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AN ANALYSIS OF JUDICIAL
SYSTEM PERFORMANCE
1976
Tampa ASAP Analytic Study #4

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| 16. Abstract The Hillsborough County judicial system responsible for processing DWI arrest cases and the system's relationship with the Tampa ASAP were described in detail. Judicial system structure and case flow as it existed in 1976 was emphasized, and major changes occurring throughout the operation period were noted. ASAP capias procedures were also discussed and capias activity was summarized. Traffic court performance in 1976, and changes in performance between 1973 and 1976 were examined. Data analyses were organized under the following evaluative topics: disposition of DWI arrest cases, relationship between BAC and disposition, punitive sanctions, referral performance, throughput (processing time), and profile of disposition groups. The traffic courts have maintained a high proportion of satisfactory outcomes (i.e., dispositions allowing court referral to treatment) throughout the operational years. In 1976 the satisfactory outcome rate (DWI plus UBAC convictions) was 86.3%. There was no significant difference in referral rates from 1973 to 1976. The annual percentage of conviction cases referred to treatment ranged between 61.1% and 63.9%. Overall system throughput efficiency improved slightly during the final operational year, largely as a result of a decrease in the processing time for DWI conviction cases between 1975 and 1976. | | | | | |
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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 lb = 16 oz (exact). For other exact conversions, and more detailed tables, see GPO Manual, Part 286, Units of Weights and Measures, Page 52-29, 30, and map page 1-1, 1-29.

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 |
| km ² | square kilometers | 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 | 0.26 | 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 |

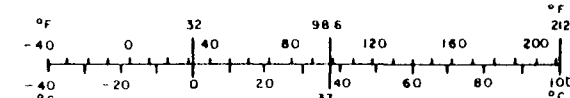


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AN ANALYSIS OF JUDICIAL SYSTEM PERFORMANCE

Analytic Study #4, 1976

Executive Summary

The Hillsborough County judicial system responsible for processing DWI arrest cases, and the system's relationship with the Tampa ASAP and the alcohol rehabilitation community were described in detail. Judicial/rehabilitation system structure and case flow as it existed in 1976 was emphasized, and major changes occurring throughout the operational period noted. Other descriptive topics included: the mandatory adjudication law, temporary drivers license procedure, jury trials, appeal procedures, and ASAP judicial funding. ASAP capias procedures were also discussed and capias activity was summarized. Of the 971 capias issued, 58.6% were still outstanding as of 2/14/77, however of the 402 non-outstanding cases, 73.4% were returned to the ASAP system.

Traffic court performance in 1976, and changes in performance between 1973 and 1976 were examined. The results of performance analyses are summarized below by evaluative topic.

Disposition of DWI Arrest Cases:

- 1) The total caseload increased steadily over operational years: 5,816 to 6,760 to 6,975 to 7,099 (1973 - 1976 respectively).
- 2) The mandatory adjudication law which became effective on January 1, 1975 was responsible for a decrease in the proportion of guilty DWI dispositions (from 92.8% in 1973 and 92.4% in 1974, to 69.9% in 1975 and 64.8% in 1976), and an increase in the proportion of guilty lesser charge dispositions (from 4.7% in 1973 and 5.4% in 1974, to 23.0% in 1975 and 29.9% in 1976). In general, the last two operational years showed a slight increase in total non-conviction dispositions. Specific 1976 non-conviction disposition rates were as follows: acquitted 1.8%, dismissed 0.7%, and nolle prossed 2.8%.
- 3) The 1976 guilty lesser charge dispositions consisted of 71.5% UBAC convictions, 27.2% reckless driving convictions and 1.3% careless driving convictions. The 1976 satisfactory outcome rate (DWI plus UBAC) was 86.3%. A high proportion of satisfactory outcomes has been maintained throughout the operational years.
- 4) The 1976 DWI conviction rates were 99.1% for cases disposed at preliminary presentations, 56.6% for cases disposed at non-jury trials, and 17.6% for cases scheduled for jury trials but settled out of court.

- 5) There was no practical difference between the 1976 DWI conviction rates for ASAP and non-ASAP officers, however ASAP officers had a higher conviction rate for lesser offenses. Overall conviction rates were 97.4% for ASAP officers and 93.6% for non-ASAP officers, suggesting that ASAP officers were slightly more successful in obtaining satisfactory outcomes in court.

Relationship Between BAC and Disposition: The comparison of 1976 disposition rates between arrest BAC levels indicated:

- 1) As arrest BAC levels increased the DWI conviction rate increased and the non-conviction disposition rate decreased. Lesser charge convictions were most common in the .05 - .19 BAC range. Only 4.5% of the cases with BAC's over .19 were reduced to a lesser charge.
- 2) The overall conviction rate (DWI and lesser charge) was 38% for cases with BAC's less than .05, and 71% for cases with BAC's less than .10.
- 3) Cases with BAC's greater than .19 had a .93 probability of conviction on the DWI charge.
- 4) Average arrest BAC's for 1976 were as follows: guilty DWI .188, guilty lesser charge .140, non-conviction disposition .100, and total dispositions .169.

The analysis of the distribution of dispositions by years for selected BAC levels showed little difference between 1975 and 1976 but indicated large differences between 1974 and 1975 due to the mandatory adjudication law which became effective in January, 1975.

- 1) For cases with BAC's below .10 there was no difference in the distribution of dispositions between 1975 and 1976.
- 2) There was no difference in the distribution of dispositions between 1975 and 1976 for cases with BAC's between .10 and .14.
- 3) There was some evidence that trends which began in 1975 for cases with BAC's greater than .14 continued in 1976. As compared to 1975 guilty DWI rates decreased from 82 to 76%, guilty lesser charge conviction rates increased from 15 to 22%, and non-conviction rates remained about the same.

The analysis of BAC test taken vs. BAC test refused cases indicated:

- 1) There was a slightly higher DWI conviction rate for offenders who refused the BAC test than for those who

took the test in 1976 but this difference was considered minor. There were no significant differences in final disposition of test taken and test refused cases in each of the years 1973 to 1975.

Punitive Sanctions:

- 1) DWI convictions generally resulted in higher fines than lesser charge convictions. 27.6% of the DWI conviction cases and 65.4% of the lesser charge conviction cases had fines less than \$100. The average fine, where assessed, was \$156.70 for a DWI conviction and \$81.26 for a lesser charge conviction.
- 2) Jail was far less frequently used as a punitive sanction than fine: 75.0% of the offenders convicted of DWI and 98.6% of the offenders convicted of lesser charges received no jail sentence. Jail sentences were imposed more frequently for DWI convictions and average jail sentence, where imposed, was slightly longer for DWI convictions (27.1 days) than for lesser charge convictions (24.0 days).
- 3) The average fine, where assessed, for specific lesser offenses were as follows: UBAC convictions \$86.48, reckless driving convictions \$69.15, and careless driving convictions \$28.83.
- 4) 28.8% of the offenders convicted of DWI at preliminary presentations and 12.2% of the offenders convicted of DWI at non-jury court trials were not assessed fines. While fines were less frequently assessed at preliminary presentations, the average fine, where assessed, was similar for the two court session types (\$165.02 and \$153.78, preliminary and non-jury trial sessions respectively). Jail sentences were imposed more frequently at preliminary presentations (50.5% of the convicted DWI's at preliminary sessions versus 14.6% of the convicted DWI's at non-jury trial sessions received jail terms) but the average jail term, where imposed, was longer for non-jury trial convictions (21.4 days and 35.2 days, preliminary and non-jury sessions respectively).

Referral Performance:

- 1) In 1976, 65.5% of the DWI conviction cases and 60.5% of the guilty lesser charge cases were referred to a retraining/rehabilitation program.
- 2) There has been no significant change in the overall referral rates for the years 1973 to 1976 (62.8%, 61.1%, 63.9%, and 63.9% respectively).

Throughput: Analysis of case processing time indicated the following:

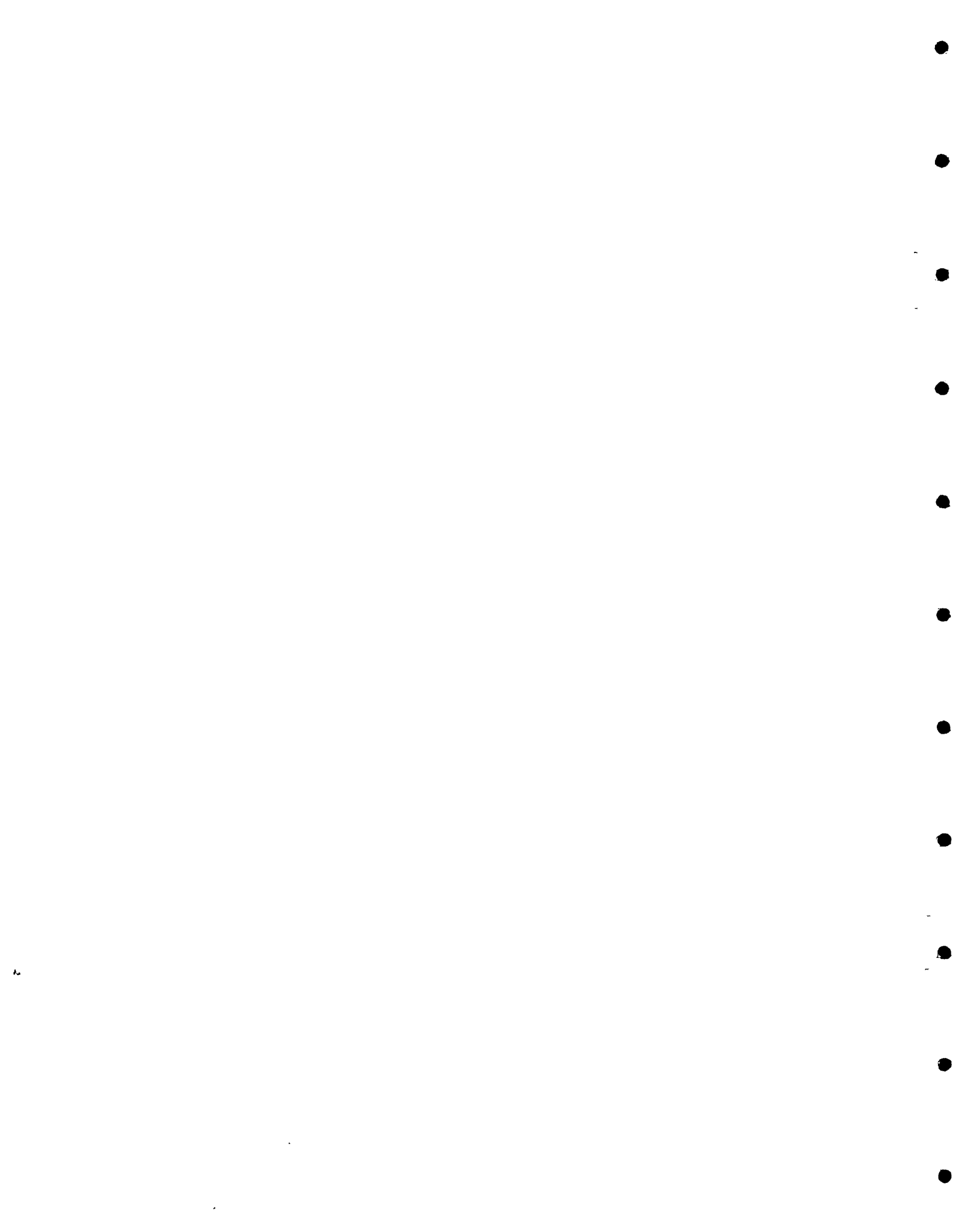
- 1) In 1976, 50% of all cases resulting in a guilty DWI disposition reached final disposition within 33.8 days of arrest, 50% of all cases resulting in a guilty lesser charge disposition reached final disposition within 52.0 days, and 50% of all cases resulting in non-conviction dispositions reached final disposition within 64.5 days of arrest. Also, 29.1% of the guilty DWI cases were adjudicated within 7 days of arrest while only 2.2% of the guilty lesser charge cases and 4.5% of the non-conviction cases reached final disposition within 7 days. The difference primarily resulted from pleas of guilty DWI taken at preliminary presentations. Cases contested at preliminary presentations were normally continued for adjudication at non-jury trials.
- 2) Processing efficiency for guilty DWI cases improved in 1976 as compared to 1975. Median days from arrest to final dispositions were 37.8, 32.2, 46.1, and 33.8 in 1973, 1974, 1975, and 1976 respectively. The throughput for guilty lesser charge and non-conviction dispositions also seemed to improve slightly in 1976 as compared to 1975. For guilty lesser charge cases median processing days were 53.5, 54.5, 55.1 and 52.0 in 1973, 1974, 1975 and 1976 respectively while median processing days for non-conviction cases were 74.0, 56.5, 66.0, and 64.5 in 1973, 1974, 1975, and 1976 respectively.
- 3) Overall judicial system case processing efficiency decreased substantially in 1975 (the year in which the mandatory adjudication law became effective and the greatest number of DWI arrests to date were made). But efficiency began to improve slightly in 1976. The proportions of all final decisions reached within one month of arrest were 41.9%, 46.2%, 26.1%, and 37.1% in 1973 to 1976 respectively. Median processing days were 39.4, 33.6, 49.3, and 42.5 for 1973 to 1976 respectively for all final dispositions.

Profile of Disposition Groups:

The profile comparison of 1976 disposition groups indicated the following:

- 1) Older DWI offenders had a higher likelihood of a guilty DWI disposition than younger offenders (those under 20 years of age in particular). However, the older offenders also had a much higher percentage of arrest BAC's above .19 as compared to younger persons arrested for DWI. This difference probably accounted for much of the difference in final disposition rates. Average ages were as follows: DWI convictions 37.4, lesser charge convictions 35.7, non-conviction dispositions 30.7, and total dispositions 36.5.

- 2) Black offenders had a higher DWI conviction rate than white offenders (80.8% vs. 61.6%). Black offenders also had a higher proportion of cases with arrest BAC's above .24, but this difference did not seem to fully account for the differences in disposition rates. Probably other factors which may be related to race were involved in creating the differing disposition rates, such as the inability to afford private counsel. 18.3% of all final dispositions were black.
- 3) There were no differences in disposition rates between males and females. Further, there were no differences in arrest BAC distributions for males and females. 11% of all final dispositions were female.



I. INTRODUCTION

The Tampa Alcohol Safety Action Project's (ASAP) ability to function within Hillsborough County is dependent on the cooperation and efficient performance of the traffic courts. In order to successfully demonstrate the effectiveness of a systematic, multi-countermeasure approach to the drinking-driving problem, traffic court judges must adjudicate offenders on a timely basis and refer guilty individuals to the appropriate rehabilitation/retraining programs. Failure to meet these performance requirements would not only prevent many problem drinkers from receiving needed treatment, but would eventually discourage alcohol-related (A/R) traffic arrests. The present analytic study provides a description of the procedures and activities of the Hillsborough County traffic court system from 1973 through 1976. Data analyses address judicial system performance as it relates to the objectives of the Tampa ASAP.

A. Judicial System Structure and Case Flow

An illustration of the Tampa judicial/rehabilitation system and case flow is presented in Figure 1. This illustration emphasizes the system as it existed at the end of 1976, with major changes occurring throughout the operational period being noted. In the text below, the case flow is described and atypical procedures are discussed where appropriate.

All arrests for driving while intoxicated (DWI) originated with the halting of a vehicle after the observation of a traffic infraction. Florida's law requires probable cause, which is routinely demonstrated by a traffic infraction. After the field sobriety test (typically; finger-to-nose, picking up coins, walking, balance), the motorist was either given a traffic citation, released, or informed that he was under arrest for DWI and would be transported to jail. At the Central Breath Testing Laboratory adjacent to the jail facility, a blood alcohol concentration (BAC) test was offered and either completed, or a refusal was noted. This being completed, the individual was booked and

