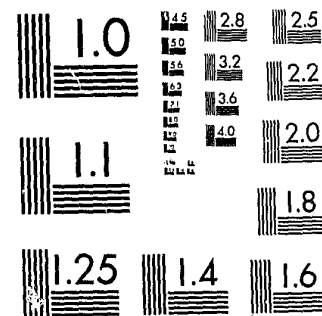


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X  
NEW COMMITMENTS IN 1979 FOR  
DRIVING WHILE INTOXICATED OR  
CRIMINALLY NEGLIGENT HOMICIDE  
INVOLVING DRIVING WHILE INTOXICATED

In order to provide basic data for the Governor's Task Force's analysis of the State's laws concerning Driving While Intoxicated, a June 1980 survey examined the case histories of all 20 new commitments to the Department in 1978 for Driving While Intoxicated or Criminally Negligent Homicide Involving Driving While Intoxicated. One of the most noteworthy findings of this preceding survey was that all 20 of these cases were committed from Upstate Counties. Although 77% of all 1978 new commitments were from New York City and the surrounding counties of Nassau, Rockland, Suffolk and Westchester, none of the 20 cases were committed from this nine county Metropolitan New York City Region.

Due to the particular interest focused on this variable of county of commitment, the present survey examined the counties of commitment of all 1979 new commitments for DWI and Criminally Negligent Homicide Involving DWI.

This report found that all of the 11 DWI cases received in 1979 were also committed from Upstate counties. As such, the findings of this present survey of 1979 commitments correspond with the findings of the previous survey of 1978 cases. None of the DWI commitments in 1978 and 1979 were received from the New York Metropolitan Region.

On the other hand, the findings of this survey of 1979 commitments does not correspond with the findings of the earlier study of 1978 commitments.

In 1978, none of the 5 Criminally Negligent Homicide cases involving DWI were received from the New York Metropolitan Area. On the other hand, 2 of the 5 s received in 1979 were from the New York City Area.

EMBER 1980

PREPARED BY DONALD G. MACDONALD  
DIVISION OF PROGRAM PLANNING, EVALUATION AND RESEARCH

82480

NEW COMMITMENTS IN 1979 FOR  
DRIVING WHILE INTOXICATED OR  
CRIMINALLY NEGLIGENT HOMICIDE  
INVOLVING DRIVING WHILE INTOXICATED

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ACQUISITIONS

In order to provide basic data for the Governor's Task Force's analysis of the State's laws concerning Driving while Intoxicated, a June 1980 survey examined the case histories of all 20 new commitments to the Department in 1978 for Driving While Intoxicated or Criminally Negligent Homicide Involving Driving While Intoxicated.\*

This earlier report reviewed the personal characteristics of these involved; their previous records of similar offenses (if any); and their institutional record in Department facilities. One of the most noteworthy findings of this preceding survey was that all 20 of these cases were committed from Upstate Counties. Although 77% of all 1978 new commitments were from New York City and the surrounding counties of Nassau, Rockland, Suffolk and Westchester, none of the 20 cases were committed from this nine county Metropolitan New York City Region.

In response to subsequent questions from this task force, the following listing of the county of commitment of these 20 offenders was subsequently prepared.

\* Russell and Macdonald, Persons Committed for Driving While Intoxicated or Criminally Negligent Homicide Involving Driving while Intoxicated - 1978 (NYS DOCS, 1980 ). For purposes of brevity, this report and the present survey utilizes the common abbreviation of "Driving While Intoxicated" or "DWI" instead of the full offense title of "Operating a Motor Vehicle While Under the Influence of Alcohol".

