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AN ANALYSIS OF THE IMPACT OF ASAP ON THE
TRAFFIC SAFETY SYSTEM OF FAIRFAX, VIRGINIA
ANALYTIC STUDY 4, COURT PROCEDURES: 1976

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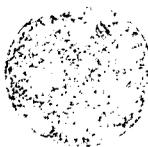


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| 16. Abstract The purpose of this study is to describe and analyze the judicial counter-measure of the Fairfax ASAP. It provides a short history of the changes in judicial policy, and it focuses on three (3) questions. The first of these relates to the screening function. Did the courts utilize ASAP to capacity? Approximately 50 percent of those who appeared before the court were referred to ASAP. Referrals were generally consistent with judicial policies to limit participation to non-recidivists with BACs less than .23 percent. As ASAP backlogs were reduced, referrals directly to treatment were gradually reduced and ASAP referrals increased. Just over 1700 persons were referred to ASAP by the courts during 1976. The second question was whether the dispositions for those who participated in the program were less severe than were the dispositions of non-participants. This was clearly the case. Those who completed ASAP were less likely to be convicted DWI than non-participants. Specific penalties such as fines, days of jail and days of operators license loss were also related to screening. ASAP participants and those referred directly to treatment had lower penalties than those referred and ASAP clients who dropped the program. Higher penalties were also associated with higher BACs. Only one demographic characteristic was consistently related to lower penalties. Women tended to receive lower fines, few dyas of jail and fewer days of license loss. One interesting finding was that those who refused the test was not significantly related to receiving a reduced charge. In fact a higher proportion of refusals in each category were convicted DWI. The third question concerned the time lapse between various stages of the process. Reduction times were found in 1976 and believed to be a response to judicial policy that imposed time limits on returns to court. | | | | | |
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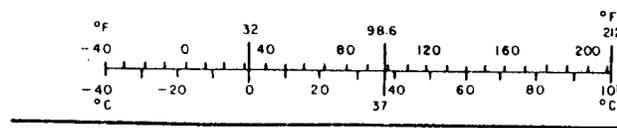
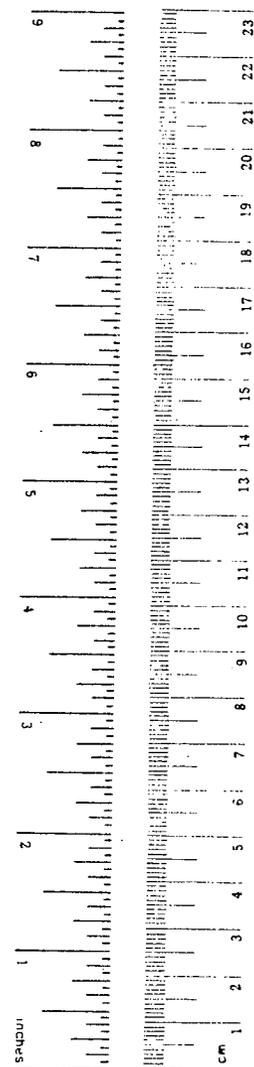
METRIC CONVERSION FACTORS

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 |

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 |



* 1 in. = 2.54 cm exactly. For other exact conversions and more detailed tables, see NBS Mon., Publ. 286, Units of Weights and Measures, Part 2, 25, 30 Catalog No. C 3, 10, 286.