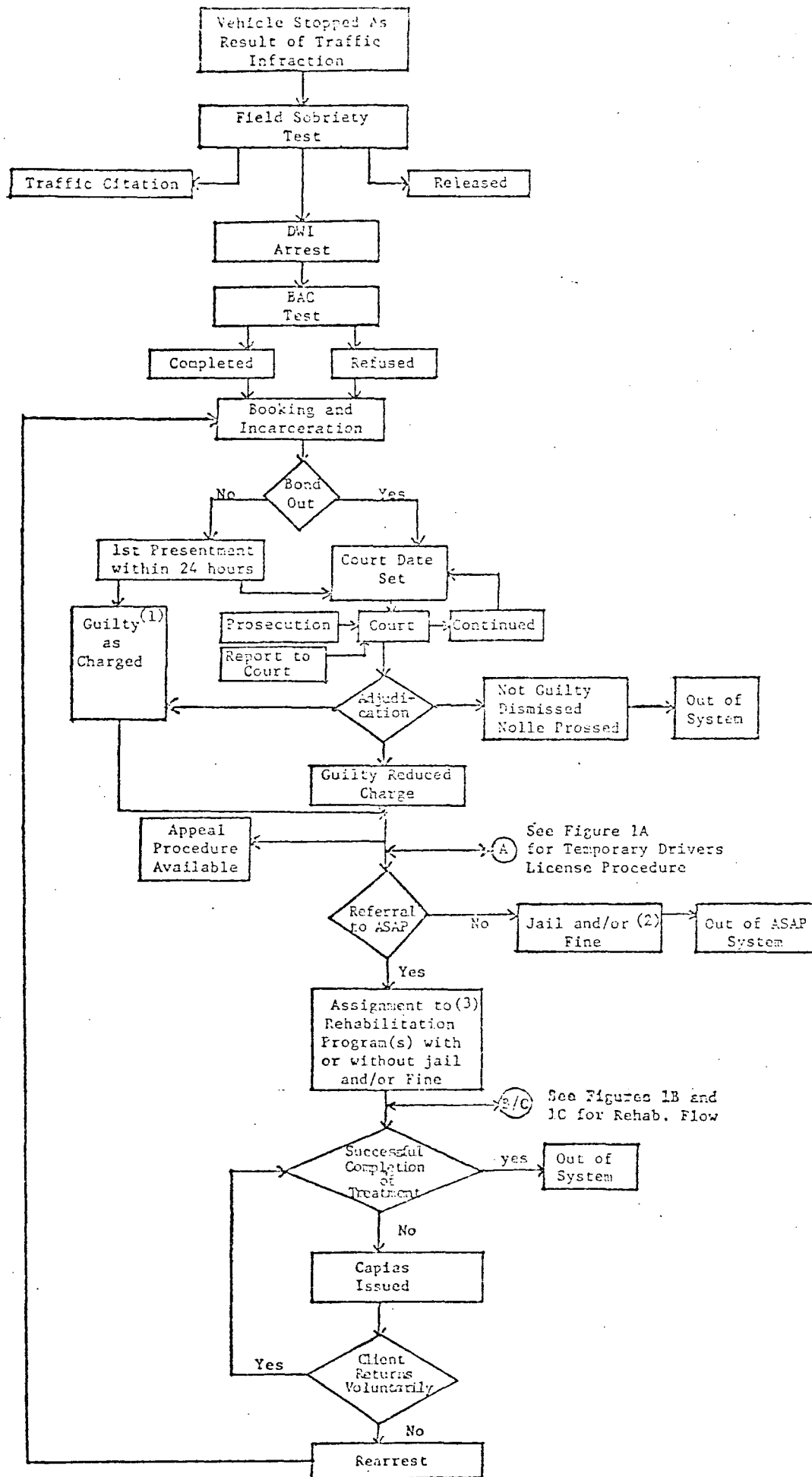
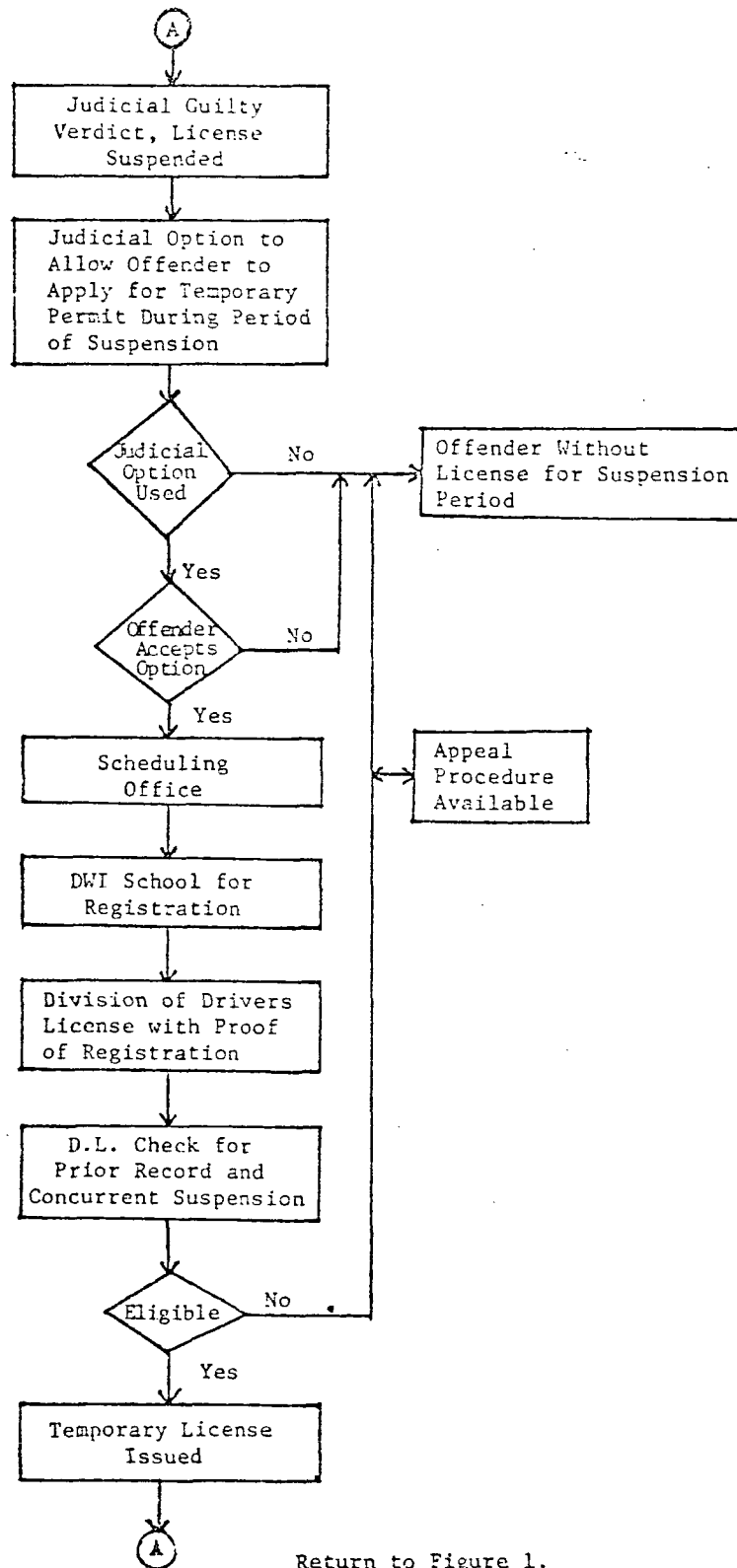


FIGURE 1
Judicial/Rehabilitation System Flow
Texas ASAP

TEMPORARY DRIVERS LICENSE PROCEDURE (4)



Return to Figure 1.

FIGURE 1A

FLOW FOR ALL NON-RESEARCH DESIGN CLIENTS

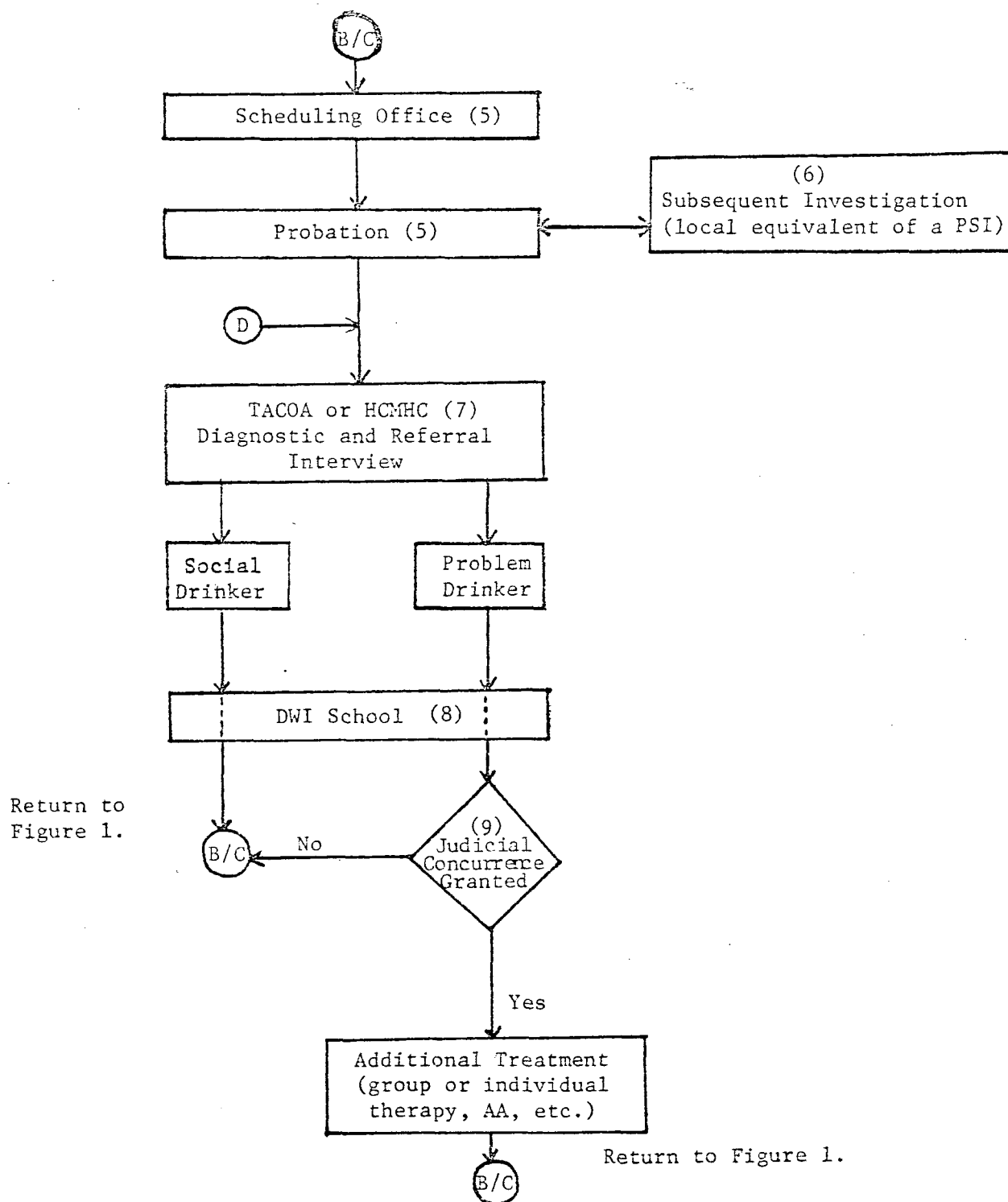


FIGURE 1B

FLOW FOR ALL RESEARCH DESIGN CLIENTS:
Six-Months Court Orders Only

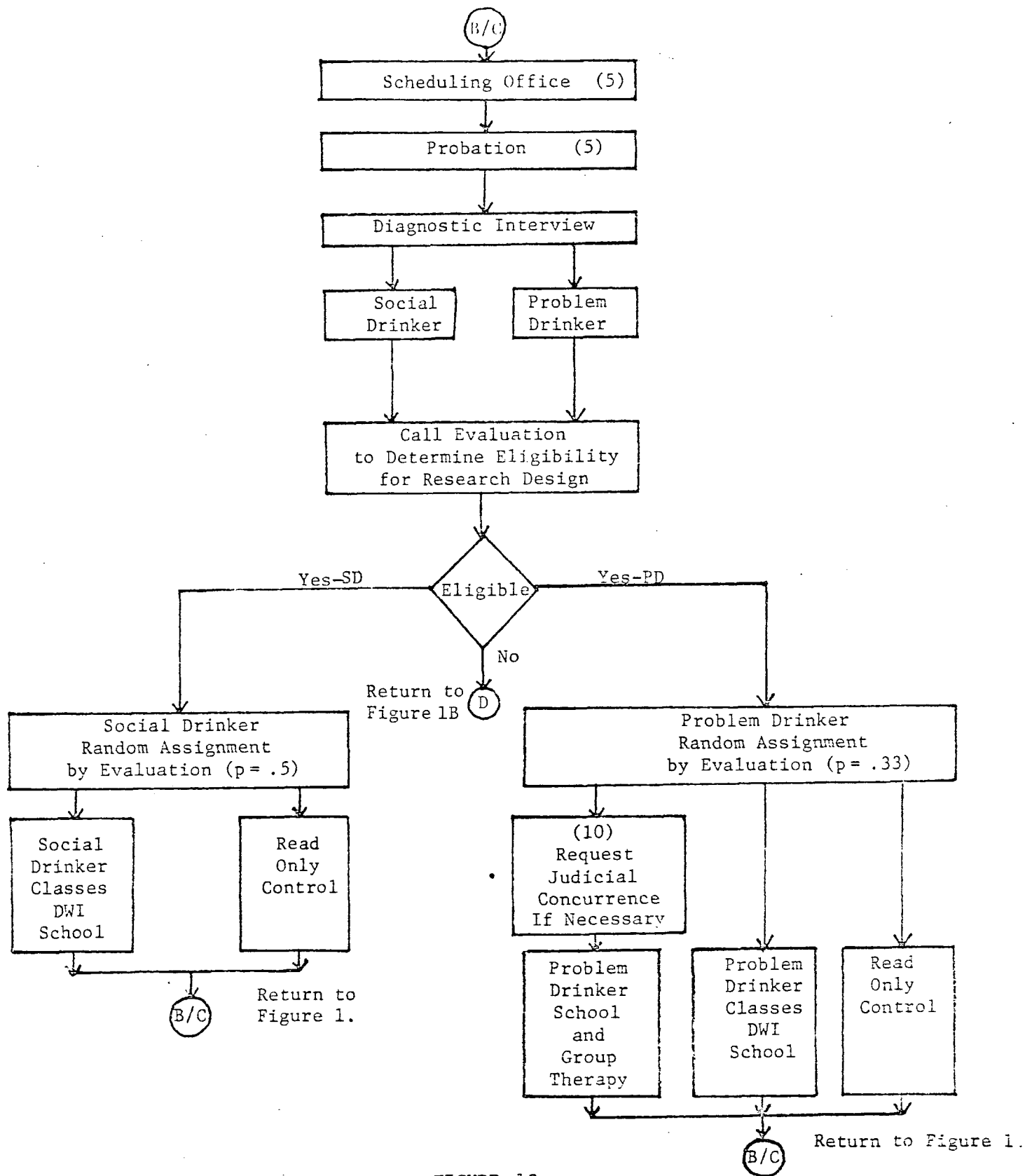


FIGURE 1C

NOTES FOR JUDICIAL/REHABILITATION SYSTEM FLOW CHART

- (1) To December 31, 1974: "Guilty" typically meant that adjudication was withheld and the defendant was referred to probation (and possible diagnosis/rehabilitation). Where concurrent referrals to probation were absent, "guilty" meant a formal, recorded DWI conviction.

January 1, 1975 forward: Mandatory adjudication law takes effect, all guilty dispositions are recorded convictions.

- (2) Convicted individuals could be assessed jail and/or fine with or without probation (or probation only until 7/1/75).
- (3) Most clients were court ordered to the diagnostic unit with subsequent referral to DWI school, and if appropriate, additional treatment. A few clients, however, were referred directly to DWI school.
- (4) Effective 1/1/75 forward. Procedure was independent of any court ordered treatment referrals.
- (5) Probation was actual until 7/1/75 when State eliminated misdemeanor probation. After 7/1/75, judges selected Phase I or II court orders providing six months "unsupervised" probation or a Phase III court order providing two years of "unsupervised" probation. Monitoring of compliance with court order was left to the treatment agencies.

ASAP-sponsored scheduling office became operational 10/1/74. Prior to this time scheduling was done by probation officers. Between 10/1/74 and 7/1/75 (when probation was eliminated) clients went from court to the scheduling office (for assignment to diagnostic interview), and then to probation. After 7/1/75 clients went directly from the scheduling office to the diagnostic interview. Scheduling for DWI school and additional treatment was done by the diagnostic unit.

- (6) Eliminated 7/1/75.
- (7) To 10/30/74: While shown preceding DWI school, it could have occurred either before, during, or after school.
- Beyond 10/30/74: It always occurred prior to school.
- Diagnostic agency changed from TACOA to HCMHC in 9/75.
- (8) After 11/74, separate curricula were used for social and problem drinkers.
- (9) Judicial concurrence for treatment (in addition to DWI school) was required at the judges' discretion. Requests for concurrence were initiated at the diagnostic interview.
- (10) Clients remained in research design groups (school + therapy) whether or not judicial concurrence was received.

incarcerated. The individual's auto was impounded. The Tampa Police required impounding, while the Florida Highway Patrol had the option of releasing the car to an authorized individual (with the owner's permission). In the case of release of the auto, the recipient was either in the auto at the time of arrest, or arranged to pick up the car at the scene of the arrest.

After booking, the offender had the option to bond. Time restrictions prior to bond varied, but averaged two hours minimum. If the offender was able to post bond, he was released. He was reminded that the court date on his citation was binding, but should he decide to change it he could do so through the "Violations" office. The court date entered on the citation was usually six weeks from the date of arrest. Those who did not bond out were brought before the judge within 24 hours. At that point (commonly called "First Presentment") a plea was taken. If the plea was guilty, the case was disposed of at that time, in the same manner which applied to dispositions of guilty at any other point in the process. If a not guilty plea was entered, a court date was set, and the decision was made concerning the individual's release from incarceration. If the judge did not feel release was warranted, the trial date was set (usually within two weeks), and the person returned to jail. It should be noted that only the judge and probation staff were present at First Presentments. Neither law enforcement nor prosecution were required to attend.

Assuming a court date had been set, a non-jury trial took place on that date with law enforcement, prosecution and defense attorneys present. Unless a continuation was granted, the case was adjudicated and sanctions were imposed in one court session. Mandatory adjudication for alcohol-related offenses became effective January 1, 1975. This particular change in the State law had a profound effect upon Hillsborough County residents. Prior to that date, judges traditionally withheld adjudication of DWI charges, enabling them to treat the defendant as though he was found guilty (and thus enforce court ordered rehabilitation),

without the guilty verdict and subsequent points being added to the individual's driving record maintained in Tallahassee. Under that structure, the defendant kept his driver's license. Defendants frequently lost their driving privileges and had the conviction entered on their driving record if they failed to comply with the conditions of court ordered rehabilitation programs.

The chief criticism of the adjudication withheld procedure was that the individual did not have an official record of the DWI conviction. Thus, second offenders were rare, and law enforcement as well as other interested individuals were able to document a series of instances where individuals had been arrested and processed for alcohol-related offenses many times in the past, but because of the adjudication withheld structure, had continued to maintain their driver's license. In addition, the State of Florida has a "habitual offender" act, which automatically terminates the driving privilege based upon a series of offenses within specific time periods. Depending upon the offenses involved, that law can result in either a one year or five year revocation. Obviously, the ability of that law to fulfill its intent was severely weakened by the absence of convictions being recorded on the driving record.

With mandatory adjudication, an additional offense was added to the Florida statutes. That offense was "driving with an unlawful blood alcohol level" (UBAC in local nomenclature), which carried lesser penalties. Intended as an option when the blood alcohol level was between .05 and .10, the eventual language of the statute allowed plea bargaining in the .05 to .20 range. The DWI statute was altered to include per se guilt at .20. The "presumptive" nature of .10 remained in the DWI statute.

Beginning on June 16, 1975, the Tampa ASAP provided traffic court judges with a "Report to Court" form at each non-jury DWI trial. This form, shown in Appendix A, indicated the current arrest BAC (or refusal) for each offender as well as prior DWI arrests and prior court referrals to treatment/retraining programs, thus supplementing the information provided by the State DMV

standard records check. The judges utilized these data in determining appropriate sanctions, and in particular rehabilitation referrals.

Although the vast majority of court trials were non-jury, procedures were available for obtaining a trial by jury. Furthermore, a guilty decision, regardless of the type of traffic court session in which it occurred, could be appealed in higher courts. The procedures for obtaining a jury trial and appealing a judicial decision are delineated in subsequent sections of this report.

