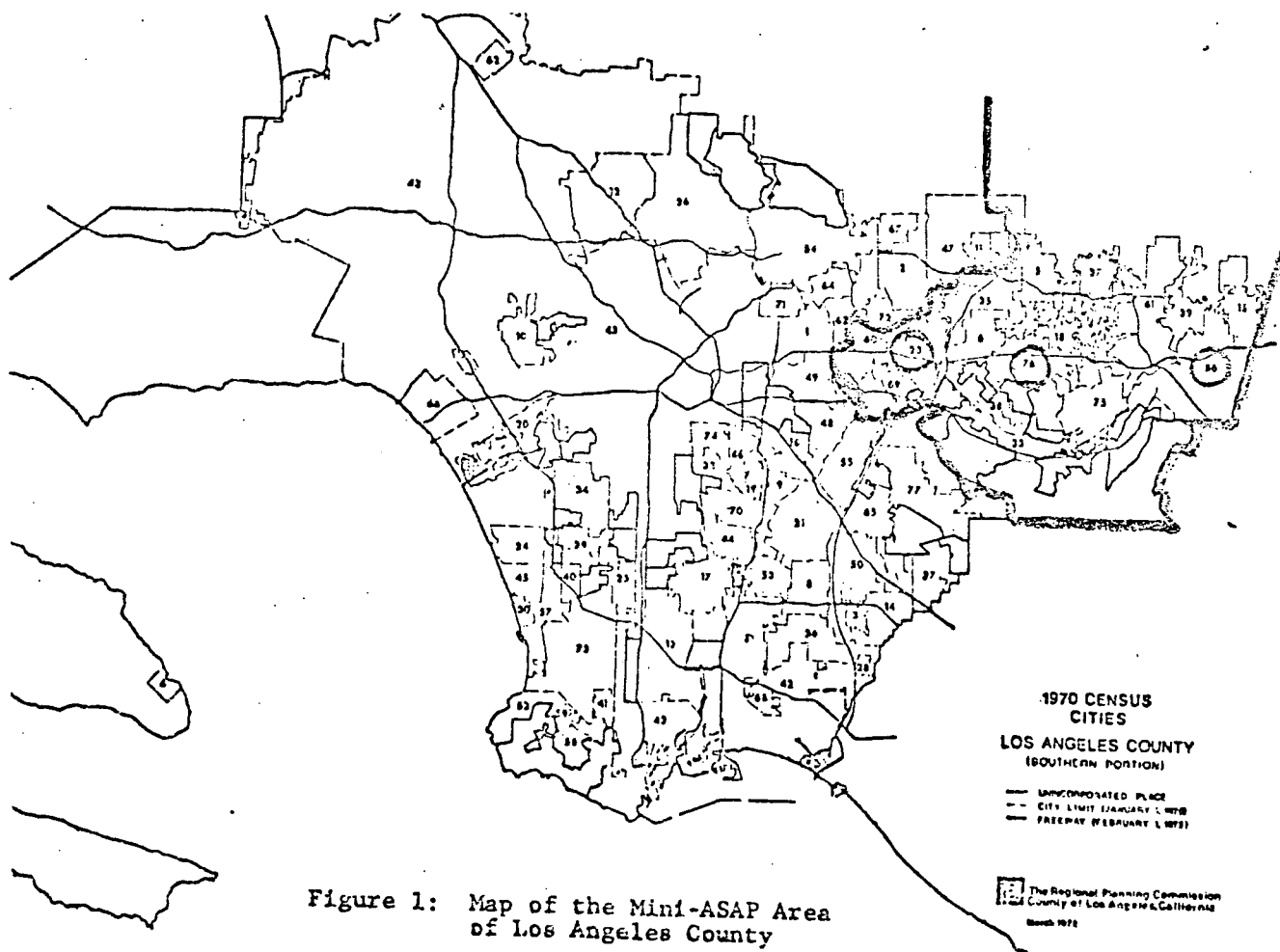
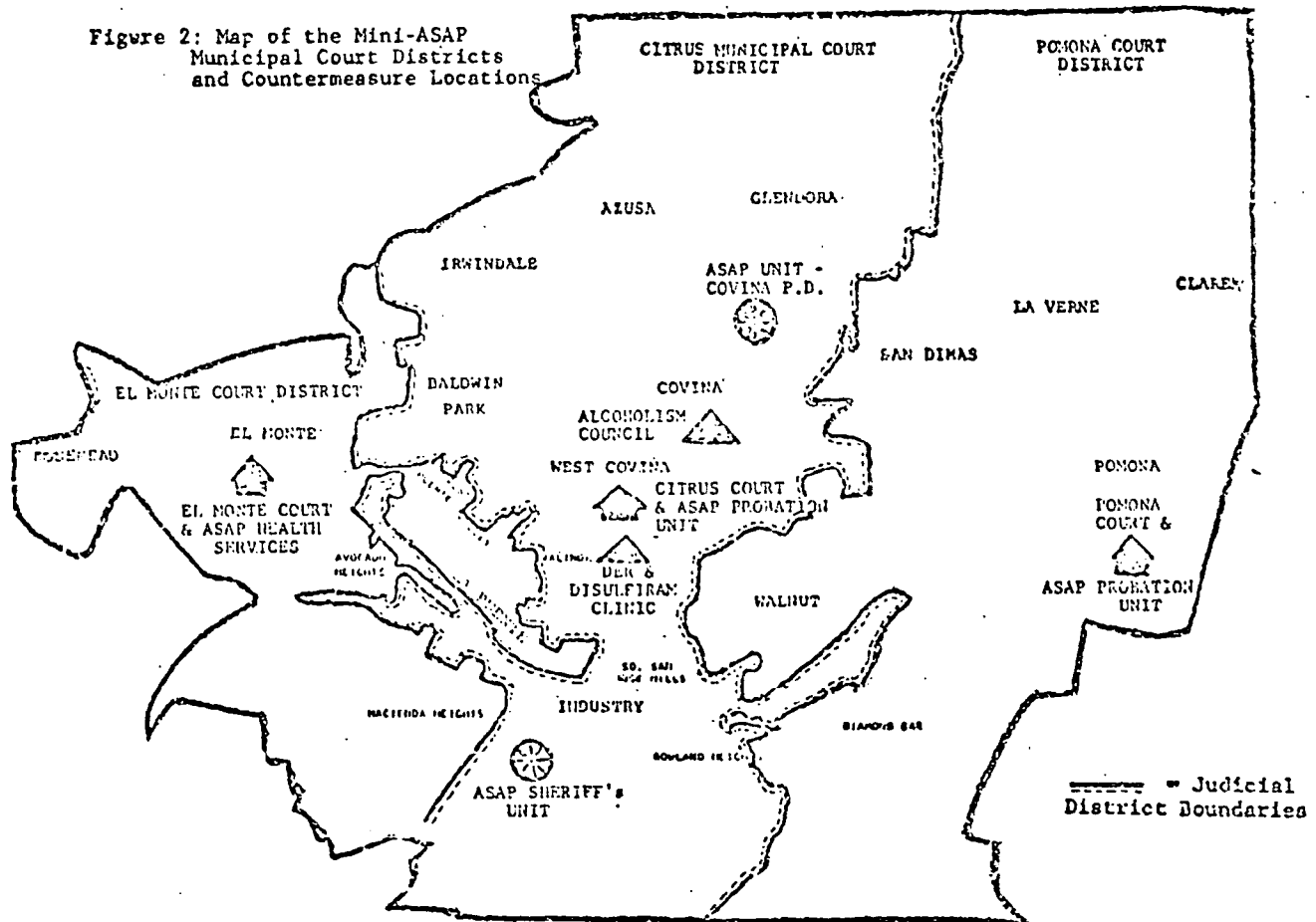


Figure 1: Map of the Mini-ASAP Area of Los Angeles County

○ Location of Municipal Courts

The mini-ASAP area is 497 square miles, of which 235 square miles are sparsely populated mountainous terrain. The majority of its residents are middle-class or working class, and have Caucasian or Mexican-American backgrounds. Within the mini-ASAP boundaries there are sixteen incorporated cities and eight unincorporated areas. All drunk driving arrests are filtered through one of the three courts located within it: Rio Hondo (formerly El Monte), Citrus and Pomona. Figure 2 shows the boundaries of the three court districts and the location of agencies in the ASAP system.

Figure 2: Map of the Mini-ASAP
Municipal Court Districts
and Countermeasure Locations



Citrus is the largest of the three mini-ASAP court districts with an average monthly caseload of 316 arrests for driving under the influence of alcohol (DUI). Rio Hondo is the second largest district, and it has a caseload of 158 per month.² Pomona is the smallest with a caseload of 69 per month. From these Municipal Courts, cases involving felony charges are sent to the mini-ASAP Superior Court in Pomona.

2. The caseload average is a change from 1973 and 1974 when Rio Hondo was the largest of the three districts. A portion of the Rio Hondo Court District was assigned to the Alhambra Court District in 1975; this resulted in the lower caseload.

B. The Traffic Safety System in the
Mini-ASAP

The purpose of this study is to evaluate the impact ASAP has had on the traffic safety system in the mini-ASAP area of Los Angeles County. The traffic safety system encompasses:

- 1) the detection and arrest of the person who drives under the influence of alcohol (the DUI)--the law enforcement countermeasure;
- 2) the trial, conviction and sentencing of the DUI--the judicial countermeasure; and
- 3) the education and/or rehabilitation of the DUI--the rehabilitation countermeasure.

The countermeasure programs are designed to interact and to complement each other. They form a web of interacting forces which influence the DUI as he moves through the various phases of the system.

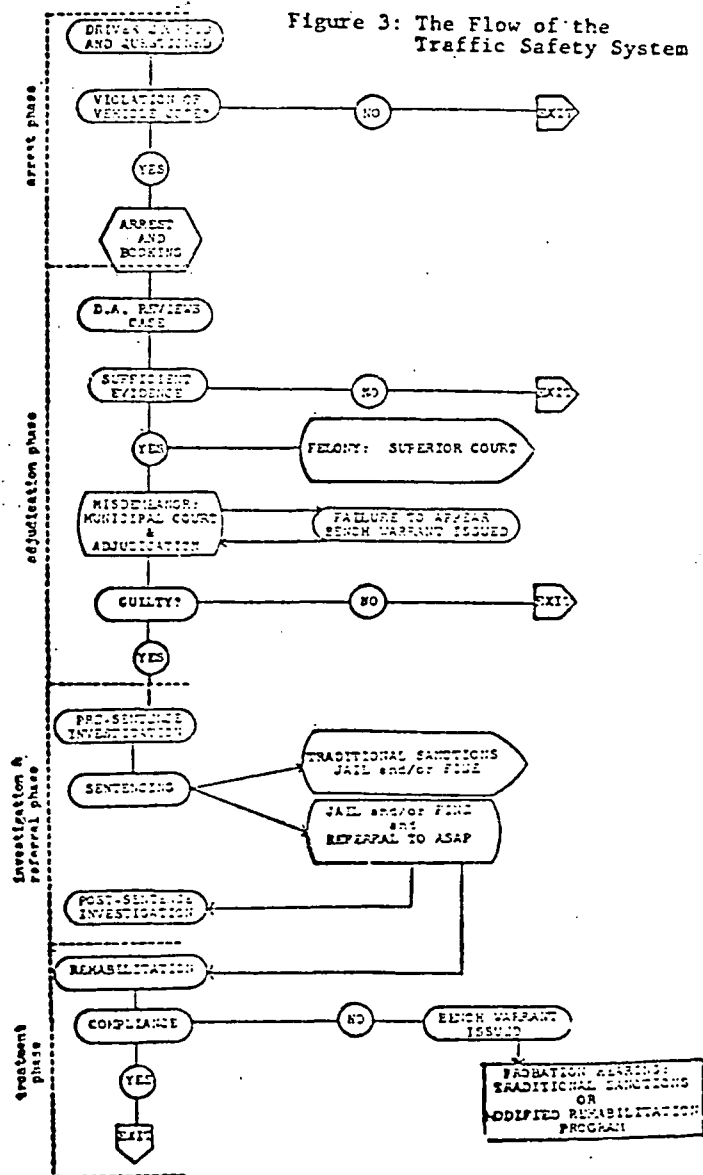
A total of fourteen police agencies from the city, county and state levels operate in the mini-ASAP, and form the core of the law enforcement countermeasure.

DUI arrests are channeled into one of the three Municipal Courts described above. Activities at these courts form the nucleus of the judicial countermeasure. Once convicted, the DUI may receive a traditional sentence (fine, jail, license actions) or a traditional sentence plus a rehabilitation referral. Either before or after sentencing, he may be channeled through Probation units (Citrus and Pomona Courts) or through Public Health Investigators (Rio Hondo Court) for a "PSI" (pre- or post-sentence investigation).³ Deputy Probation Officers and Public Health Investigators evaluate the severity of the drinking-driving problem and recommend treatment referrals.

Typically, the DUI is then sent to a treatment program (rehabilitation countermeasure). The range of treatment services include court school programs, AA meetings, detox/inpatient facilities, outpatient counseling, recovery homes, the Alcoholism Council and a Disulfiram Clinic.

3. In early 1976, Public Health Investigators began conducting pre-sentence investigations at the Citrus Court.

The flow of a DUI through the mini-ASAP traffic safety system is illustrated in greater detail in Figure 3 below.



C. Major ASAP Traffic Safety Countermeasures
in the Mini-ASAP

1. Law Enforcement Countermeasure

Although fourteen police agencies work in the mini-ASAP, two were especially funded to work with DUI cases. ASAP funded four to five two-man patrols operating from the Sheriff's substation in the City of Industry. The Sheriff patrols worked in unincorporated areas, and six cities which had contracted their services. The Sheriff units channeled their DUI arrests through all three mini-ASAP courts, but primarily through the Rio Hondo and Citrus courts.

The second ASAP unit was with the City of Covina Police Department. It was a two-man patrol which operated solely within the boundaries of Covina, and channeled all its DUI arrests through the Citrus Court.

Officers working with the Sheriff and Covina units received special training in DUI detection. They patrolled strictly for DUI offenders, and worked mostly during the early and in the evening time periods when driving under the influence is most likely to occur.

ASAP funded the Sheriff units through December of 1975, and the Covina unit through December of 1974. Funding covered salaries, the acquisition of vehicles and video tape equipment for patrol cars and Mark II Gas Chromatograph Intoximeters. The ASAP expenditures for these units is summarized below:

1973

ASAP Sheriff	\$394,328	\$359,703	\$317,816	\$1,071,847
ASAP Covina	121,486	95,155	0	216,241
P.D.				
TOTAL	\$515,814	\$454,858	\$317,816	\$1,288,488

Since ASAP terminated its funding, the Covina unit has been totally funded by the City of Covina. The revenues obtained through the activity of the unit has enabled it to be self-sufficient. Three Sheriff units were funded by Los Angeles County through June of 1976; future County funding is in doubt because of the County's budget problems in FY 76-77.

The activities of the ASAP units have had catalytic effects. Other law enforcement agencies have adopted many of their techniques and have given added emphasis to the apprehension of the DUI offender. In addition, special units have been established in other parts of the County to specialize in DUI apprehension. For example, a Traffic Enforcement Team (TET) is now operating from the Norwalk/Pico Rivera Sheriff Station and receives partial State funding.

2. Judicial Countermeasures

ASAP funded two agencies which conducted pre- and post-sentence investigations. First, it funded Public Health Investigators (PHIs) who are employees of the County's Department of Health Services. In 1975, two PHIs worked at the Rio Hondo Court on pre-sentence investigations of DUI offenders.

Secondly, ASAP funded Deputy Probation Officers (DPOs) who worked in the Citrus and Pomona Courts. Typically, the DPOs performed pre-sentence investigations at the Pomona Court and post-sentence investigations at the Citrus Court. During the period of ASAP funding, the DPOs worked exclusively with DUI offenders.

In addition to the two units described above, ASAP established a Diagnostic, Evaluation and Referral Center (DER). DUIs sentenced in any of the three courts could be sent here for further evaluation. Also, persons suspected of being problem drinker-drivers by the Department of Motor Vehicles could be sent to the DER.

ASAP ceased its funding of the Probation units in July of 1975, with the exception of one Supervising Deputy Probation Officer position which continued to be funded through December of 1975. The unit of Public Health Investigators received funding through December of 1975, and the DER Center through June of 1975. The costs of these units to ASAP is summarized below:

	1973	1974	1975	TOTAL
Rio Hondo Court ⁴	\$24,422	\$21,903	\$33,709	\$80,034

-
4. Since March, 1973, the PSI countermeasure activities have been conducted by the Public Health Investigators. During January and February, 1973, ASAP Probation Officers also worked at Rio Hondo. Therefore, costs for 1973 include Probation Department costs for January and February, 1973.

	1973	1973	1975	TOTAL
Citrus Court	\$116,516	\$105,197	\$ 58,467	\$280,180
Pomona Court	57,816	55,237	22,027	135,080
DER	67,216	82,823	34,661	184,700
TOTAL	\$265,970	\$265,160	\$148,864	\$679,994

Since ASAP funding ceased, the Public Health Investigators have been funded by the Los Angeles County Department of Health Services. The ASAP Probation unit at the Pomona Court remained essentially intact, but began handling narcotic cases as well as DUI cases after July 1, 1975. The Probation unit at the Citrus Court no longer remained as a specialized DUI unit after July 1, but began handling all types of cases. (In early 1976, Public Health Investigators began conducting pre-sentence investigations at the Citrus Court.) The DER Center continued its work after ASAP funding ceased. The center has now been expanded into an Alcohol Rehabilitation Clinic, and operates with funding from the National Institute on Alcoholism and Alcohol Abuse (NIAAA).

There were two other sources of input to the judicial component of the ASAP system. First, the Project provided three clerical workers to the El Monte and Pomona Courts to assist court clerks with record keeping. Second, ASAP sponsored one prosecutor's seminar in 1973, two judicial seminars in 1974 and two judicial seminars in 1975. Costs for these two sources of input to the judicial component are summarized below:

	1973	1974	1975	TOTAL
Clerical Workers	\$14,368	\$11,534	\$5,038	\$30,940
Judicial Seminars	2,338	3,920	2,500*	8,758
TOTAL	\$16,706	\$15,454	\$7,538	\$39,698

*This was the cost of only one judicial seminar funded by ASAP. The second seminar in 1975 was funded by the California Alcoholism Foundation, and its costs are not included here.

In summary, the total cost of all the components of the judicial countermeasure to ASAP was \$719,692.

3. Rehabilitation Countermeasure

ASAP directly funded two facilities in the mini-ASAP.⁵ It established the only Disulfiram Clinic in the area, which operated in conjunction with the DER Center. In addition, ASAP supported the Alcoholism Council of the East San Gabriel and Pomona Valleys. The Council offers counseling, referral and follow-up services to DUIs sent to them from the courts or coming as self-referrals. ASAP continued to fund both agencies through June of 1975. Costs to ASAP are summarized below.

	1973	1974	1975	TOTAL
Disulfiram Clinic	\$48,196	\$56,201	\$31,102	\$135,499
Alcoholism Council	51,631	53,337	21,628	126,596
TOTAL	\$99,827	\$109,538	\$52,730	\$262,095

When ASAP funding ceased on June 30, 1975, both agencies continued their operations. The Disulfiram Clinic became known as the Alcohol Rehabilitation Clinic, and operated with funding from NIAAA. Not only did it continue its chemotherapy program, but offered new services such as individual and group counseling. The Alcoholism Council received funding through a Short-Doyle contract with the State, and continued to build on existing services and expand to meet community needs.

4. Other Input

ASAP's Public Information and Education Countermeasure and its Legislative Countermeasure were directed toward the total population.⁶ It can be assumed that they did impact the mini-ASAP.

5. For further information, see An Analysis of the Rehabilitation Countermeasure, 1975 and Alcoholism Councils, Performance Report for 1975.

6. For further information, see An Analysis of the Legislative Countermeasure, 1974 and An Analysis of the Public Information and Education Countermeasure, 1975.

The Legislative Countermeasure functioned primarily through ASAP's Legislative Workshop, a group of experts in the field of alcohol and traffic safety who reviewed legislation and provided input to further new legislation. For example, the Workshop supported legislation which encouraged the use of PSI procedures, established standards for court schools and encouraged treatment for DUI offenders.

The Public Information and Education Countermeasure (PI&E) utilized mass communications and specialized communications (speaker's bureaus, fairs, films, etc.) to present materials about the effects of alcohol and driving. In May of 1974, ASAP's PI&E Countermeasure began a specialized advertising campaign directed toward "significant others", persons who could intervene in drinking-driving situations.

III. OVERVIEW OF THE SYSTEMS OPERATIONS IN BASELINE AND OPERATIONAL YEARS--TABLE 1

Table 1 summarizes and compares traffic safety system operations from 1972 through 1975.

Table 1: A Statistical Summary of the System Flow in
Baseline, First, Second and Third Operational
Years*

	1972	1973	1974	1975
Total A/R Arrests	7,734	10,194	10,626	11,114
A/R Arrests per 1,000 Licensed Drivers	19	25	26	27

Sample Data	N=215	N=207	N=231	N=206	Significance
% Arrested	100	100	100	100	
% Failure to Appear**	1	1	1	1	
% Convicted (Total)	95	99	97	99	75 vs. 72 P < .02 73 vs. 72 P < .02
% Convicted DUI	66	76	61	78	72 vs. 73 P < .01, 73 vs. 74 P < .01, 74 vs. 75 P < .01
% Convicted Lesser Charges	29	22	36	21	75 vs. 72 P < .05, 74 vs. 73 P < .001, 75 vs. 74 P < .0001
% Receiving Pre or Post Sentence Investigations	--	58	65	55	75 vs. 74 P < .022
% Identified as Problem Drinkers	--	20	16	12	75 vs. 73 P < .02 75 vs. 74 P < .05
% Referred to Rehabilita- tion Programs	25	50	64	67	75>73>72 P < .003 74>73>72 P < .003
% Referrals Entering Treatment	79	56	81	99	75>74 - 72>73 P < .05
% Referrals Completing or Con- tinuing Treatment	79	52	78	92	75>74 - 72>73 P < .05
% Recidivated at End of One Year	12	7	10	4	75 vs 72 P < .001, 73 vs. 72 73 vs 72 P < .05 75 vs 74 P < .003

*Table 1 data for this study differs in several respects from data contained in Table 1 of the 1974 study of the traffic safety system. The reasons for the differences are as follows: 1) In the 1974 study, percentages were statistically adjusted to reflect proportional differences in the number of DUI cases normally handled by the three mini-ASA courts. This adjustment was not made in 1975. 2) The base number for calculating percentages of persons entering and completing treatment in 1975 was the total number referred to treatment. In previous years, the base figure was the total number of persons in the sample.