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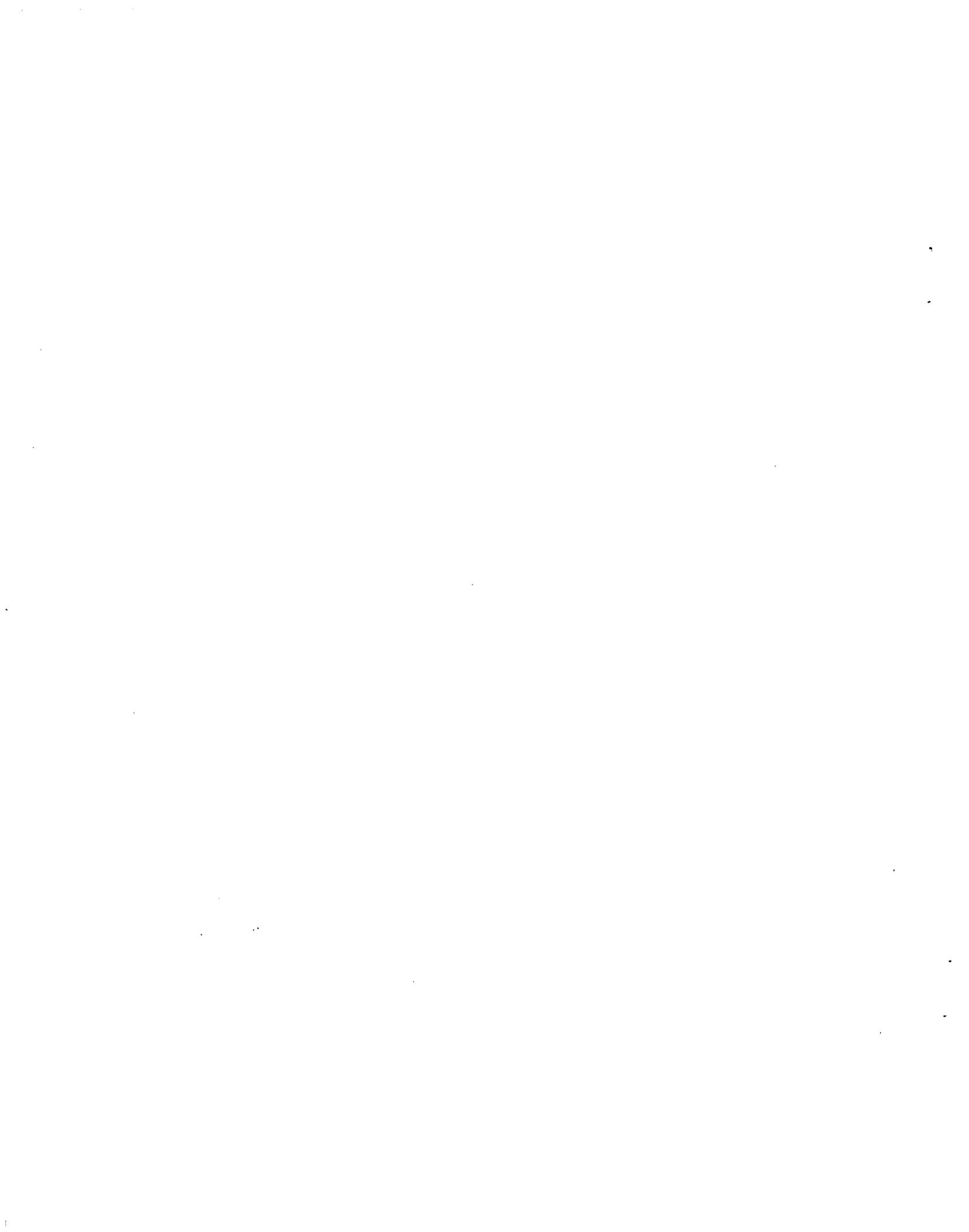
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1. INTRODUCTION

The Fairfax Alcohol Safety Action Project was envisaged as a broadly-based community effort to reduce the incidence of drunk driving. Five countermeasures were developed as part of this comprehensive program. These were enforcement, judicial, rehabilitation, public information and management/evaluation. The program, which was initially fully funded by the Department of Transportation, went operational in the Fairfax, Virginia area in January, 1972. Five jurisdictions participated - Fairfax County, Fairfax City, Falls Church, Herndon, and Vienna.

A requirement of the federal government was that a study be conducted for each of the five countermeasures. Each countermeasure was to be evaluated independently to determine their particular role in the success of the ASAP program. The objective of this report is to describe and evaluate the judicial countermeasure.

Since ASAP is almost entirely dependent on the courts for its clientele, it is of great importance that the judicial countermeasure be as effective as possible and that a good working relationship exist between the courts and ASAP. This report will review and analyze the various aspects of the judicial countermeasure, namely:

1. Did the courts utilize ASAP to capacity. In other words, were those people who were eligible for ASAP being referred?
2. Were the judicial consequences for those offenders who participated in ASAP less severe than for those not referred?
3. Was time between arrest and treatment completion within a reasonable period of time? Were those people in ASAP back to court within six months as requested by the courts?

To understand the sequence of events involved in the judicial countermeasure a brief descriptive background will be presented, followed by an analysis components of the system.