Included in the mandatory adjudication statute which became effective in the State of Florida on January 1, 1975, was a procedure by which a defendant could obtain a temporary driver's license should the defendant be convicted of an alcohol-related offense after the first of the year. Figure 1A presents this procedure in graphical form. (All guilty verdicts for alcohol-related offenses after January 1, 1975 carried with them mandatory license suspensions.) In such cases, a judicial option existed for allowing the defendant to apply for a temporary driving permit during the period of suspension. It is important to note that the temporary driver's license procedure was independent of any court ordered treatment referral which required a six month or two year "unsupervised" probationary period and a diagnostic interview (unless the judge chose to bypass the interview and order the individual directly into the DWI school). Evaluation has no data on the frequency with which judges exercised the temporary permit option, but the general impression was that the option was used in the majority of cases.

Once a judge had decided to use the option open to him, he presented to the defendant a form for obtaining the temporary permit. At this point, the defendant had the option to comply with the regulations on the form, or simply to ignore them. If the defendant chose not to apply for his temporary license, he was of course without a license for the period of suspension.

For those defendants who applied for their temporary license, they first visited the scheduling office (if court ordered rehabilitation was also part of the judicial disposition) or went directly to the DWI school. Once at the school, the defendant obtained a short form indicating his registration. This form was taken to the Division of Drivers License and presented to the licensing examiner along with the form received from the judge. Driver license examiners routinely checked all individuals so applying. If the driving record indicated there were no concurrent suspensions, or that the defendant had not been refused the privilege of driving for any other reason, the individual was judged eligible and issued a temporary permit.

The temporary permit procedure was not a carte blanche arrangement; rather, specific criteria had to be met in order to comply with the Department of Highway Safety and Motor Vehicles procedures, as specified in State law. The most frequent reason for issuing the temporary permit was "business purposes only". "Business purposes only" was interpreted locally to include travel to and from work, in addition to such necessary activities as grocery shopping and attendance at any court ordered rehabilitation.

Individuals denied the temporary permit by the driver license examiner did have the option of appealing through the court to the Department of Highway Safety and Motor Vehicles. When such appeal was made, the Department of Highway Safety and Motor Vehicles held a hearing within 14 days of the date of the appeal to determine the eligibility status of the client. During the 14 day period, a complete background investigation was made on the client, and that information was used during the hearing to make the decision regarding the issuance of a temporary permit.

The period of suspension after conviction of an alcohol-related offense varied. If the defendant was convicted of first offense DWI, the suspension period was 90 days. If the individual was

convicted of UBAC (driving with an unlawful blood alcohol level) the suspension period was 30 days. There have been some as yet undocumented reports which indicated that some individuals convicted of UBAC simply chose not to exercise the option of applying for a temporary permit for the 30 day suspension. In the absence of court ordered rehabilitation, they successfully avoided attendance at the school in this fashion.

If a judge decided to assign a guilty offender to ASAP rehabilitation programs prior to 1/1/75, the typical judicial procedure for assuring the client's cooperation was to withhold adjudication and place the client on probation. Punitive sanctions, typically fines, were assessed at the judge's discretion. In this manner, attendance at the diagnostic interview, DWI school, and any additional treatment recommended by the ASAP-sponsored diagnostic unit were incorporated into the conditions of probation, and thereby given the status of court ordered requirements. Two types of probation/court orders were used specifying either unsupervised or supervised (reporting) probation.

Under this situation, probation could function as the enforcement arm of the court, requiring attendance at school, the interview, etc., and issuing rearrest orders for non-compliance. Probation personnel also appeared at all probation revocation hearings (the inevitable result of a rearrest order properly served), and reported the individual's progress through rehabilitation, and recommended continuation of probation or revocation. Revocation typically resulted in jail, fine, loss of license or all three, and the guilty verdict being entered on the driving record.

After 1/1/75, all ASAP clients were formally convicted of DWI or UBAC and placed on either supervised or unsupervised probation (at the discretion of the court). During the first six months of 1975 there were probation officers available to monitor the progress of convicted DWI offenders through the rehabilitation

programs. In actuality, however, there was little active monitoring of DWI cases by the State Probation and Parole Office. When the State eliminated all misdemeanor probation after 7/1/75, the monitoring of compliance with court order requirements was left totally to the treatment agencies. The *capias* procedure, developed by ASAP and the courts for enforcing participation in court ordered treatment programs after the elimination of misdemeanor probation, is discussed in detail in a subsequent section of this study.

Shortly before the elimination of misdemeanor probation a new set of court orders was designed. The three types of court orders in use from the second quarter of 1975 through July of 1976, called Phase I, II, and III, are shown in Appendix B. All three court orders required attendance at the ASAP-sponsored diagnostic interview and DWI school. The Phase I and II court orders specified six months of unsupervised probation. Clients violating the conditions of the court order were in contempt of court. Phase I and II court orders differed in only one respect: if additional alcohol treatment (beyond school) was determined to be appropriate for Phase I clients, the treatment recommendations had to receive judicial concurrence. Concurrence was obtained through an administrative procedure in which the judges periodically reviewed Phase I court orders received from ASAP. On a Phase II court order all treatment recommendations made by the diagnostic counselors automatically became part of the court order and judicial concurrence was not necessary. The Phase III court order was similar to the Phase II in that judicial concurrence was not necessary, however the Phase III court order provided two years of unsupervised probation.

Tampa ASAP made recommendations concerning the appropriate court orders for DWI offenders on the Report to Court. ASAP recommended Phase I for first time offenders with BAC's less than .15. Phase II was recommended for individuals with BAC's \geq .15 and/or prior DWI arrests but with no prior ASAP treatment experience. Phase III court orders were recommended for individuals with prior

ASAP treatment experience. All court orders were implemented, of course, at the discretion of the presiding judge.

Although the traffic court judges frequently placed clients on Phase I court orders automatically requiring judicial concurrence, subsequent requests for concurrence were rarely denied. Consequently, in August of 1976 ASAP revised the court orders to expedite the referral process. The revised Phase I six-months court order no longer required judicial concurrence for treatment referrals unless the judge specifically indicated this requirement on the court order. The revised Phase II court order was essentially equivalent to the old Phase III specifying two years of unsupervised probation. The revised court orders are shown in Appendix C.

Guilty individuals who were not referred to the ASAP rehabilitation system typically received a license suspension, a fine, and occasionally a jail sentence. Until 7/1/75, non-referred individuals could be put on active probation with or without punitive sanctions. Furthermore, effective 1/1/75 non-referred individuals were often given the opportunity to obtain a temporary driving permit by voluntarily enrolling in DWI school, as previously discussed.

For court-referred clients, the normal (non-research design) case flow is depicted in Figure 1B. The ASAP-sponsored scheduling office became operational as of 10/1/74. Prior to this time the scheduling of ASAP clients was performed by probation officers. Between 10/1/74 and 7/1/75 clients went from court to the scheduling office (where they were assigned a date for the diagnostic interview), and then to probation. After 7/1/75 clients went directly from the scheduling office to the diagnostic interview. Scheduling for DWI school and additional treatment was done by the diagnostic unit.

The subsequent investigation completed by probation (shown in Figure 1B) was not directly used by ASAP, but was used by probation and the court, particularly where revocation hearings were involved, or where the individual was a repeat offender.

This procedure was eliminated along with all misdemeanor probation functions in 7/1/75.

The primary source of referral decisions in the Tampa ASAP was the diagnostic and referral interview conducted by the Tampa Area Council on Alcoholism (TACOA) until September, 1975, at which time this function was assumed by the Hillsborough Community Mental Health Center (HCMHC), Alcoholism Services Division. This interview was approximately one hour in duration.

Prior to June, 1975, the determination of drinking problem severity was primarily based on the results of the Mortimer-Filkins questionnaire and interview and the clients BAC at time of arrest. With the initiation of the ASAP Report to Court, prior arrest and prior treatment data were made available to the diagnostic counselors. The end product of the diagnostic process was the classification of clients as social or problem drinkers. Upon completion of the diagnostic portion of the interview, all ASAP clients were scheduled to attend alcohol safety school conducted by DWI Counter-attack, Inc. After 11/74 separate curricula were used for social and problem drinkers. Special classes were also available for illiterate, Spanish speaking, and youthful offenders. The diagnostic counselors also made a determination as to the most appropriate alcohol treatment alternative (beyond school) for problem drinker clients. When required, judicial concurrence with treatment recommendations had to be obtained before clients could be officially scheduled into rehabilitative programs. If concurrence was not granted, the clients' participation in the ASAP rehabilitation system ended with the successful completion of DWI school.

It should be mentioned that although Figure 1B shows the diagnostic and referral interview preceding DWI school, prior to 10/30/74 it could have occurred either before, during, or after school. In this situation clients were usually referred directly to DWI school from the courts and the probation office. However, after 10/30/74, the interview always occurred prior to school.

Figure 1C illustrates the temporary modifications of the normal case flow and treatment decision process necessitated by the requirements of Tampa ASAP's rehabilitation research design. This research design, applicable only for clients on six-months court orders, was in effect from January, 1975 through June, 1976. Upon completion of each diagnostic interview, the counselor called the ASAP evaluation group to determine the client's eligibility for inclusion in the research design. Much of this pre-screening process was accomplished by the diagnostic counselor during the course of the interview. For example, if a client was determined to be illiterate or Spanish speaking, or if a client had previously participated in court enforced rehabilitation programs he was excluded from the research design. The evaluation staff made a confirmatory search of the client files for previous participation in treatment/retraining programs, answered any questions a counselor might have had about the criteria for eligibility, and then made the final decision to include or not include an individual in the research design.

Social drinkers included in the design were then assigned by ASAP evaluation on a random (equal probability) basis to DWI school social drinker classes, or to a special "read only" minimum exposure condition in which individuals received educational materials to be read at home.

Problem drinker design clients were assigned on a random basis to DWI school problem drinker classes, to "read only", or to problem drinker classes plus group therapy. The therapy program was the short term didactic and group therapy conducted by HCMHC: Alcoholism Services Division.

Those individuals not eligible for the research design were referred to the treatment/retraining programs determined appropriate by the diagnostic counselors, as was discussed with Figure 1B.

Judicial System Re-Organization: The most significant departure from the system described in Figure 1 existed prior to January 1, 1973. Prior to that date, three independent court systems were in effect in Hillsborough County. The Municipal Courts processed all misdemeanor arrests made by the Tampa Police Department, while the Justice of the Peace courts processed all misdemeanor arrests made by other law enforcement agencies. Circuit Courts handled jury trials and felony cases. Separate booking facilities and jails also existed. Court consolidation created by a constitutional amendment made all courts State courts, subject to State rules and procedures and abolished all Municipal and JP courts.

B. ASAP Judicial Funding

Beginning May 1, 1973, ASAP funds were provided for three prosecutors in the Traffic Division of the State Attorney's Office, specifically to cover alcohol-related cases and in particular ASAP alcohol-related cases. Tampa ASAP did not create new prosecution positions, but rather provided financial assistance to existing positions; leaving the total number of prosecutors unchanged, but reducing the financial responsibility of the State. This situation changed little in 1974, with the exception that the Traffic Division of the State Attorney's Office varied in size from three prosecutors (which was its total strength in 1973) to four prosecutors for eight months of 1974, three prosecutors for three months, and five prosecutors for one month in 1974, for an overall average of 3.8 positions. The special prosecution countermeasure was terminated after 1974.

During the last six months of 1973 and the first six months of 1974, the Tampa ASAP funded a nine-man unit within the State Probation and Parole Office to deal specifically with DWI cases referred to ASAP rehabilitation. Complete descriptions and performance analyses of the special probation and prosecution countermeasures can be found in Chappell, J. E., and Blount, W. R., An analysis of judicial system performance, GTASAP Technical Report 122875:CT, December 28, 1975.

ASAP funds were expended in 1975 and 1976 for the maintenance of the judicial/rehabilitation tracking system, a client file used by ASAP management to produce the Report to Court.

A judicial seminar was conducted in early May, 1975 under the direction of Tampa ASAP and Indiana University. Representatives of ASAP treatment modalities, the medical community, the legal profession, the legislature, and the probation office were contributors to the seminar.

C. Jury Trials

The procedure for obtaining a jury trial for an alcohol-related traffic offense is fairly simple in the State of Florida. Since all alcohol-related cases first go to the Traffic Division of County Court, all the defendant (or his attorney) need do is to file a petition for a jury trial. If possible, the petition is preferred in writing, but may be accepted orally by any judge currently serving in the Traffic Division. If the petition has not been filed prior to the court date, the defendant or his attorney may move for a jury trial when the defendant appears in court for the first time.

Under Florida law (322.262 (4) F.S.), an individual's right to trial by jury is considered to be waived if his petition for jury trial is: 1) not made in good faith, 2) made to obtain a delay, or 3) if real harm would be done to the public by granting the petition. Thus, the judge has the prerogative of denying the motion for a jury trial under the above criteria. Both the defendant and the State have the right to appeal the judge's decision, and also have the right to petition for jury trial at the appellate level.

When a motion for jury trial is received and accepted, the case is transferred to the Criminal Misdemeanor Division of County Court and a trial date is set in that division.

County Court has three sections: Traffic, Criminal Misdemeanor, and Civil. Thus, requests for jury trials after March 15, 1976 do not leave County Court (as do appeals) but rather simply transfer from the Traffic Division to the Criminal Misdemeanor Division of County Court. Between January 1, 1975 and March 15, 1976, jury trials were held in the Traffic Division itself by the same judges who heard non-jury proceedings.

Should the decision reached at the jury trial be unacceptable to the defendant or to the prosecution, an appeal may be made following the procedure outlined in the next section of this report (I.D.).

In 1975, an average of 27.5 cases were docketed for jury trial each month, with an average of one (1) actually reaching trial. Of the 318 cases where petitions for jury trials were granted but the trial in fact did not occur, all defendants were convicted of DWI or UBAC through the plea process. Of the 12 cases which were actually tried by jury, acquittals were recorded for six, the remaining six being found guilty. Thus, while petition for trial by jury occurred almost daily (4.5% of all disposed cases in 1975), an actual trial was quite rare (0.2% of all disposed cases).

Given the change in jurisdiction within County Court for jury trials (and the availability of other judges) the rate of petition and trial may increase.

D. Aspects of Appeal

Appeal to Circuit Court: All alcohol-related cases are first processed through the Traffic Division of County Court. These trials are typically of a non-jury nature. If a defendant is convicted of an alcohol-related charge, but feels that a reversible decision occurred during the trial itself, he may appeal the decision by filing a Notice of Appeal with the Criminal Appellate

Division of the Circuit Court. Reversible decisions may include such items as 1) the test was inappropriately administered, 2) the equipment was not in proper working order, 3) evidence admitted was prejudicial, etc.

The Circuit Court has three divisions: the Civil Division, the Criminal Division (and the Criminal Appellate Division within it), and the Juvenile Division. Typically, all felonies appear before the Criminal Division of Circuit Court. There are two exceptions. The first exception is the Appellate Division which honors appeals from the Criminal Misdemeanor Division of County Court, such as that described above, and is the first line of appeal from County Court.

The second exception deals with juveniles. All alcohol-related offenses where juveniles are involved are handled directly by the Juvenile Division of Circuit Court, and do not therefore, ever appear in County Court.

Appropriate grounds for appeal to the Appellate Division of the Circuit Court are many and varied. If however, an individual wishes to appeal a decision of the Appellate Division of the Circuit Court, such grounds are more limited.

To appeal beyond the Appellate Division of the Circuit Court, the individual must appeal to the Circuit District Court of Appeals located in Lakeland. In this case, grounds for appeal are scrutinized a good deal more carefully, and the Circuit District Court has every right to refuse to accept cases if in their judgment the grounds are insufficient.

In the above discussion, reference was made to the defendant who was convicted of an alcohol-related offense. Appeals are by no means limited to defendants. Prosecutors representing the State can also appeal any judicial decision from County Court using the same avenues.

In 1975 fewer than five appeals were made from County Court, including both those made by defendants as well as those made by the State. No data on the outcome of those appeals are available. This low frequency is largely due to the fact that County Courts are not courts of record. Anytime a record of the proceedings is unavailable, successfully negotiating for an appeal is much more difficult than when a record of the proceedings is available.

In order to obtain a record of the proceedings in County Court, court reporters must be brought in at the expense of either the defendant or the prosecution. Such measures are taken only when the defense or the prosecution feels that a record is necessary because the possibility of appeal is great. So far, those occasions have been few.

Direct Appeal to the Florida State Supreme Court: If the issue raised by either the defendant or the prosecution in the original case was one of a constitutional nature, the case goes directly to the Florida Supreme Court on appeal. In 1975 there were two such cases. In both cases the appeal was made by the defendant but the State was successful.

The first case (State v. Wooten) was a Tampa case where the constitutionality of the driving with an unlawful blood alcohol level [F.S. 316.028 (3)] was attacked on the grounds that the prohibition of withholding adjudication in such cases denies equal protection. The Florida Supreme Court affirmed the conviction of the lower court and rejected the challenge by defense counsel. The Supreme Court held that rather than denying equal protection, the inability of a judge to withhold adjudication in fact guaranteed equal protection (for the complete text of the decision see Reis, R. E., and Blount, W. R., An analysis of judicial system performance, GTASAP Technical Report 051576:CT, May, 1976).

The second case (State v. Roberts) came from Sarasota and challenged the constitutional validity of the DWI statute itself

[F.S. 316.028 (3)] on the grounds that (1) it was not reasonably related to the police power of the State of Florida, and (2) that it was vague and indefinite. The second point concerns the inability of the consumer of alcohol to determine when their blood alcohol level would make it illegal for them to drive. The Florida Supreme Court again affirmed the conviction and rejected the challenge citing a Utah Supreme Court decision indicating the ability of individuals to make appropriate decisions about alcohol consumption and driving (see Reis and Blount, 1976 op. cit., for the complete text of the decision).

E. Capias Process Countermeasure Report

Highlights: The capias issuance procedure was developed by the Tampa ASAP to enforce court ordered participation in the rehabilitation system. Initiated during the third quarter of 1975, the ASAP capias process replaced and expanded the monitoring and enforcement functions performed by the State Probation and Parole Office.

When a client failed to show or dropped out of a rehabilitation program, or failed to show up at the ASAP scheduling office or the diagnostic and referral interview, the responsible agency sent an affidavit of non-compliance to the ASAP. ASAP staff members prepared the capias and carried it, with a copy of the affidavit, to Tampa Police Department Traffic Violations Office where they were signed by a Deputy Clerk of the Court.

The capiases were typically served by a Deputy of the Sheriff's Office who picked them up daily from TPD Traffic Violations. If an individual was located, he was arrested for contempt of court (a non-bondable offense), taken to Central Booking, and incarcerated until his hearing. Judges hearing capias cases were provided with a copy of the ASAP affidavit of non-compliance for each defendant as well as information indicating what the defendant specifically failed to do, the ASAP treatment recommendation, and other relevant information which could assist judges in returning clients to their appropriate place in the ASAP rehabilitation system.