**DUIs who failed to appear in court are not included in this sample. However, a survey of the total court documents in each court revealed less than one percent incidence of failure to appear each year. Conclusion: less of DUIs at this point in the system is not significant.

A. Summary of Table 1

1. Lines 1 and 2

The first two lines of this table show the total law enforcement activity for each year. These figures indicate that in addition to the increased input to the system in terms of ASAP funding, personnel and services, there was also an increase in the number of arrested DUIs to be processed by the system during the operational years. The increased input was most dramatic during the Project's first year when arrests went up by 2,460 or 32 percent (Line 1). In 1974, there was another smaller increase of 432 arrests or 6 percent. In 1975, the number of DUIs arrested increased by 488. This meant that for every 1,000 licensed drivers in the mini-ASAP area, the proportion of DUI arrests increased from 19 to 25 during the first operational year, to 26 per 1,000 in the second year. In the third operational year, it rose to 27 arrests per 1,000 licensed drivers.

2. Lines 3 - 13

The remaining portion of Table 1 provides a comparative picture of what happened to the DUIs once they entered the traffic safety system in January, 1972, 1973, 1974, and 1975. This information was obtained by tracking four samples of DUIs through that system--215 arrested in January, 1972; 207 arrested in January, 1973; 231 arrested in January, 1974; and 206 arrested in January, 1975. A description of sample selection procedures, data collection procedures and methodology may be found in Appendix A.

Statistical tests showed that these four samples were comparable in terms of sex distribution, prior DUI offenses and other alcohol-related prior offenses. However, the samples were significantly different with regards to age ($p < .0032$). The 1974 sample tended to be younger, with the highest proportion of persons under age thirty. Secondly, the samples differed with respect to total prior traffic offenses ($p < .00001$). The 1975 sample had a greater proportion of persons with no priors (62.6 percent as compared with 31.2 percent in 1974, 25.6 percent in 1973 and 34.9 percent in 1972). The samples also differed with respect to license status ($p < .0003$). The 1975 sample had fewer individuals with restricted licenses at the time of arrest. Next, the samples differed with respect to their BAC (blood alcohol content) at the time of arrest

($p < .013$). The 1975 sample had more individuals with a BAC of less than .10, while the 1972 and 1973 samples had higher proportions of persons with BACs above .20. Detailed comparisons of the four samples can be found in Appendix C.

To summarize, the DUIs passing through the system each year are generally comparable, but they do reflect some characteristic differences, the most important being BAC. Given the similarity of the samples, the significant changes observed in their adjudication may be interpreted as indications of ASAP impact on the traffic safety system. However, for changes which could have been affected by sample differences in BAC, conclusions will have to take this factor into account.

Table 1 shows that once the DUI entered the system in either baseline or operational years, his chances of being convicted of DUI or of a lesser charge were extremely high (Line 5). The total conviction rate rose significantly from 95 percent in 1972 to 99 percent in 1973 ($p < .02$). It dropped only slightly in 1974 to 97 percent. Then it rose to 99 percent again in 1975 (1972 vs. 1975: $p < .02$). When total convictions were subdivided into convictions for DUI and lesser charges, several statistically significant changes across the three years were observed (Lines 6 - 7).

DUI convictions increased significantly over baseline (66 percent) to 76 percent during the first operational year ($p < .01$). Subsequently, from 1973 to 1974, the DUI conviction rate dropped significantly to 61 percent ($p < .01$), slightly lower than the baseline rate. Then in 1975, the rate rose again to 78 percent ($p < .01$). The percentage of arrestees convicted on lesser charges varied over the years. The decrease occurring in 1975 was due to the fact that more persons were convicted on the DUI charge instead of the lesser charges. Fluctuations in pleadowns is due in large part to legislative changes. It is of interest to note that the 1975 sample had more persons with lower BACs, but a higher rate of conviction on DUI charges.

Lines 8, 9 and 10 of Table deal with the sentencing of DUI cases. These figures clearly demonstrate that the impact of ASAP on the adjudication process had been significant. In 1972, less than one percent of the DUIs received any kind of pre/post-sentence diagnostic investigation. By contrast, in 1973, judges utilized the ASAP-PSI countermeasure in 58 percent of their DUI cases (Line 8). And, in 1974, there was another significant increase to 65 percent referred for PSI. However,

in 1975, the percentage decreased to 55 percent, a decrease due in part to the cessation of ASAP funding in the middle of the year and changes in court procedures.

As a result of PSI procedures, 20 percent of the 1973 sample, 18 percent of the 1974 sample and 12 percent of the 1975 sample were identified as problem drinkers (Line 9). No DUIs were identified in 1972. The rate of identification remained about the same in the first two operational years, but dropped in 1975. These figures underrepresent the proportion of DUIs actually treated by ASAP as having more serious problems for two reasons: first, the figure does not include cases labeled as "undetermined", and second, the Rio Hondo PSI did not include a drinker-type diagnosis in the earlier part of ASAP operations.

Line 10 shows that the mini-ASAP judges were making referrals to rehabilitation in 1972 for 25 percent of their cases. But the number of treatment referrals increased significantly in 1973 to 50 percent ($p < .003$), in 1974 to 64 percent ($p < .003$) and in 1975 to 67 percent ($p < .003$).

The movement of DUIs through the rehabilitation/reeducation component of the system is traced in Lines 11 and 12. In 1972, 79 percent of the sample referred to treatment actually entered treatment. The rate decreased significantly in 1973 ($p < .05$). Then it rose to 81 percent and 99 percent in 1974 and 1975 respectively. There was a significant difference in the percentage of persons who entered treatment in 1974 and 1975 ($p < .05$). A similar trend was noticed regarding treatment completions. In 1973, the proportion completing treatment dropped from 1972 levels (56 percent from 1972's 79 percent) ($p < .05$). The percentage completing treatment then rose to 78 percent in 1974 and to 78 percent in 1975. There was a significant difference between 1974 and 1975 percentages ($p < .05$).

Line 13 shows the proportion of DUIs in each sample who were reconvicted of driving under the influence within one year's time. The rate of recidivism varied from 12 percent in 1972 to 7 percent in 1973, 10 percent in 1974 and to 4 percent in 1975. There were significant differences in rates for 1972 and 1973 ($p < .05$) and between 1974 and 1975 ($p < .008$).

To summarize, Table 1 indicates that during ASAP's operational years, the system functioned more effectively to remove DUIs from the road. In 1973, the courts dealt more strictly with

DUI cases--DUIs were more likely to be convicted and that conviction was more likely to be for the DUI charge. In 1974, the conviction rate for DUIs dropped and that of lesser charges increased. This change can be attributed to changes in court policies and legislation or to an influx of lower BAC cases in 1974. However, DUI convictions increased significantly in 1975 ($p < .01$). Across the operational years, the courts became more flexible in their sentencing of DUI cases. The judges strongly endorsed the PSI counter-measures in 1973 and were even more supportive in 1974. This resulted in the identification of at least 94 problem drinkers (for January, 1973-1975 samples). Over the years, the courts greatly increased their use of alternate sentencing and treatment facilities. And each year, an increasing number of DUIs started and completed treatment programs. There were problems in tracking DUI movements through treatment, but these lessened in 1974 and 1975. Finally, variations in DUI recidivism were observed. The 1975 rate of 4 percent was significantly lower than 1972 ($p < .001$) and 1974 ($p < .008$).

B. Report Format

Table 1 has provided a preliminary insight into the impact of ASAP on the traffic safety system. Throughout the remaining portion of this paper, additional analyses based on these samples will be used to demonstrate more specifically the impact that ASAP has had on each component of the system. Presentation of these analyses will follow the organizational format established in Table 1.

IV. ASAP IMPACT ON THE LAW ENFORCEMENT COMPONENT OF THE TRAFFIC SAFETY SYSTEM

Information regarding the impact of ASAP on the law enforcement component is derived from two sources. First, there are data on total arrest activity for 1972 through 1975. A second source of information is the sample data, which indicates the extent of ASAP police unit involvement in the January, 1973, 1974 and 1975 sample arrests.

A. Total Arrest Activity in the Mini-ASAP 1972 - 1975

Table 2 below shows the total number of arrests in the mini-ASAP from 1972 through 1975.

Table 2. Arrests in the Mini-ASAP, 1972-1975

1972	1973	1974	1975
7285	10394	10626	11114
	*(43%)	(46%)	(53%)

* Percentage increase from 1972 in parentheses.

** All years are significantly higher than 1972
($P < .001$) Significance levels are based on
percentages.

When ASAP's operational years (1973 through 1975) are compared with the pre-ASAP baseline year (1972), it becomes evident that there were significant increases in the number of DUI arrests during the ASAP period. In 1973, ASAP's first operational year, DUI arrests were 43 percent higher than 1972 figures. In 1974, arrests were 46 percent above 1972, and in 1975, they were 53 percent higher. Each operational year showed a statistically significant increase over the baseline figure.

Data in Table 2 is impressive, but it underrepresents ASAP impact. ASAP's Sheriff and Covina units did not patrol the entire mini-ASAP. Therefore, the increased arrests shown in Table 2 covers not only ASAP activity, but also activity of other law enforcement agencies.

Data in Figure 4 provides more detailed information regarding ASAP impact.

Figure 4: Alcohol-Related Arrests Per 1,000 Licensed Drivers - Los Angeles County, Total Mini-ASAP, Covina Police Department and Sheriff's Patrol, 1972-1975

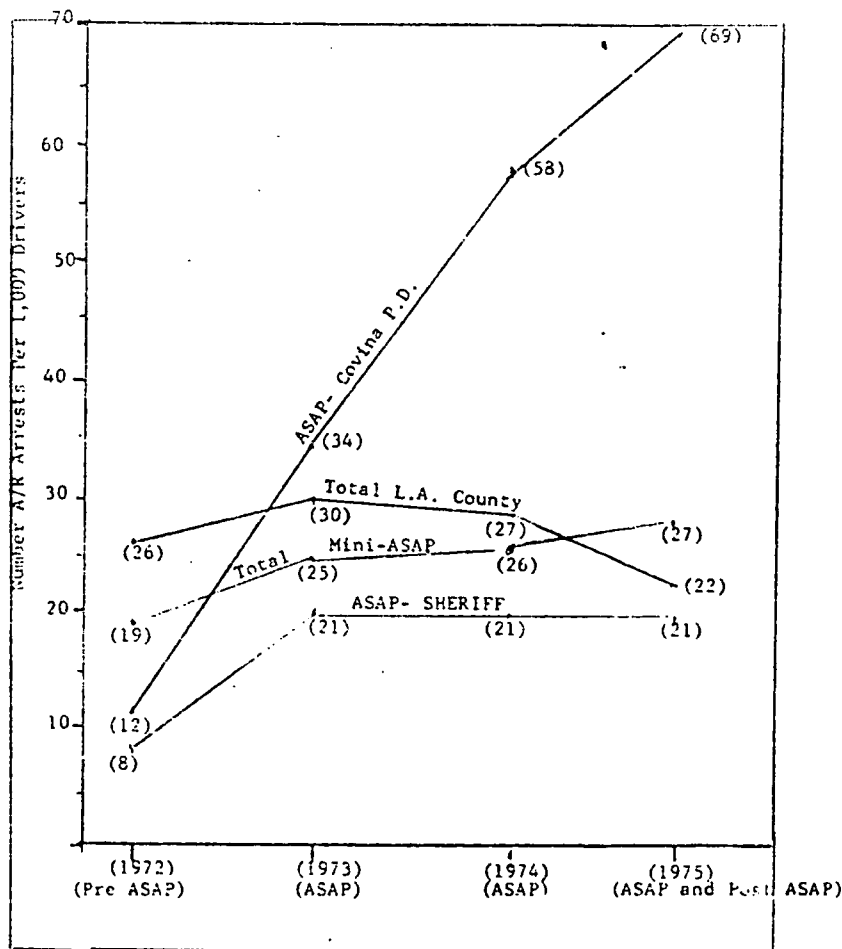


Figure 4 shows the changes in arrests per 1,000 licensed drivers for areas patrolled by the ASAP Sheriff and Covina Police Department units as well as for the total mini-ASAP. In the Sheriff's area, arrests rose from 8 per 1,000 drivers in 1972 to 21 in 1973. Since 1973, the rate has remained at the same level of 21 DUI arrests per 1,000 licensed drivers.

In the Covina patrol area (City of Covina), arrests rose from 12 per 1,000 licensed drivers in 1972 to 34 in 1973, then to 58 in 1974 and 69 in 1975. During 1975, the unit was re-

longer funded by ASAP, but by the City of Covina. The 1974 figure represents an impressive increase of 301 percent over the baseline period and the 1975 figure represents a 433 percent increase.

Finally, statistical tests comparing changes for the total mini-ASAP with changes in the patrol areas did not reveal any significant differences since the number changes were so small in relation to 1,000 drivers. However, the percentage increase of 433 percent observed for the Covina patrol area is clearly higher than the 42 percent observed for the total mini-ASAP. This fact demonstrates ASAP's impact on the law enforcement component.

B. Total Arrest Activity in the Mini-ASAP
as Compared to Arrest Activity in Los
Angeles County, 1972 - 1975

Table 3 shows the number of alcohol-related arrests in Los Angeles County and the mini-ASAP from 1972 through 1975.

Table 3: Alcohol-Related Arrests in Los Angeles County
and the Mini-ASAP, 1972 through 1975

	1972	1973	1974	1975
<u>Los Angeles County</u>				
Number of A/R Arrests	113,795	134,827	115,153	96,826
Arrests Per 1,000 Licensed Drivers	26	30	27	22
<u>Mini-ASAP</u>				
Number of A/R Arrests	7,285	10,394	10,626	11,114
Arrests Per 1,000 Licensed Drivers	19	25	26	27

For the entire Los Angeles County, the number of alcohol-related arrests rose from 113,795 in 1972 to 134,827 in 1973, then decreased to 115,153 in 1974 and to 96,826 in 1975. This represents increases from 26 to 30 arrests per 1,000 licensed drivers in 1972 and 1973, then a decrease to 27 and 22 arrests per 1,000 licensed drivers in 1974 and 1975. The number changes were so small in relation to 1,000 drivers that statistical tests comparing the County-wide change to changes in the mini-ASAP and ASAP patrol areas did not show significant differences. The fact that the County-wide arrests per 1,000 licensed drivers decreased in the last two years while the mini-ASAP rates increased suggests an impact by ASAP.

C. Sample-Related Arrest Statistics

1. Arrests by ASAP and Regular Patrols

Table 4 shows the percentage of all mini-ASAP arrests made by the ASAP units and regular patrols (non-ASAP units) from 1973 through 1975.

TABLE 4 : Proportion of Individuals Arrested by ASAP
and Regular Patrols , 1973-1975

	1973	1974	1975	TOTAL
ASAP PATROLS	13.5% N = 28	9.5% N = 22	18.9% N = 39	13.8% N = 89
REGULAR PATROLS	86.5% N = 179	90.5% N = 209	81.1% N = 167	86.2% N = 555
	100% N = 207	100% N = 231	100% N = 206	100% N = 644

*1975 vs. 1974: $t = 2.856$ $DF = 641$ $P < .004$

In 1973, 13.5 percent of all arrests in the mini-ASAP were made by the ASAP funded units. The percentage declined to 9.5 percent in 1974 but it was not a statistically significant decrease. In 1975, the ASAP units accounted for 18.9 percent of all arrests. This was almost double the 1974 rate ($p < .004$), and over 5 percent higher than the 1973 arrest figures.

It is evident that the ASAP units account for relatively small percentages of the arrests made in the total mini-ASAP area. The ASAP input into the total law enforcement component is only five or six patrols out of the input of patrols from fourteen law enforcement agencies. Given this fact, it is unlikely that ASAP arrests would be greater than those of regular patrols.

2. Conviction Rates for ASAP and Non-ASAP Patrols

It was hoped that the specialized training given the ASAP units, and their video taping field sobriety tests, using the gas chromatograph, etc. would increase the quality of evidence produced in court. This, in turn, would result in higher conviction rates for DUI offenses as compared with convictions on lesser charges. An analysis of variance was conducted to test this hypothesis. It compared the conviction types

for ASAP and non-ASAP patrols from 1973 through 1975 to see if statistically significant difference could be found. The results are summarized in Table 5.

Table 5 : Conviction Type by Year and Arrest Type

Analysis of Variance Summary Table

Source of Variation	Sum of Squares	DF	Mean Square	F Ratio	P Value
Year	1.316	2	0.658	3.267	.037
Arrest Type	.016	1	.016	.081	N.S.
Year X Arrest Type	.303	2	.151	.756	N.S.
Within	127.709	638	.200	---	---

The analysis of variance table shows the following:

- There were no statistically significant difference in the conviction types for ASAP and non-ASAP patrols. The major hypothesis was not supported.
- However, there were differences in whether a person was convicted of a DUI charge (as opposed to a lesser charge) over time. In 1973, 76 percent were convicted of DUI offenses and in 1975, 78 percent were so convicted. These percentages were significantly higher than data for 1974 (61 percent) and the baseline year of 1972 (66 percent).

Although the analysis of variance showed no difference between the conviction types of persons arrested by ASAP and non-ASAP patrols, another question remains. Could the patrols be arresting different types of persons? A discriminant analysis was used to test this question. It compared persons arrested by the two types of patrols on the basis of age, sex, conviction type (DUI vs. lesser charge), and the total number of prior traffic offenses the individuals had. The results are presented below in Table 6.

Table 6: ASAP Arrests vs. Regular Arrests - Discriminant Analysis

Comparison Variables	Standardized Discriminant Function Coefficients	Significance
Age	-0.22552	.012
Sex	0.62573	.001
Conviction Type	-0.24355	.000
Prior Traffic Offenses	0.55405	.001
Significance of the Equation: $X^2=22.326$ df=5 p. .00001		

Table 6 shows a significant discriminant function (p .00001). The data indicates that persons arrested by ASAP and regular patrols differed. From 1973 through 1975, persons arrested by ASAP patrols, as compared with the regular patrols, tended to be males, older than persons arrested by regular patrols and have fewer prior traffic offenses. They were also more likely to receive pleadowns to non-alcohol-related charges, a factor probably associated with the lower BAC levels.

The fact that ASAP patrols were arresting persons with fewer prior offenses indicates that with their special training, the ASAP patrols were particularly alert to DUI infractions. This fact is important when findings of other studies indicate that fatally injured drivers tend to be persons with fewer alcohol-related offenses than average DUI offenders.⁷

D. Conclusions Regarding ASAP Impact on the Law Enforcement Component

The number of DUI arrests increased significantly in the mini-ASAP during ASAP's operational years. The ASAP Covina unit showed impressive gains in the number of DUI arrests per 1,000 licensed drivers. The ASAP Sheriff unit and regular patrols increased arrests per 1,000 licensed drivers in the first operational year, then their activity leveled. DUI

7. See Analysis of the Law Enforcement Countermeasure, 1975.

arrests for the total Los Angeles County increased from 26 DUI arrests per 1,000 licensed drivers in 1972 to 30 in 1973, then decreased to 27 in 1974 and 22 in 1975. An indication of ASAP's impact is the fact that DUI arrests in the mini-ASAP (and particularly for the ASAP Covina patrol) were increasing in 1974 and while DUI arrests in the total County were decreasing.

When arrest data of the study samples were examined, there were several other indications of ASAP impact.

- The percentage of persons arrested on DUI charges and convicted of that charge increased over the years. In the pre-ASAP period of 1972, 66 percent of DUI arrestees were actually convicted on a DUI charge; by 1975, the percentage had increased to 78 percent.
- ASAP patrols, as compared with regular patrols, tended to arrest persons with fewer alcohol-related prior offenses. This indicated that ASAP patrols, with their specialized training, were particularly alert to DUI infractions.

In addition, ASAP had had a catalytic impact on law enforcement agencies. There has been increased competition for arrests among non-ASAP agencies and increased requests for ASAP procedural information by regular agencies. A special Sheriff's patrol unit is now operating in Southeastern Los Angeles County, adjacent to the mini-ASAP. It specialized in DUI patrol, and is based on the ASAP unit's procedures and structure.

Overall, ASAP's investment in the total law enforcement component of the mini-ASAP's traffic safety system was small, relative, for example, to its input to the judicial counter-measure. Therefore, the observed impact on arrests as well as the catalytic effects are significant returns.⁸

8. For further information on the law enforcement component, see Analysis of the Law Enforcement Countermeasure, 1975.

V. IMPACT OF ASAP ON THE JUDICIAL COMPONENT OF
THE TRAFFIC SAFETY SYSTEM: CONVICTION PHASE

A. Procedures for the Adjudication of DUI Cases--
the Conviction Phase

None of the ASAP countermeasures directly interface the conviction phase of the adjudication process. However, there are indirect influences. Many judges and court personnel have attended ASAP's judicial seminars, and have met on an informal basis with ASAP staff. In addition, ASAP-funded clerks working at the Rio Hondo and Pomona Court Clerk's Office may have contributed to the efficiency of case processing.