2. BACKGROUND

Prior to ASAP, Virginia law stipulated the presumptive level of intoxication as a blood alcohol content (BAC) .15 percent. Arrest procedures were cumbersome and time consuming. Over two hours time away from patrol while making a DWI arrest was common. Often the person was charged with Reckless Driving rather than going through the more complex DWI procedures. The penalties for conviction of driving while intoxicated were severe, a minimum fine of \$200 and mandatory loss of operator's license for six months.

Complex arrest procedures and low rates of conviction kept arrests down. From 1969 to 1971 only 393 DWI arrests were made in the area.¹

¹ Figures from Fairfax County and Fairfax City only.

Two hundred and sixty seven persons appeared in court on DWI charges from 1969 - 1971. Of those cases, only 25 percent were convicted of DWI, although an additional 27 percent were convicted of a lesser alcohol-related charge.

In 1972 the Alcohol Safety Action Project went operational. Also during that year in the Virginia General Assembly, two pieces of legislation were passed that strongly influenced the situation. The presumptive level of intoxication was lowered to .10 percent. In addition, a bill was passed to permit the use of the breath test as evidence to determine the degree of intoxication. Both laws became effective in 1973. Dramatic increases in arrests occurred in 1972 and 1973.

It was hoped that if the judges had an alternative to the severe penalty of DWI, conviction rates, even if on reduced charges, would increase. A special prosecutor and the ASAP Probation Office became the main components of the judicial countermeasure. The alternative provided was diagnosis and referral to rehabilitation programs with defendants being monitored by the ASAP Probation Office. This office, however, had three other functions, namely to provide pre-trial information to the prosecutor who then determined the defendant's suitability for participation in ASAP; diagnosis type of drinker; and determination of appropriate treatment. The original process is diagrammed on Figure 1.

Problems developed immediately. Initial budgeting anticipated a total ASAP intake of approximately 75 cases a month, and the structure was established on this base. However, the courts had set aside some 60 cases which the judges referred to the ASAP Probation Office at the beginning of operations. In addition to these cases, regular police operations started in full swing the first of February and by the end of March, after two months of operations, instead of having 150 cases as originally expected, there were some 600 cases on ASAP files. One result of this pressure was that the Probation Office was not able to undertake the kind of quality pre-trial investigation that was planned. In addition, the one-to-one interview that was to determine drinker type could not be fulfilled.

Judicial procedures have been modified several times during the 1972 to 1976 period to accommodate the large number of arrests and to reduce the time between arrest and final disposition. The judges, rather than the prosecutors, began to take a more active role in determining referrals to ASAP, and in the early part of 1975, established six months as a maximum continuance. The number of referrals were reduced each month in 1975 so that ASAP caseloads could be reduced. Some treatment referrals were made directly by the court. All cases which had entered ASAP prior to March 1975 were given court dates in August 1975, thus eliminating the entire backlog.

In November of 1975, a fee of \$75 was initiated for those entering ASAP. Although designed to cover costs, the \$75 did not cover the full