It was not always necessary to arrest a client to accomplish the objectives of the capias process. It was quite common for a client upon learning that a warrant had been issued for his arrest, to report voluntarily to the appropriate treatment agency. In such cases the capias was withdrawn.

Analysis of Expenditures: The only costs to ASAP for this countermeasure involved the clerical and organizational/administrative activities necessary for the maintenance of the capias process. An exact breakout of dollar expenditures was not available.

Individual Countermeasure Analysis: Table 1 presents a summary of capias-related activities occurring between the third quarter of 1975 and 2/14/77. During this period there was a total of 971 requests for capias issuance. The ASAP scheduling office made 17.6% of these requests, DWI Counterattack, Inc. made 37.8%, and the HCMHC: Alcoholism Services Division made 44.6% of the total capias requests to date. The HCMHC requested capias for cases of non-compliance with the diagnostic/referral interview and the group therapy treatment modalities.

As of 2/14/77, 24.4% of the 971 issued capias resulted in arrests, 17.0% were withdrawn prior to arrest, and 58.6% were still outstanding. The relatively large proportion of unserved warrants indicated a definite need for improvement in this aspect of the capias process.

The principal measure of capias performance was the proportion of clients actually returned to the ASAP rehabilitation system. Of the 237 arrested cases, 54.9% were returned to the ASAP system, 40.1% were assessed jail and/or fine only, and 5.1% were awaiting disposition or had failed to appear for their scheduled court hearing. As expected, all 165 clients for whom capias were withdrawn voluntarily returned to the ASAP system. For all non-outstanding cases the return rate was 73.4%, indicating that the ASAP capias process has been reasonably effective in returning uncooperative clients to the rehabilitation system.

TABLE 1
Capias Activity Summary

VARIABLE^{*}

Requests for Capias:

| | <u>#</u> | <u>%</u> |
|----------------------------------|----------|----------|
| Scheduling Office | 171 | 17.6 |
| Alcoholism Services | 433 | 44.6 |
| Diagnostic Interview & Treatment | 367 | 37.8 |
| DWI School | 971 | 100.0 |
| Total | | |

Issuance Status:

| | | |
|-------------|-----|-------|
| Arrested | 237 | 24.4 |
| Withdrawn | 165 | 17.0 |
| Outstanding | 569 | 58.6 |
| Total | 971 | 100.0 |

Effectiveness of Capias Process:

| | | |
|-----------------------------|-----|-------|
| Total Arrested Cases | 237 | 100.0 |
| Returned to ASAP System | 130 | 54.9 |
| Not Returned | 95 | 40.1 |
| Pending/No-Show at Court | 12 | 5.1 |
| Total Withdrawn Cases | 165 | 100.0 |
| Returned to ASAP System | 165 | 100.0 |
| Not Returned | 0 | 0.0 |
| Pending/No-Show at Court | 0 | 0.0 |
| Total Non-Outstanding Cases | 402 | 100.0 |
| Returned to ASAP System | 295 | 73.4 |
| Not Returned | 95 | 23.6 |
| Pending/No-Show at Court | 12 | 3.0 |

* Activity as of 2/14/77

II. DATA ANALYSIS

A. Data Sources and Sampling

The primary source documents for Hillsborough County Traffic Court data consisted of court dockets compiled by the court clerk and used to schedule court cases. Separate dockets were kept for preliminary presentations, and hearings/non-jury trials. As court proceedings transpired, the clerk noted on the docket the disposition of each case and the sanctions imposed, if any. ASAP evaluation staff members examined these dockets and recorded information for DWI arrest cases in which a final decision was reached. Continuances, rearrest orders, etc. were coded only for 1973 cases. The records thus obtained from the court dockets were crossed with the ASAP citation and BAC log files to augment BAC and arrest date information, and to add age, race, and sex to the file.

Not all DWI arrest cases were coded for computer processing, rather the analysis of judicial performance was based on annual sample data. The 1976 sample consisted of 1,653 final dispositions occurring at preliminary presentations and non-jury trials, plus an additional 68 cases which were scheduled for jury trial but eventually settled out of court. The 68 cases were analyzed separately because out-of-court settlements were not available for previous years. Furthermore, the results of actual jury trials (which were relatively rare events) were not generally available and therefore were not included in the annual samples. The 1976 sample represents all cases disposed of in the following three months: April (637), August (554), and December (530). The same sampling procedure was used to obtain 1,894 cases for 1975: April (781), August (560), and December (553), and 1,965 cases for 1974: April (651), August (608), and December (706).

For 1973 court data the same sources were used as for subsequent years. However in 1973, data were recorded for the months of January (469), February (397), March (376), April (509), May (506), June (554) and October (541), providing a total sample of 3,352

cases. In addition, all court appearances, including continuances, no shows, etc., were collected. For the purpose of the present study, only the subset of data which were DWI cases reaching a final decision were used. An analysis of the Hillsborough County court structure and operations using all court appearances may be found in Chappell, J. E., An analysis of the impact of ASAP on the traffic safety system, GTASAP Technical Report 062774:CT, June 27, 1974.

Court data collected for 1972 were restricted to ASAP-generated alcohol-related arrests heard in non-jury trials only. These restrictions limited the usefulness of the data for comparisons across years; 1972 data, therefore, were not analyzed in the present report. A detailed discussion of the pre-1973 court system and analyses based on the 1972 data may be found in Blount, W. R., An analysis of the judicial processing of GTASAP generated arrests coming to court on GTASAP scheduled court days in 1972, GTASAP Technical Report 083073:CT, August 30, 1973.

Finally, it should be noted that accurate court data were not available for 1971 or prior baseline years. Thus the initial impact of ASAP on the traffic court system could not be adequately assessed. However, dispositions based on the NHTSA random sample of 100 A/R traffic arrests from the month of March, 1971 (the first operational month of the ASAP Selective Enforcement Unit) are presented in the current study for descriptive purposes.

B. Evaluative Topics and Methodology

The purpose of the present study was to describe in detail the performance of the Hillsborough County judicial system responsible for the processing of DWI arrest cases in 1976, and the change in performance between 1973 and 1976. The analyses which follow were organized by evaluative topics which included:

- 1) Disposition of DWI arrest cases (e.g., change across years, by ASAP vs. non-ASAP arrests).

- 2) Relationship between BAC and disposition (e.g., disposition by BAC levels, by test refused vs. test taken).
- 3) Punitive sanctions (e.g., fine and jail imposed by guilty disposition categories).
- 4) Referral performance (e.g., assignment to rehabilitation programs by guilty DWI and guilty lesser charge disposition categories, change in referral rates across years).
- 5) Throughput (e.g., mean and median case processing time from arrest to final disposition by disposition category, across years).
- 6) Profile of disposition groups (e.g., age, sex, race).

All data analyses were presented in the form of frequency/percentage crossclassification tables. Where performance or profile measures had underlying continuous distributions (e.g., BAC, processing time, and age), means were also presented for each disposition category. In addition, median processing time was computed because the processing time distribution was especially skewed. The statistical significance of changes in the distribution of dispositions was determined with chi-square tests (X^2), and changes in variable means were analyzed with F-tests. The alpha level was set at .05 for all significance tests.

C. Disposition of DWI Arrest Cases

From the standpoint of ASAP objectives, a basic performance requirement of the judicial system was the attainment of "satisfactory outcomes" in a large proportion of DWI arrest cases. A judicial disposition was considered a satisfactory outcome by NHTSA if it: 1) provided the court with a means of enforcing the referral of offenders to rehabilitation programs, and 2) if an alcohol-related offense was placed on an individual's driving record for the identification of repeat offenders.

Prior to 1975, the disposition category "Guilty DWI" was clearly the most satisfactory outcome. This disposition category included cases in which offenders were formally convicted of DWI and cases in which adjudication was withheld pending successful completion of rehabilitation programs or other probationary requirements. The "Guilty Lesser Charge" disposition category contained convictions for both A/R and non-A/R traffic offenses including: Careless Driving While Drinking, Reckless Driving While Drinking, Careless Driving and Reckless Driving. Only a small proportion of these lesser charge cases were referred to treatment, and therefore prior to 1975, the "Guilty Lesser Charge" disposition category was considered a less satisfactory outcome than "Guilty DWI".

Beginning in 1975, the "Guilty DWI" disposition category included only formal (recorded) convictions for DWI. The "Guilty Lesser Charge" category primarily contained convictions for Unlawful BAC (UBAC) which were frequently referred to treatment. Thus in 1975 and 1976 both DWI and lesser charge dispositions represented satisfactory outcomes.

As previously discussed, court data prior to 1973 were incomplete and did not adequately represent the overall performance of the traffic courts system. In order to provide a rough description of pre-ASAP judicial performance, however, the distribution of dispositions for the NHTSA random sample of 1971 A/R traffic arrest cases is presented in Table 2. The overall guilty disposition rate of 98.1% indicated that pre-ASAP judicial system performance was quite adequate in regard to the adjudication of DWI arrest cases.

TABLE 2

Distribution of Dispositions For a Random Sample
of A/R Traffic Arrest Cases: 1971 Baseline

| | <u>#</u> | <u>%</u> |
|--------------------------------------|----------|----------|
| Total Arrest Cases | 100 | - |
| Unknown Dispositions/Continued Cases | 46 | - |
| Total Known Final Dispositions | 54 | 100.0 |
| Guilty DWI/Lesser Charge | 53 | 98.1 |
| Not Guilty | 1 | 1.9 |
| Dismissed/Nolle Prossed | 0 | 0.0 |

Court activity in 1972 is described in Table 3 which shows the distribution of dispositions for ASAP Selective Enforcement cases heard in non-jury trials. The overall guilty disposition rate was 94.2%. However, it should be noted that during the years 1973-1976 the guilty rate for ASAP patrol arrests was several percentage points higher than for regular patrol arrests. Therefore, the authors' estimate the guilty rate for all 1972 cases to be approximately 93%.

TABLE 3

Distribution of Dispositions for ASAP-Generated
A/R Traffic Arrest Cases Heard in
Non-Jury Trials: 1972

| | <u>#</u> | <u>%</u> |
|----------------------|----------|----------|
| Guilty DWI | 1658 | 92.0 |
| Guilty Lesser Charge | 39 | 2.2 |
| Not Guilty | 35 | 1.9 |
| Dismissed | 43 | 2.4 |
| Nolle Prossed | 27 | 1.5 |
| Total | 1,802 | 100.0 |

As previously discussed, only samples of all final disposition cases were coded and available for detailed computer analysis. However, for purposes of completing Appendix H, Table 10, all final dispositions were hand-tallied directly from the court dockets. These data are presented in Table 4. The total case-load has increased steadily across operational years: 5,816 (1973), 6,760 (1974), 6,975 (1975), and 7,099 (1976).

TABLE 4

Disposition of Total Alcohol-Related Traffic Arrests:
1973-1976

| | 1973 | | 1974 | | 1975 | | 1976 | |
|---------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | # | % | # | % | # | % | # | % |
| Total A/R Traffic Arrests | 8,034 | - | 7,831 | - | 9,191 | - | 7,742 | - |
| Total Final Dispositions | 5,816 | 100.0 | 6,760 | 100.0 | 6,975 | 100.0 | 7,099 | 100.0 |
| Guilty DWI | 5,273 | 90.7 | 6,050 | 89.5 | 5,152 | 73.9 | 4,692 | 66.1 |
| Guilty Lesser Charge | 305 | 5.2 | 544 | 8.0 | 1,242 | 17.8 | 2,011 | 28.3 |
| Acquitted | 62 | 1.1 | 17 | 0.3 | 142 | 2.0 | 110 | 1.5 |
| Dismissed/Nolle Prossed | 176 | 3.0 | 149 | 2.2 | 439 | 6.3 | 229 | 4.0 |

Table 5 presents the distribution of dispositions for the 1973-1976 sample cases. The results of the chi-square test indicated a significant change in disposition rates ($p < .001$) between years. This change in judicial decision making was clearly the effect of the mandatory adjudication law and the lesser A/R offense (UBAC) which became effective on January 1, 1975. The proportion of offenders adjudicated guilty of DWI dropped from 92.8% and 92.4% in 1973 and 1974 respectively, to 69.9% in 1975 and 64.8% in 1976. There was a corresponding increase in the proportion of offenders adjudicated guilty of a lesser charge from 4.7% and 5.4% in 1973 and 1974 respectively, to 23.0% in 1975 and 29.9% in 1976. Combining guilty DWI and guilty lesser charge

dispositions, the overall guilty rates were 97.5% (1973), 97.8% (1974), 92.9% (1975), and 94.7% (1976). Thus in general there was a minor increase in the proportion of non-conviction dispositions during the last two operational years. In the authors' opinion this was a small price to pay for having all convictions officially recorded on the State driving records. The 1976 sample data indicated that 1.8% of the final dispositions cases were acquitted, 0.7% were dismissed, and 2.8% were nolle prossed.

TABLE 5

Distribution of Dispositions by Years
1973 through 1976 Samples

| | 1973 | | 1974 | | 1975 | | 1976 | | 1973-1976 | |
|----------------------------|------|-------|------|-------|------|-------|------|-------|-----------|-------|
| | # | % | # | % | # | % | # | % | # | % |
| Guilty DUI | 3112 | 92.8 | 1815 | 92.4 | 1323 | 69.9 | 1071 | 64.8 | 7321 | 82.6 |
| Guilty Lesser Charge | 156 | 4.7 | 106 | 5.4 | 436 | 23.0 | 494 | 29.9 | 1192 | 13.4 |
| Not Guilty | 15 | 0.4 | 2 | 0.1 | 19 | 1.0 | 30 | 1.8 | 66 | 0.7 |
| Dismissed | 45 | 1.3 | 14 | 0.7 | 44 | 2.3 | 12 | 0.7 | 115 | 1.3 |
| Nolle Prossed | 24 | 0.7 | 28 | 1.4 | 72 | 3.8 | 46 | 2.8 | 170 | 1.9 |
| Column Total | 3352 | | 1965 | | 1894 | | 1653 | | 8864 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 1050.670, df = 12, p < .001$$

All court cases examined in the present study represent individuals originally charged with DUI. However, because of weak evidence or to simply expedite case processing, certain individuals were allowed to plead guilty to lesser charges. In 1976 the specific reduced charge offenses were coded, allowing a more detailed analysis

of satisfactory outcomes. As shown in Table 5, there was a total of 494 lesser charge dispositions in the 1976 sample but the specific charge could not be identified for 16 of these cases. Of the 478 cases with known reduced charges, 71.5% were UBAC convictions, 27.2% were reckless driving convictions, and 1.3% were careless driving convictions. Among the various lesser offenses, only UBAC could be considered a satisfactory outcome for the Tampa ASAP. Thus in 1976 the overall satisfactory outcome rate (DWI plus UBAC) was approximately 86.3%. Although a conviction for DWI or UBAC, or an adjudication withheld disposition prior to 1975, in no way guaranteed referral into the ASAP system, the Hillsborough County traffic courts have furthered ASAP objectives by maintaining a high proportion of satisfactory outcomes throughout the operational years.

Table 6 shows the distribution of 1976 dispositions for the two principal types of court sessions and for a small sample of cases which were scheduled for jury trial but settled out of court. Virtually all (99.1%) of the final dispositions occurring at preliminary presentations (also called first presentments) were DWI convictions. All of these DWI convictions resulted from guilty pleas or pleas of nullo contendere. Although three individuals were allowed to plead guilty to a lesser charge, contested cases were normally continued for non-jury trials. Of those final dispositions reached at non-jury trials, 56.6% were DWI convictions, 36.8% were lesser charge convictions, and 6.7% were non-conviction dispositions.

The collection of 1976 court data produced an interesting bonus of 68 cases which were settled out of court, never reaching jury trial. Only 17.6% of these cases ended in DWI convictions while 69.1% were reduced to a lesser charge, and 13.3% received non-conviction dispositions. ASAP evaluation did not have sufficient information concerning out-of-court settlements to determine the reasons for the low DWI conviction rate. However, it was the authors' conjecture that two factors were involved: First, defense attorneys recommended petitioning for a jury trial only when they

felt the evidence was weak, and secondly, there was a general hesitancy among judges and prosecutors to undergo the relatively costly and time consuming jury trial procedure.

TABLE 6
Distribution of Dispositions by
Court Session Type: 1976

| | Preliminary Presentations | | Non-Jury Trials/Hearings | | Settled Out of Court * | |
|----------------------------|------------------------------|-------|-----------------------------|-------|---------------------------|-------|
| | # | % | # | % | # | % |
| Guilty DWI | 317 | 99.1 | 754 | 56.6 | 12 | 17.6 |
| Guilty Lesser Charge | 3 | 0.9 | 491 | 36.8 | 47 | 69.1 |
| Not Guilty | 0 | 0.0 | 301 | 2.3 | 1 | 1.5 |
| Dismissed | 0 | 0.0 | 12 | 0.9 | 4 | 5.9 |
| Nolle Prossed | 0 | 0.0 | 46 | 3.5 | 4 | 5.9 |
| Column Total | 320 | | 1333 | | 68 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

* Out-of-court settlements were available only in 1976 and were excluded from all other analyses in this study.

The final disposition of DWI cases was partly dependent on the testimony of the arresting officers. While ASAP evaluation could not directly measure the quality of officer testimony, it was reasonable to hypothesize that selective enforcement experience provided ASAP officers the opportunity to refine DWI arrest procedures and to better prepare their cases for presentation in court, thereby resulting in higher conviction rates relative to non-ASAP officers. This hypothesis was tested in Table 7. The results of

the chi-square test indicated a statistically significant difference ($p < .02$) in the distribution of 1976 dispositions between patrol types. While there appeared to be no practical difference in DWI conviction rates, the ASAP officers had a higher conviction rate for lesser offenses. The overall conviction rate for ASAP officers was 97.4%, compared with 93.6% for non-ASAP officers, suggesting that the ASAP officers were slightly more successful in obtaining satisfactory outcomes in court.