The adjudication process begins when a police officer files reports of DUI arrests with the Deputy District Attorney's Office at one of the three mini-ASAP courts. The District Attorney reviews each case to determine whether or not further prosecution is warranted. The most frequent reason for rejecting a case is a low BAC reading or no evidence of drug usage. ASAP records indicate a very low proportion of cases rejected by the District Attorney.⁹

Once the District Attorney has decided to prosecute a case, and has decided on the charge, the arrest report is filed with the court clerk and a date for arraignment is set. By law, the arraignment must occur within ten days of the arrest unless the DUI was incarcerated upon arrest. DUIs are incarcerated if the arresting agency determines that an individual was too intoxicated to be released on his own recognizance.¹⁰ In these cases, the DUI must be brought to arraignment the following morning. At this stage, procedures for misdemeanor and felony cases begin to diverge. The misdemeanor cases are of primary concern since these are the ones which are eligible to enter the ASAP program. Therefore, misdemeanor cases will be described first.

9. For example, from January through May of 1974, the Rio Hondo Court reported three rejects; the Citrus Court reported five rejects; and the Pomona Court reported eight rejects.

10. The minimum allowed bond forfeiture in California for DUI cases is \$325. The decision to require bond or to release the DUI on or without bond is an individual decision depending upon the characteristics of the case.

1. Misdemeanor Cases

On the day of a misdemeanor arraignment, the defendant appears in court to hear the charges against him and to enter his plea. If a defendant does not appear at arraignment, he is cited for contempt of court and a bench warrant is issued for his arrest.¹¹ (As indicated before, the number of "failure to appear" cases, which are not eventually prosecuted is less than one percent.) If the defendant pleads guilty or nolo contendere (no intention to contend charges) at the arraignment, he is automatically convicted and enters the sentencing phase of court procedures. If, on the other hand, he pleads not guilty, the judge schedules the case for a pre-trial hearing.

The pre-trial hearing is usually the first point at which plea negotiations occur. These negotiations take place between the District Attorney and the defense attorney. However, the District Attorney will bargain directly with the defendant if no defense attorney has been retained. During bargaining, the lawyers may approach the bench to determine if the judge will concur to a particular agreement and what sentence the defendant may expect for a guilty plea. California does not have a "driving while impaired" charge. In addition to carrying less stringent jail and fine penalties, the charge of reckless driving allows the court discretion in license suspension, even on a second or third conviction.

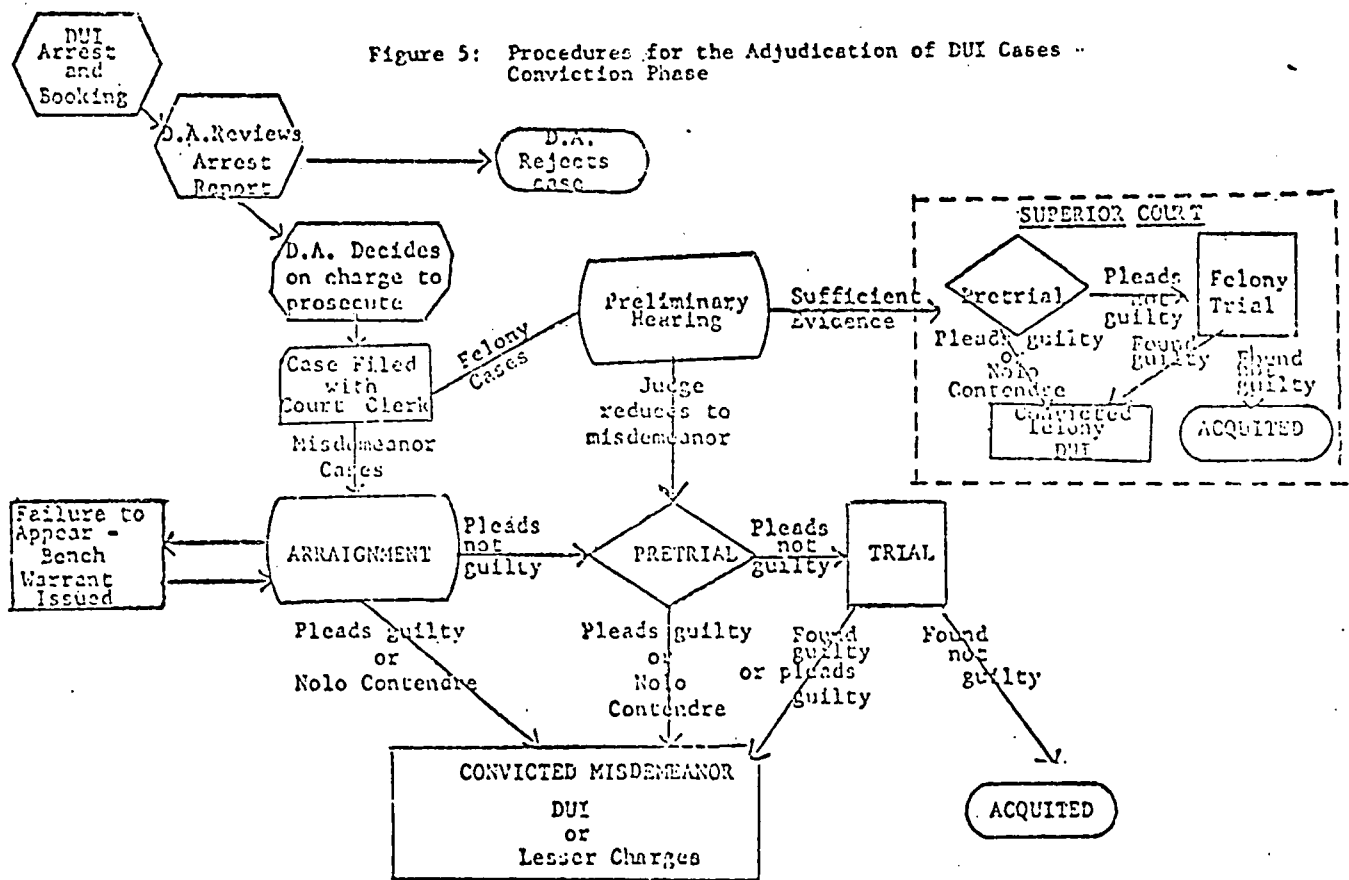
If a plea bargain is reached at the pre-trial hearing, these negotiations are announced at court, the guilty plea is entered and conviction occurs immediately. If no plea agreement can be reached at the pre-trial, then the judge sets the date for a trial (either by judge or jury, depending upon the defendant's preference). By law, the trial must be held within forty-five days of the arraignment, or thirty days if the defendant is in jail.

On the day of the trial, plea negotiations are often continued on an informal level. Many times the defendant pleads guilty at this point, and the trial is cancelled. When a DUI trial

11. Bench warrants are filed with the arresting agency and remain on file up to five years. Initially, the Marshal's Office will attempt to serve the warrant to the DUI. If this proves unsuccessful, the warrant is entered into the arresting agency's computer. Should the person be stopped in the future for some violation, the warrant will be served.

is held, it typically includes testimony by the arresting officer, witnesses to the incident, and expert witnesses. In ASAP arrest cases, it may also involve presentation of video taped evidence. If the judge (or jury) finds the defendant guilty on the basis of evidence presented, he is then convicted and enters into the same sentencing procedures as did those defendants at earlier stages in the process.

Figure 5 provides an illustrated summary of the conviction phase of the adjudication process.



2. Felony Cases

All felony DUI cases enter the court system at the Municipal Court level. This is because felonies are required to have a preliminary hearing in Municipal Court to determine whether there is sufficient evidence to support a felony charge. At the pre-trial hearing, the judge may reduce a felony DUI to a misdemeanor. These defendants would then enter into misdemeanor proceedings, and if convicted might be routed through ASAP. Alternatively, where sufficient evidence is found to exist for a felony charge, the case is transferred to the Pomona Superior Court. (See Figure 5.) Superior Court cases are beyond the scope of ASAP.

3. Variations in Procedure

Variations in the conviction phase procedures can be caused by differences in plea bargaining policies of the individual District Attorney offices. Judges interviewed for this study indicated that charging and plea decisions are the primary jurisdiction of the District Attorney's office. Since the viewpoints of these officials can be expected to have an impact on the data, they are summarized below.

a. Rio Hondo Court

In 1975, the procedure of the District Attorney's office in Rio Hondo remained unchanged from previous years. The office did not adhere to any BAC cutoff point for granting plea deals. For DUIs with a BAC from .00 to .09, a plea deal to a moving violation was negotiable. A plea deal to reckless driving was possible for persons with a BAC of .10 to .14. Each case was examined individually to determine whether or not a plea deal was warranted. Factors taken into consideration were the individual's prior driving history, circumstances surrounding his arrest, and whether or not a DUI conviction would cause the defendant some hardship (e.g., loss of job due to license suspension). However, for cases with a BAC of .15 or higher, the defendant had to plead guilty or go to trial. Regardless of the charge, the person was encouraged to participate in ASAP programs if it was deemed beneficial.

B. Citrus Court

From 1972 through 1975, the Citrus office maintained a consistent policy. Regardless of BAC, a plea deal was warranted. Factors taken into consideration were

whether or not an accident was involved, the number of prior alcohol-related offenses the defendant had, and possible loss of employment if a license suspension would occur and the difficulty involved in obtaining a conviction. The plea package offered by the District Attorney at the Citrus Court was not designed to encourage the acceptance of plea packages. For example, when a plea package to reckless driving was considered, the District Attorney recommended the maximum fine, weekend jail time, restricted driver's license and participation in ASAP treatment programs.

C. Pomona Court

From 1972 through 1975, the District Attorney's office at the Pomona Court maintained a consistent policy. It adhered to definite BAC levels in granting plea packages. For DUIs with BAC readings of less than .10, a plea package to a moving violation or reckless driving would be granted. Persons with BAC readings ranging from .10 to .14 would be considered for a plea package to reckless driving. Persons with BAC readings of .15 or higher either had to plead guilty to DUI charges or go to trial, with occasional exceptions. These occurred particularly when the cases proved to be difficult to prosecute.

B. Distribution of Dispositions for DUI Arrests
from 1972 through 1975 - Total Sample

Table 1 provided a summary description of the disposition of DUI cases. Table 7 provides further details about changes in dispositions from the pre-ASAP period of 1972 through the ASAP years of 1973 through 1975.

Table 7 shows that with the exception of 1974, the proportion of DUI arrestees convicted of that charge increased over time, and dismissals decreased. This was the type trend ASAP wanted to occur.

Table 7 : Conviction Types by Year, 1972 - 1975

Conviction Type	Year				
	1972	1973	1974	1975	TOTAL
Convicted DUI	141	158	141	160	600
	65.6%	76.3%	61.0%	77.7%	69.8%
Convicted Reckless	59	40	74	31	204
	27.5%	19.3%	32.0%	15.0%	23.7%
Convicted Other A/R Charges	2	0	2	0	4
	0.9%		0.9%		0.5%
Convicted Other Offenses	2	6	8	12	28
	0.9%	2.9%	3.5%	5.8%	3.3%
Dismissed	11	3	6	3	23
	5.1%	1.5%	2.6%	1.5%	2.7%
TOTAL	215	207	231	206	859
	100%	100%	100%	100%	100%

p. < .001

Chi square calculated by combining "convicted other A/R charges" and "convicted other offenses".

Table 8 provides further information on conviction types. It compares DUI convictions with lesser charges and dismissals by means of a one-way analysis of variance. The results show that there were statistically significant changes in the disposition of cases over time ($p < .0001$). The trend was not linear, due to variance in the 1974 data.

Table 8 : Conviction of DUIs vs. Lesser Charges, 1972-1975 - Analysis of Variance

Analysis of Variance Summary Table					
SOURCE OF VARIATION	DF	SUM OF SQUARES	MEAN SQUARE	F RATIO	F PROBABILITY
Total	858	180.9082			
Between Groups	3	4.3135	1.4378	6.961	.0001
Linear Term	1	0.4646	0.4646	2.249	.130
Deviations From Linear	2	3.8489	1.9245	9.317	
Within Groups	855	176.5947	0.2065		

Variables	No. of Cases	Mean	Standard Deviation
1972	215	0.6558	0.4762
1973	207	0.7633	0.4261
1974	231	0.6104	0.4887
1975	206	0.7767	0.4175

Coding: 1 = DUI Charge; 0 = Lesser Charge

Next, t-tests were performed to see where changes in DUI convictions were statistically significant over time. They showed:

- The proportion of arrestees convicted of DUI offenses in 1973 (76 percent) was significantly higher than the proportion convicted of DUI offenses in the pre-ASAP year of 1972 (66 percent) ($p < .1015$).
- In 1974, the proportion of arrestees convicted of DUI offenses (61 percent) was significantly lower than it was in 1973 (76 percent) ($p < .005$).
- In 1975, the percentage of arrestees convicted of DUI offenses was the highest of any time period studied (78 percent). It was significantly higher than 1972 ($p < .0005$) and 1974 ($p < .005$), but not significantly different from 1973.

Finally, ASAP was concerned with increasing the number of convictions and decreasing the number of dismissals. Table 9 provides data to show whether it was successful in achieving this goal.

Table 9 : Convictions vs. Dismissals, Baseline vs. Operational Years - Analysis of Variance

<u>Analysis of Variance Summary Table</u>					
<u>SOURCE OF VARIATION</u>	<u>DF</u>	<u>SUM OF SQUARES</u>	<u>MEAN SQUARE</u>	<u>RATIO</u>	<u>PROBABILITY</u>
Total	858	22.3843			
Between Groups	1	0.1704	0.1704	6.574	.01
Within Groups	857	22.2139	0.0259		

Table 9 compares persons convicted of DUI or lesser charges with persons whose cases were dismissed. It looks at these categories from the viewpoint of baseline vs. operational years. It shows that there were positive trends in the direction ASAP hoped would occur. Dismissals dropped significantly in the operational years as compared with the baseline year ($p < .01$), and convictions increased a significant 3.3 percent ($p < .01$).

In summary, the data indicates that over time, as ASAP policies became more established, the courts took a firmer stand in handling DUI cases and in decreasing the number of dismissals.

C. Profiles of the Major Conviction Types

Persons working in the field of alcohol and traffic safety may wish to know whether variables such as age, BAC at the time of arrest, sex and prior driving history influence the type of conviction a DUI arrestee receives. They may also wish to know whether the effect of these variables changed over time as ASAP became integrated into the traffic safety system. Table 10 provides a summary of discriminant analysis data, which gives a profile of persons convicted of DUI offenses vs. those convicted of lesser charges.

Table 10: DUIs Vs. Pledowns, 1972-1975 - Discriminant Analysis

Comparison Variables	Average (Mean) Values		Variables on Which Persons Convicted of DUI Differed Significantly From Persons Convicted of Lesser Charges		
	Persons Convicted DUI	Persons Convicted Lesser Charges	Variable	Discrim. Function Coefficient	P.
BAC	.192	.139			
Age	37.4	36.6			
Sex	1.09	1.11			
Prior DUI Offenses	0.37	0.31	1. BAC	0.97670	.000
Priors - Other Alcohol-Related Offenses	0.18	0.19	2. Prior Other Violations	-0.18445	.000
Prior Hit-Run Offenses	0.02	0.01			
Prior Accidents	0.19	0.24			
Prior Other Violations	0.80	1.14			
Significance of Equation: X ² : 143.842 df=2 p .0001					

The major finding of Table 10 are as follows:

- The discriminant function accounts for approximately twenty-one percent of the variance ($p < .001$). This means that the variables included in the analysis (and listed above) were reasonably good for making a distinction between persons convicted of DUI offenses and persons convicted on lesser charges.
- Persons convicted of DUI offenses were more likely than persons convicted of lesser charges to have high BAC levels (averaging .19) and fewer minor traffic offenses (speeding, "running a red light", etc.)

- Persons who received pleadowns had average BAC levels of .13 and at least one minor traffic offense prior to the offense which brought them into the ASAP system.

D. Conclusions Regarding ASAP Impact on the Judicial Component - Conviction Phase

None of the ASAP countermeasures directly interfaced the conviction phase of the adjudication process. However, there were a number of indirect influences. Many judges and court personnel attended ASAP's Judicial Seminars and met informally with ASAP staff. In addition, ASAP-funded clerks working at the Rio Hondo and Pomona Courts Clerks' offices may have contributed to the efficiency of case processing.

With the exception of 1974, the proportion of arrestees convicted of DUI charges increased over time and dismissals decreased. For example, in 1975, the percentage of arrestees convicted of DUI offenses was the highest of any operational year as well as of the baseline year of 1972 (78 percent). It was statistically higher than 1972 ($p < .0005$) and 1974 ($p < .005$) but not significantly different from 1973.

Over the four-year period, from 1972 through 1975, two factors were significantly related to whether a person would be convicted of a DUI offense or some lesser charge. They were his BAC level and his record for minor traffic offenses. Persons convicted of DUI offenses were more likely than persons with lesser charges to have higher BACs and fewer minor traffic offenses. In summary, as ASAP policies became established, the courts took a firmer stand in handling DUI cases.

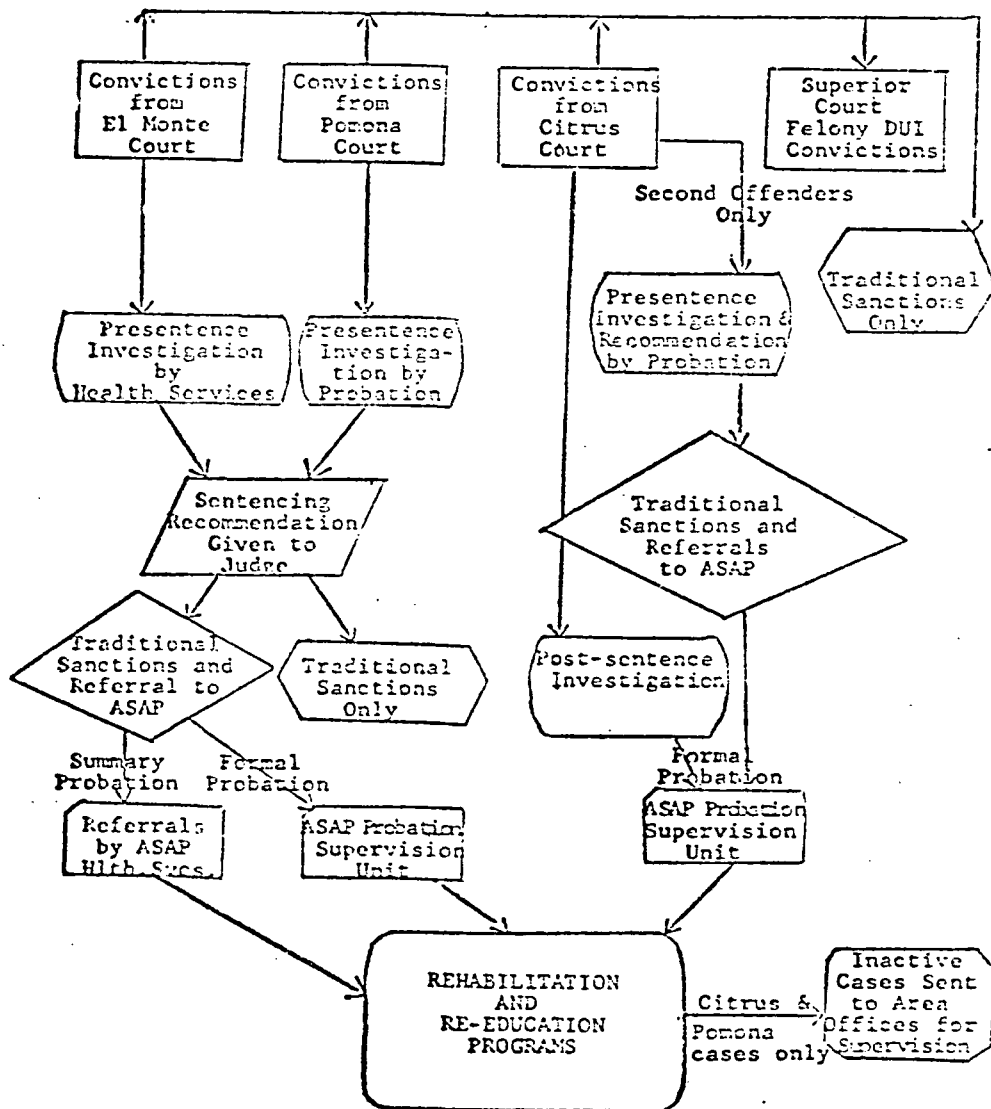
The impact of ASAP on the conviction phase was evident, though it varied somewhat over the years. This was particularly noticeable in 1974 when the trend toward increased DUI convictions declined. However, the rates rose again in 1975 to the highest level of any operational year. The variation in rates was due to changes in legislation, personnel turnover and procedural changes which required time for adjustment.

VI. IMPACT OF ASAP ON THE JUDICIAL COMPONENT OF THE TRAFFIC SAFETY SYSTEM - SENTENCING COMPONENT

A. Court Procedures for the Sentencing of DUI Cases

In this section, ASAP pre- and post-sentence investigation countermeasures (PSIs), which interface with the sentencing process, will be described. The PSI activities have been individually tailored to meet the needs of each of the courts. Figure 6 illustrates the procedural flow in the three mini-ASAP courts during the sentencing phase of a drunk driving case, as it was during the period of ASAP funding.

Figure 6: Procedures for the Adjudication of DUI Cases - Sentencing Phase



A number of changes in the procedural flow took place in the mini-ASAP courts during 1975, largely coinciding with the cessation of ASAP funds. These will be discussed below.

1. Rio Hondo Court

The Rio Hondo Court (formerly El Monte) began receiving ASAP funding in 1973. During the months of January and February of that year, PSIs were conducted by an ASAP Probation unit. Beginning in March, 1973, the court began using the services of Public Health Investigators (PHIs) to conduct pre-sentence investigations. ASAP continued to fund the PHI unit through December of 1975.

a. PSI Procedures, 1973 - 1974

In 1973 and 1974, judges of the Rio Hondo court preferred that diagnostic investigations of DUI cases take place prior to sentencing (pre-sentence investigations). Once the DUI was convicted, the judges imposed either a traditional sentence (i.e., jail, fine, license actions only) immediately, or they delayed sentencing in order to refer the defendant to ASAP for a pre-sentence investigation.