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COUNTY OF COMMITMENT  
1973 COMMITMENTS FOR DWI AND  
CRIMINALLY NEGLIGENT HOMICIDE INVOLVING DWI

<u>County</u>	<u>DWI</u>	<u>Criminally Negligent Homicide Involving DWI</u>	<u>Total</u>
Albany	4	-	4
Otsego	4	-	4
Chemung	1	-	1
Broome	1	-	1
Tompkins	1	-	1
Steuben	1	-	1
Herkimer	1	-	1
Jefferson	1	-	1
Orleans	1	-	1
Dutchess	-	1	1
Onondaga	-	1	1
Oneida	-	1	1
Orange	-	1	1
Ontario	-	1	1
	<u>15</u>	<u>5</u>	<u>20</u>

Due to the particular interest focused on this variable of county of commitment, the present survey examined the counties of commitment of all 1979 new commitments for DWI and Criminally Negligent Homicide Involving DWI.

Commitments in 1979 for Drinking While Intoxicated and Criminally Negligent Homicide Involving Drinking While Intoxicated. In 1979, 11 persons were committed for Drinking While Intoxicated and 5 persons were committed for Criminally Negligent Homicide Involving Drinking While Intoxicated.

County of Commitment. The table below indicates the county of commitment of these 16 cases.

COUNTY OF COMMITMENT  
1979 COMMITMENTS FOR DRINKING WHILE INTOXICATED AND  
CRIMINALLY NEGLIGENT HOMICIDE INVOLVING  
DRINKING WHILE INTOXICATED

County	DWI	Criminally Negligent Homicide Involving DWI	Total
Albany	4	-	4
Steuben	1	-	1
Chemung	1	-	1
Onondaga	1	1	2
Allegheny	1	-	1
Erie	1	-	1
Ontario	1	-	1
Washington	1	-	1
Kings	-	1	1
Nassau	-	1	1
Putnam	-	1	1
Madison	-	1	1
Total:	11	5	16

Comparison of County of Commitment: 1978-1979 Cases.

The summary table below compares the county of commitment of the 36 DWI and Criminally Negligent Homicide involving Drinking While Intoxicated received in 1978 and 1979. (The "New York Metropolitan Area" is defined as the 5 counties of New York City and the surrounding counties of Nassau, Westchester, Suffolk and Rockland).

County	DWI		Criminally Negligent Homicide Involving DWI		Total
	1978	1979	1978	1979	
Upstate Counties	15	11	5	3	34
New York Metro- polital Region	-	-	-	2	2
Total:	15	11	5	3	36

DWI Commitments in 1978-1979: All Upstate Counties. As illustrated by the preceding comparison table, all of the 26 DWI cases received in 1978 and 1979 were committed from Upstate counties.

As such, the findings of this present survey of 1979 commitments correspond with the findings of the previous survey of 1978 cases. None of the DWI commitments in 1978 or 1979 were received from the New York Metropolitan Region.

Criminally Negligent Homicide Involving DWI: 1978-1979. On the other hand, the findings of this survey of 1979 commitments does not correspond with the findings of the earlier study of 1978 commitments.

In 1978, none of the 5 Criminally Negligent Homicide cases involving DWI were received from the New York Metropolitan Area. On the other hand, 2 of the 5 cases received in 1979 were from the New York City Area.

Discussion. The findings of this survey of 1979 DWI commitments supports the concluding comments of the preceding survey of 1978 DWI cases, which raised questions on the possibility of significant variations in the enforcement of this legislation (at least in terms of commitments to State facilities) in different areas of the State. While it is beyond the scope of this report (and the mandate of this agency) to attempt a definitive analysis of regional differences in the incidence, arrest, conviction and commitment rates for Driving While Intoxicated (as well as alternate programs for DWI offenders), the findings of these two surveys indicate that such an analysis may be worthwhile.

With respect to commitments for Criminally Negligent Homicide involving DWI, this survey's findings (that 2 individuals were committed from the New York Metropolitan Area for this offense) suggests that 1978 data may not have been representative. (In 1978, no individuals were committed from the New York City Area for this crime).

In order to provide 1980 data on commitments for Criminally Negligent Homicide involving DWI (as well as DWI cases), a similar survey of 1980 new commitments will be conducted as soon as the commitment data is available.

END