TABLE 7

Distribution of Dispositions by ASAP vs.
Non-ASAP Law Enforcement: 1976

| | ASAP | | Non-ASAP | |
|----------------------------|------|-------|----------|-------|
| | # | % | # | % |
| Guilty DWI | 337 | 64.6 | 730 | 65.2 |
| Guilty Lesser Charge | 171 | 32.8 | 318 | 28.4 |
| Not Guilty | 5 | 1.0 | 24 | 2.1 |
| Dismissed | 2 | 0.4 | 9 | 0.8 |
| Nolle Prossed | 7 | 1.3 | 39 | 3.5 |
| Column Total | 522 | | 1120 | |
| Percent Total | | 100.0 | | 100.0 |

$$\chi^2 = 11.897, df = 4, p < .02$$

Summary: Analysis of the disposition of DWI arrest cases produced the following information:

- 1) The total caseload increased steadily over operational years: 5,816 to 6,760 to 6,975 to 7,099 (1973-1976 respectively).
- 2) The mandatory adjudication law which became effective on January 1, 1975 was responsible for a decrease in the proportion of guilty DWI dispositions (from 92.8% in 1973 and 92.4% in 1974, to 69.9% in 1975 and 64.8% in 1976), and an increase in the proportion of guilty lesser charge dispositions (from 4.7% in 1973 and 5.4% in 1974, to 23.0% in 1975 and 29.9% in 1976). In general, the last two operational years showed a slight increase in total non-conviction dispositions. Specific 1976 non-conviction disposition rates were as follows: acquitted 1.8%, dismissed 0.7%, and nolle prossed 2.8%.
- 3) The 1976 guilty lesser charge dispositions consisted of 71.5% UBAC convictions, 27.2% reckless driving convictions and 1.3% careless driving convictions. The 1976 satisfactory outcome rate (DWI plus UBAC) was 86.3%. A high proportion of satisfactory outcomes has been maintained throughout the operational years.
- 4) The 1976 DWI conviction rates were 99.1% for cases disposed at preliminary presentations, 56.6% for cases disposed at non-jury trials, and 17.6% for cases scheduled for jury trials but settled out of court.
- 5) There was no practical difference between the 1976 DWI conviction rates for ASAP and non-ASAP officers, however ASAP officers had a higher conviction rate for lesser offenses. Overall conviction rates were 97.4% for ASAP officers and 93.6% for non-ASAP officers, suggesting that ASAP officers were slightly more successful in obtaining satisfactory outcomes in court.

D. Relationship Between BAC and Disposition

The present section examines the relationship between DWI arrest BAC and judicial disposition of the cases. Table 8 presents the distribution of dispositions by BAC levels for the year 1976. All cases of "other than guilty" dispositions including not guilty, dismissed, and nolle prossed were combined in the "non-conviction" category because of the low frequencies involved.

TABLE 8

Distribution of Dispositions by BAC: 1976

| | | Guilty DWI | Guilty Lesser Charge | Non- Convic- tion | Total |
|--------------|---|---------------|----------------------------|-------------------------|----------|
| .00 Negative | # | 0 | 3 | 9 | 12 |
| | % | 0.0 | 25.0 | 75.0 | 100.0 |
| .01 - .04 | # | 6 | 5 | 14 | 25 |
| | % | 24.0 | 20.0 | 56.0 | 100.0 |
| .05 - .09 | # | 23 | 54 | 14 | 91 |
| | % | 25.3 | 59.3 | 15.4 | 100.0 |
| .10 - .14 | # | 172 | 165 | 12 | 349 |
| | % | 49.3 | 47.3 | 3.4 | 100.0 |
| .15 - .19 | # | 305 | 187 | 7 | 499 |
| | % | 61.1 | 37.5 | 1.4 | 100.0 |
| .20 - .24 | # | 264 | 15 | 7 | 286 |
| | % | 92.3 | 5.2 | 2.4 | 100.0 |
| .25 + | # | 149 | 5 | 5 | 159 |
| | % | 93.7 | 3.1 | 3.1 | 100.0 |
| Total Cases | | N = 919 | N = 434 | N = 68 | N = 1421 |
| Mean BAC | | .188 | .140 | .100 | .169 |

$$\chi^2 = 568.29, df = 12, p < .001$$

$$.00 \text{ to } .04 \text{ collapsed: } \chi^2 = 561.39, df = 10, p < .001$$

The distributions of dispositions were considerably different dependent on BAC levels as would be expected. Cases in the .00 to .04 categories were likely to result in non-conviction relative to cases with BAC's greater than .20 which were very likely to result in guilty DWI convictions. Cases in the .05 to .14 range were more likely to result in guilty lesser charge convictions relative to the rest of the sample. A second X^2 value shown on Table 8 was calculated with the .00 and .01-.04 categories collapsed in order to increase cell frequencies. Thus the second X^2 value shown was considered more reliable.

It was interesting to note that 71% of all cases with BAC's less than .10 resulted in convictions and 23% of all cases with BAC's less than .10 resulted in guilty DWI dispositions. This was indicative of judges placing considerable weight on the supportive evidence presented by police officers. Clearly, arrests are encouraged with this kind of judicial performance.

The average BAC for a DWI conviction was .188, compared to .140 for a lesser charge conviction and .10 for a non-conviction. This difference was significant ($F = 175.71$, $df = 2, 1418$, $p < .001$). The average BAC for all final dispositions for the 1976 sample was .169.

Table 9 presents the distributions of dispositions for the years 1973 to 1976 for cases with BAC's less than .10. The X^2 value of 76.95 indicated a significant change in the distribution of dispositions over years. There was a general decrease in the percentage of guilty DWI dispositions from 1973 to 1976 with the sharpest decrease between 1974 and 1975 and a steady increase in the percentage of guilty lesser charge convictions for these years. The non-conviction rates showed a sharp increase between 1974 and 1975 and were otherwise fairly stable. These differences between 1974 and 1975 for guilty DWI and non-conviction rates were probably due to the effect of the mandatory adjudication law which became effective January, 1975. Evidently, cases in which adjudication

would have been withheld prior to 1975 often resulted in non-conviction after 1975. The situation appears to have stabilized between 1975 and 1976 as the X^2 for 1975 vs. 1976 was .84 (df = 2, not significant).

TABLE 9

Distribution of Dispositions by Years For
Cases With BAC's Less Than .10

| | 1973 | | 1974 | | 1975 | | 1976 | |
|----------------------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| Guilty DUI | 111 | 56.6 | 74 | 51.4 | 41 | 24.6 | 29 | 22.7 |
| Guilty Lesser Charge | 62 | 31.6 | 57 | 39.6 | 72 | 43.1 | 62 | 48.4 |
| Non- Conviction | 23 | 11.7 | 13 | 9.0 | 54 | 32.3 | 37 | 28.9 |
| Column Total | 196 | | 144 | | 167 | | 128 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$X^2 = 76.95$, df = 6, $p < .001$

1975 vs. 1976 by disposition: $X^2 = .84$, df = 2, ns

Table 10 presents the disposition rates for cases with BAC's less than .10 for the years 1973 to 1976 with the non-conviction category broken down into not guilty, dismissed, and nolle prossed dispositions. There appeared to be no practical difference in these distributions between 1975 and 1976. All disposition categories had increased in 1975 compared to prior years.

Table 11 shows the effect of the mandatory adjudication law for cases in the .10 - .14 BAC range. There was a large decrease in the percentage of cases resulting in guilty DUI and a large increase in the percentage of cases resulting in a guilty lesser

charge dispositions during 1975 as compared to prior years. There was also some increase in non-conviction rates in 1975 for this group but the increase was not large. Disposition rates between 1975 and 1976 appear to be stable for all disposition categories.

TABLE 10

Distribution of Dispositions with Non-Conviction
Category Breakdown by Years For Cases
With BAC's Less Than .10

| | 1973 | | 1974 | | 1975 | | 1976 | |
|-----------------------------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| Guilty DWI or Lesser Charge | 173 | 88.3 | 131 | 91.0 | 113 | 67.7 | 91 | 71.1 |
| Not Guilty | 4 | 2.0 | 0 | 0.0 | 11 | 6.6 | 11 | 8.6 |
| Dismissed | 11 | 5.6 | 4 | 2.8 | 13 | 7.8 | 3 | 2.3 |
| Nolle Prossed | 8 | 4.1 | 9 | 6.3 | 30 | 18.0 | 23 | 18.0 |
| Column Total | 196 | | 144 | | 167 | | 128 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

Percentages shown are column percentages.

TABLE 11

Distribution of Dispositions by Years For
Cases With BAC's Between .10 and .14

| | 1973 | | 1974 | | 1975 | | 1976 | |
|-------------------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| Guilty DWI | 675 | 93.8 | 431 | 95.4 | 160 | 51.0 | 172 | 49.3 |
| Guilty Lesser Charge | 32 | 4.4 | 13 | 2.9 | 133 | 42.4 | 165 | 47.3 |
| Non-Conviction | 13 | 1.8 | 8 | 1.8 | 21 | 6.7 | 12 | 3.4 |
| Column Total | 720 | | 452 | | 314 | | 349 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$\chi^2 = 512.02$, $df = 6$, $p < .001$

1975 vs. 1976 by disposition: $\chi^2 = 4.49$, $df = 2$, ns

Table 12 presents the distribution of dispositions by years for cases with BAC's of .15 or above. The rate of guilty DWI dispositions decreased in 1975 and the rate of guilty lesser charge dispositions increased in 1975 while the non-conviction rates showed little change for this group. There is some evidence that the trends for guilty DWI and guilty lesser charge dispositions which began in 1975 continued in 1976. While the differences between 1975 and 1976 is not as dramatic as the changes from 1974 to 1975, the χ^2 test for differences in distributions between 1975 and 1976 is still significant.

TABLE 12

Distribution of Disposition by Years For
Cases With BAC's of .15 or Above

| | 1973 | | 1974 | | 1975 | | 1976 | |
|----------------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| Guilty DWI | 1784 | 96.9 | 1080 | 97.8 | 948 | 81.9 | 718 | 76.1 |
| Guilty Lesser Charge | 35 | 1.9 | 10 | 0.9 | 175 | 15.1 | 207 | 21.9 |
| Non-Conviction | 22 | 1.2 | 14 | 1.3 | 35 | 3.0 | 19 | 2.0 |
| Column Total | 1841 | | 1104 | | 1158 | | 944 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 492.75, df = 6, p < .001$$

$$1975 \text{ vs. } 1976 \text{ by disposition: } \chi^2 = 17.57, df = 2, p < .005$$

The final set of BAC analyses addresses the relationship between refusing to take the BAC test and the disposition of the cases. It should be noted that the fact that the test was refused was not admissible evidence in the adjudication of the DWI charge. Thus the following analyses actually assesses the effect of having or not having BAC data available during adjudication on the disposition of DWI arrest cases. Table 13 compares the distribution of dispositions for BAC tests taken vs. BAC tests refused, separately for each of the

TABLE 13

Distribution of Dispositions by BAC Test
Taken vs. BAC Test Refused:
1973, 1974, 1975, and 1976

| | 1973 | | | |
|----------------------|------------|-------|--------------|-------|
| | Test Taken | | Test Refused | |
| | # | % | # | % |
| Non-Conviction | 58 | 2.1 | 7 | 3.4 |
| Guilty DWI | 2573 | 93.2 | 188 | 92.6 |
| Guilty Lesser Charge | 129 | 4.7 | 8 | 3.9 |
| Column Total | 2760 | | 203 | |
| Percent Total | | 100.0 | | 100.0 |

1973: $\chi^2 = 1.791$, $df = 2$,
 $p = .408$ (ns)

| | 1974 | | | |
|----------------------|------------|-------|--------------|-------|
| | Test Taken | | Test Refused | |
| | # | % | # | % |
| Non-Conviction | 36 | 2.1 | 4 | 2.7 |
| Guilty DWI | 1610 | 93.1 | 131 | 89.1 |
| Guilty Lesser Charge | 84 | 4.9 | 12 | 8.2 |
| Column Total | 1730 | | 147 | |
| Percent Total | | 100.0 | | 100.0 |

1974: $\chi^2 = 3.387$, $df = 2$,
 $p = .184$ (ns)

| | 1975 | | | |
|----------------------|------------|-------|--------------|-------|
| | Test Taken | | Test Refused | |
| | # | % | # | % |
| Guilty DWI | 1149 | 70.0 | 128 | 73.1 |
| Guilty Lesser Charge | 380 | 23.2 | 32 | 18.3 |
| Non-Conviction | 112 | 6.8 | 15 | 8.6 |
| Column Total | 1641 | | 175 | |
| Percent Total | | 100.0 | | 100.0 |

1975: $\chi^2 = 2.563$, $df = 2$,
 $p = .278$ (ns)

| | 1976 | | | |
|----------------------|------------|-------|--------------|-------|
| | Test Taken | | Test Refused | |
| | # | % | # | % |
| Guilty DWI | 919 | 64.7 | 132 | 68.8 |
| Guilty Lesser Charge | 434 | 30.5 | 45 | 23.4 |
| Non-Conviction | 68 | 4.8 | 15 | 7.8 |
| Column Total | 1421 | | 192 | |
| Percent Total | | 100.0 | | 100.0 |

1976: $\chi^2 = 6.319$, $df = 2$,
 $p < .05$

years 1973 to 1976. There is no difference in the disposition rates for 1973, 1974 and 1975. In 1976 the X^2 value does attain significance but differences are small. Guilty DWI rates were slightly higher if the test was refused as were the non-conviction rates while guilty lesser charge rates were somewhat lower. The authors' see no practical significance in these results.

Summary: The comparison of 1976 disposition rates between arrest BAC levels indicated:

- 1) 62% of cases with arrest BAC's below .05 resulted in non-conviction dispositions.
- 2) 38% of cases with arrest BAC's less than .05 resulted in guilty DWI or guilty lesser charge convictions.
- 3) DWI conviction rates increased as arrest BAC levels increased while non-conviction rates decreased as BAC levels increased. Guilty lesser charge conviction rates were greatest in the .05 - .19 ranges.
- 4) Cases with BAC's greater than .19 had a probability of .93 of a guilty DWI disposition.
- 5) The overall conviction rate (DWI and lesser charge) was 71% for cases with arrest BAC's less than .10, 97% for cases with BAC's between .10 and .14, and 98% for cases with BAC's above .14.
- 6) Average DWI arrest BAC's for 1976 were as follows: guilty DWI .188, guilty lesser charge .140, non-conviction .100, and all dispositions combined .169.

The analysis of the distribution of dispositions by years for selected BAC levels showed little difference between 1975 and 1976 but indicated large differences between 1974 and 1975 due to the mandatory adjudication law which became effective in January, 1975.

- 1) For cases with BAC's below .10 there was no difference in the distribution of dispositions between 1975 and 1976.
- 2) There was no difference in the distribution of dispositions between 1975 and 1976 for cases with BAC's between .10 and .14.
- 3) There was some evidence that trends which began in 1975 for cases with BAC's greater than .14 continued in 1976. As compared to 1975 guilty DWI rates decreased from 82 to 76%, guilty lesser charge conviction rates increased from 15 to 22%, and non-conviction rates remained about the same.

The analysis of BAC test taken vs. test refused.

- 1) There was a slight difference between dispositions for test taken and test refused groups in 1976 but the differences were considered minor. There was no difference in each of the years 1973 to 1975.

E. Punitive Sanctions

The purpose of the present section was to detail the use of punitive sanctions by the County traffic court judges. Sanction data were obtained from the 1976 court dockets on which the court clerk recorded the amount of fine and/or jail sentence actually imposed, if any, for each guilty disposition. If neither fine nor jail were recorded for a conviction case, it was assumed that no punitive sanctions were imposed (except for the mandatory license suspension). Of the 1,565 conviction cases in the 1976 sample, 24 (1.5%) were not assessed fine or jail, 1,266 (80.9%) were assessed fine only, 175 (11.2%) received jail sentences only, and 100 (6.4%) were assessed both fine and jail.

The analyses which follow compared the "severity" of punitive sanctions for various judicial outcomes. Actual severity, which was largely dependent on each offender's socioeconomic status, could only be estimated by the dollar amount of fines and the length of jail sentences. Table 14 presents the distribution of fines by guilty disposition categories. The statistical analysis indicated that significantly higher fines ($p < .001$) were assessed for DWI convictions than for lesser charge convictions. Inspection of the data in Table 14 shows that 27.6% of the offenders convicted of DWI were fined less than \$100 compared to 65.4% of the offenders convicted of lesser charges. The relatively high proportion of DWI conviction cases with no fine assessed (17.0%) reflects the imposition of jail sentences in lieu of fines. At the other end of the distribution, 50.6% of the DWI conviction cases had fines of \$150 or more versus only 5.7% of the lesser charge conviction cases. The average fine, for those cases in which a fine was assessed, was \$156.70 for guilty DWI dispositions and \$81.26 for guilty lesser charge dispositions.

TABLE 14

Fine by Guilty Dispositions: 1976

| | Guilty DWI | | Guilty Lesser Charge | | Total Convictions | |
|------------------------------|------------|-------|----------------------|-------|-------------------|-------|
| | # | % | # | % | # | % |
| No Fine Recorded | 182 | 17.0 | 17 | 3.4 | 199 | 12.7 |
| \$1-\$50 | 35 | 3.3 | 111 | 22.5 | 146 | 9.3 |
| \$51-\$99 | 78 | 7.3 | 195 | 39.5 | 273 | 17.4 |
| \$100-\$149 | 234 | 21.8 | 143 | 28.9 | 377 | 24.1 |
| \$150-\$199 | 223 | 20.8 | 21 | 4.3 | 244 | 15.6 |
| \$200 + | 319 | 29.8 | 7 | 1.4 | 326 | 20.8 |
| Column Total | 1071 | 100.0 | 494 | 100.0 | 1565 | 100.0 |
| Average Fine All Disposition | \$130.07 | | \$78.46 | | \$113.78 | |
| Average Fine Where Assessed | \$156.70 | | \$81.26 | | \$130.35 | |

$$\chi^2 = 580.481, df = 5, p < .001$$

Table 15 presents the distribution of jail sentences by guilty dispositions for the 1976 sample. Compared with fine, jail was far less frequently employed as a punitive sanction. Three quarters of the offenders convicted of DWI and 98.6% of the offenders convicted of lesser charges did not receive jail sentences. Jail was imposed in only 7 out of 494 lesser charge conviction cases. Four offenders received from 1-10 days, one offender received from 11-20 days, and two offenders received 31 days or more. For DWI conviction cases the percentage distribution was as follows: 10.2% (1-10 days), 5.0% (11-20 days), 5.5% (21-30 days), and 4.3% (31 or more days). Not only were jail sentences imposed more frequently for convicted DWI offenders but the average jail sentence, where imposed, was slightly longer for offenders convicted of DWI (27.1 days) than for offenders convicted of lesser offenses (24.0 days).