The ASAP Public Health Investigator had an office in the Rio Hondo courthouse, as was on call to the judges each day. At the judge's request, the PHI came to the courtroom, reviewed the case (which may have included the defendant's driving record), and took the defendant to his office for a 20-40 minute interview. The interview was designed to assess the extent of the drinking problem and determine which treatment would be most beneficial. The Rio Hondo judges required the PHI to make some treatment recommendation in all cases.

After the interview, the PHI escorted the defendant back to the courtroom and submitted his recommendation to the judge. In response to the court's request for brevity, the recommendation took the form of a checklist indicating the type(s) of treatment thought desirable and occasionally a short comment on the case. The defendant was usually sentenced on the same day.

Even after an ASAP PSI, the judge could still pass a traditional sentence, or he could accept the suggestion of the PHI with respect to treatment, include it in his

sentence and place the defendant on a summary probation. In this event, the defendant returned to the PHI after sentencing to receive instruction and to arrange appointments. Thereafter, the PHI had no personal contact with the defendant, but monitored his treatment progress through agency reports. If the DUI failed to attend treatment, the rehabilitation agency notified the PHI. The PHI, in turn, notified the judge who could then place the defendant in violation of probation and issue a warrant for his arrest.

b. PSI Procedures, 1975

In 1975, three procedures were used in the Rio Hondo Court. They were:

- 1) Pre-sentence investigation, as described above.
- 2) Post-sentence investigation. Under this procedure, the defendant was immediately sentenced, and usually given a substantial reduction in his fine and/or jail term. He was then placed on summary probation, and arrangements were made for him to return to the court, usually within sixty days. The DUI was next referred to the Public Health Investigator, and told that he was to cooperate fully with any treatment programs the PHI recommended. The PHI then conducted an interview similar to the one conducted in a pre-sentence procedure. The DUI was told to begin his treatment program (or complete it) prior to his next court appearance. If, at that second court appearance, the DUI's progress was satisfactory, the judge would retain the lesser sentence. If, however, the DUI failed to comply, the judge revoked the lesser sentence and implemented more stringent penalties.
- 3) Pre-sentence investigation with delayed sentencing. This procedure was similar to the normal pre-sentence investigation. However, rather than immediately sentencing the DUI, the judge continued the case for approximately sixty days. At the end of the time period, the judge imposed a light sentence if the DUI complied with his instructions. He imposed more stringent penalties if the DUI did not comply.

The post-sentence investigation and the pre-sentence investigation with delayed sentencing are relatively new in the Rio Hondo Court. Their introduction coincides with procedural changes which occurred in February of 1975. Prior to that date, one judge would handle arraignments, another the pre-trial, and yet another the trial cases. Assignments were rotated monthly. In February of 1975, each judge began handling all phases of the adjudication process for his own cases. The diversity of investigation and sentencing procedures reflects the various ways judges organized their own caseloads.

2. Citrus Court

In 1973, ASAP began funding a special probation unit at the Citrus Court. This unit specialized in handling DUI cases while under ASAP, and it conducted primarily post-sentence investigations. ASAP funding of the unit continued through June 30, 1975. From July 1, through December 31, of 1975, ASAP funded only the position of the Supervising Deputy Probation Officer.

a. PSI Procedures. 1973 - 1974

The Citrus Court judges requested that all diagnostic activity take place after entering, for they preferred to delegate authority for treatment referral to the ASAP unit.

In 1973, judges sentenced all DUIs immediately after conviction and before the defendant had contact with ASAP. The DUI's sentence either consisted of traditional sanctions alone, or of traditional sanctions plus a term of formal probation and an order to cooperate with the recommendations of the ASAP probation officer. If so sentenced, the DUI was told to report to the Citrus ASAP probation unit within three days after sentencing. There he was interviewed by an investigating Deputy Probation Officer (DPO) regarding the extent of his drinking problem. Based on this interview, the DPO devised a treatment plan and referred the defendant to one or more rehabilitation agencies.

At this point, the DUI's case was transferred to one of three active supervising probation units in the mini-ASAP area. There the DUI was assigned to a supervising DPO

once a month for six months or until he complied with the terms of probation (whichever occurred sooner). He was also required to give the DPO proof of any treatment completion. Except in cases where the judge specifically requested treatment follow-up information, the DPO normally did not hear about the case again unless the defendant failed to comply with treatment. In these instances, the DPO notified the judge, in which case probation could be revoked and a bench warrant issued.

Finally, when all terms of active probation were fulfilled, the case was transferred to inactive supervision. During 1974, a separate mini-ASAP probation unit was established by the County to supervise such cases. This office maintained case records and ran record checks every six months until the case expired. If a violation was discovered during the inactive supervision, this office transferred the case back to the DUI's supervising DPO for further action.

In January, 1974, legislative changes took place which required judges to refer repeat offenders for pre-sentence investigations. The judges generally did not favor this procedure. In many cases, they obtained a waiver of the pre-sentence investigation requirement from the repeat offender, and referred him for an ASAP post-sentence investigation. This was particularly true if the defendant had only one prior, or the priors were spaced over a long period of time.

When the defendant was referred for a pre-sentence investigation, the procedure was similar to that used in Pomona. The judge continued the case for approximately fourteen days during which time the defendant reported to an investigating DPO in the ASAP probation unit for an interview. Based on this interview as well as record checks and possible interviews with interested parties, the DPO submitted a three-to four-page report with recommendations to the judge. The defendant then returned to the court for a sentence hearing. If a judge concurred with ASAP recommendations, he could sentence the defendant to a period of formal probation and require him to cooperate with the ASAP probation unit. From this point, the procedure was the same as in post-sentence cases.

b. PSI Procedures in 1975

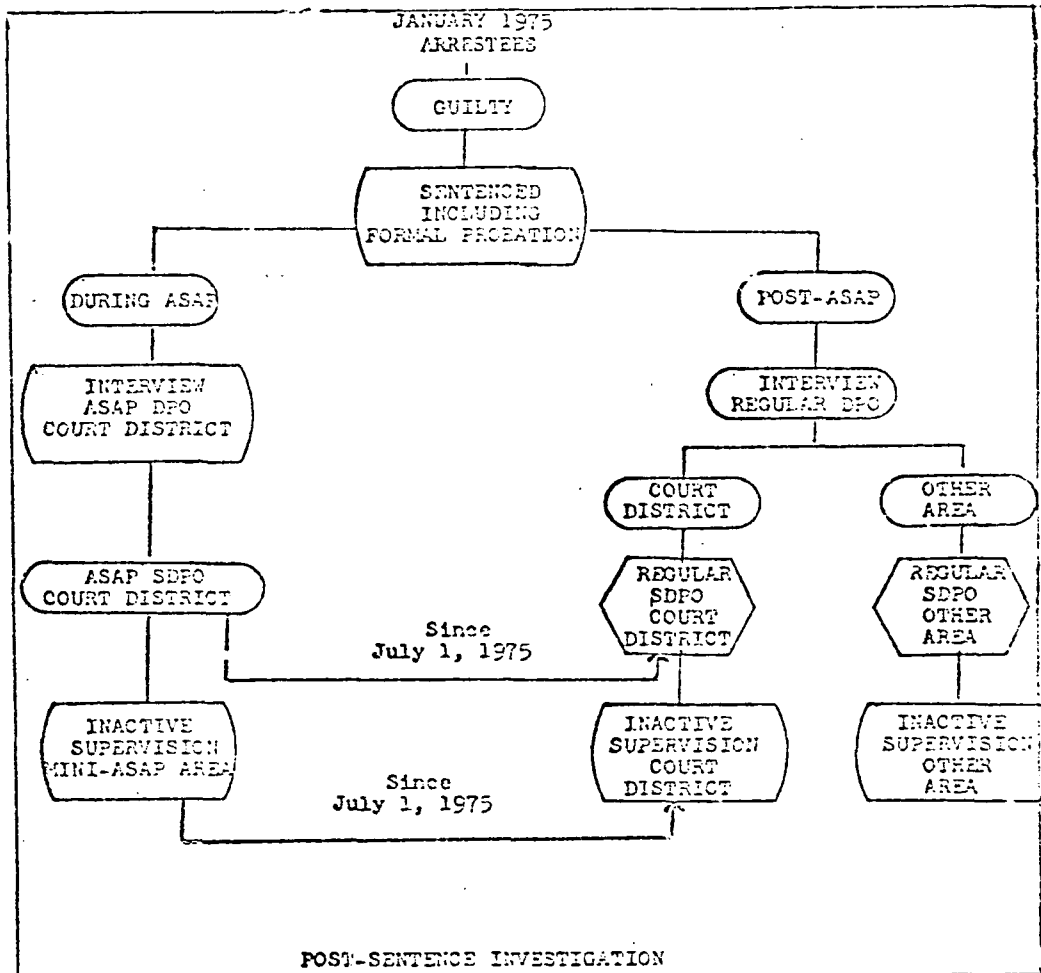
From January through June of 1975, ASAP still funded the Citrus probation unit; investigation procedures remained essentially the same as they had been in 1973 and 1974.

In the latter half of 1975, ASAP funding ceased for the unit (with the exception of funding for one position). At this point, two major changes occurred:

- 1) The ASAP probation unit ceased to be a specialized unit dealing only with DUI cases. DUIs were referred to any of the regular probation units which dealt with a variety of cases. This meant that DUIs were being handled by some probation officers who had no specialized training in alcohol and traffic safety.
- 2) DUIs were referred to the probation units nearest their homes for active and inactive supervision. If a DUI lived in the Citrus Court District, he was supervised by the probation units in that district. If he lived in some other part of Los Angeles County, his case was transferred there for purposes of supervision. This arrangement presented problems for tracking cases.

Figure 7 below illustrates the post-sentence procedures at the Citrus Court in the ASAP and post-ASAP periods of 1975.

Figure 7: Flow of January, 1975 Arrestees through the Post Sentence Investigation Procedures at the Pomona and Citrus Courts: ASAP and Post-ASAP, 1975



In early 1976, Public Health Investigators began working at the Citrus Court to conduct pre-sentence investigations.

3. Pomona Court

a. PSI Procedures, 1973 - 1974

As in Rio Hondo, the Pomona Court judges selected a pre-sentence investigation procedure. However, in Pomona this service was performed by an ASAP probation unit. In most cases, the judge either rendered a traditional sentence immediately, or he continued the case for approximately fourteen days to three weeks. During this time, the defendant went to the ASAP probation office on two occasions. On the first visit, he filled out necessary forms to apply for probation and arranged for an interview with the investigating DPO. Later, he returned for an interview with the investigating DPO. The interview was used to evaluate the defendant's drinking behavior. During the three weeks allotted, the DPO could also check the defendant's criminal and driving records, his social or health agency records, and contact the defendant's family, friends, or others familiar with the DUI's drinking behavior.

At the sentencing hearing, the investigating DPO submitted his recommendation to the judge. This report was more detailed than that given to Rio Hondo judges; it provided information on prior alcohol-related arrests, the outcome of the interview and testing, the information obtained from "interested parties" as well as the DPO's own observations on the case and specific treatment recommendations. Unlike Rio Hondo, the Pomona judges did not require a treatment recommendation in all cases. The DPO could recommend that probation be denied or a traditional sentence imposed. If the sentence imposed included a term of formal probation and treatment referrals, the DUI returned to the ASAP office where he was assigned to a second supervising DPO. More recently, some of the cases were transferred to a non-ASAP Pomona Probation unit for supervision. The more problematic cases remained with the ASAP unit. The supervising DPO gave the DUI instruction, interpreted the Court Order and arranged treatment appointments. As in Citrus, the DUI was required to report to his supervisor once a month for six months, or until he complied with the terms of probation (whichever occurred sooner). He was required to notify the DPO of treatment completion. In instances of failure to comply with treatment, the Pomona DPO could set in motion the same procedure for revocation of probation and issuance of a bench warrant.

Finally, when the DUI complied with all the terms of probation, his case was placed on inactive supervision. During this period, he was required to report monthly by mail. If no problems occurred, the case was closed when the terms of probation expired.

b. PSI Procedures in 1975

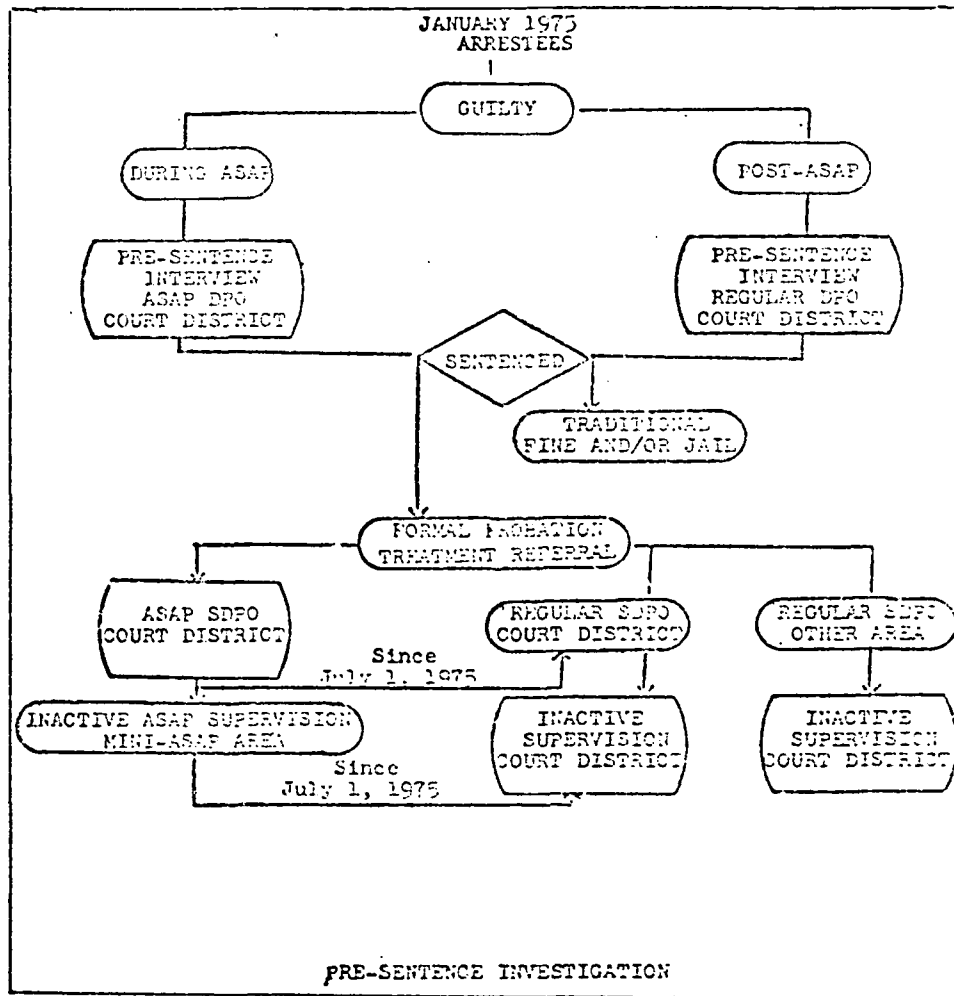
From January through June of 1975, ASAP funded the Pomona probation unit; investigation procedures remained essentially the same as they had been in 1973 and 1974.

In the latter half of 1975, ASAP funding ceased. At this point, two major types of changes occurred:

- 1) Staffing and procedural changes: The staff was expanded from the two ASAP-funded DPOs to a total of seven. In addition to handling drinking driver, the unit dealt with narcotic cases (but not the broad variety of cases as in the Citrus Court). Persons classified as "social drinkers" were supervised by the unit. Two members of the unit specialized in supervising "problem drinkers", persons heavily involved in the use of alcohol.
- 2) Assignment of DUIs to a Supervising DPO: If a DUI lived outside the Pomona Court District, he was assigned to a supervising DPO unit near his place of residence; if he lived within the Pomona district, he was supervised by that unit. In cases where the court requested a post-sentence investigation, the investigation was conducted by the probation unit nearest the defendant's place of residence.

Figure 8 below illustrates the pre-sentence procedures at the Pomona Court in the ASAP and post-ASAP periods of 1975.

Figure 8: Flow of January, 1975 Arrestees through the Pre-Sentence Investigation Procedures at the Citrus and Pomona Courts: ASAP and Post ASAP, 1975



4. Variations in Sentencing Procedures from 1972 through 1975

a. Legislative Changes

In May, 1973, several amendments to the California Vehicle Code went into effect which influenced the procedures for sentencing DUI cases. They are summarized below. For the most part, the changes gave the judge greater freedom to impose non-traditional sentences and, thus, reinforced the efforts of ASAP.

- 1) VC23102.g: This amendment made it more difficult for the judge to strike prior DUI convictions for the purposes of sentencing. If this legislation had been effective, one would expect to find increased application of second conviction sanctions to defendants with prior DUIs. (On the other hand, one might also expect an increase in pleadowns.)
- 2) VC13352: This amendment gave the court full discretionary control over the suspension of licenses for first-time offenders.
- 3) VC23102.c: This amendment empowered the courts to reduce the minimum fine for first-offender DUIs by \$100 if the defendant successfully completed a treatment program.
- 4) VC23102: This amendment gave the court the discretionary power to refer any DUI (first or second offender) for a pre-sentence investigation. The law also empowered the judge to order suitable treatment as part of the sentence for any case where this is thought to be beneficial.
- 5) VC13352: This amendment made suspension of license for one year mandatory for second offenses committed within five years, and revocation of license for three years mandatory on third offenses committed within seven years.

In January 1974, an additional legislative change went into effect:

VC23102.3: This amendment makes the referral of all repeat offender DUIs for pre-sentence investigations mandatory. Referral of first offenders is still left to the discretion of the court.

In 1975, two legislative changes occurred which influenced sentencing procedures.

- 1) VC23102: This amendment allows a previous conviction of driving under the influence of a drug to be considered a prior offense in any subsequent alcohol or drug-related offense.

- 2) VC13201, VC13201.5, VC13352.5: These amendments establish a pilot program in four California counties from January, 1976, through December of 1977. The program authorizes the court to refer a first or repeat DUI offender to a treatment program for a minimum of one year. In the case of repeat offenders, the Department of Motor Vehicles is prohibited from suspending or revoking the driver's license of an individual participating in the program. To be eligible, the DUI is to plead guilty to the DUI charge. Upon referral, the judge suspends sentencing. If the DUI completes the program successfully, the charge is reduced to reckless driving. Beginning in January, 1978, this pilot program may become mandatory statewide. In the meantime, many courts in Los Angeles County are following modified provisions on a voluntary basis.

b. Additional Sources of Variation in Sentencing Procedures

While the three mini-ASAP courts generally adhere to the same procedures, the individual judges often enforce unique policies within their own courtrooms. For example, some judges will delay the sentencing of a particular case until after the defendant has completed treatment. This may be done because the defendant requires additional supervision or because some portion of the sentence is made contingent on treatment completion. Another example of variation is that at least one judge in the Citrus Court has a standard policy of referring all DUIs to ASAP, while other judges make ASAP referrals on a selective basis. Again, one judge may maintain a standard policy of sending all first offenders to court school while others prefer a more individualized approach to referrals. To the extent that these policies vary with each judge and with each case, it will be difficult to assess their impact on the data in this study. The reader should remember that the findings on sentencing of DUIs will be somewhat influenced by the attitudes, preferences and behaviors of individual judges.

B. Use of PSI Countermeasures by the
Mini-ASAP Courts, 1973 - 1975

Table 1 showed that 58 percent of the people in the 1973 sample received a pre- or post-sentence investigation. In 1974, the percentage rose to 65 percent, and in 1975 it dropped to 55 percent. Table 11 below provides further details. Table 12 which follows shows that there was a significant difference in the use of pre- and post-sentence investigations over time ($p < .058$).

Table 11: Pre and Post Sentence Investigations, 1973-1975

Type of Investigation	YEAR			Total
	1973	1974	1975	
Pre-Sentence	53 27%	76 34%	37 19%	166 27%
Post-Sentence	63 31%	70 31%	72 36%	205 33%
No Investigation	85 42%	77 35%	91 45%	253 40%
Total	201 100%	150 100%	200 100%	624 100%

P < .00001

Table 12: Pre and Post Sentence Investigations by Year, 1973-1975 - Analysis of Variance

<u>Analysis of Variance Summary Table</u>					
<u>Source of Variation</u>	<u>D.F.</u>	<u>Sum of Squares</u>	<u>Mean Squares</u>	<u>F Ratio</u>	<u>F Probability</u>
Total	623	150.4215			
Between Groups	2	1.3592	.6796	2.831	0.058
Within Groups	621	149.0623	.2400		

<u>Years</u>	<u>No. of Cases</u>	<u>Mean*</u>	<u>Standard Deviation</u>
1973	201	.58	0.4953
1974	223	.65	0.4765
1975	200	.54	0.4992

*Coding: 1=PSI Conducted
0=No PSI Conducted

Table 12 shows that from 1973 through 1975, there was an increase in the use of post-sentence procedures. There was a rise in pre-sentence procedures in 1974 over 1973, then a decrease in 1975. Above all, Table 11 indicates that there was a decreased use of total pre- and post-sentence investigations at the three courts in 1975. T-tests were calculated to see if differences between years were significant; they showed the following:

- 1973 vs. 1974: Although 1974 (65 percent) was higher than 1973 (58 percent) with respect to all PSIs conducted, there was no significant difference.
- 1975 vs. 1973: There was no statistically significant difference with respect to total PSI conducted (1975: 55 percent; 1973: 58 percent).
- 1975 vs. 1974: There was a statistically significant difference ($p < .022$) in total PSIs, but not in the direction anticipated. 1975 data showed that 55 percent of the clients in the sample received a PSI, while 65 percent received one in 1974.