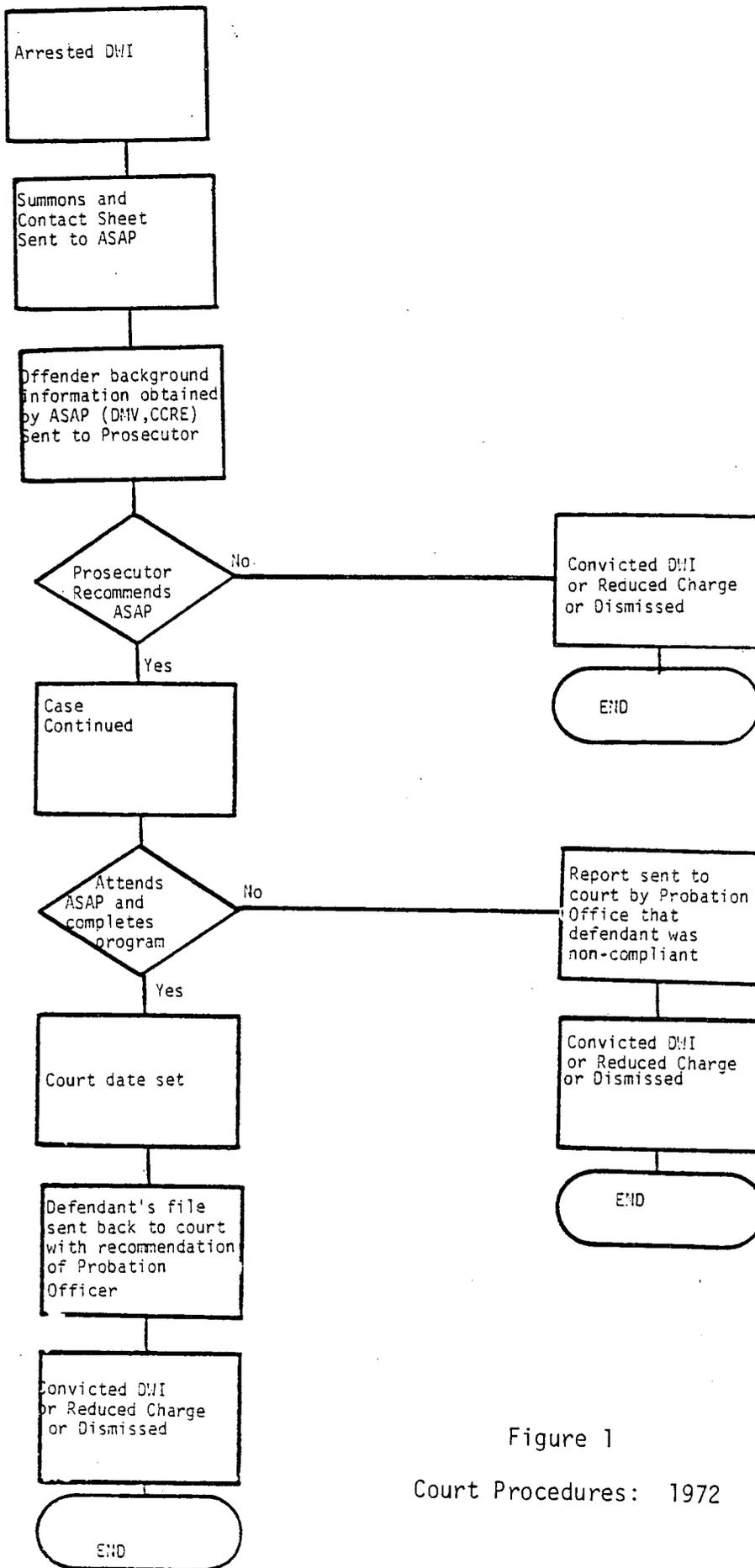


Figure 1
Court Procedures: 1972

cost of the program, the remainder being borne by the local taxpayer. Consequently, non-residents were considered ineligible for the program. However, in July of 1976, the fee was raised to \$200, which would enable ASAP to move toward self-sufficiency, and the residency requirement was dropped.

By 1976, judicial policy was clearly spelled out.

- All defendants requesting ASAP entered a guilty plea on the original charge prior to being granted ASAP participation.
- Rather than a continuance, the defendant's imposition of sentence was suspended for six months.
- Participation in ASAP was limited to those persons who had not previously participated in the program and whose BAC was .23 percent or less.

The current system is diagrammed on Figure 2. Following the establishment of this judicial policy, referrals to ASAP gradually increased while referrals directly to treatment declined.

Thus, the court now performs two functions, screening and disposition. The defendant's first court appearance is termed "screening". The judge may decide to refer the person to ASAP, refer elsewhere to treatment, grant a continuance or proceed immediately with trial. These four possible outcomes of the first court appearance are called "screening results". Since a continuance does not reflect a final outcome, but only a postponement of the end result, continuances have been excluded in the section on screening results with the exception of those cases being continued at the end of 1976. The latter will be included in the tables. The variations in screening results will be discussed first followed by final dispositions. The third section deals with defendants' processing time.

3. SCREENING RESULTS

From 1972 through 1974, approximately 80 percent of the DWI cases heard in the Fairfax County courts were referred to ASAP. See figure 3. In 1975 there was a sharp reduction to 50 percent (N = 1677) with an additional six percent referred directly to treatment by the courts. In 1976 the percentage referred to ASAP remained about the same as in 1975, just over 50 percent (N = 1705). As mentioned previously, an alternative to ASAP, which evolved during the backlog in 1975, was to refer the client directly to treatment. This category of screening results reflected the largest change over 1975 figures. Slightly more than 12 percent (N = 427) of all cases were referred directly to treatment in 1976, compared to only 6.3 percent (N = 200) in 1975. The "Not Referred" category declined from 40 percent (N = 1259) in 1975 to 35 percent (N = 1156) in 1976. The reduction was related to the increase in the percentage referred directly to treatment. Referrals to ASAP were reduced to allow ASAP clients who had been in the program more than six months to return to court for final