TABLE 15

Jail by Guilty Dispositions: 1976

| | Guilty DWI | | Guilty Lesser Charge | | Total Convictions | |
|--|------------|-------|----------------------|------|-------------------|-------|
| | # | % | # | % | # | % |
| No Jail Recorded | 803 | 75.0 | 487 | 98.6 | 1290 | 82.4 |
| 1 - 10 days | 109 | 10.2 | 4 | 0.8 | 113 | 7.2 |
| 11 - 20 days | 54 | 5.0 | 1 | 0.2 | 55 | 3.5 |
| 21 - 30 days | 59 | 5.5 | 0 | 0.0 | 59 | 3.8 |
| 31 + days | 46 | 4.3 | 2 | 0.4 | 48 | 3.1 |
| Column Total | 1071 | 100.0 | 494 | 31.6 | 1565 | 100.0 |
| Average Jail Sentence All Dispositions | 6.8 days | | 0.3 days | | 4.7 days | |
| Average Jail Sentence Where Imposed | 27.1 days | | 24.0 days | | 27.0 days | |

The distribution of fines for specific lesser offenses is shown in Table 16. In general, UBAC convictions were associated with the highest fines: 43.5% of the UBAC conviction cases had fines of \$100 or more. By comparison, only 12.3% of the reckless driving conviction cases had fines of \$100 or more. There were six offenders found guilty of careless driving and all six were assessed fines in the \$1 to \$50 range. The average fine, where assessed, was \$86.48 for a UBAC conviction, \$69.15 for a reckless driving conviction, and \$28.83 for a careless driving conviction.

Five of the 342 offenders convicted of UBAC (1.5%) received jail sentences: three offenders received sentences in the 1-10 days range, one offender in the 11-20 days range, and one offender in 31 days or more range. Of the 130 offenders convicted of reckless driving, two (1.5%) received jail sentences: one offender

received a sentence in the 1-10 days range, while the other offender's sentence fell in the 31 days or more range. None of the six offenders convicted of careless driving were given jail sentences.

TABLE 16

Fine by Lesser Offense Convictions: 1976

| | Guilty UBAC | | Guilty Reckless Driving | | Guilty Careless Driving | |
|-------------------------------|-------------|-------|-------------------------|-------|-------------------------|-------|
| | # | % | # | % | # | % |
| No Fine Recorded | 10 | 2.9 | 6 | 4.6 | 0 | 0.0 |
| \$1-\$50 | 54 | 15.8 | 51 | 39.2 | 6 | 100.0 |
| \$51-\$99 | 129 | 37.7 | 57 | 43.8 | 0 | 0.0 |
| \$100-\$149 | 126 | 36.8 | 11 | 8.5 | 0 | 0.0 |
| \$150-\$199 | 16 | 4.7 | 5 | 3.8 | 0 | 0.0 |
| \$200 + | 7 | 2.0 | 0 | 0.0 | 0 | 0.0 |
| Column Total | 342 | 100.0 | 130 | 100.0 | 6 | 100.0 |
| Average Fine All Dispositions | \$83.95 | | \$65.96 | | \$28.83 | |
| Average Fine Where Assessed | \$86.48 | | \$69.15 | | \$28.83 | |

By examining fine and jail sentences for DWI convictions occurring at preliminary presentations and non-jury trials, one can compare the judges' use of punitive sanctions with different offender populations. Individuals convicted of DWI at preliminary presentations were typically offenders who could not afford to bond out and who pleaded guilty to DWI. Individuals convicted of DWI at non-jury trials were offenders who bonded out and who frequently contested the DWI charge at their trial. Table 17 presents the distribution of fines assessed for DWI convictions in 1976 by the type of court session in which the cases were disposed. The statistical analysis indicated a significant difference

in the distribution of fines ($p < .001$) between session types. The proportion of offenders who were not assessed fines was higher for preliminary presentation convictions (28.8%) than for non-jury trial conviction (12.2%). The relatively less frequent use of fine as a sanction in preliminary presentation cases most likely resulted from the imposition of jail in lieu of fine for low income or indigent offenders who were adjudicated at the preliminary sessions. Aside from the "no fine" category however, there were no consistent or easily interpretable differences in sanction severity between the court session types. Traffic court judges assessed proportionately more fines in the \$150-\$199 range at preliminary presentations but proportionately more fines in the \$100-\$149 and \$200 or more ranges at non-jury trials. Overall the average fine for a DWI conviction, where assessed, was \$165.02 at preliminary presentations, and \$153.78 at non-jury court trials. Although this difference was statistically significant ($p < .05$), there was little practical difference in the average fines assessed.

TABLE 17

A Comparison of Fines for DWI Convictions Occurring
at Preliminary Presentations Versus Non-Jury Trials: 1976

| | Preliminary Presentations | | Non-Jury Trials/Hearings | |
|----------------------------------|------------------------------|-------|-----------------------------|-------|
| | # | % | # | % |
| No Fine Recorded | 90 | 28.8 | 92 | 12.2 |
| \$1-\$50 | 5 | 1.6 | 30 | 4.0 |
| \$51-\$99 | 21 | 6.7 | 57 | 7.6 |
| \$100-\$149 | 16 | 5.1 | 217 | 28.8 |
| \$150-\$199 | 119 | 38.0 | 103 | 13.7 |
| \$200 + | 62 | 19.8 | 255 | 33.8 |
| Column Total | 313 | 100.0 | 754 | 100.0 |
| Average Fine All Dispositions | \$117.57 | | \$135.02 | |
| Average Fine Where Assessed | \$165.02 | | \$153.78 | |

$$\chi^2 = 173.99, df = 5, p < .001$$

All Cases: $F = 8.726, df = 1$ and 1065, $p < .005$

Assessed Fines: $F = 4.081, df = 1$ and 883, $p < .05$

Table 18 presents the distribution of jail sentences for DWI conviction cases by court session types. The results of the chi-square test indicated a significant difference ($p < .001$) in the use of jail sentences at preliminary presentations and non-jury trials. The most obvious difference in Table 18 was that 85.4% of the non-jury trial cases did not receive a jail sentence compared to 49.5% of the preliminary presentation cases. Thus the judges imposed jail sentences either in lieu of or in addition to fines, far more frequently for DWI convictions occurring at the preliminary presentation sessions. However for those cases in which a jail sentence was actually imposed, the average sentence was significantly longer ($p < .001$) for DWI convictions obtained at non-jury trials (35.2 days), than for DWI convictions obtained at preliminary presentations (21.4 days). This difference was somewhat obscured in the

TABLE 18

A Comparison of Jail Sentences for DWI Convictions
Occurring at Preliminary Presentations
Versus Non-Jury Trials: 1976

| | Preliminary Presentations | | Non-Jury Trials/Hearings | |
|--|------------------------------|-------|-----------------------------|-------|
| | # | % | # | % |
| No Jail Recorded | 155 | 49.5 | 644 | 85.4 |
| 1 - 10 days | 67 | 21.4 | 42 | 5.6 |
| 11 - 20 days | 41 | 13.1 | 13 | 1.7 |
| 21 - 30 days | 31 | 9.9 | 28 | 3.7 |
| 31 + days | 19 | 6.1 | 27 | 3.6 |
| Column Total | 313 | 100.0 | 754 | 100.0 |
| Average Jail Sentence All Disposition | 10.8 days | | 5.1 days | |
| Average Jail Sentence Where Imposed | 21.4 days | | 35.2 days | |

$$\chi^2 = 167.41, df = 4, p < .001$$

All Cases: $F = 21.845, df = 1$ and 1065, $p < .001$

Imposed Jail: $F = 16.786, df = 1$ and 266, $p < .001$

percentage distributions because of the relatively large proportion of cases receiving no jail sentence. Considering only those offenders receiving jail sentences, 50.0% (55/110) of the non-jury trial cases versus 31.6% (50/158) of the preliminary presentation cases had jail terms of 21 days or more.

To summarize: Offenders convicted of DWI at preliminary presentations were less likely to be assessed fines than offenders convicted at non-jury court trials. However, there was no practical difference between court session types in the average fine, where it was assessed. Furthermore, jail sentences were imposed more frequently at preliminary presentations but the average jail sentence, where imposed, was longer for convictions obtained at non-jury trials.

The relatively higher proportion of indigent offenders adjudicated at preliminary presentations, at least partially explained the more frequent use of jail sentences and the less frequent use of fines at the preliminary sessions. One would also expect the average fine assessed to be lower for preliminary presentation convictions than for non-jury trial convictions, but this was not the case. Moreover, the authors' can only speculate as to the factors influencing the longer jail sentences imposed for DWI convictions obtained at non-jury trials.

Summary: The analysis of 1976 punitive sanction data indicated the following:

- 1) DWI convictions generally resulted in higher fines than lesser charge convictions. 27.6% of the DWI conviction cases and 65.4% of the lesser charge conviction cases had fines less than \$100. The average fine, where assessed, was \$156.70 for a DWI conviction and \$81.26 for a lesser charge conviction.
- 2) Jail was far less frequently used as a punitive sanction than fine: 75.0% of the offenders convicted of DWI and 98.6% of the offenders convicted of lesser charges received no jail sentence. Jail sentences were imposed more frequently for DWI convictions and average jail sentence, where imposed, was slightly longer for DWI convictions (27.1 days) than for lesser charge convictions (24.0 days).
- 3) The average fine, where assessed, for specific lesser offenses were as follows: UBAC convictions \$86.48, reckless driving convictions \$69.15, and careless driving convictions \$28.83.
- 4) 28.8% of the offenders convicted of DWI at preliminary presentations and 12.2% of the offenders convicted of DWI at non-jury court trials were not assessed fines. While fines were less frequently assessed at preliminary presentations, the average fine, where assessed, was similar for the two court session types (\$165.02 and \$153.78, preliminary and non-jury trial sessions respectively). Jail sentences were imposed more frequently at preliminary presentations (50.5% of the convicted DWI's at preliminary sessions versus 14.6% of the convicted DWI's at non-jury trial sessions received jail terms) but the average jail term, where imposed, was longer for non-jury trial convictions (21.4 days and 35.2 days, preliminary and non-jury trial sessions respectively).

F. Referral Performance

An offender who had been judged guilty of DWI or a lesser charge could be referred to alcohol rehabilitation/retraining programs at the discretion of the court. Referral rates in the present study represent all court ordered assignment to rehabilitation retraining programs. The majority of these assignments were to the ASAP sponsored diagnostic interview, with subsequent referral to alcohol safety school, and if appropriate, additional treatment. The remainder of these assignments were referrals directly to alcohol safety school. This section examines the referral performance of the judicial system in 1976 and across the years 1973 to 1976.

Table 19 presents the distribution of assignments to rehabilitation by conviction type for 1976. There was no difference in assignment rates between conviction categories. The referral rate was 65.5% for those cases judged guilty of DWI and 60.5% for those adjudicated guilty of a lesser charge.

TABLE 19

Assignment to Rehabilitation by
Conviction Type: 1976

| | Guilty DWI | | Guilty Lesser Charge | | Guilty Total | |
|-----------------|---------------|-------|----------------------------|-------|-----------------|-------|
| | # | % | # | % | # | % |
| Assigned | 701 | 65.5 | 299 | 60.5 | 1000 | 63.9 |
| Not Assigned | 370 | 34.5 | 195 | 39.5 | 565 | 36.1 |
| Column Total | 1071 | | 494 | | 1565 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

$$X^2 = 3.35, df = 1, p = .07$$

Percentages shown are column percentages.

There was a significant difference in assignment rates for convictions occurring at preliminary presentations, and at non-jury trials/hearings. Table 20 indicates that 44% of the cases occurring at preliminary presentations were referred while 69% of the cases occurring at non-jury trials were referred to an educational or treatment program. The probability of a referral then was considerably less for those cases receiving conviction at a preliminary presentation than for those cases receiving conviction at non-jury trials.

TABLE 20

Distribution of Assignments to Rehabilitation
by Court Session Type: 1976

| | Preliminary Presentations | | Non-Jury Trials/Hearings | | Row Total | |
|-----------------|------------------------------|-------|-----------------------------|-------|--------------|-------|
| | # | % | # | % | # | % |
| Assigned | 142 | 44.4 | 858 | 68.9 | 1000 | 63.9 |
| Not Assigned | 178 | 55.6 | 387 | 31.1 | 565 | 36.1 |
| Column Total | 320 | | 1245 | | 1565 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 65.40, df = 1, p < .001$$

Percentages shown are column percentages.

Table 21 shows the change in rehabilitation referral rates across the years 1973-1976. There has been no significant changes in the annual referral rates. Annual referral rates are 62.8%, 61.1%, 63.9%, and 63.9% for 1973 to 1976 respectively. This is interesting in view of the fact that DWI conviction rates decreased considerably in 1975. If we assume that referral rates for guilty DWI dispositions have remained about the same over the years, the percentage of cases referred from the guilty lesser charge category must have increased in order for the overall percentage of referrals to have remained the same.

TABLE 21

Distribution of Assignments By Years:
1973 through 1976

| | 1973 | | 1974 | | 1975 | | 1976 | | Total | |
|---------------|------|-------|------|-------|------|-------|------|-------|-------|-------|
| Assigned | 2052 | 62.8 | 1174 | 61.1 | 1122 | 63.9 | 1000 | 63.9 | 5348 | 62.9 |
| Not Assigned | 1213 | 37.2 | 747 | 38.9 | 633 | 36.1 | 565 | 36.1 | 3158 | 37.1 |
| Column Total | 3265 | | 1921 | | 1755 | | 1565 | | 8506 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 4.09, df = 3, ns$$

Percentages shown are column percentages.

Table 22 presents the distribution of assignments by years for guilty lesser charge dispositions. As predicted, there is a large increase in the percentage of these cases assigned in 1975 and a slight additional increase in 1976. In 1973, only 2.6% of these cases were referred, 9.4% were referred in 1974, 58.3% in 1975, and 60.5% in 1976. Clearly, judges were using reduced charge convictions of UBAC to refer offenders to treatment programs in 1975 and 1976.

TABLE 22

Assignment to Rehabilitation by Years
For Guilty Lesser Charge Dispositions

| | 1973 | | 1974 | | 1975 | | 1976 | | Total | |
|---------------|------|-------|------|-------|------|-------|------|-------|-------|-------|
| Assigned | 4 | 2.6 | 10 | 9.4 | 254 | 58.3 | 299 | 60.5 | 567 | 47.6 |
| Not Assigned | 152 | 97.4 | 96 | 90.6 | 182 | 41.7 | 195 | 39.5 | 625 | 52.4 |
| Column Total | 156 | | 106 | | 436 | | 494 | | 1192 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 241.72, df = 3, p < .001$$

Percentages shown are column percentages.

Table 23 shows the assignment distributions by years for cases where conviction occurred at preliminary presentations. There is also an increase in the referral rates in 1975 for these cases but it is not so dramatic as for the guilty lesser charge cases and the rate also shows a considerable decrease in 1976 (although not back to pre-1975 levels).

TABLE 23

Assignment to Rehabilitation by Years
For Preliminary Presentation Cases

| | 1973 | | 1974 | | 1975 | | 1976 | | Total | |
|---------------|-------|------|-------|------|-------|------|-------|------|-------|------|
| Assigned | 207 | 30.3 | 60 | 24.5 | 181 | 56.7 | 142 | 44.9 | 590 | 37.7 |
| Not Assigned | 476 | 69.7 | 185 | 75.5 | 138 | 43.3 | 174 | 55.1 | 973 | 62.3 |
| Column Total | 683 | | 245 | | 319 | | 316 | | 1563 | |
| Percent Total | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 | |

$$\chi^2 = 90.33, df = 3, p < .001$$

Percentages shown are column percentages.

Summary: The analysis of referral performance produced the following results:

- 1) In 1976, 65.5% of the DWI conviction cases and 60.5% of the guilty lesser charge cases were referred to a retraining/rehabilitation program.
- 2) There has been no significant change in the overall referral rates for the years 1973 to 1976.
- 3) The annual referral rates remained the same (despite a large decrease in DWI convictions in 1975) as the result of a large increase in the percentage of referrals from the guilty lesser charge cases and because of an increase in the percentage of referrals from cases in which conviction occurred at preliminary presentations during 1975. This increase was maintained for the guilty lesser charge cases in 1976 but dropped off somewhat for the preliminary presentation cases in 1976.

G. Throughput

The present section was concerned with the speed and efficiency with which the traffic court system disposed of DWI arrest cases. Since the introduction of the Tampa ASAP resulted in a much greater DWI caseload as compared to pre-ASAP years, it was important to document the throughput of these cases. Processing time (in days) from DWI arrest to final disposition of the case was used as the measure of efficiency with which the cases were disposed of. Table 24 presents the distributions of processing times by disposition type for 1976. Since the distributions were highly skewed (for example, 82.3% of all cases adjudicated guilty DWI in 1976 were processed in 90 days or less, but 4 cases took over one and a half years to process and one case took two and a half years), the median was considered the most relevant descriptive measure of the distributions. The median values shown in Table 24 indicated that 50% of

TABLE 24

Processing Time From Arrest to Final
Disposition by Final Disposition Type: 1976

| | Guilty DWI | | Guilty Lesser Charge | | Non- Conviction | | Total Cases | |
|--------------|---------------|-------|----------------------------|-------|--------------------|-------|----------------|-------|
| | # | % | # | % | # | % | # | % |
| 0 - 7 | 311 | 29.1 | 11 | 2.2 | 4 | 4.5 | 326 | 19.8 |
| 8 - 30 | 180 | 16.8 | 99 | 20.2 | 6 | 6.8 | 285 | 17.3 |
| 31 - 60 | 275 | 25.7 | 197 | 40.1 | 28 | 31.8 | 500 | 30.3 |
| 61 - 90 | 115 | 10.7 | 89 | 18.1 | 29 | 33.0 | 233 | 14.1 |
| 91 + | 189 | 17.7 | 95 | 19.3 | 21 | 23.9 | 305 | 18.5 |
| Column Total | 1070 | 100.0 | 491 | 100.0 | 88 | 100.0 | 1649 | 100.0 |
| Mean Days | 55.8 | | 70.4 | | 82.3 | | 61.6 | |
| Median Days | 33.8 | | 52.0 | | 64.5 | | 42.5 | |

Percentages shown are column percentages.

the guilty DWI dispositions were processed within 33.8 days, 50% of the guilty lesser charge dispositions were processed within 52 days, and 50% of the non-conviction dispositions were processed within 64.5 days. The largest amount of discrepancy was accounted for by the fact that a large number of DWI convictions were obtained at preliminary presentations through guilty pleas. If the DWI arrestee pleaded not guilty or wanted to plea bargain at preliminary presentation the case was normally continued for non-jury trial at a later date. Table 24 also presents evidence that cases resulting in a non-conviction took longer to reach final disposition than cases resulting in guilty DWI or guilty lesser charge dispositions.