The drop in total PSIs in 1975 can be due to several factors. First, there was a turnover of court personnel; it took time for new personnel to become accustomed to and to use the services of the PSI units. Second, there was a general recognition that ASAP funding for the PSI units would end in 1975, and perhaps, a reluctance to use the services of units whose future was so uncertain. Then there were procedural changes which affected PSIs. For example, the Rio Hondo Court PSIs were affected by the new system for handling the adjudication of cases. (See pages 36 and 37.)

Table 13 shows the degree to which each of the three mini-ASAP courts used PSIs from 1973 through 1975, and Table 14 shows that there was a significant difference among them with respect to their use of the investigation procedures ($p < .00001$).

Table 13: Frequency of Pre and Post Sentence Investigations By Court, 1973-1975

Investigation/ No Investigation	COURTS			Total
	Rio Hondo	Pomona	Citrus	
PSI Conducted	49 26%	137 63%	196 90%	382 61%
No Investigation	139 74%	81 37%	22 10%	242 39%
Total	188 100%	218 100%	218 100%	624 100%

$P < .001$

Table 14: Pre and Post Sentence Investigations By Court, 1973-1975 - Analysis of Variance

Analysis of Variance Summary Table					
Source of Variation	D.F.	Sum of Squares	Mean Squares	F Ratio	F Probability
Total	623	150.4215			
Between Groups	2	44.6090	22.3045	130.902	.00001
Within Groups	621	105.8125	0.1704		

Over the three years of ASAP operations, the Citrus Court used PSIs more than any other court. (90 percent of DUI arrestees were investigated.) Next, the Pomona Court had a 63 percent rate. The Rio Hondo Court had a rate of only 26 percent. Rio Hondo's rate was significantly lower than those for Pomona and Citrus ($p < .05$).¹² This was largely due to the fact that PSI procedures did not become established at Rio Hondo until the latter part of 1973, and this is reflected in the data. Pomona had a fairly high rate of 63 percent, but this was still significantly lower than Citrus' rate of 90 percent ($p < .05$).

12. Based on a Duncan's Multiple Range Test

C. Agreement Between PSI Recommendations
and Court Sentencing Action, 1973 - 1975

By 1974, judges in all three courts were using the PSI countermeasure, and data discussed in the previous section showed that there was a trend to use the investigations to a lesser degree in 1975. The next consideration is: when an investigation occurs prior to sentencing and a recommendation is submitted to the judge, does the judge agree with the recommendation?

Table 15 compares the PSI recommendations (for referral or no referral) with court sentencing actions from 1973 through 1975.

Table 15: Court Referrals by Pre Sentence Recommendations, 1973-1975

Court Referral	Pre Sentence Recommendation					
	1973		1974		1975	
	Yes	No	Yes	No	Yes	No
Yes	25 59.5%	2 100%	66 88%	1 100%	29 93.5%	1 100%
No	17 40.5%	0 0%	9 12%	0 0%	2 6.5%	0 0%
Total	42 100%	2 100%	75 100%	1 100%	31 100%	1 100%

Table 15 shows that over time, the courts accepted PSI recommendations and their agreement with the investigators increased significantly. More specifically, Table 15 indicates:

- 1974 vs. 1973: In 1974, the courts accepted 88 percent of PSI recommendations, while in 1973 they accepted 59.5 percent of the recommendations. The percentage for 1974 was significantly higher than it was for 1973 ($p < .001$).
- In 1975, the percentage increased to 93.5 percent, the highest for the three-year period.
- Even when the investigators recommended no referral, the courts tended to refer anyway. This factor suggests that judges had become sensitive to the referral process, a process which ASAP had promoted.

D. Sanction Patterns to Which DUIs Were Sentenced, 1972 - 1975

Table 16 shows the types of sanctions given to clients from 1972 through 1975.

Table 16: Sanction Type by Year, 1972-1975

Sanction Type	Year			
	1972	1973	1974	1975
Jail and/or Fine Only	124 58%	72 35%	65 28%	60 29%
Jail or Fine Plus Probation	11 5%	25 12%	53 23%	70 34%
Jail and Fine Plus Probation	17 8%	8 4%	16 7%	54 26%
Other	63 29%	102 49%	97 42%	22 11%

$P < .0001$

The traditional sanction for DUI defendants has been jail and/or fine only. ASAP attempted to alter the traditional methods by urging that defendants be placed on probation, during which time they be sent to an appropriate treatment program. Generally, data in Table 16 suggests that ASAP's efforts have made an impact. Since 1972, there has been a significant increase in the use of probation ($p < .0001$). The table also shows:

- There has been a decline in the use of jail and/or fine only, and an increase in the use of the other sanction patterns
- Starting in 1973, there was a steady increase in the use of probation in combination with jail or fine sentences. The "Other" category was also used with increased frequency. ("Other" usually referred to sentences involving donating time to charity, license suspensions, revocations, etc.)
- In 1975, there was a shift away from the use of the "Other" type sanctions, and an increase in the use of jail and/or fine plus probation (11 percent vs. 60 percent).

Table 17 provides further information about sanctions given to DUI defendants. It shows the sanctions for persons convicted of DUI and lesser charges from 1972 through 1975.

Table 17: Sanction Type by Conviction Type, 1972-1975

Sanction Type	Conviction Type			
	1972		1973	
	Convicted DUI	Convicted Lesser Charges	Convicted DUI	Convicted Lesser Charges
Jail and/or Fine Only	88 62%	36 57%	46 29%	26 57%
Jail or Fine Plus Probation*	5 4%	6 6%	19 12%	6 13%
Jail and Fine Plus Probation	13 9%	4 6%	5 3%	3 6%
Other Sanctions	35 25%	17 27%	88 56%	11 24%

Sanction Type	1974		1975	
	Convicted DUI	Convicted Lesser Charges	Convicted DUI	Convicted Lesser Charges
Jail and/or Fine Only	30 8%	35 5%	14 24%	5 51%
Jail or Fine Plus Probation*	37 45%	16 34%	38 35%	22 33%
Jail and Fine Plus Probation	11 21%	4 42%	56 32%	14 5%
Other Sanctions	63 26%	29 19%	52 9%	2 12%

*Probation includes both summary and formal probation.

Significance levels of Table 2 data are as follows:

1972: Pn.s.
1974: $P < .01$

1973: $P < .001$
1975: $P < .0003$

The major points found in Table 17 are:

- In the pre-ASAP period of 1972, it made little difference whether a person convicted of DUI or lesser charges. Neither group of persons was likely to be placed on probation.
- 1973 data showed that 57 percent of the persons convicted on lesser charges received jail and/or fine only. Only 29 percent of those convicted of DUI charges received this type sanction. There was a statistically significant difference in the types of sanctions given persons in the DUI group as compared with persons in the "lesser charge" group ($p < .001$).
- In 1974, persons convicted of a DUI or lesser charge were more likely to be placed on probation than in the two preceding years. In 1972, 13.7 percent of persons convicted of these charges were placed on probation. The rate rose to 16 percent in 1973 and to 30.2 percent in 1974.
- In 1975, probation as a sanction continued to be used with more frequency, regardless of conviction type. But compared with persons convicted on lesser charges, those convicted of DUI were more likely to be placed on probation ($p < .003$). In 1975, 67 percent of the DUI defendants received probation as compared with 38 percent of the "lesser charge" defendants.

Tables 16 and 17 showed that the mini-ASAP courts have made increasing use of probation as a part of the sanction given persons convicted of DUI or lesser charges. Table 16 suggested that this was particularly true for persons convicted of DUI charges. A further question remains to be explored: Have sanctions differed for first offenders as compared with multiple offenders over time? Data in Table 18 provides some answers.

Table 18: Sanction Type by Offender Type

	OFFENDER TYPE AND YEAR							
	1972		1973		1974		1975	
	First Offender	Multiple Offender	First Offender	Multiple Offender	First Offender	Multiple Offender	First Offender	Multiple Offender
Jail and/or Fine Only	102 70%	22 37%	63 48%	9 14%	55 33%	10 17%	51 34%	9 17%
Jail or Fine Plus Probation	5 3%	6 10%	21 15%	4 6%	46 28%	7 12%	53 35%	17 32%
Jail and Fine Plus Probation	13 8%	4 7%	3 2%	5 8%	9 6%	6 10%	36 24%	18 34%
Other	25 17%	27 46%	54 38%	45 71%	55 33%	37 62%	10 7%	9 17%
Total	145 71%	59 29%	141 69%	63 31%	165 173%	60 27%	150 74%	53 26%

Significance levels of Table 3 data are as follows:

1972: $P < .00001$

1974: $P < .0003$

1973: $P < .00001$

1975: $P < .02$

Table 18 shows:

- For every year, from 1972 through 1975, there were significant differences in the sanctions given to first offenders as compared with multiple offenders ($p < .02$ to $p < .00001$).
- In each year, first offenders were more likely to receive jail and/or fine only than were multiple offenders. This was particularly true in the pre-ASAP year of 1972 when 70 percent of all first offenders were given jail and/or fine only. During ASAP's operational years, both first and multiple offenders were given increasingly more varied types of sanctions.
- By 1975, the majority of defendants (both first offenders and multiple offenders) were receiving probation as a part of the sentence. Multiple offenders were more likely to receive jail and fine in conjunction with probation. First offenders were more likely to receive probation and a fine.

E. Changes in the Incidence and Amount
of Fine, Jail and Probation Sentenced
and Suspended Each Year

1. Sanction Incidence Changes

In this section, changes in the application of individual sanctions, rather than sanction patterns are considered. A preliminary series of analyses was done to measure changes in the total proportion of DUIs who were actually sentenced to jail, fine or probation or received a suspension of jail or fine. These showed that statistically significant changes occurred over the years. First, there was a significant decrease from 1972 to 1973, 1974 and 1975 in the proportion of people sentenced to any amount of jail time ($p < .01$). This proportion dropped from 93 percent in 1972 to 83.5 percent in 1973, 70 percent in 1974 and a low of 35 percent in 1975. In addition to the finding that judges seem to be giving jail terms less frequently, analysis showed a statistically significant increase over the years in the proportion of DUIs placed on probation ($p < .01$) with one exception, the difference between 1973 and 1974. This proportion rose from 22.5 percent in 1972 to 56 percent in 1973, 64 percent in 1974 and to a high of 76 percent in 1975. This finding is consistent with the observed changes in sanction patterns and reflects the impact of ASAP.

2. Sanction Amount Changes

A second series of analyses were used to assess changes in the amount of these sanctions sentenced among only that portion which received them. This data is presented in Table 19. Again, there were significant changes from baseline to operational years.

First, fewer people were actually sentenced to jail in 1973, 1974 and 1975. The amount of jail time sentenced decreased in 1973 and 1974, then rose again in 1975. For example, in 1972, 14 percent of those sentenced to jail received only one to ten-day terms; in 1973 and 1974, the incidence of one to ten-day sentences rose to 24 and 49 percent respectively, then dropped to 21 percent in 1975. The median number of days sentenced dropped from 20 in 1972 to 19.5 in 1973, to 9 in 1974, then rose to 26 in 1975.

Table 19: Interval Amounts of Jail, Fine and Probation
Sentenced and Suspended, 1972-1975

SANCTION	1972	1973	1974	1975
<u>Jail Days Sentenced**</u>				
1 - 10	26 (14%)	41 (24%)	78 (49%)	15 (21%)
11 - 20	80 (42%)	70 (41%)	28 (24%)	5 (7%)
21 - 30	68 (36%)	40 (23%)	18 (11%)	43 (61%)
31 - 425	15 (8%)	21 (12%)	24 (15%)	8 (11%)
<u>Jail Days Suspended***</u>				
1 - 25	24 (53%)	9 (25%)	5 (13.5%)	0 (0)
26 - 30	14 (31%)	9 (25%)	14 (38%)	42 (80%)
31 - 365	7 (16%)	18 (50%)	18 (49%)	6 (12%)
<u>Fine Sentenced***</u>				
\$14 - \$186	43 (22%)	61 (31%)	32 (15%)	19 (10%)
\$187 - \$250	25 (13%)	20 (10%)	102 (49%)	102 (55%)
\$251 - \$308	91 (46%)	69 (35%)	6 (3%)	25 (14%)
\$309 - \$500	37 (19%)	45 (23%)	68 (33%)	38 (21%)
<u>Monthly Probation Assigned****</u>				
1 - 12	37 (89%)	79 (69%)	65 (45%)	73 (54%)
13 - 65	5 (12%)	36 (31%)	80 (55%)	63 (46%)

* Jail Sentenced: $P < .001$
 ** Jail Suspended: $P < .001$
 *** Fine Sentenced: $P < .001$
 **** Probation Assigned: $P < .001$

Table 19 also shows that the number of jail days suspended rose significantly across the years ($p < .001$). In 1972, 16 percent of the sample received a suspension of 31-365 days, while in 1973 and 1974 approximately 50 percent of the samples had 26 - 30 days suspended. The amount of fines sentenced to DUIs also dropped over operational years ($p < .001$). When the median fines sentenced each year are examined, it again shows a continuing decline. In both 1972 and 1973, the median fine sentenced was \$300. In 1974 the median dropped to \$195, and in 1975 to \$191. Finally, the sanction that was sentenced in increasing amounts over operational years was probation time ($p < .001$). The proportion of the sample placed on probation for 13 to 36 months was 36 months was 12

percent in 1972; it rose to 31 percent in 1973 and to 55 percent in 1974; and then declined somewhat to 46 percent in 1975.

In summary, the figures show that from baseline to operational years, mini-ASAP judges moved away from the practice of using only traditional sanctions. This change can be attributed in large part to ASAP impact, particularly in the use of probation. Another influential factor is probably legislative changes which encouraged the use of alternate sentences (e.g., the \$100 fine reduction for DUI treatment referrals).

F. Relationship of Sanctions to Referral Actions,
1972 - 1975

Table 20 presents a series of analyses regarding the relationship of sanctions to referral actions. This table shows the interval amounts of fine and jail sentenced to referrals and non-referrals each year.

The statistical test results associated with Table 20 were often not reliable because of the low number of cases in cells. But the following trends can be observed. Over the years, persons referred to treatment tended to receive no jail sentences or shorter ones if they were given. For example, in 1972, 30.2 percent of the non-referrals received jail sentences of 21 or more days, as compared with 9.6 percent of the referrals. In 1973, 22.8 percent of the non-referrals were sentenced for this longer period (compared with 17.4 percent of the referrals); in 1974, 6.2 percent of the non-referrals as compared with 3.5 percent of the referrals were sentenced for over 20 days. In 1975, 3 percent of the non-referrals had the longer jail terms as compared with 0.7 percent of the referrals. Again, the decreased use of jail sentences for long periods becomes evident as the data from 1972 through 1975 is studied.

With the exception of 1973, persons not referred to treatment tended to receive either no fine or a very minimal one of under \$50. Many of these cases were probably "borderline DUI" cases. However, in cases where the fine was over \$50, persons referred to treatment tended to receive fines in the lower ranges of \$51 to \$200. Persons who received the higher fines of over \$300 were found more among the non-referrals.

Table 20: Interval Amounts of Jail and Fine Sentenced For Treatment Referrals and Non-Referrals 1972-1975

Jail Days	1972		1973	
	Not Referred	Referred	Not Referred	Referred
0 - 2	20 (18.4%)	12 (21.1%)	5 (5.0%)	45 (43.7%)
3 - 20	78 (51.4%)	35 (62.3%)	73 (71.2%)	40 (38.8%)
21 - 30	40 (26.3%)	5 (9.6%)	23 (22.0%)	16 (15.5%)
31 and Over	6 (3.9%)	0 (0.0%)	0 (0.0%)	2 (1.9%)
	χ^2 - Not Reliable		χ^2 - Not Reliable	

Jail Days	1974		1975	
	Not Referred	Referred	Not Referred	Referred
0 - 2	16 (19.8%)	82 (56.9%)	60 (89.6%)	126 (92.6%)
3 - 20	60 (74.1%)	57 (39.6%)	5 (7.5%)	9 (6.6%)
21 - 30	2 (2.5%)	4 (2.8%)	0 (0%)	1 (0.7%)
31 and Over	3 (3.7%)	1 (0.7%)	2 (3.0%)	0 (0%)
	χ^2 - Not Reliable		χ^2 - Not Reliable	

Amount of Fine Sentenced	1972		1973	
	Not Referred	Referred	Not Referred	Referred
\$0 - \$50	10 (6.5%)	3 (5.8%)	3 (3.0%)	9 (8.7%)
\$1 - 200	30 (19.8%)	28 (53.9%)	28 (27.7%)	36 (35%)
201 - 300	13 (8.6%)	10 (19.2%)	7 (6.9%)	10 (9.7%)
301 and over	69 (65.1%)	11 (21.1%)	63 (62.4%)	48 (46.6%)
	$\chi^2=33.71$ df=3 P<.001		$\chi^2=6.537$ df=3 P<.05	

Amount of Fine Sentenced	1974		1975	
	Not Referred	Referred	Not Referred	Referred
\$0 - \$50	10 (12.7%)	13 (9.0%)	15 (22.4%)	7 (5.1%)
\$1 - 200	45 (55.5%)	57 (70.8%)	32 (47.7%)	89 (65.4%)
201 - 300	6 (7.4%)	27 (18.8%)	4 (6.0%)	20 (14.7%)
301 and over	20 (24.7%)	47 (32.7%)	16 (22.4%)	20 (14.7%)
	$\chi^2=9.122$ df=3 P<.05		$\chi^2=19.693$ df=3 P<.001	

G. Court Referral Actions,
1972 - 1975

One of ASAP's major objectives was to encourage the use of referrals to treatment and have these referrals as part of the sentencing procedure. In this section, two aspects of referral will be examined. First, the frequency with which persons convicted of DUI and lesser charges were referred to treatment will be examined. Then the question of whether one's prior drinking-driving history affected referral will be studied.

Table 21 below provides a count of persons referred or not referred to treatment each year, by whether they were convicted of DUI or lesser charges.

Table 21: Conviction Type by Referral, 1972-1975

Year and Conviction Type	Referral				Significance
	Referred		Not Referred		
	#	%	#	%	
1972 Convicted DUI	31	22	110	78	Pn.s.
Convicted Lesser Charges	21	33	42	67	
Total	52	25	152	75	
1973 Convicted DUI	87	55	71	45	P < .02
Convicted Lesser Charges	16	34	30	65	
Total	103	50	101	50	
1974 Convicted DUI	110	78	31	22	P < .001
Convicted Lesser Charges	34	41	50	59	
Total	144	64	81	36	
1975 Convicted DUI	126	75	40	25	P < .001
Convicted Lesser Charges	16	37	27	63	
Total	136	67	67	33	

Table 21 shows:

- In 1972, the pre-ASAP year, only 25 percent of the arrestees were referred to treatment. By 1973, ASAP's first operational year, the percentage of referrals doubled to 50 percent. This was a highly significant increase ($p < .0005$).
- In 1974 and 1975, referrals continued to increase. In 1974, they rose to 64 percent, and in 1975 to 67 percent. Both percentages were significantly higher than the percentage for 1972 (25 percent) and for 1973 (50 percent) ($p < .005$).

Table 22 provides further information about referrals of persons convicted of DUI and lesser charges.

Table 22: Court Referral by Year and Conviction Type

Analysis of Variance Summary Table					
Source of Variation	Sum of Squares	D.F.	Mean Squares	F Ratio	F Probability
Total	208.648	835	0.250	46.000	.001
Year	28.696	3	9.565	2.696	.097
Conviction Type	0.561	1	0.561	11.146	.001
Year and Conviction Type	6.953	3	2.318		
Within Groups	172.177	828	0.205		

Table 22 shows:

- From 1972 through 1975, there were significant changes in whether persons convicted of DUI or lesser charges were sent to treatment or not. ($p < .001$.) As indicated above, referrals increased each succeeding year.
- There was a significant conviction type by year interaction ($p < .001$). This means that there were interacting changes over time as to whether persons convicted of lesser charges were referred to treatment. (Note Table 21, which shows the percentages referred and not referred each year.)

ASAP has stressed the importance of prior offense history as an indicator of drinking problems. Therefore, change in the effect of prior offense history on referral actions can be an indication of ASAP impact. Table 23 shows how first offenders and multiple offenders were referred to treatment from 1972 through 1975. Table 24 provides information on the statistical significance of prior drinking-driving history with respect to referral.

Table 23: Court Referrals By Conviction Type and Offender Type, 1972 through 1975

Court Referral	Convicted DUI		Convicted Lesser Charges		Total
	First Offender	Multiple Offender	First Offender	Multiple Offender	
NO	184 43.3%	51 36.2%	119 67.6%	29 49.2%	148 63%
YES	241 56.7%	90 63.8%	57 32.4%	30 50.8%	87 37%
TOTAL	425 100%	141 100%	176 100%	59 100%	235 100%
P = N.S.			P < .017		

Table 24: Court Referral By Conviction Type and Offender Type - Analysis of Variance

Analysis of Variance Summary					
Source of Variation	D.F.	Sum of Squares	Mean Squares	F Ratio	F Probability
Total	800	199.862	.250	30.850	.001
Conviction Type	1	7.361	7.361	2.252	N.S.
Multiple Offender	1	0.537	0.537	1.675	N.S.
2-Way Interaction: Conviction Type And Multiple Offender	1	.401	.401		
Within Groups	797	190.172	.239		

Tables 23 and 24 indicate the following:

- Multiple offenders were more likely to be referred to treatment than first offenders. Among persons convicted of DUI offenses, 63.8 percent of the multiple offenders were sent to treatment as compared with 56.7 percent of the first offenders. Among those convicted of lesser charges, 50.8 percent of the multiple offenders were referred, as compared with 32.4 percent of first offenders.
- Conviction type was significantly related to whether a person was referred to treatment or not ($p < .001$).

H. Profiles of Referrals and Non-Referrals, 1972 - 1975

Information in previous sections of this report indicated that prior driver history influenced the DUI's chances of referral during ASAP's operational years. This present section will look at profiles of persons referred to treatment and those not referred, from 1972 through 1975. Table 25 below summarizes data from a series of discriminant analyses, a statistical technique used in obtaining profile information. The variables used in the profile analyses were: age, BAC, prior DUI offenses, prior other alcohol-related offenses, prior hit-runs, prior accidents, prior other driving offenses, and sex.