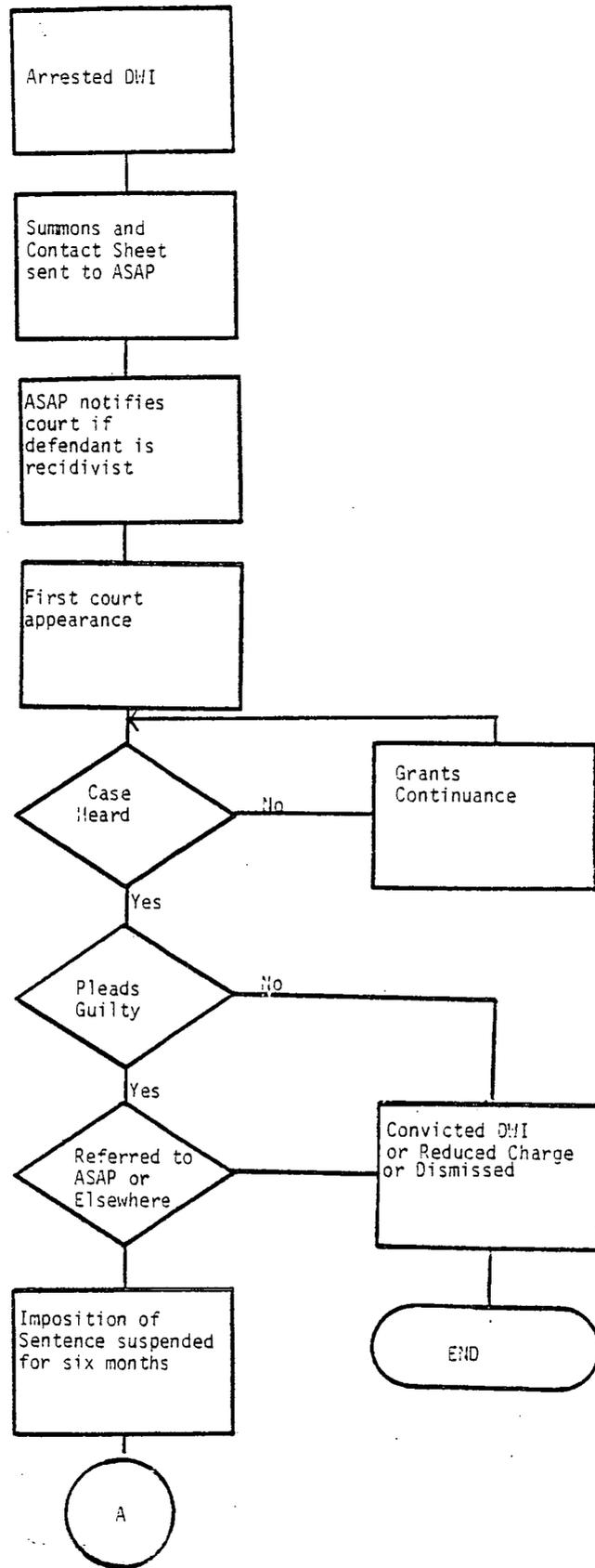


Figure 2

Court Procedures: 1976