Table 25 presents processing times for cases resulting in guilty lesser charge dispositions with a breakdown by specific type of offense. Most guilty lesser charge convictions were for "driving with unlawful blood alcohol level - UBAC" and these cases reached final disposition (50% within 47.9 days), somewhat sooner than those cases resulting in a reckless driving conviction (50% within 64.8 days).

Table 26 presents the distribution of processing times by years (1973 to 1976) for guilty DWI dispositions. Efficiency in processing improved considerably in 1976 as compared to 1975 (which also seemed to be inefficient compared to 1973 and 1974). The median days from arrest to final disposition for cases resulting in guilty DWI was 33.8 in 1976 compared to 46.1 in 1975. The proportion of guilty DWI decisions reached in within one month of arrest dropped to 31.4% in 1975, which in last year's study was thought to be due to the effect of the mandatory adjudication law decreasing the frequency of "quick" DWI dispositions. However, in 1976 the proportion of guilty DWI cases reaching final disposition within one month increased to 45.9% which was roughly equivalent to the proportions obtained in 1973 and 1974. Apparently, whatever influence the mandatory adjudication law had on processing times in 1975, if any, was either compensated for or removed in 1976.

TABLE 25

Processing Time From Arrest to Final Disposition
by Specific Lesser Offense Convictions: 1976

| | UBAC | | Careless Driving | | Reckless Driving | | Total Guilty Lesser Charge Cases | |
|--------------|------|-------|------------------|-------|------------------|-------|----------------------------------|-------|
| | # | % | # | % | # | % | # | % |
| 0 - 7 | 5 | 1.5 | 0 | 0.0 | 4 | 3.1 | 9 | 1.9 |
| 8 - 30 | 83 | 24.6 | 2 | 33.3 | 11 | 8.5 | 96 | 20.3 |
| 31 - 60 | 144 | 42.8 | 1 | 16.7 | 44 | 33.8 | 189 | 40.0 |
| 61 - 90 | 44 | 13.1 | 1 | 16.7 | 41 | 31.5 | 86 | 18.2 |
| 91 + | 61 | 18.1 | 2 | 33.3 | 30 | 23.1 | 93 | 19.7 |
| Column Total | 337 | 100.0 | 6 | 100.0 | 130 | 100.0 | 473 | 100.0 |
| Mean Days | 68.0 | | 90.0 | | 78.5 | | 71.2 | |
| Median Days | 47.9 | | 39.5 | | 64.8 | | 52.3 | |

Percentages shown are column percentages.

TABLE 26

Processing Time From Arrest to Final Disposition
By Years For Guilty DWI Dispositions

| | 1973 | | 1974 | | 1975 | | 1976 | |
|--------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| 0 - 7 | 728 | 23.9 | 283 | 16.1 | 315 | 24.1 | 311 | 29.1 |
| 8 - 30 | 608 | 19.9 | 558 | 31.7 | 95 | 7.3 | 180 | 16.8 |
| 31 - 60 | 765 | 25.1 | 387 | 22.0 | 466 | 35.6 | 275 | 25.7 |
| 61 - 90 | 454 | 14.9 | 206 | 11.7 | 225 | 17.2 | 115 | 10.7 |
| 91 + | 497 | 16.3 | 324 | 18.4 | 208 | 15.9 | 189 | 17.7 |
| Column Total | 3052 | 100.0 | 1758 | 100.0 | 1309 | 100.0 | 1070 | 100.0 |
| Mean Days | 50.9 | | 56.0 | | 54.7 | | 55.8 | |
| Median Days | 37.8 | | 32.2 | | 46.1 | | 33.8 | |

Percentages shown are column percents.

Table 27 presents the processing times by years for guilty lesser charge cases. There did not appear to be any appreciable change in median processing times over years for these cases. Median days from arrest to final disposition were 53.5, 54.5, 55.1, and 52.0 in 1973, 1974, 1975, and 1976 respectively. There did appear to be more cases in the 31 - 60 days to disposition category in 1975 and 1976 than in 1973 and 1974. The proportion of cases reaching final disposition within one month of arrest decreased by 16.2% in 1975 (from 29.4% to 13.2%) but increased by 9.2% in 1976 (from 13.2% to 22.4%). Thus we see a slight overall increase in efficiency in 1976 as compared to 1975.

TABLE 27

Processing Time From Arrest to Final Disposition
By Years For Guilty Lesser Charge Dispositions

| | 1973 | | 1974 | | 1975 | | 1976 | |
|--------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| 0 - 7 | 8 | 5.2 | 4 | 3.9 | 13 | 3.0 | 11 | 2.2 |
| 8 - 30 | 26 | 16.9 | 26 | 25.5 | 44 | 10.2 | 99 | 20.2 |
| 31 - 60 | 50 | 32.5 | 25 | 24.5 | 193 | 44.7 | 197 | 40.1 |
| 61 - 90 | 35 | 22.7 | 22 | 21.6 | 103 | 23.8 | 89 | 18.1 |
| 91 + | 35 | 22.7 | 25 | 24.5 | 79 | 18.3 | 95 | 19.3 |
| Column Total | 154 | 100.0 | 102 | 100.0 | 432 | 100.0 | 491 | 100.0 |
| Mean Days | 67.7 | | 71.2 | | 65.9 | | 70.4 | |
| Median Days | 53.5 | | 54.5 | | 55.1 | | 52.0 | |

Percentages shown are column percents.

Processing times for all non-conviction cases are shown in Table 28. Median days to final disposition were 74.0, 56.5, 66.0, and 64.5 in 1973, 1974, 1975, and 1976 respectively. Changes across years appeared to be minor except that the 91 or more days to disposition category showed a decrease in 1976. A concomitant increase

in the percentage of cases in the 61 - 90 days category indicated that some cases taking more than 90 days in 1973-1975 took 61 - 90 days in 1976.

TABLE 28

Processing Time From Arrest to Final Disposition
By Years For All Non-Conviction Dispositions

| | 1973 | | 1974 | | 1975 | | 1976 | |
|--------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| 0 - 7 | 1 | 1.2 | 3 | 7.1 | 9 | 6.7 | 4 | 4.5 |
| 8 - 30 | 6 | 7.1 | 5 | 11.9 | 13 | 9.7 | 6 | 6.8 |
| 31 - 60 | 23 | 27.4 | 13 | 31.0 | 39 | 29.1 | 28 | 31.8 |
| 61 - 90 | 22 | 26.2 | 9 | 21.4 | 29 | 21.6 | 29 | 33.0 |
| 91 + | 32 | 38.1 | 12 | 28.6 | 44 | 32.8 | 21 | 23.9 |
| Column Total | 84 | 100.0 | 42 | 100.0 | 134 | 100.0 | 88 | 100.0 |
| Mean Days | 85.9 | | 96.9 | | 83.0 | | 82.3 | |
| Median Days | 74.0 | | 56.5 | | 66.0 | | 64.5 | |

Percentages shown are column percents.

Table 29 gives the distributions of processing times by years for all final dispositions. This table was of course weighed heavily by the guilty DWI cases which constituted the majority of all final dispositions. Thus it was similar to Table 24 in that it showed a reversal of the trend towards longer processing times which began in 1975. Median processing days for all final dispositions were 39.4, 33.6, 49.3 and 42.5 for 1973-1976 respectively. The largest change in 1976 from 1975 was an increase of 9.2% (from 8.1% to 17.3%) in the proportion of cases reaching final disposition between 8 and 30 days from the day of arrest.

TABLE 29

Processing Time From Arrest to Final Disposition
By Years For All Final Dispositions

| | 1973 | | 1974 | | 1975 | | 1976 | |
|---------------------------|------|-------|------|-------|------|-------|------|-------|
| | # | % | # | % | # | % | # | % |
| Processing Time (Days) | | | | | | | | |
| 0 - 7 | 737 | 22.4 | 290 | 15.2 | 337 | 18.0 | 326 | 19.8 |
| 8 - 30 | 640 | 19.5 | 589 | 31.0 | 152 | 8.1 | 285 | 17.3 |
| 31 - 60 | 838 | 25.5 | 425 | 22.3 | 698 | 37.2 | 500 | 30.3 |
| 61 - 90 | 511 | 15.5 | 237 | 12.5 | 357 | 19.1 | 233 | 14.1 |
| 91 + | 564 | 17.1 | 361 | 19.0 | 331 | 17.7 | 305 | 18.5 |
| Column Total | 3290 | 100.0 | 1902 | 100.0 | 1875 | 100.0 | 1649 | 100.0 |
| Mean Days | 52.6 | | 57.7 | | 59.3 | | 61.6 | |
| Median Days | 39.4 | | 33.6 | | 49.3 | | 42.5 | |

Percentages shown are column percents.

Summary: The analyses of judicial system throughput efficiency indicated the following:

- 1) In 1976, 50% of all cases resulting in a guilty DWI disposition reached final disposition within 33.8 days of arrest, 50% of all cases resulting in a guilty lesser charge disposition reached final disposition within 52.0 days, and 50% of all cases resulting in non-conviction dispositions reached final disposition within 64.5 days of arrest. Also, 29.1% of the guilty DWI cases were adjudicated within 7 days of arrest while only 2.2% of the guilty lesser charge cases and 4.5% of the non-conviction cases reached final disposition within 7 days. This difference primarily resulted from pleas of guilty DWI taken at preliminary presentations. Cases contested at preliminary presentations were normally continued for adjudication at non-jury trials.
- 2) Processing efficiency for guilty DWI cases improved in 1976 as compared to 1975 (which was also inefficient compared to 1973 and 1974). Median days from arrest to final dispositions were 37.8, 32.2, 46.1, and 33.8 in 1973, 1974, 1975, and 1976 respectively. The throughput for guilty lesser charge and non-conviction dispositions also seemed to improve slightly in 1976 as compared to 1975. For guilty lesser charge cases median processing days were 53.5, 54.5, 55.1 and 52.0 in 1973, 1974, 1975 and 1976 respectively while median processing days for non-conviction cases were 74.0, 56.5, 66.0, and 64.5 in 1973, 1974, 1975, and 1976 respectively.
- 3) The trend toward longer processing times for all dispositions which began in 1975 showed signs of reversing in 1976. The proportions of all final decisions reached within one month of arrest were 41.9%, 46.2%, 26.1%, and 37.1% in 1973 to 1976 respectively. Median processing days were 39.4, 33.6, 49.3, and 42.5 for 1973 to 1976 respectively for all final dispositions.

H. Profile of Disposition Groups

The final section of this study examines the distribution of profiles for disposition groups. Table 30 presents the distribution of 1976 dispositions for age. The significant X^2 value of 53.4 indicated overall differences in the distributions for the various age categories. Further examination of the table indicated that people in the older age categories were more likely to be convicted of DWI than younger offenders (those under 20 years of age in particular). However, an interpretation of leniency on the part of judges toward more youthful offenders was premature. Other factors which were associated with age such as number of prior arrests and BAC were also important in determining the final disposition of a case and thus confounded the issue.

Table 31 demonstrates the differences in arrest BAC distributions which exist for the various age groups. The distributions appeared to be quite similar to the distributions of final dispositions, with the older DWI offenders having a higher percentage of BAC's in the .20 or greater range, as well as a higher percentage of guilty DWI dispositions. This fact alone probably accounted for much of the discrepancy between age groups and final disposition.

Mean age for guilty DWI cases was 37.4, 35.7 for guilty lesser charge cases, and 30.7 for non-conviction cases. The average age for all final dispositions in 1976 was 36.5.

Table 32 shows the distribution of 1976 dispositions by race. The percentage of guilty DWI dispositions was 61.6% for whites and 80.8% for blacks (a significant difference, $p < .001$). This large discrepancy was made up primarily in the guilty lesser charge category. Thirty three percent of white DWI arrest cases resulted in guilty lesser charge dispositions while only 16.2% of the black cases resulted in guilty lesser charge dispositions. This

TABLE 30

Distributions of Final Dispositions by Age: 1976

| | Under 20 | | 20-29 | | 30-39 | | 40-49 | | 50-59 | | 60 + | | Mean Age |
|----------------------------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|-------|------------------------|
| | # | % | # | % | # | % | # | % | # | % | # | % | |
| Guilty DUI | 45 | 48.4 | 264 | 60.0 | 237 | 67.9 | 204 | 71.8 | 143 | 70.8 | 46 | 59.7 | N = 939 Mean = 37.4 |
| Guilty Lesser Charge | 34 | 36.6 | 145 | 33.0 | 102 | 29.2 | 74 | 26.1 | 48 | 23.8 | 31 | 40.3 | N = 434 Mean = 35.7 |
| Non- Conviction | 14 | 15.1 | 31 | 7.0 | 10 | 2.9 | 6 | 2.1 | 11 | 5.4 | 0 | 0.0 | N = 72 Mean = 30.7 |
| Column Total | 93 | | 440 | | 349 | | 284 | | 202 | | 77 | | Total N = 1445 |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 | Mean = 36.5 |

$$\chi^2 = 53.4, df = 10, p < .001$$

Percentages shown are column percents.

TABLE 31

Distribution of BAC's by Age: 1976

| | Under 20 | | 20-29 | | 30-39 | | 40-49 | | 50-59 | | 60 + | | Row Total | |
|-----------------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------|-------|-----------|-------|
| | # | % | # | % | # | % | # | % | # | % | # | % | # | % |
| .00 Negative | 2 | 2.4 | 8 | 2.0 | 1 | 0.3 | 1 | 0.4 | 0 | 0.0 | 0 | 0.0 | 12 | 0.9 |
| .01 - .04 | 6 | 7.1 | 13 | 3.2 | 1 | 0.3 | 0 | 0.0 | 1 | 0.6 | 0 | 0.0 | 21 | 1.6 |
| .05 - .09 | 10 | 11.9 | 36 | 8.9 | 21 | 7.0 | 4 | 1.6 | 8 | 4.7 | 6 | 8.5 | 85 | 6.6 |
| .10 - .14 | 36 | 42.9 | 125 | 31.0 | 66 | 21.9 | 44 | 17.2 | 32 | 18.6 | 19 | 26.8 | 322 | 25.0 |
| .15 - .19 | 23 | 27.4 | 141 | 35.0 | 110 | 36.5 | 94 | 36.7 | 54 | 31.4 | 20 | 28.2 | 442 | 34.3 |
| .20 - .24 | 4 | 4.8 | 61 | 15.1 | 63 | 20.9 | 65 | 25.4 | 48 | 27.9 | 23 | 32.4 | 264 | 20.5 |
| .25 + | 3 | 3.6 | 19 | 4.7 | 39 | 13.0 | 48 | 18.8 | 29 | 16.9 | 3 | 4.2 | 141 | 11.0 |
| Column Total | 84 | | 403 | | 301 | | 256 | | 172 | | 71 | | 1287 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 | | 100.0 |

 $\chi^2 = 161.2$, $df = 30$, $p < .001$

Percentages shown are column percentages.

.00 to .09 BAC collapsed into one category: $\chi^2 = 143.5$, $df = 20$, $p < .001$

TABLE 32

Distribution of Dispositions by Race: 1976

| | White | | Black | | Row Total | |
|----------------------|-------|-------|-------|-------|-----------|-------|
| | # | % | # | % | # | % |
| Guilty DWI | 729 | 61.6 | 214 | 80.8 | 943 | 65.1 |
| Guilty Lesser Charge | 391 | 33.0 | 43 | 16.2 | 434 | 30.0 |
| Non-Conviction | 64 | 5.4 | 8 | 3.0 | 72 | 5.0 |
| Column Total | 1184 | | 265 | | 1449 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 35.1, df = 2, p < .001$$

Percentages shown are column percentages.

bias could have resulted from an inability to afford private counsel or from generally higher BAC's. The distribution of arrest BAC's by race for 1976 was analyzed as shown in Table 33. There was a difference of 10.1% in the percentages having arrest BAC's over .24 (19.2% of blacks and 9.1% of whites). This difference no doubt accounts for some of the discrepancy seen in Table 32, but it was doubtful that it accounted for all of the discrepancy.

The entire 1976 sample of final dispositions consisted of 81.7% whites and 18.3% blacks. Black offenders represented 22.7% of all guilty DWI dispositions, 9.9% of all guilty lesser charge dispositions, and 11.1% of all non-conviction dispositions.

The distribution of 1976 dispositions by sex is shown in Table 34. There were no statistically significant differences in dispositions by sex. Table 35 presents the distribution of BAC's by sex and there were no significant differences between males and females. For the entire 1976 sample, 11% of the final disposition cases were female, and females made up 10.4% of the guilty DWI dispositions, 12.4% of the guilty lesser charge dispositions, and 11.1% of the cases resulting in non-conviction.

TABLE 33

Distribution of BAC's by Race: 1976

| | White | | Black | | Row Total | |
|---------------|-------|-------|-------|-------|-----------|-------|
| | # | % | # | % | # | % |
| .00 | 12 | 1.1 | 0 | 0.0 | 12 | 0.9 |
| .01 - .04 | 18 | 1.7 | 3 | 1.3 | 21 | 1.6 |
| .05 - .09 | 72 | 6.9 | 13 | 5.4 | 85 | 6.6 |
| .10 - .14 | 262 | 25.0 | 60 | 25.0 | 322 | 25.0 |
| .15 - .19 | 372 | 35.5 | 70 | 29.2 | 442 | 34.3 |
| .20 - .24 | 216 | 20.6 | 48 | 20.0 | 264 | 20.5 |
| .25 + | 95 | 9.1 | 46 | 19.2 | 141 | 11.0 |
| Column Total | 1047 | | 240 | | 1287 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 24.1, df = 6, p < .001$$

Percentages shown are column percentages.

TABLE 34

Distribution of Dispositions by Sex: 1976

| | Male | | Female | | Row Total | |
|----------------------|------|-------|--------|-------|-----------|-------|
| | # | % | # | % | # | % |
| Guilty DWI | 845 | 65.6 | 98 | 61.3 | 943 | 65.1 |
| Guilty Lesser Charge | 380 | 29.5 | 54 | 33.8 | 434 | 30.0 |
| Non-Conviction | 64 | 5.0 | 8 | 5.0 | 72 | 5.0 |
| Column Total | 1289 | | 160 | | 1449 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

$$\chi^2 = 1.3, df = 2, ns$$

Percentages shown are column percents.