Questions to be answered from data in Table 25 are: 1) Has the judicial component become more skilled in identifying those persons in need of treatment referral as a result of ASAP-PSI expertise? 2) Do those factors which are considered indicative of a drinking problem (BAC and prior alcohol-related offenses) actually differentiate between persons referred and not referred in baseline and operational years?

Data in Table 25 shows the following:

- In 1972, the pre-ASAP period, the person most likely to be referred to treatment was female ($p < .033$), had prior accidents ($p < .026$), a record of other alcohol-related offenses ($p < .036$) and other traffic violations ($p < .018$). It will be noted that there were no significant differences between referrals and non-referrals with respect to BAC and prior DUI offenses.

Table 25: Profiles of Treatment Referrals and Non-Referrals
1972 to 1975 - Summary of Discriminant Analyses

Variables Used in Comparisons	Average (Mean) Values			
	1972		1973	
	Referred	Not Referred	Referred	Not Referred
BAC	.18 0	.18 6	.19 1	.17 5
Age	40.4	37.5	37.6	36.9
Sex	0.8	0.9	0.9	0.9
Prior DUIs	0.2	0.4	0.5	0.2
Prior Other A/R Offense	0.0	0.1	0.2	0.1
Prior Hit-Run	0.0	0.0	0.0	0.0
Prior Accident	0.2	0.1	0.2	0.2
Prior Other Offenses	0.4	0.7	1.4	1.2
Significant Variables in Distinguishing between Referrals and non-Referrals	Stand. Discrim. Function coefficient P.		Stand. Discrim. Function coefficient P.	
	1. Prior Other A/R Offenses	0.575 .036	1. Prior DUI	-0.398 .015
	2. Sex	0.515 .033	2. Prior Other A/R Offenses	-0.619 .016
	3. Prior Accidents	-0.476 .026	3. BAC	-0.529 .012
	4. Prior Other Offenses	0.473 .018		
Significance of The Equation	X ² =11.861 df=4 P<.018		X ² =10.433 df=3 P<.015	

Variables Used in Comparisons	Average (Mean) Values			
	1974		1975	
	Referred	Not Referred	Referred	Not Referred
BAC	18.1	14.4	17.8	16.0
Age	38.9	35.1	36.7	38.4
Sex	0.9	1.0	0.9	0.8
Prior DUIs	0.4	0.3	0.3	0.3
Prior Other A/R Offense	0.3	0.1	0.3	0.2
Prior Hit-Run	0.0	0.0	0.0	0.0
Prior Accident	0.2	0.4	0.2	0.3
Prior Other Offenses	1.0	1.6	0.1	0.2
Significant Variables in Distinguishing between Referrals and non-Referrals	Stand. Discrim. Function coefficient P.		Stand. Discrim. Function coefficient P.	
	1. BAC	0.699 .000	1. BAC	0.523 .069
	2. Sex	-0.414 .000	2. Age	-0.270 .016
	3. Prior A/R	0.441 .000	3. Sex	0.497 .037
	4. Prior Age	-0.192 .000	4. Prior A/R	0.305 .013
	5. Prior Other	-0.328 .000	5. Prior Acc.	-0.479 .011
			6. Prior Other	-0.625 .020
Significance of The Equation	X ² =38.219 df=5 P<.001		X ² =15.670 df=6 P<.016	

- In 1973, ASAP's first operational year, there was a marked change in the criteria used for referral. Persons sent to treatment now differed from non-referrals on BAC level ($p < .012$); they had an average BAC of .19 as compared with the non-referrals' BAC level of .17. They also had more prior DUI offenses and other alcohol-related offenses ($p < .015$ and $p < .016$).
- In 1974, ASAP's second operational year, BAC continued to be an important factor distinguishing between persons referred to treatment and those not referred ($p < .000$). Persons sent to treatment had an average BAC of .18, while those not referred had an average of .14. Women tended to be referred to treatment ($p < .000$), as did persons with prior accidents, other alcohol-related offenses, and other traffic violations.
- In 1975, further changes occurred. BAC continued to be an important factor in whether a person was referred to treatment ($p < .069$). But in this year, the person referred also tended to be male ($p < .037$), be somewhat younger than the non-referrals ($p < .016$), in addition to having more alcohol-related offenses ($p < .013$), prior accidents ($p < .011$) and other traffic violations ($p < .020$). The profile of the person sent to treatment in 1975 more closely approximates the profile of fatally injured drivers than referrals in any previous year.¹³

In summary, variables considered important in PSI procedures were adopted and used as ASAP's policies became integrated into the traffic safety system.

I. Conclusions Regarding ASAP Impact on the Judicial Component: Sentencing Phase

The sentencing phase of the adjudication process was the major area of ASAP's judicial countermeasure input. And in this phase, ASAP had significant and increasing impact across the three operational years.

13. See Analysis of the Law Enforcement Countermeasure, 1974.

Extensive use of the ASAP-PSI countermeasure was documented for two of the mini-ASAP courts in 1973. The PSI procedures at the Rio Hondo Court did not become fully operative until the latter part of 1973. However, by 1974 and 1975, all three courts were using PSIs. Initial problems were clearly resolved by the Project management. In the latter part of 1975, as ASAP funding was withdrawn, there were some problems with PSI procedures. These too were resolved as new funding and procedures were established.

In instances where the PSI occurred prior to sentencing, a high level of cooperation by judges with PSI recommendations was observed. There was a significant increase in agreement over the operational years of the project. Even when the investigators recommended no referral, the courts tended to refer anyway, indicating the judges' growing sensitivity to the need for rehabilitation.

Impact was also observed with regards to the application of sanctions to motivate participation in ASAP treatment programs. However, the changes in sanction application also reflect the changes in legislation during operational years. Analysis of both sanction patterns and individual sanctions showed a possible shift toward less traditional, more individually tailored sentences. In particular, sentences included less jail, more fine and more probation during operational years.

The judges appeared to be using selective application of sanctions to motivate participation in ASAP treatment programs. In almost all instances, probation assignments were given in conjunction with treatment referral. Referrals tended to receive less jail time or no jail time, and the number of jail days suspended rose significantly over the years. Similarly, the amount of fine also dropped over the operational years. Again, these trends suggest a less stringent, more individualized policy with suspended jail time being used selectively in some referral cases to motivate treatment participation.

Finally, significant impact was also shown regarding increased referral actions. In 1972, there was a 25 percent referral rate for subjects in the study; by 1975, the percentage had risen to 67 percent. Referrals increased not only for persons convicted on DUI charges but also for persons convicted

of lesser charges.. Perhaps the most significant observation was that as a result of the input of PSI expertise by ASAP, those DUBs with drinking problems were more accurately identified for treatment during operational years of the Project.

VII. IMPACT OF ASAP ON THE JUDICIAL COMPONENT:
BACKLOG PROBLEM IN THE COURTS

ASAP initiated procedures which could possibly cause a backlog in the courts. For example, PSI activities had the possibility of increasing the time spent on each case. ASAP's attempts to increase the number of arrests of DUIs also had the possibility of promoting an influx of cases in the courts. In order to assist the courts in this area, ASAP funded three clerical workers in the Rio Hondo and Pomona Court Clerks Offices. But the concern still remains: Has ASAP activity affected court backlog?

In this section, the following indicators of court backlog are considered:

- The incidence of failure-to-appear or case continuance each year;
- The proportion of cases each year which went to trial;
- The average processing time to disposition for all cases, and for each of the major disposition groups.

A. Number of Failures to Appear
and Continuances

It was noted in Table 1 that defendants who never appear in court are not included in these samples. However, cases are included in which a defendant failed to appear at some point during the process but later returned to complete the case. When the incidence of this latter type of failure to appear is considered, the data showed minor variations from baseline to operational years. Table 26 below shows that in 1972, 13 percent of the sample was classified as a "failure to appear" at some point in the adjudication process. In 1973, the percentage dropped to 6.8 percent, then rose to 13 percent in 1974 and 16 percent in 1975.

Table 26: Percentage of Failures to Appear, 1972-1975*.

1972	1973	1974	1975
13.0%	6.8%	13.0%	16.0%

*Arrestees who failed to appear at some point in the judicial process, but later returned to complete the case.

Table 27 shows the average number of case continuances for each year from 1972 through 1975.

Table 27: Average Number of Continuances, 1972-1975

1972	1973	1974	1975
2.0977	1.8019	1.9004	1.6214

1975 vs. 1972 $p < .05$

The average number of continuances in 1972 was 2.1; in 1973 it was 1.8, in 1974, 1.9 and in 1975, 1.6. The average numbers for 1973 and 1974 did not differ significantly from 1972. But the average number of 1975 did differ significantly from 1972 ($p < .05$). Table 28 indicates that there was a significant negative linear trend for continuances ($p < .02$), which means that there appears to be a trend for continuances ($p < .02$), which means that there appears to be a trend for continuances to decrease over time.

Table 28: Number of Continuances, 1972 - 1975
-- Analysis of Variance

Source of Variation	D.F.	Sum of Squares	Mean Squares	F Ratio	F Probability
Total	858	2917.9561			
Between Groups	3	24.9512	8.3171	2.458	.06
Linear Term	1	18.6896	18.6896	5.524	.02
Within Groups	855	2893.0049	3.3836		

Variables	No. of Cases	Mean	Standard Deviation
1972	215	2.10	2.0473
1973	207	1.80	1.8445
1974	231	1.90	1.8066
1975	206	1.62	1.6297

B. Number of Cases Going to Trial
Each Year

Table 29 compares the number of cases each year that were settled at pre-trial and trial each year from 1972 through 1975.

Table 29: Number of Cases Going to Trial, 1972-1975

	1972	1973	1974	1975	Total
Pre-Trial	205 94%	201 97%	224 97%	205 98%	831 97%
Cases Going to Trial	12 6%	6 3%	7 3%	3 2%	28 3%
	215	207	231	206	859

p. - N.S.

The number of cases settled at a pre-trial hearing remained relatively constant during ASAP's operational years, and slightly above the pre-ASAP period of 1972.

In the pre-ASAP period of 1972, 6 percent of the cases went to trial. In 1973 and 1974, the percentage dropped to half that figure, to 3 percent; and in 1975 it was down to 2 percent. The decrease in cases going to trial during ASAP's operational years was significantly lower than the baseline period. (p < .01)

C. Changes in Processing Time for DUI Cases

The interval distribution of case processing time from arrest to disposition for all cases each year is shown in Table 30.

Table 30: Interval Distribution of Case Processing Time From Arrest to Disposition for All Cases in 1972, 1973, 1974 and 1975

No. of Days	1972	1973	1974	1975	Total
0 - 7	40 (19%)	49 (25%)	34 (15%)	23 (11%)	146 (17%)
8 - 17	43 (20%)	38 (19%)	31 (13%)	21 (10%)	133 (15%)
18 - 38	34 (16%)	36 (18%)	38 (16.5%)	38 (18%)	146 (17%)
39 - 65	38 (18%)	36 (17%)	35 (15%)	36 (18%)	145 (17%)
66 - 104	25 (12%)	26 (13%)	50 (22%)	46 (22%)	147 (18%)
105 - 585	32 (15%)	29 (14%)	43 (19%)	42 (20%)	146 (17%)

$$\chi^2 = 39.343 \quad df=15 \quad P < .001$$

The first observation to be made about the data in Table 30 is that the processing time varies tremendously on an individual basis. Some cases were settled in zero days,¹⁴ while others took over a year to be settled. However, statistical analyses revealed that there were significant changes in processing time for DUI cases across the four-year period (p < .001). In 1973, approximately 15 to 20 percent of the cases were processed within each of the time intervals indicated above.

14. The "0" days cases occur when the defendant is arrested and held overnight and pleads guilty in arraignment the following morning.

When 1973 was compared with 1972, there was an increase in the proportion of cases processed--0 to 7 days (24 percent), and a drop in the incidence of cases taking 66 to 108 or 109 to 585 days to process. Then in 1974, the incidence of cases taking 66 to 108 or 109 to 585 days to process went up again (22 percent and 19 percent). In 1975, the percentage of cases processed in 0 to 7 and 8 to 17 days decreased from preceding years (11 percent and 10 percent), and the number processed in 109 to 585 days rose to 20 percent (as compared with 19 percent in 1974, 9 percent in 1973 and 15 percent in 1972).

The shifts in processing time can be seen more clearly if the medians for each year are considered. In 1972, half of the cases were processed within 33 days. In 1973, processing time improved to the point that half of the cases were processed within 26 days. Then in 1974, processing time slowed and half the cases were not processed until 47.5 days. By 1975, the processing time slowed still further; half the cases were not processed until 55.8 days.

In order to determine whether any particular type of case was causing these variations in processing time, the data was analyzed further. Table 31 shows the results of an analysis of variance in which the number of days from arrest to disposition is compared for persons convicted of DUI charges vs. persons convicted on lesser charges or whose case was dismissed.

Table 31: Number of Days from Arrest to Disposition by Year and Conviction Type - Analysis of Variance

Analysis of Variance Summary Table					
Source of Variation	Sum of Squares	D.F.	Mean Square	F Ratio	F Probability
Total	4425863.00	857	5164.367		
Conviction Type	15118.305	1	15118.305	2.951	.08
Year	50439.484	3	16813.160	3.282	.02
Conviction Type by Year	22398.422	3	7466.141	1.458	N.S.
Within Group	4354177.00	850	5122.559		

Table 31 shows that there was a statistically significant increase in the processing time of a case from arrest to disposition from 1972 to 1975 ($p < .02$). But it also shows that the average number of days it took to process a case was not significantly related to conviction type.

D. Conclusions Regarding ASAP Impact on Court Backlog

In general, court processing efficiency in the mini-ASAP increased over time, but with some exceptions. Some of the positive aspects indicating efficiency were the significant decrease in the number of case continuances, and the decrease in the number of cases going to trial. The average number of continuances dropped from 2.1 in 1972 to 1.6 in 1975. Similarly, in 1972, the pre-ASAP period, 6 percent of the cases went to trail, but by 1975 the percentage had dropped to 2 percent.

Two other indicators of court processing efficiency did not show such positive results. First, there was an increased percentage of failures to appear over the years. In 1972, 13 percent of the clients in the study samples failed to appear at some point in the adjudication process; by 1975 the percentage was 16. The cases of failure to appear do prolong the court processing time, although all cases were eventually processed.

A second problem area was the increase over the years in processing time for cases, that is, from arrest to disposition. Several factors can explain the increase. First, the PSI procedure used at the Pomona Court involved a relatively lengthy case investigation prior to sentencing. It usually lasted from 14 days to three weeks, while investigations at other courts, such as Rio Hondo Court began using a pre-sentence investigation with delayed sentencing procedure. This meant that the defendant was first sent to a treatment program. After 60 days, he returned to the court to report on his progress and receive his sentence.

In addition to these two factors, other are involved. Discussions with the judges at the mini-ASAP courts point to the problems of the lengthy absence of a judge or the reluctance of defense attorneys

to plead their cases before a particularly strict master calendar judge. Also, legislative changes requiring pre-sentence investigations in Citrus had an impact. In conclusion, it appears that ASAP may have had some detrimental impact on court backlog, but that several other factors could also have contributed to this situation.

VIII. IMPACT OF ASAP ON THE REHABILITATION COMPONENT OF THE SYSTEM

A. DUI Movements Through Treatments, 1973 - 1975

One of ASAP's goals was to encourage the courts to refer clients to appropriate treatment programs as part of the sentencing procedure. ASAP was successful in promoting this objective. In the pre-ASAP period of 1972, only 25 percent of DUI arrestees were referred; by 1975, the percentage had risen to 67 percent.

A question remains, however. How many of those who were referred to a treatment program actually entered and completed it? Tables 32 and 33 provide data to answer the question.

Table 32: Number of DUIs Entering Rehabilitation, 1972-1975

<u>Analysis of Variance Table</u>					
<u>SOURCE OF VARIATION</u>	<u>DF</u>	<u>SUM OF SQUARES</u>	<u>MEAN SQUARE</u>	<u>F RATIO</u>	<u>F PROBABILITY</u>
Total	435	68.4290			
Between Groups	3	10.8301	3.6100	27.076	.0001
Within Groups	432	57.5989			
<u>Variables</u>		<u>No. of Cases</u>	<u>Mean</u>		<u>Standard Deviation</u>
1972		52	0.79		0.4124
1973		103	0.56		0.4984
1974		145	0.81		0.3961
1975		136	0.99		0.0857

Table 33: Proportion of Clients Referred to Treatment Who Entered a Rehabilitation Program, 1972 - 1975

	1972	1973	1974	1975	TOTAL
Entered Treatment	41 78%	58 59%	117 81%	135 99%	351 81%
No Show	11 22%	45 44%	28 19%	1 1%	85 19%
TOTAL	52 100%	103 100%	145 100%	136 100%	436 100%

p. < .001

First, Table 32 shows that the proportion of persons who were referred to treatment and actually started their programs varied significantly over time ($p < .0001$). Table 33 gives additional details. It shows that the overall pattern for entering treatment was one of improvement. There was a drop during ASAP's first operational year compared with 1972, then growth and improvement. In 1973, only 59 percent of DUIs referred to treatment actually started their programs; by 1975, the percentage reached 99 percent, a significantly greater proportion than in any previous year ($p < .05$).

The trends found for persons entering treatment are also found when data regarding treatment completion is studied. See Tables 34 and 35.

Table 34: Completion of Rehabilitation Programs, 1972 - 1975
- Analysis of Variance

<u>Analysis of Variance Summary Table</u>					
<u>SOURCE OF VARIATION</u>	<u>DF</u>	<u>SUM OF SQUARES</u>	<u>MEAN SQUARE</u>	<u>F RATIO</u>	<u>F PROBABILITY</u>
Total	435	78.6674			
Between Groups	3	9.2565	3.0855	19.204	.0001
Within Groups	432	69.4109	0.1607		
<u>Variables</u>		<u>No. of Cases</u>	<u>Mean</u>	<u>Standard Deviation</u>	
1972		52	.79	0.4124	
1973		103	.52	0.5019	
1974		145	.78	0.4161	
1975		136	.92	0.2737	

Table 35: Proportion of Clients Referred to Treatment
Who Completed Rehabilitation Programs, 1972 - 1975

	1972	1973	1974	1975	TOTAL
Completed Treatment	41 78%	54 52%	113 78%	125 92%	333 76%
Did Not Complete Treatment	11 22%	49 48%	32 22%	11 8%	103 24%
Total	52 100%	103 100%	145 100%	136 100%	436 100%

$p < .001$

Table 34 indicates that the proportion of persons referred to treatment who actually completed their programs varied significantly over time ($p < .001$). Table 35 gives more details. It shows that in the baseline year of 1972, 78 percent of the referred clients completed treatment.¹⁵ The figure dropped to 52 percent in ASAP's first operational year. Once the ASAP system became integrated into the procedures of the mini-ASAP courts and agencies, the figures rose. By 1975, a total of 92 percent of the referred clients completed programs to which they had been assigned. This was a significant 14 percent increase over 1972 and 1974 ($p < .05$).

B. Conclusions Regarding ASAP Impact on the Rehabilitation Component

ASAP has had significant impact on the rehabilitation community in several ways. During the Project's operational years, the courts made referrals to a much broader range of community rehabilitation facilities, and more DUIs have actually entered and completed these programs than in the baseline period. The increased referrals resulting from ASAP activities have catalyzed the creation of more Alcoholics Anonymous chapters (especially for youth), more court schools and an organization of personnel working in court school programs called the Southern California Alcohol and Traffic Education Association (SCATE). In addition, with funding from the National Institute on Alcoholism and Alcohol Abuse (NIAAA), the disulfiram clinic is expanding its services.

From 1972 through 1974, there were problems in tracking DUIs through the rehabilitation system. The ASAP Data Management Services remedied this situation to a great extent in 1975. Nevertheless, the absence of comparative data over time limits the conclusions regarding impact. What data we do have is impressive. In 1975, 99 percent of persons referred to treatment entered their assigned programs, and 92 percent completed them.

15. In 1972, Court School was the only treatment modality available to the court.

IX. IMPACT OF ASAP ON RECIDIVISM IN THE TRAFFIC SAFETY SYSTEM

A. Findings of Additional Analyses

The objective of the ASAP system is to reduce the incidence of drinking and driving. Therefore, an important measure of the system's success is whether DUIs passing through it recidivists. That is, are they rearrested after entering the ASAP system? If so, how often and on what charges?

Three measures were used to study the recidivism of client in the samples of this study:

- Driving under the influence of alcohol charges (DUI charges);
- Other alcohol-related offenses, such as reckless driving (which is usually a plea down from a DUI charge), driving with an open container of alcohol in the car, etc.
- All traffic violations, including those which are not alcohol-related.
- Data on recidivism are presented in Tables 36 and 37.

Table 36: Summary of Analyses of Variance for Recidivism Among Years, 1972-1975

Source of Variation	D.F.	Sum of Squares	Mean Square	F Ratio	F Probability
<u>Driving Under the Influence</u>					
Total	858	984.4214			
Between Groups	3	6.4035	2.1345	1.866	N.S.
Linear Term	1	4.4241	4.4241	3.868	0.047
Within Groups	855	978.0178	1.1439		
<u>Alcohol Related Offenses:</u>					
Total	858	1058.5330			
Between Groups	3	5.4959	1.8320	1.487	N.S.
Within Groups	855	1053.0371	1.2316		
<u>All Traffic Violations:</u>					
Total	858	1735.0037			
Between Groups	3	52.3257	17.4419	8.863	0.0001
Within Groups	855	1682.6780	1.9680		

Table 37: Recidivism by Year

Violation Type	YEAR			
	1972	1973	1974	1975
Driving Under the Influence (DUI)	55 27%	17 8%	25 11%	5 4%
Alcohol Related Offenses	69 32%	27 13%	49 21%	25 12%
All Traffic Violation or (Total Recidivism)	176 82%	122 59%	182 79%	39 19%

Table 36 shows that there was a significant trend for DUI recidivism offenses to decrease over time, as ASAP counter-measures became integrated into the traffic safety system ($p < .047$). It also shows that there were significant differences among the years 1972 through 1975 with respect to all traffic violation offenses ($p < .001$). Table 37 provides further details.