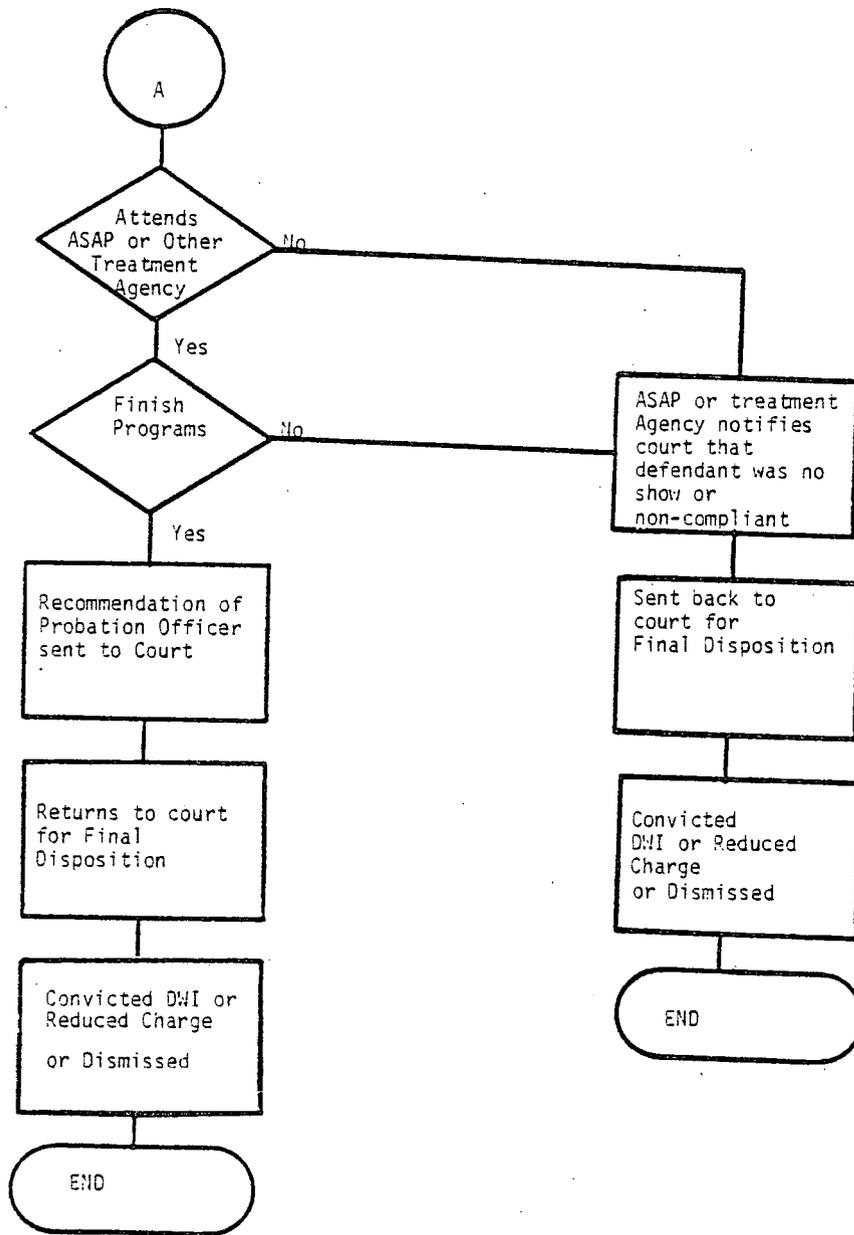
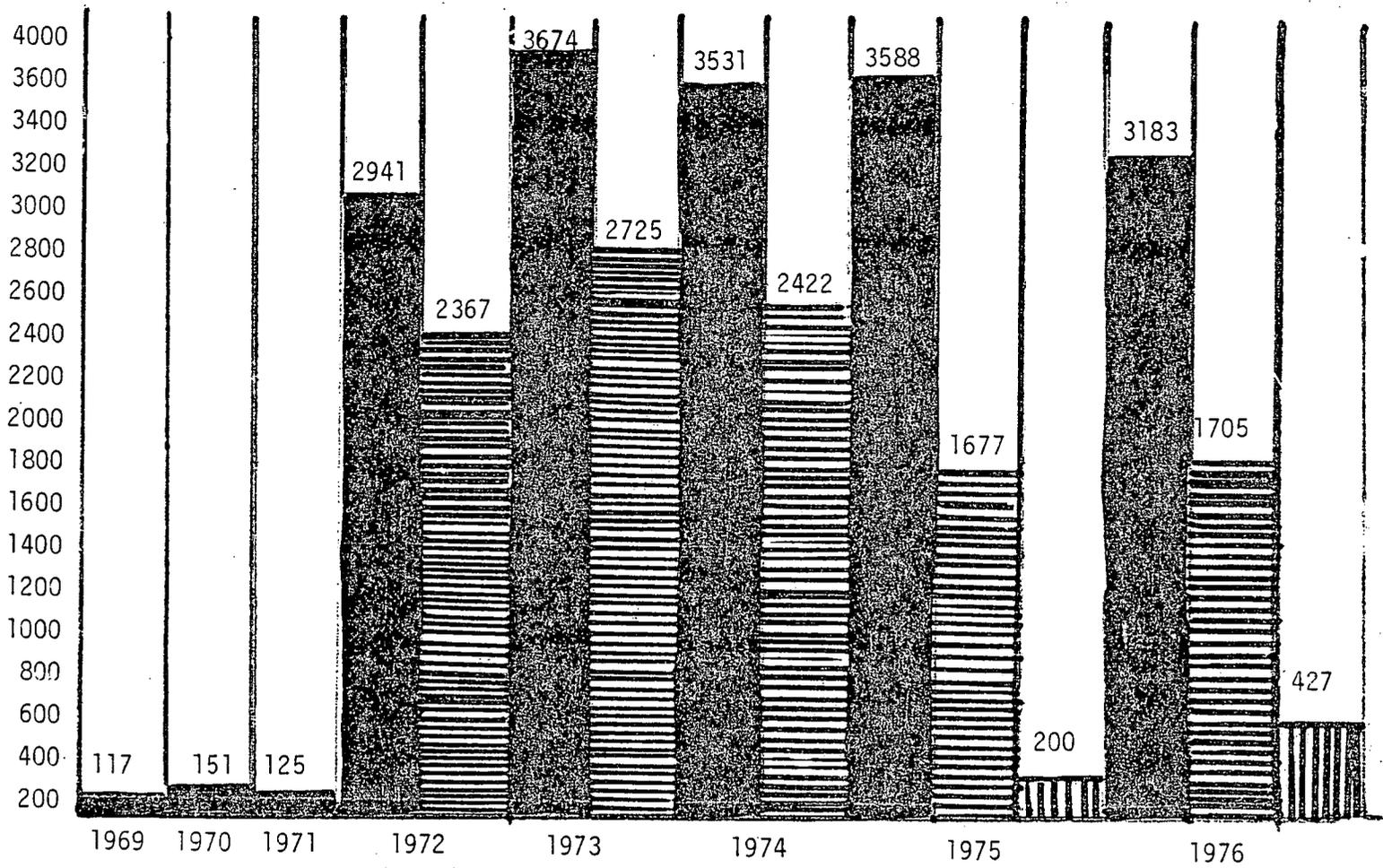