TABLE 35

Distribution of BAC's by Sex: 1976

| | Male | | Female | | Row Total | |
|-----------------|------|-------|--------|-------|-----------|-------|
| | # | % | # | % | # | % |
| .00 Negative | 11 | 1.0 | 1 | 0.7 | 12 | 0.9 |
| .01 - .04 | 18 | 1.6 | 3 | 2.0 | 21 | 1.6 |
| .05 - .09 | 76 | 6.7 | 9 | 6.1 | 85 | 6.6 |
| .10 - .14 | 289 | 25.4 | 33 | 22.3 | 322 | 25.0 |
| .15 - .19 | 389 | 34.2 | 53 | 35.8 | 442 | 34.3 |
| .20 - .24 | 230 | 20.2 | 34 | 23.0 | 264 | 20.5 |
| .25 + | 126 | 11.1 | 15 | 10.1 | 141 | 11.0 |
| Column Total | 1139 | | 148 | | 1287 | |
| Percent Total | | 100.0 | | 100.0 | | 100.0 |

 $\chi^2 = 1.5$, $df = 6$, ns

Percentages shown are column percents.

Summary: The profile comparison of 1976 disposition groups indicated the following:

- 1) Older DWI offenders had a higher likelihood of a guilty DWI disposition than younger offenders. However, the older offenders also had a much higher percentage of arrest BAC's above .19 as compared to younger persons arrested for DWI. This difference probably accounted for much of the difference in final disposition rates.
- 2) Black offenders had a higher DWI conviction rate than white offenders (80.8% vs. 61.6%). Black offenders also had a higher proportion of cases with arrest BAC's above .24, but this difference did not seem to fully account for the differences in disposition rates. Probably other factors which may be related to race were involved in creating the differing disposition rates, such as the inability to afford private counsel. 18.3% of all final dispositions were black.
- 3) There were no differences in disposition rates between males and females. Further, there were no differences in arrest BAC distributions for males and females. 11% of all final dispositions were female.

III. APPENDICES

| | | |
|------------|-------------------------------------|-----|
| Appendix A | ASAP Report to Court | A |
| Appendix B | ASAP Court Orders | B |
| | Phase I | B-1 |
| | Phase II | B-2 |
| | Phase III | B-3 |
| Appendix C | Revised ASAP Court Orders | C |
| | Phase I | C-1 |
| | Phase II | C-2 |

APPENDIX A
ASAP REPORT TO COURT

Defendant _____ Age _____ Race _____ Sex _____
Citation # _____ Current DWI Arrest Date _____ BAC _____
Court Date _____ Court Room _____ Time _____

DWI ARREST HISTORY

BAC

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |

HISTORY OF COURT REFERRALS

- ☐ ASAP has no record of prior DWI Arrests.
- ☐ Prior arrest(s) exist. Referral to ASAP was not ordered.
- ☐ Prior arrest(s) exist. Referral to ASAP was ordered as follows:

Diagnostic Interview

| | |
|--|---|
| <input type="checkbox"/> Ordered in 197____: | Completed _____ (diagnosis) Not Completed |
|--|---|

DWI School

| | |
|--|----------------------------|
| <input type="checkbox"/> Ordered in 197____: | Completed Not Completed |
|--|----------------------------|

Additional Treatment at _____

| | |
|--|----------------------------|
| <input type="checkbox"/> Started in 197____: | Completed Not Completed |
|--|----------------------------|

| | | | |
|---------|----------|-----------|-------------------|
| Phase I | Phase II | Phase III | No Recommendation |
|---------|----------|-----------|-------------------|

ASAP
TAMPA

APPENDIX B

A S A P C O U R T O R D E R S

PHASE I

PHASE II

PHASE III

PHASE I
Court Order
Hillsborough County Court, Traffic Division

B-1

NAME _____ SUBJECT # _____
DL# _____ SS # _____
RACE _____ SEX _____ AGE _____ DOB _____
ADDRESS (HOME) _____ PHONE (HOME) _____
ADDRESS (BUSINESS) _____ PHONE (BUSINESS) _____
DATE OF ARREST _____ CITATION # _____
INTERVIEW DATE _____ DIAGNOSIS _____ M/F:K-1 _____ K-2 _____ K-3 _____ OT _____ FS _____
COUNSELOR _____ REFERRALS _____

You are hereby placed on six (6) months probation. It is further ordered that you comply with the following conditions of Probation:

- (a) Not change your residence or employment or leave the county without first procuring the consent of the Court.
- (b) Use no narcotic drugs. Do not use intoxicants of any kind in excess
- (c) Avoid injuries or vicious habits; avoid association with persons of harmful character or bad reputation.
- (d) In all respects live honorably, work diligently at a lawful occupation, and support dependents, if any, to the best of your ability, and live within what income is available.
- (e) Not carry any weapons without first securing the consent of the Court.
- (f) Visit no gambling places.
- (g) Live and remain at liberty without violating any law.
- (h) Promptly and truthfully answer all inquiries directed by the Court.

You are hereby ordered to attend one (1) diagnostic interview at Hillsborough Community Mental Health Center Alcoholism Services at _____ o'clock on the _____ of _____, 197____. (Fee: \$25.00)

You are hereby ordered to attend the DWI Counterattack School at the Hillsborough Community College _____ Campus, at _____ o'clock on the _____ of _____, 197____. (Fee: \$40.00)

REPORT IMMEDIATELY AT THE ASAP CENTRAL BREATH TESTING LABORATORY at the south end of the Tampa Police Station, 1710 North Tampa Street, Tampa, Florida 33602 for scheduling. Additional fees will be assessed for missed appointments.

ASAP Scheduling Officer

Client Signature

By further written Order of this Court you may be required to attend and participate in additional therapeutic programs. In this event, you are also ordered to participate in any follow-up interviews which may be required (at no charge) at six month intervals during the next year.

The Court may at any time rescind or modify any of the conditions of this probation, or may extend the period of probation as authorized by law, or may discharge you. If you violate any of the conditions of this probation, you may be arrested and the Court may revoke this probation and impose any sentence which it may have imposed before placing you on probation.

DONE AND ORDERED in open Court this _____ day of _____, 197____.

COUNTY COURT JUDGE

You are hereby further ordered to attend additional treatment described as follows:

_____ at _____ o'clock on _____ the _____ of _____, 197____.

COUNTY COURT JUDGE

DISTRIBUTION:

White: Court of Record
Green: ASAP Phone: 223-8001/Scheduling Office 23-8005
Yellow: HCMHC Alc. Svcs. Phone: 223-7411
Pink: DWI Counterattack, Inc. Phone 872-6663
Goldenrod: Defendant

ASAP
TAMPA

PHASE II
COURT ORDER
HILLSBOROUGH COUNTY COURT, TRAFFIC DIVISION

NAME _____ SUBJECT # _____

DL# _____ SS# _____

RACE _____ SEX _____ AGE _____ DOB _____

ADDRESS (HOME) _____ PHONE (HOME) _____

ADDRESS (BUSINESS) _____ PHONE (BUSINESS) _____

DATE OF ARREST _____ CITATION # _____

INTERVIEW DATE _____ DIAGNOSIS _____ M/F: K-1 _____ K-2 _____ K-3 _____ QT _____ FS _____

Counselor _____ Referrals _____

You are hereby placed on two (2) years probation. It is further ordered that you shall comply with the following conditions of Probation:

- (a) Not change your residence or employment or leave the county without first procuring the consent of the Court.
- (b) Use no narcotic drugs. Do not use intoxicants of any kind to excess.
- (c) Avoid injurious or vicious habits; avoid association with persons of harmful character or bad reputation.
- (d) In all respects live honorably, work diligently at a lawful occupation, and support dependents, if any, to the best of your ability, and live within what income is available.
- (e) Not carry any weapons without first securing the consent of the Court.
- (f) Visit no gambling places.
- (g) Live and remain at liberty without violating any law.
- (h) Promptly and truthfully answer all inquiries directed by the Court.

You are hereby ordered to attend one (1) diagnostic interview at Hillsborough Community Mental Health Center Alcoholism Services at _____ o'clock on _____ the _____ of _____, 197_____. (Fee: \$25.00)

You are hereby ordered to attend the DWI Counterattack School at the Hillsborough Community College, _____ Campus, at _____ o'clock on _____ the _____ of _____, 197_____. (Fee: ~~\$30.00~~ *40.00*)

REPORT IMMEDIATELY TO THE ASAP CENTRAL BREATH TESTING LABORATORY at the south end of the Tampa Police Station, 1710 North Tampa Street, Tampa, Florida 33602 for scheduling. Additional fees will be assessed for missed appointments.

 ASAP SCHEDULING OFFICER

 CLIENT SIGNATURE

During your diagnostic interview, you may be assigned to treatment at the Hillsborough Community Mental Health Center in Group or Chemotherapy or at other treatment programs. You are hereby ordered to enter into and complete any program that you are referred to and to pay any fees that are charged for your treatment. You are also ordered to participate in any follow-up interviews which may be required (at no charge) at six month intervals during the next year.

You are hereby further ordered to attend additional treatment described as follows:

_____ at _____ o'clock on _____ the _____ of _____, 197_____.

The Court may at any time rescind or modify any of the conditions of this probation, or may extend the period of this probation as authorized by law, or may discharge you. If you violate any of the conditions of this probation, you may be arrested and the Court may revoke this probation and impose any sentence which it may have imposed before placing you on probation.

DONE AND ORDERED in open Court this _____ day of _____, 197_____.

 COUNTY COURT JUDGE

DISTRIBUTION:

White: Court of Record
 Green: ASAP Phone: 223-8001
 Yellow: HCMHC Alc. Svcs. Phone: 238-7411
 Pink: DWI Counterattack, Inc. Phone 872-8663
 Goldenrod: Defendant

asap
 ALCOHOL SAFETY ACTION PROJECT TAMPA

PHASE III

B-3

COURT ORDER HILLSBOROUGH COUNTY COURT, TRAFFIC DIVISION

NAME _____ SUBJECT # _____
DL# _____ SS# _____
RACE _____ SEX _____ AGE _____ DOB _____
ADDRESS (HOME) _____ PHONE (HOME) _____
ADDRESS (BUSINESS) _____ PHONE (BUSINESS) _____
DATE OF ARREST _____ CITATION # _____
INTERVIEW DATE _____ DIAGNOSIS _____ M/F: K-1 _____ K-2 _____ K-3 _____ QT _____ FS _____
Counselor _____ Referrals _____

You are hereby placed on two (2) years probation. It is further ordered that you shall comply with the following conditions of Probation:

- Not change your residence or employment or leave the county without first procuring the consent of the Court.
- Use no narcotic drugs. Do not use intoxicants of any kind to excess.
- Avoid injurious or vicious habits; avoid association with persons of harmful character or bad reputation.
- In all respects live honorably, work diligently at a lawful occupation, and support dependents, if any, to the best of your ability, and live within what income is available.
- Not carry any weapons without first securing the consent of the Court.
- Visit no gambling places.
- Live and remain at liberty without violating any law.
- Promptly and truthfully answer all inquiries directed by the Court.

You are hereby ordered to attend one (1) diagnostic interview at Hillsborough Community Mental Health Center Alcoholism Services at _____ o'clock on _____ the _____ of _____, 197_____. (Fee: \$25.00)

You are hereby ordered to attend the DWI Counterattack School at the Hillsborough Community College, _____ Campus, at _____ o'clock on _____ the _____ of _____, 197_____. (Fee: \$30.00)

REPORT IMMEDIATELY TO THE ASAP CENTRAL BREATH TESTING LABORATORY at the south end of the Tampa Police Station, 1710 North Tampa Street, Tampa, Florida 33602 for scheduling. Additional fees will be assessed for missed appointments.

ASAP SCHEDULING OFFICER _____

CLIENT SIGNATURE _____

During your diagnostic interview, you may be assigned to treatment at the Hillsborough Community Mental Health Center in Group or Chemotherapy or at other treatment programs. You are hereby ordered to enter into and complete any program that you are referred to and to pay any fees that are charged for your treatment. You are also ordered to participate in any follow-up interviews which may be required (at no charge) at six month intervals during the next year.

You are hereby further ordered to attend additional treatment described as follows:

_____ at _____ o'clock on _____ the _____ of _____, 197_____.

The Court may at any time rescind or modify any of the conditions of this probation, or may extend the period of this probation as authorized by law, or may discharge you. If you violate any of the conditions of this probation, you may be arrested and the Court may revoke this probation and impose any sentence which it may have imposed before placing you on probation.

DONE AND ORDERED in open Court this _____ day of _____, 197_____.

COUNTY COURT JUDGE _____

DISTRIBUTION:

White: Court of Record
Green: ASAP Phone: 823-8800
Yellow: HCMHC Atc. Sec. Phone: 236-7473
Pink: DWI Counterattack, Inc. Phone: 823-0857
Copies: Defendant

asap

ALCOHOL SAFETY ACTION PROJECT TAMPA

APPENDIX C

REVISED
ASAP COURT ORDERS

PHASE I
PHASE II

C-1

PHASE I
COURT ORDER
IN THE COUNTY COURT IN AND FOR
HILLSBOROUGH COUNTY, STATE OF FLORIDA
TRAFFIC DIVISION

CITATION # _____ DATE OF ARREST _____

NAME _____ AGE _____ RACE _____ SEX _____

DL# _____ SS# _____ DOB _____

ADDRESS (HOME) _____ PHONE (HOME) _____

ADDRESS (BUSINESS) _____ PHONE (BUSINESS) _____

INTERVIEW DATE _____ DIAGNOSIS _____ M/F:K-1 _____ K-2 _____ K-3 _____ QT _____ FS _____

Counselor _____ Referrals _____

You are hereby placed on six (6) months probation. It is further ordered that you shall comply with the following conditions of Probation:

- (a) Not change your residence or employment or leave the county without first procuring the consent of the Court.
- (b) Use no narcotic drugs. Do not use intoxicants of any kind to excess.
- (c) Avoid injurious or vicious habits; avoid association with persons of harmful character or bad reputation.
- (d) In all respects live honorably, work diligently at a lawful occupation, and support dependents, if any, to the best of your ability, and live within what income is available.
- (e) Not carry any weapons without first securing the consent of the Court.
- (f) Visit no gambling places.
- (g) Live and remain at liberty without violating any law.
- (h) Promptly and truthfully answer all inquiries directed by the Court.

You are hereby ordered to complete one diagnostic interview at _____
_____ , at _____ o'clock on _____ the _____ of _____ , 197 _____. (Fee \$ _____.)

You are hereby ordered to complete an approved alcohol education course at _____
_____ , at _____ o'clock on _____ the _____ of _____ , 197 _____. (Fee \$ _____.)

REPORT IMMEDIATELY TO THE SCHEDULING OFFICE at the south end of the Tampa Police Station, 1710 North Tampa Street, Tampa, Florida 33602 for scheduling. Additional fees will be assessed for missed appointments.

SCHEDULING OFFICER

CLIENT

After your diagnostic interview, you may be assigned to treatment. You are hereby ordered to enter into and complete any program that you are referred to and to pay any fees that are charged for your treatment.

The Court may at any time rescind or modify any of the conditions of this probation, or may extend the period of probation as authorized by law, or may discharge you. If you violate any of the conditions of this probation, you may be arrested and the Court may revoke this probation and impose any sentence which it may have imposed before placing you on probation.

DONE AND ORDERED in open Court this _____ day of _____, 197_____.

COUNTY COURT JUDGE

| | | | | | |
|------------------------------|--------------------------------------|------------------------------|---------------------------------|------------------------------|-------------------|
| _____ Judge's Initials | Judicial Concurrence Requested | _____ Judge's Initials | Interview and School Only | _____ Judge's Initials | Interview Only |
|------------------------------|--------------------------------------|------------------------------|---------------------------------|------------------------------|-------------------|

Your treatment is described as follows:

_____ at _____ o'clock on _____ the _____ of _____, 197_____.

DISTRIBUTION:

White: Court of Record
Green: Alcohol Traffic Safety Project
Yellow: Alcohol Rehabilitation/Counseling Agency
Pink: Alcohol Education Agency
Goldenrod: Defendant

PHASE II
COURT ORDER
IN THE COUNTY COURT IN AND FOR
HILLSBOROUGH COUNTY, STATE OF FLORIDA
TRAFFIC DIVISION

CITATION # _____ DATE OF ARREST _____
 NAME _____ AGE _____ RACE _____ SEX _____
 DL# _____ SS# _____ DOB _____
 ADDRESS (HOME) _____ PHONE (HOME) _____
 ADDRESS (BUSINESS) _____ PHONE (BUSINESS) _____
 INTERVIEW DATE _____ DIAGNOSIS _____ M/F:K-1 _____ K-2 _____ K-3 _____ QT _____ FS _____
 Counselor _____ Referrals _____

You are hereby placed on two (2) years probation. It is further ordered that you shall comply with the following conditions of Probation:

- (a) Not change your residence or employment or leave the county without first procuring the consent of the Court.
- (b) Use no narcotic drugs. Do not use intoxicants of any kind to excess.
- (c) Avoid injurious or vicious habits; avoid association with persons of harmful character or bad reputation.
- (d) In all respects live honorably, work diligently at a lawful occupation, and support dependents, if any, to the best of your ability, and live within what income is available.
- (e) Not carry any weapons without first securing the consent of the Court.
- (f) Visit no gambling places.
- (g) Live and remain at liberty without violating any law.
- (h) Promptly and truthfully answer all inquiries directed by the Court.

You are hereby ordered to complete one diagnostic interview at _____
 at _____ o'clock on _____ the _____ of _____, 197 _____. (Fee \$ _____.)

REPORT IMMEDIATELY TO THE SCHEDULING OFFICE at the south end of the Tampa Police Station, 1740 North Tampa Street, Tampa, Florida 33602 for scheduling. Additional fees will be assessed for missed appointments.

 SCHEDULING OFFICER

 CLIENT

After your diagnostic interview, you may be assigned to treatment. You are hereby ordered to enter into and complete any program that you are referred to and to pay any fees that are charged for your treatment.

The Court may at any time rescind or modify any of the conditions of this probation, or may extend the period of probation as authorized by law, or may discharge you. If you violate any of the conditions of this probation, you may be arrested and the Court may revoke this probation and impose any sentence which it may have imposed before placing you on probation.

DONE AND ORDERED in open Court this _____ day of _____, 197 _____.

 COUNTY COURT JUDGE

Your treatment is described as follows:

_____ at _____ o'clock on _____ the _____ of _____, 197 _____.

DISTRIBUTION:

White: Court of Record
 Green: Alcohol Traffic Safety Project
 Yellow: Alcohol Rehabilitation/Counseling Agency
 Pink: Alcohol Education Agency
 Goldenrod: Defendant