- DUI recidivisms: In 1972, there was a 27 percent recidivism rate. The rate dropped to 8 percent in 1973, rose slightly to 11 percent in 1974. In 1975, it declined to the lowest level of any of the years, 4 percent. When compared with the 1972 rate, the 1975 figure was significantly lower ($p < .001$).
- Alcohol-Related Offense Recidivism: The highest recidivism rate occurred in the pre-ASAP period of 1972 (32 percent). The rate dropped to 13 percent in 1973, then rose to 21 percent in 1974. However, in 1975 it reached the lowest level of any year, 12 percent.
- All Traffic Violation Recidivism: The pattern noted for DUI recidivism and Alcohol-Related Offense recidivism can also be noted for this category. The highest rate was in 1972 (82 percent); it declined to 59 percent in 1973, rose to 79 percent in 1974. The lowest rate for any of the years occurred in 1975 (19 percent).

Next, two analyses were conducted to provide a profile of recidivists. The first gives a profile in terms of demographics--i.e., age, sex, prior driving history, and the charge on which the recidivist was convicted. The second profile shows us the type of prior driving history the recidivist was most likely to have and also the kind of sanction he received from the court.

Table 38: Demographic Profile of Recidivists, 1972-1975 Regression

Dependent Variable: Total Recidivism		
	$R^2 = .05884$	Significance of Equation: $P < .01$
Independent Variables	Standardized Beta Coefficients	Significance Levels of Independent Variables*
Total Prior Alcohol-Related Offenses	0.10630	$P < .035$
Conviction on DUI Charges	-0.26336	N.S.
Conviction on Reckless Driving	-0.18956	N.S.
Conviction on Lesser Alcohol-Related Charges	0.07619	$P < .035$
Convicted on Other Charges	-0.09890	N.S.
Case Dismissed	-0.09601	N.S.
BAC	-0.00377	N.S.
Age	-0.21659	$P < .001$
Sex	-0.03537	N.S.
*N.S. = Not Significant		

Table 38 shows the following:

- The equation was statistically significant ($p < .01$). The variables in it accounted for only 5 percent of the variance in recidivism, and so the results should be interpreted with caution.
- Three characteristics best describe the person who is a recidivist:
 - * He tends to have a background of prior alcohol-related offenses ($p < .035$).
 - * He tends to be younger ($p < .001$).
 - * He tends to be a person who obtained a plea down to lesser charges ($p < .025$).

Table 39 summarizes the second set of profiles.

Table 39: An Adjudication Profile of Recidivists - Regression

Dependent Variable: Total Recidivism		R ² = .04375	Significance of equation: P < .01
Independent Variables	Standardized Beta Coefficients	Significance Levels of Independent Variables*	
Sentenced to "Charity Time"	0.12587	P < .001	
Completed Rehab Program	0.10838	P < .035	
Prior Alcohol Related Offenses	0.09181	P < .015	
Jail Suspended	-0.12255	N.S.	
Jail Days Sentenced	0.09621	N.S.	
Portion of Fine Suspended	0.02164	N.S.	
Amount of Fine Sentenced	-0.01088	N.S.	
Months of Probation Assigned	-0.00667	N.S.	
Court Referral to Rehab.	0.00677	N.S.	
* N.S. = Not Significant			

Table 39 shows the following:

- The equation was significant ($p < .01$), but only accounted for 9 percent of the variance in recidivism.
- The regression equation pointed to two characteristics of the person who is a recidivist:
 - * As was noted in the previous profile description, he tends to have more alcohol-related prior offenses ($p < .015$).
 - * Persons sentenced to "Charity time" were more likely to recidivate ($p < .001$).

In summary, there are indications that recidivism is decreasing over time. The persons most likely to recidivate (and most likely to need increased attention on the part of persons working in the traffic safety system) are younger people with a history of prior alcohol-related offenses. They are also persons who have tended to receive pleadowns in the past.

B. Conclusions Regarding ASAP Impact
on Recidivism

Analysis of data for the samples in this study showed a significant decrease in DUI recidivism over time. However, the samples are small, and the recidivism was measured for only one year after arrest. In view of this, it is concluded that more time and a larger sample are required before ASAP's impact on recidivism can be evaluated adequately.

X. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The findings of this study regarding ASAP impact on the traffic safety system components have been discussed in detail in the preceding pages. The following represents a brief summary of the changes which occurred during ASAP's three operational years.

First, ASAP had an impact on law enforcement activities. The number of DUI arrests increased significantly. Arrest increases were particularly dramatic for the ASAP Covina unit. The ASAP Sheriff unit increased its activity over the baseline period, and in 1974 and 1975 its activity remained relatively even. ASAP patrols tended to arrest persons with fewer prior alcohol-related offenses than regular patrols, which suggests that their training had made them particularly alert to DUI infraction. The increased arrests were only part of ASAP's impact. There was a catalytic effect on other law enforcement units, with increased competition for arrests and requests for ASAP procedural information. The observed impact of ASAP is particularly significant in view of the high level of law enforcement activity which already existed in Los Angeles County and the relatively small fiscal input by ASAP into the total law enforcement effort.

ASAP's impact was even more evident on the judicial component of the system. With the exception of 1974, the rate of conviction on DUI charges increased over time, and dismissals decreased. There was evidence that as ASAP policies became established, the courts took a firmer stand in handling DUI cases. Most notably, persons with higher BACs were more likely to be convicted on DUI charges. Although ASAP did not have a direct input in the conviction phase of the judicial process, it had number of indirect influences. Many judges and court personnel attended ASAP's Judicial Seminars and met informally with ASAP staff over the course of the Project.

ASAP showed significant impact on the sentencing phase of adjudication. It was responsible for seeing that pre- and post-sentencing procedures were established at the three mini-ASAP courts. Over time, these procedures became firmly integrated into the procedures of all the courts. There was evidence of a high level of agreement between recommendations made by investigators conducting pre-sentence investigations

and sentences given by the judges. Over time, there were trends toward less stringent sentences and use of more individualized approaches in dealing with the DUI. For example, there was a growing use of probation with referral to treatment, and a decrease in jail time. The percentage of DUIs referred to treatment increased dramatically, from 25 percent in 1972 to 67 percent in 1976. Finally, there were indications that court personnel increased their skills at identifying DUIs in need of treatment. By 1975, BAC and prior driving history were major criteria for determining whether a person should be sent to treatment or not.

ASAP's efforts to improve the efficiency of court processing had mixed results. There was a significant decrease in case continuances, from an average of 2.1 in 1972 to 1.6 in 1975. There was also a decrease in the number of cases going to trial, from 6 percent in 1972 to 2 percent in 1975. Both of these factors had a positive influence in reducing court backlog. On the other hand, there was a slight increase in the number of failures to appear, and an increase in court processing time from arrest to disposition. The increase in court processing time was due to several factors, among them PSI procedures at the Pomona Court, sentencing procedures initiated in 1975 at the Rio Hondo Court, absences of judges and delays by defense attorneys.

ASAP impact on the rehabilitation component was also observed. Over time, the number of DUIs who entered and completed rehabilitation programs increased. Only in the first operational year, 1973, was there a deviation from this overall trend. In addition, due to ASAP involvement, the courts began making referrals to a wider range of treatment programs. New programs were initiated to meet the influx of DUIs from the courts, and they became more individualized and varied to suit the need of the clients.

Finally, with regards to the long-range goal of ASAP, reduced recidivism, there was a significant trend for DUI offenses to decrease over the operational years. However, the study samples were small, and the analysis restricted to one year after arrest. To adequately evaluate recidivism, a much larger sample and more time are required.

The conclusion, based on these findings, is that ASAP has had considerable impact on the traffic safety system during its operational years. Members of that system, who had

previously operated separately, were brought together in a coordinated effort to solve the DUI problem. The following recommendations were formulated in regards to further research and program improvements:

1. It is suggested that the reasons for case backlog in the courts be investigated more thoroughly. It could help alleviate some of the problems. In addition, it would provide important information to be considered by future demonstration projects involving the judicial system.
2. ASAP has evaluated various PSI procedures. It is suggested that Los Angeles County continue implementing these recommendations.
3. ASAP funding if its field operations ceased in December of 1975. All of the agencies received funding from other sources, and are continuing their operations. It is recommended that a unit, working from the County Office on Alcohol and Alcohol Abuse, continue to coordinate the efforts of the many agencies in the system.

APPENDIX A:

STUDY METHODOLOGY

I. STUDY DESIGN

The Traffic Safety System Study employs a pre-test, post-test design. That is, it compares persons who went through the mini-ASAP traffic safety system before ASAP became operative with persons who went through the same system during ASAP's operational years. The objective is to study the impact which ASAP had on various components of the system. Two major types of research questions are posited throughout the study: 1) Was there a significant difference between activities in the pre-ASAP and post-ASAP periods? 2) Once ASAP became operative, was there a significant change over its three operational years? If "yes", what direction?

II. SAMPLE SELECTION

In order to conduct the pre-test, post-test design described above, four samples of DUI arrestees were randomly selected from ASAP's client file for the study. The first sample consisted of persons arrested in January of 1972 on DUI charges. This group formed the pre-test or comparison group since it entered the traffic safety system in the pre-ASAP period. Three other samples were drawn from the ASAP client file; persons in these samples passed through the traffic safety system during ASAP's operational years. The first group consisted of DUI arrestees from January of 1973; the second group was from January of 1974; and the third group was from January of 1975. All were referred to one of the three mini-ASAP courts. Subjects included in the samples met the following characteristics:

- 1) All were California residents.
- 2) All cases were adjudicated before the end of the year.
- 3) All were charged with a misdemeanor rather than a felony.
- 4) All were arrested within the mini-ASAP.

Because of the small caseload for the Pomona Court, the entire population was obtained for the 1973 and 1975 samples. The number of subjects in each sample is summarized on the following page.

	<u>Rio Hondo</u>	<u>Citrus</u>	<u>Pomona</u>	<u>Total</u>
1972	71	71	73	215
1973	68	70	69	207
1974	82	78	71	231
1975	<u>79</u>	<u>79</u>	<u>49</u>	<u>207</u>
TOTAL	300	298	262	860

For each year, the original sample size was approximately 250 persons. Cases were dropped if one or more primary sources of information were missing (most frequently the probation or driving record).

There are two sources of sample bias in this study:

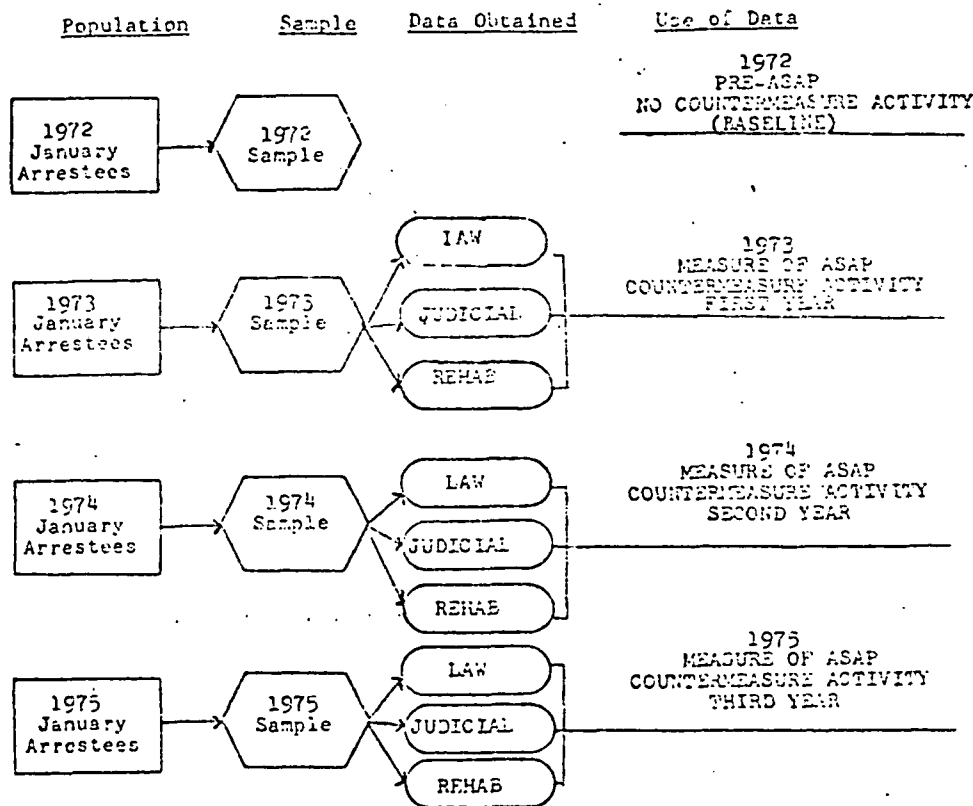
- 1) First, since the ASAP file contains only the adjudicated cases, any cases still pending in court (either because of continuance or the defendants' failure to appear) at the time of the sampling (one year after arrest) would not be included in these samples. Efforts to obtain a more complete file of the DUI population from which to sample proved unsuccessful. A survey of court dockets for 1973 and 1974 indicated that less than 1 percent of the total cases for January of those years were pending. This does not appear to be a serious data leak.
- 2) The second group of DUIs not represented in this study are the felony cases. Felony DUI cases are sent from the three municipal courts to the Pomona Superior Court. ASAP files contain only judicial information from the municipal courts. Information from the District Attorney's Office indicates that felonies represent only 3-4 percent of the total DUI arrests. Again, felony cases do not seem to be a serious source of data leak.

A comparison of the demographic and driving history characteristics of subjects in the four samples can be found in Appendix C.

III. DATA COLLECTION

A. Type of Data Collected

The data collected for this study was primarily that indicated on the Department of Transportation "Client Information" questionnaire which accompanied the guidelines for Study #4 (Impact on the Traffic Safety System). This included demographics or background information, data dealing with the law enforcement and judicial component of the study and data regarding treatment. Together these data provided the foundation for measuring ASAP activity and impact, as is illustrated below.



B. Sources of Data

1. Arrest and Court Information.

The initial document used in selecting the samples was the ASAP Court Report Loadsheet maintained on each client and integrated in ASAP's computerized Client File. This form contains the basic arrest and court information needed to complete the Appendix H Tables. However, more detailed information required for this study had to be obtained from the original court dockets and arrest reports on file in the Court Clerk Offices at the three mini-ASAP courts.

2. Prior and Subsequent Arrest Information

This information was derived from the driving record check ordered for each subject from the Department of Motor Vehicles in Sacramento.

3. Background Investigation and Treatment Data

Some of the background investigation data and referral treatment data was obtained from ASAP's Client Work and Status Sheet, which is integrated in its computerized client file.¹⁶ Additional PSI and referral data, as well as treatment data was then collected from the individual Health Services and Probation files located in either the mini-ASAP offices or in the Probation Central Record File (for closed probation cases). Two other data sources were used. First, some information came from the treatment agencies, notably the Disulfiram Clinic and a few court schools. Where it was not possible to access treatment files, the court documents provided an alternative source of information. Particularly in 1972, defendants were often required to show proof of treatment completion to the court. This information is recorded on the docket sheet.

4. Field Interviews

Procedural and background information for the study were obtained from a series of field interviews with the following ASAP traffic safety system agencies and personnel: Judges of

16. In 1973 and 1974, Probation and Health Services Worksheets were used.

the mini-ASAP courts, Deputy District Attorneys at the three courts, Deputy Probation Officers, Public Health Investigators and Deputy Sheriffs.

C. Data Quality and Collection Problems

The arrest and court documents for 1972 and 1973 were incomplete or missing in only a few cases and therefore appeared to be of reliable quality. The major problem was the sparsity of consistently collected demographic information. This was particularly true of DUIs who received only traditional sanctions and were not routed through ASAP for further scrutiny. Ultimately, the only demographics that could be obtained on everyone in the study were age and sex.

A survey of the January 1974 dockets revealed that in El Monte there were at least 20 percent more cases in the Court Clerk's file than in the ASAP file. It appears that this court was behind in its paper work and had some problems with absenteeism on the staff which resulted in non-reporting of some cases. Survey of the cases revealed no systematic bias in the types of cases not reported to ASAP. While it is difficult to form any definite conclusions, the indications are that the sample is probably representative.

In general, the quality of the DMV records appeared to be good. However, there were a few cases in which the DUI offense that brought the subject into the ASAP system was missing. There was no way of ascertaining how frequently other prior traffic offenses of the DUIs in the study were missing.

In 1973, the majority of data collection problems were experienced when acquiring the background investigation and treatment data. In a number of cases the Probation files were either lost (misfiled or in transit) or they did not contain complete follow-up information. Where data was available, it was often difficult to interpret. Many treatment agencies were not ASAP funded, and were reluctant to open their files to ASAP evaluators.

In 1974, data collection problems were reduced, partly because the Probation Department had implemented a new procedure for maintaining inactive case records. Nevertheless, there were still problems in obtaining treatment data.

B. Discriminant Analysis and Regressions

Two statistical techniques were used to obtain profiles of subjects: discriminant analysis and regressions.

Discriminant analysis is a technique which tells how groups differ from each other. A number of independent variables enter the equation. A chi-square statistic indicates whether the equation itself is significant. And means are calculated for each independent variable used to differentiate between the groups. A standardized discriminant function coefficient and its probability level are then given for each variable. The coefficient represents the relative contribution of its associated variable to that function. The coefficient sign indicates whether the variable is making a positive or negative contribution. The probability levels tell in what variables the groups differ significantly.

Regressions equations were used to give profiles of recidivists. The dependent variable was total recidivism. Various demographic and prior driving record data were entered as dependent variables. The equations provided the following types of information:

- 1) R^2 indicated the proportion of variation in the dependent variable accounted for by the equation.
- 2) The F value for the equation indicated whether the equation was statistically significant.
- 3) The standardized Beta coefficient represented the relative amount of contribution of that independent variable, controlling for others in the equation. That is, it held constant or controlled for the contribution of other included variables. Beta values had either a positive or negative association with the dependent variable.
- 4) Each independent variable had an F value, which indicated its statistical significance. In this study, the F values were converted to t values ($t = \sqrt{F}$). These interpreted on a normal curve table as Z scores (because of the large number of degrees of freedom).

Both the discriminant analysis and the regressions called for interval level data. In several instances, the variables

In 1975, most of the data collection problems had been resolved. The ASAP Client File had become fully operative. More detailed information was readily available from the courts. The major problem in 1975 was related to the cessation of ASAP funding in June of 1975. The Evaluation Staff was transferring to new places of employment, and there was limited time to evaluate the study data because of the diminishing staff.

IV. DATA ANALYSIS

Various statistical techniques were used in analyzing the data in this study. The major ones are listed below:

A. Analysis of Variance (ANOVA), Chi-Square, and T-Tests for Proportions

ANOVA is a statistical technique whereby one can compare the differences between three or more group means simultaneously. Since there were four samples in this study, and the objective was to see if a significant change had taken place over time, the analysis of variance was very appropriate to use.

Wherever possible, ANOVA was used in preference to chi-square tests for the following reasons:

1. Chi-square is insensitive to trends such as those resulting over time;
2. Chi-square evaluates only general relationships;
3. ANOVA is a robust test; it is relatively insensitive to violations of the assumptions of normality of distribution and homogeneity of variance;
4. ANOVA can detect interaction effects;
5. Conversion of cells means to cell frequency are easy to obtain when presenting tables.¹⁷

Where cell sizes were at least "11", ANOVA was used. Where cell sizes were between "11" and "5", chi-square was used. Where cell sizes were below "5", no statistical test of significance was conducted, with the exception of t-tests for proportions. However, trends were noted.

17. A.L. Edwards, Experimental Design in Psychological Research. N.Y.: Hote, Reinhard and Winston, pages 124-125

entering the equations were nominal by nature (sex, e.g.). Through the use of "dummy variable" coding, they were made into interval level data so they could be used in the equations.¹⁸ Dummy variable coding uses "1" and "0" to indicate the presence or absence of an attribute. Following is an illustration.

Client A	<u>Male</u>	<u>Convicted of DUI</u>	<u>Referred to Treatment</u>
	0	1	0

The illustration shows that Client A was a female who was convicted on DUI charges, but not sent to treatment.

18. For further information on "dummy variable coding" see: Herman J. Loether and Donald G. McTavish, Descriptive Statistics for Sociologists. Boston: Allyn and Bacon, Inc., 1974, pages 333-335. Also see Jacob Cohen, "Multiple Regression as a General Data Analytic System", Psychological Bulletin, 1968, Vol. 70, No. 6, pages 426-443.

APPENDIX B:
DATA COLLECTION FORMS

DRIVER'S LICENSE NO.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
-----	-----	-----	-----	-----	-----	-----	-----

DATE OF BIRTH

(9) MO	(10)	(11) DAY	(12)	(13) YEAR	(14)
--------	------	----------	------	-----------	------

ARREST DATE

(15) MO	(16)	(17) DAY	(18)	(19) YEAR	(20)
---------	------	----------	------	-----------	------

DAY OF WEEK

(21)	(22)
------	------

ARREST HOUR

(23)	(24)
------	------

CLIENT COURT NUMBER

(25)	(26)	(27)	(28)
------	------	------	------

CHARGE

(29)	2310
------	------

ARREST

(30)	(31)
------	------

JUDGE

(32)	(33)
------	------

CONVICTION

(34)

COURT & LOCATION

(35)	(36)	(37)	(38)	(39)
------	------	------	------	------

PLEA

(40)

TRIAL

(41)

DISPOSITION DATE

(42)	(43)	(44)	(45)	(46)	(47)
------	------	------	------	------	------

DISPOSITION (except C, J, T & W)

A	B	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	U	V	X	Y	Z
A	B	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	U	V	X	Y	Z
A	B	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	U	V	X	Y	Z
A	B	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	U	V	X	Y	Z

FINE AMT CODES (S)

1- 0-100	4- 301-400
2- 101-200	5- 401-500
3- 201-300	6- 501-600

JAIL DAYS CODES

1- 0-30	4- 101-180
2- 31-60	5- 181-250
3- 61-100	6- ABOVE 250

DISPO C

FINE AMT

(52)

DISPO J

JAIL DAYS

(53)

DISPO T

JAIL DAYS

(54)

FINE DISPO W

JAIL/DAYS

(55)	(56)
------	------

ARRESTING AGENCY

(57)	(58)	(59)	(60)	(61)
------	------	------	------	------

BAC TYPE

(62)

BAC READING

(63)	(64)
------	------

VEHICLE CRASH CODES

(65)	(66)
------	------

SINGLE:

1-CAR	1-C/C	5-T/T	9-OTHE
2-TRUCK	2-C/T	6-T/M	
3-MOTORCY	3-C/M	7-T/B	
4-BUS	4-C/B	8-M/B	

MULT:

--	--	--	--

CRASH TYPE

(67)

INJURIES & FATALITIES

INI	(68)	(69)	(70)	(71)	(72)
FAT	(73)	(74)	(75)	(76)	(77)

TOTAL

(78)	(79)
------	------

TV USED

(80)

(1)						(6)						(7)								(15)
-----	--	--	--	--	--	-----	--	--	--	--	--	-----	--	--	--	--	--	--	--	------

DRIVER'S LICENSE NO.

(16)															(23)
------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	------

(24)	ID. NO.	LOC. (28)
REPORTING AGENCY		

(29) MO.	DAY	YEAR (34)
TODAY'S DATE		

(35)	HIGHEST EDUCATION
1-Grd Sch 2-Jr Hi Sch 3-Hi Sch 4-College 5-Post Grad	

(36)	GROSS INC/YEAR
1- 0-4k 2- 4k-8k 3- 8k-12k 4- 12k-16k 5- 16k-plus	

(37)	MARITAL STATUS
1-Married 2-Single 3-Separated 4-Divorced 5-Widowed	

(38)	RACE
1-WH 2-BLK 3-OTH 4-AMT 5-OTW	

(39)	SEX
1-M 2-F	

(40)	OCCUPATION

(42)	REPORT PURPOSE
1-DMV REF 2-CLOSURE 3-MOVEMENT 4-PSI 5-FOLLOW UP 6-POST SENT 7-OTHER	

BLANK (43)

(44)	STATUS
1-PROBLEM 2-SOCIAL 3-UNKNOWN	

(45)	CURRENT A/R PROBLEM
1-MARITAL 2-SOCIAL 3-EMPL 4-W/S 5-M/E 6-S/E 7-ALL 8-NONE	

(46)	REFERRED FROM
AGENCY ID LOC. (50)	

BLANK (51 - 56)

(57)	PROBATION
1-Formal 2-Summary 3-Other 4-18 mos 24 mos 5-24 mos 36 mos 6-36 mos 48 mos	
(58)	TYPE
(59)	LENGTH

(60)	COURT NO.
A/M	

(65)	RECORDS CHECKED
CODE: 1-CHECKED BLANK - NOT CHECKED	

(69) 1-PROBATION	(70) 1-FINE	(71) 1-DET	(72) 1-AA	(73) 1-OTHER	(80) 6
(74) 1-DENY PROB'N	(75) 1-JAIL	(76) 1-COURT SCHOOL	(77) 1-AC	(78) 1-NONE	

CODES		TREATMENT(S)			TREATMENT DATE(S)			NO.
CATEGORY	PROGRESS	AGENCY	LOCATION	PROG	MONTH	DAY	YEAR	
1 DISULF	1 IN PROGRESS	(35)			(42)		(47)	1.
2 EDUC'N	2 DROP BY CL	(78)			(55)		(60)	2.
3 COUNSEL	3 DROP BY AG	(61)			(63)		(75)	3.
4 GROUP SUP	4 NO SHOW							
5 CONT ENV	5 RELOCATED							
6 OTH MED	6 DIED							
7 PSYCH	7 COMPLETED							
8 OTHER	8 REFUSED							
CODE		AGENCY	LOCATION	CODE	MONTH	DAY	YEAR	NO.

REASON		REFERRAL(S)			APPOINTMENT DATE(S)			NO.
REASON CODES:		AGENCY ID	LOC	MO	DAY	YEAR		
1 TREATMENT	(75)			(41)		(46)		1.
2 DIAGNOSIS	(47)			(52)		(58)		2.
3 CLIENT MONITORING	(59)			(63)		(75)		3.
CODE		AGENCY ID	LOC	MO	DAY	YEAR		NO.

Prior 23101	Prior 23102A	Prior 23103	Prior 647F	No. of Minor Traffic Violations	No. of Non-Traffic Arrests
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CLIENT - AGENCY ID

RECTO COURT (60)

TREATMENTS & PROGRESS

MOVEMENT

COMMENTS

CARD 6 (1-72)

INTERVIEW

CARD 7 (25-72)

CARD 8 (73-72)

CARD 9 (73-72)

1976 JUDICIAL STUDY - DMV DATA

NAME: _____

COURT CASE#: _____

DRIVER'S LICENSE #: _____

SOCIAL SECURITY #: _____

- 1) CASE I.D.#.....(1-7)

0	8	5			
---	---	---	--	--	--
- 2) TOTAL PRIOR DUI CONVICTIONS.....(8-9)

--	--
- 3) TOTAL PRIOR OTHER A/R CONVICTIONS...(10-11)

--	--
- 4) TOTAL PRIOR HIT & RUN CONVICTIONS...(12-13)

--	--
- 5) TOTAL PRIOR ACCIDENTS.....(14-15)

--	--
- 6) TOTAL PRIOR OTHER CONVICTIONS.....(16-17)

--	--
- 7) TOTAL SUBS. DUI CONVICTIONS.....(18-19)

--	--
- 8) TOTAL SUBS. OTHER A/R CONVICTIONS...(20-21)

--	--
- 9) TOTAL SUBS. HIT & RUN CONVICTIONS...(22-23)

--	--
- 10) TOTAL SUBS. ACCIDENTS(24-25)

--	--
- 11) TOTAL SUBS. OTHER CONVICTIONS.....(26-27)

--	--
- 12) IS CLIENT A FIRST OFFENDER.....(28)

0=First Offender
 1=One Prior
 2=Two & Up
 9=Prior Unconst.
- 13) CLIENT'S LICENSE STATUS AT ARREST...(29)

1=Regular
 2=Restricted
 3=Suspended
 4=Revoked
 5=Unk.
- 14) OUTCOME OF ANY APPEALS.....(30)

0=No Appeals
 1=Conv. Upheld
 2=Conv. Dismissed
 3=Found Unconst.
 4=Charge Reduced
- 15) CARD NUMBER.....(80) 3

1976 JUDICIAL STUDY: COURT DOCKET INFORMATION

NAME: _____

Arrest Date: _____

COURT CASE #: _____

Arraignment Date: _____

DRIVER'S LICENSE #: _____

Disposition Date: _____

1) CASE I.D.#.....(1-7)

0	8	5		
---	---	---	--	--

2) CONVICTION TYPE:

Convicted DUI.....(25) 1=Yes 2=No

Convicted Reckless Driving.....(26) 1=Yes 2=No

Convicted Other A/R Charges.....(27) 1=Yes 2=No

Convicted Other Non-A/R Charges.....(28) 1=Yes 2=No

Dismissed.....(29) 1=Yes 2=No

3) CONVICTED MULTIPLE CHARGES.....(31) 1=Yes 2=No

4) NO. DAYS FROM ARREST TO DISPOSITION.(32-35)

--	--	--	--

5) NO. DAYS FROM ARREST TO ARRAIGNMENT.(36-39)

--	--	--	--

6) NO. DAYS FROM ARRAIGNMENT TO DIS-
POSITION.....(40-43)

--	--	--	--

7) NO. OF FAILURE TO APPEARS.....(44)

--

8) NO. OF CASE CONTINUANCES.....(45-46)

--	--

9) SANCTION TYPES:

Fine or Jail..(47) 1=Yes 2=No Charity Time..(52) 1=Yes 2=No

Jail.....(48) 1=Yes 2=No License Susp..(53) 1=Yes 2=No

Fine.....(49) 1=Yes 2=No License Rev...(54) 1=Yes 2=No

Summary Prob..(50) 1=Yes 2=No Other Sanct...(55) 1=Yes 2=No

Formal Prob...(51) 1=Yes 2=No

10) NO. DAYS JAIL SENTENCED.....(56-58)

--	--	--

11) NO MOS. PROBATION ASSIGNED.....(59-60)

--	--

12) AMT. FINE SENTENCED.....(61-63)

--	--	--

13) NO. DAYS CHARITABLE TIME SENTENCED.(64-66)

--	--	--

14) NO. DAYS JAIL SUSPENDED.....(67-69)

--	--	--

15) AMT. FINE SUSPENDED.....(70-72)

--	--	--

16) DID COURT REFER TO REHAB PROGRAM?..(73) 1=Yes 2=No

17) CARD NUMBER.....(80) 1

1976 JUDICIAL STUDY - TREATMENT MOVEMENT INFORMATION.

NAME: _____

COURT CASE #: _____

DRIVER'S LICENSE #: _____

CASE I.D. #.... (1-7)

SOCIAL SECURITY #: _____

--	--	--	--	--	--	--

1) TREATMENT TYPE: Alcoholics Anonymous

Referred (23)	1=Yes 0=No	Entered (24)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (25)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
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2) TREATMENT TYPE: Alcoholism Council

Referred (26)	1=Yes 0=No	Entered (27)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (28)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
---------------	---------------	--------------	--	----------------	---

3) TREATMENT TYPE: Court School

Referred (29)	1=Yes 0=No	Entered (30)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (31)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
---------------	---------------	--------------	--	----------------	---

4) TREATMENT TYPE: Diagnostic Evaluation and Referral Center (DER)

Referred (32)	1=Yes 0=No	Entered (33)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (34)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
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5) TREATMENT TYPE: Disulfiram Clinic

Referred (35)	1=Yes 0=No	Entered (36)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (37)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
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6) TREATMENT TYPE: Other: Counseling, Clinics, Hospitals, Recov. Homes, etc.

Referred (38)	1=Yes 0=No	Entered (39)	1=Entered 2=No Show 9=Unk. 0=N.A.	Completed (40)	1=Completed 2=Cont. 3=Dropped 9=Unk. 0=N.A.
---------------	---------------	--------------	--	----------------	---

7) Did client enter any rehabilitation or reeducation program...(41) 1=Yes
2=No

8) Did client complete(or continuing) any program.....(42) 1=Yes
2=No

9) CARD NUMBER.....(80) 2

APPENDIX C:
STATISTICAL COMPARISON
OF SAMPLES:
1972, 1973, 1974 AND 1975

Table 40: Age Distribution of Samples, 1972-1975

AGE	Year				
	1972	1973	1974	1975	Total
Lowest - 20	10 4.7%	10 4.8%	29 12.6%	4 1.9%	53 6.2%
21-30	58 27%	60 29.9%	65 28.1%	71 34.5%	254 29.6%
31-40	59 27.4%	45 21.7%	50 21.6%	54 26.2%	208 24.2%
41-50	53 24.7%	56 27.1%	49 21.2%	47 22.8%	205 23.9%
51-Highest	35 16.3%	36 17.4%	38 16.5%	30 14.6%	139 16.2%

$P < .0032$

Table 41: Total Prior Traffic Offenses of the Samples, 1972-1975

Total Prior Traffic Offenses	YEAR				
	1972	1973	1974	1975	Total
0	75 34.9%	53 25.6%	72 31.2%	129 62.6%	329 38.3%
1	71 33%	63 30.4%	56 24.2%	53 25.7%	243 28.3%
2-or more	69 32.1%	91 44%	103 44.6%	24 11.7%	287 33.4%
	215	207	231	206	859

$P < .00001$

Table 42: License Status of Sample Subjects, 1972-1975

License Status	YEAR				
	1972	1973	1974	1975	Total
Regular	191 92.7%	177 88.1%	199 86.1%	200 97.1%	767 90.9%
Restricted	15 7.3%	24 11.9%	32 13.9%	6 2.9%	77 9.1%
	206	201	231	206	844

$P < .0003$

Table 43: BAC Levels of Subjects in 1972-1975 Samples

BAC	YEAR				
	1972	1973	1974	1975	Total
Lowest - .09	3 2.0%	5 3.2%	7 3.7%	7 5.0%	22
.10-.14	30 20.4%	32 20.4%	59 31.1%	27 19.4%	148
.15-.19	58 39.5%	53 33.8%	73 38.4%	66 47.5%	250
.20-Highest	56 33.1%	67 42.7%	51 26.8%	39 28.1%	213
	147	157	190	139	633

p < .02

Table 44: Compliance and Refusal of BAC Tests by 1972-1975 Subjects

Type of Test	YEAR				
	1972	1973	1974	1975	Total
Comply	175 100.0%	184 100.0%	189 90.9%	178 90.8%	726 95.2%
Refuse	0 0.0%	0 0.0%	19 9.1%	18 9.2%	37 4.8%
	175	184	208	196	763

P < .00001

Table 45: Percentage of BAC Levels Known for 1973-1975 Samples

BAC	YEAR				
	1972	1973	1974	1975	Total
Known	147 68.4%	157 75.8%	190 82.3%	139 67.9%	633 73.7%
Unknown	68 31.6%	50 24.2%	41 17.7%	67 32.5%	226 26.3%
	215	207	231	206	859

P < .0009

Table 46: Sex Distribution of 1972-1975 Samples

Sex	YEAR				
	1972	1973	1974	1975	Total
Male	189 87.9%	193 93.2%	213 92.2%	189 91.7%	784 91.3%
Female	26 12.1%	14 6.8%	18 7.8%	17 8.3%	75 8.7%
	215	207	231	206	859

P=N.S.

Table 47: Number of Prior DUI Offenses for 1972-1975 Samples

Prior DUIs	YEAR				
	1972	1973	1974	1975	Total
0	153 71.2%	144 69.6%	167 72.3%	151 73.3%	615 71.6%
1	43 20%	45 21.7%	46 19.9%	47 22.8%	181 21.1%
2	14 6.5%	13 6.3%	13 5.6%	6 2.9%	46 5.4%
3	4 1.9%	5 2.4%	3 1.3%	2 1.0%	14 1.6%
4	1 0.5%	0 0.0%	1 0.4%	0 0.0%	2 0.2%
5	0 0.0%	0 0.0%	1 0.4%	0 0.0%	1 0.19%
	215	207	231	206	859

P - N.S.

Chi square calculated by combining categories
3 through 5.

Table 48: Number of Total Alcohol-Related Prior Offenses for 1972-1975 Samples

Total Prior Other Alcohol-Related Offenses	YEAR				
	1972	1973	1974	1975	Total
0	139 64.7%	128 61.8%	139 60.2%	129 62.6%	535 62.3%
1	52 24.2%	53 25.6%	60 26.0%	56 27.2%	221 25.7%
2-Highest	24 11.2%	26 12.6%	32 13.9%	21 10.2%	103 12%
	215	207	231	206	859

P=N.S.

APPENDIX D:
CALIFORNIA VEHICLE CODE:
DUI AND RECKLESS DRIVING
1975

Influence of Alcohol or Alcohol and Drugs Causing Death or Injury

23101. (a) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 60 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

Amended Ch. 1259, Stats. 1965. Effective Sept. 17, 1965.

Amended Ch. 92, Stats. 1972. Effective Mar. 7, 1973.

Influence of Alcohol or Alcohol and Drugs

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designated by the court, the court shall punish such person by a fine of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(d) Any person convicted under this section shall be punished upon a second or any subsequent conviction, within five years of a prior conviction, by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101, 23103, or 23106.

(e) If any person is convicted of a second or subsequent offense under this section within five years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars (\$1,000).

(f) In no event does the court have the power to absolve a person who is convicted of a second or subsequent offense under this section within five years of a prior conviction from the obligation of spending at least 48 hours in confinement in the county jail and of paying a fine of at least two hundred fifty dollars (\$250), except as provided in subdivision (g).

(g) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in subdivision (f).

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(h) The court may order that any person convicted under this section who is punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(i) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

Amended Ch. 1282, Stats. 1959. Effective Sept. 18, 1959.

Amended Ch. 1930, Stats. 1963, superseding Ch. 177, Stats. 1963. Effective Sept. 20, 1963.

Amended Ch. 1662, Stats. 1965. Effective Sept. 17, 1965.

Amended Ch. 92, Stats. 1972. Effective Mar. 7, 1973.

Amended Ch. 1125, Stats. 1973. Effective Jan. 1, 1974.

Amended Ch. 355, Stats. 1975. Effective January 1, 1976.

The 1975 amendment added the italicized material.

Prior-Conviction: Constitutional Validity

23102.2. (a) In any proceedings to have a prior judgment of conviction of a violation of subdivision (a) or (b) of Section 23102, or of subdivision (a), (b), or (c) of Section 23105, declared invalid on constitutional grounds, the defendant shall state in writing and with specificity wherein he was deprived of his constitutional rights, which statement shall be filed with the clerk of the court and a copy served on the prosecuting attorney at least five court days prior to the hearing thereon.

(b) The court shall, prior to the trial of any pending criminal action against the defendant wherein such prior conviction is charged as such, hold a hearing, outside of the presence of the jury, in order to determine the constitutional validity of the charged prior conviction issue. At such hearing the procedure, the burden of proof and the burden of producing evidence shall be as follows:

(1) The burden of proof remains with the prosecution throughout and is that of beyond a reasonable doubt.

(2) The prosecution shall initially have the burden of producing evidence of the prior conviction sufficient to justify a finding that the defendant has suffered such prior conviction.

(3) In such event, the defendant then has the burden of producing evidence that his constitutional rights were infringed in the prior proceeding at issue.

(4) If the defendant bears this burden successfully, the prosecution shall have the right to produce evidence in rebuttal.

(5) The court shall make a finding on the basis of the evidence thus produced and shall strike from the accusatory pleading any prior conviction found to be constitutionally invalid.

Added Ch. 1371, Stats. 1971. Operative May 3, 1972.

Repealed and added Ch. 1125, Stats. 1973. Effective Jan. 1, 1974.

Presentence Investigations

23102.3. (a) In the case of a first conviction of driving a motor vehicle upon a highway while under the influence of intoxicating liquor, any judge of a court may order a presentence investigation to determine whether a person convicted of such offense would benefit from treatment for persons who are habitual users of alcohol.

(b) Until January 1, 1974, in the case of a second or subsequent conviction of driving a motor vehicle upon a highway while under the influence of intoxicating liquor, any judge of a court may, and on and after January 1, 1974, shall, order a presentence investigation to determine whether a person convicted of such

offense would benefit from treatment for persons who are habitual users of alcohol.

(c) In any case, the court may order suitable treatment for the person, in addition to imposing any penalties required by this code.

Added Ch. 900, Stats. 1972 and Amended Ch. 1196, Stats. 1972. Effective Mar. 7, 1973.

Amended Ch. 1131, Stats. 1973. Effective Oct. 2, 1973 by terms of an urgency clause.

Reckless Driving

23103. Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving and upon conviction thereof shall be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than twenty-five dollars (\$25) nor more than two hundred fifty dollars (\$250) or by both such fine and imprisonment, except as provided in Section 23104.

Reckless Driving: Bodily Injury

23104. Whenever reckless driving of a vehicle proximately causes bodily injury to any person, the person driving the vehicle shall upon conviction thereof be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by both.

Drinking in Motor Vehicle

23121. No person shall drink any alcoholic beverage in any motor vehicle when such vehicle is upon any highway. As used in this chapter, alcoholic beverage shall have the same meaning as in Section 23004 of the Business and Professions Code.

Added Ch. 1903, Stats. 1961, Effective Sept. 15, 1961.

Possession of Opened Container

23122. No person shall have in his possession on his person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

Added Ch. 1903, Stats. 1961, Effective Sept. 15, 1961.

Amended Ch. 238, Stats. 1968, Effective Nov. 13, 1968.

Storage of Opened Container

23123. It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle, when such vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, unless such container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

This section shall not apply to the living quarters of a housecar or camper.

Added Ch. 1903, Stats. 1961, Effective Sept. 15, 1961.

Amended Ch. 238, Stats. 1968, Effective Nov. 13, 1968.

Possession of Alcohol in Vehicle: Person Under 21

23123.5. (a) No person under the age of 21 years shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless such person is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and is driving the motor vehicle during regular hours and in the course of his employment.

(b) No passenger in any motor vehicle who is under the age of 21 years shall knowingly possess or have under his control any alcoholic beverage, unless such passenger is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23090, of the Business and Professions Code), and such possession or control is during regular hours and in the course of his employment.

(c) If the vehicle used in any violation of subdivision (a) or (b) is registered to such person under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days for each violation.

(d) Any such person under 21 years of age found guilty under this section shall also have his driver's license suspended for not less than 15 days nor more than 30 days.

Added Ch. 1662, Stats. 1965. Effective Sept. 17, 1965.

Amended Ch. 881, Stats. 1972. Effective Mar. 7, 1973.

Possession of Alcoholic Beverage: Exceptions

23125. (a) The provisions of Sections 23121 and 23122 shall not apply to passengers in any bus, taxicab or the living quarters of a housecar or camper nor shall Section 23123 apply to the driver or owner of a bus or taxicab.

Driving While Intoxicated; Presumption

23126. (a) Upon the trial of any criminal action, or preliminary proceeding in a criminal action, arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time of the test as shown by chemical analysis of his blood, breath, or urine shall give rise to the following presumption affecting the burden of proof:

(1) If there was at that time less than 0.05 percent by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor at the time of the alleged offense.

(2) If there was at that time 0.05 percent or more but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor at the time of the alleged offense.

(3) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor at the time of the alleged offense.

(b) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(c) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor at the time of the alleged offense.

Added Ch. 231, Stats. 1969. Effective Nov. 10, 1969.