Figure 2 (continued)
 Court Procedures: 1976

FIGURE 3



DWI ARRESTS
ASAP INTAKE
REFERRED ELSEWHERE

DWI ARRESTS, ASAP INTAKE AND OTHER REFERRALS: 1969-1976

disposition and to insure any defendant being referred by the courts to ASAP an intake appointment within two weeks. By the end of 1975, the backlog was reduced enough to allow for normal referral procedures to resume. The referrals to ASAP, however, did not increase in late 1975 as expected. As seen in Table 1, referrals to ASAP declined in the last four months of 1975 and remained below 50 percent in the first four months of 1975.

There is a significant relationship between screening results and months each year, apparently mostly related to changes in judicial policy. Modification of judicial policy in March of 1976, for example, is seen to have had a positive effect on the number of defendants being referred. Thus, by May we see a slight increase in referrals to ASAP and by October we begin to see a trend of less referrals directly to treatment and more referrals to ASAP. There does seem to be some correlation between a reduction in referrals elsewhere and an increase in ASAP referrals.

In 1976 Fairfax County accounted for 80 percent of all DWI arrests made in the ASAP area. The other 20 percent of the arrests were made by the four other participating jurisdictions. Thus, it would be expected that Fairfax County would account for the largest percentage being referred to the ASAP program, which is the case as seen on Table 2. Slightly more than 83 percent of ASAP referrals were made by the Fairfax County courts. This remains consistent with the 1975 figures for Fairfax County. The four other jurisdictions experienced some changes from the previous year. Both Fairfax City and Herndon accounted for a smaller percentage referred to ASAP than in 1975. Falls Church showed an increase from 4.7 percent of total ASAP referrals in 1975 to 6.3 percent in 1976. Vienna's referral rate remained the same. Arrests by jurisdiction have some relation to referrals. Those jurisdictions that showed a decline in percent of total arrests in 1976 were also likely to show a decrease in total percent referred to ASAP. Complete screening results by jurisdiction is presented in tabular form in Appendix B, Table 2-1. Small sample sizes in several jurisdictions make interpretation of differences among jurisdictions difficult.

TABLE 1
SOURCE OF ASAP REFERRALS: 1975-1976
(in percent)

| JURISDICTION | 1975 | 1976 |
|----------------|------|------|
| Fairfax County | 82.3 | 83.5 |
| Fairfax City | 7.4 | 6.5 |
| Falls Church | 4.7 | 6.3 |
| Herndon | 3.5 | 1.4 |
| Vienna | 2.1 | 2.3 |
| TOTAL N= | 1677 | 1705 |

TABLE 2

SCREENING RESULTS BY MONTH: 1975
(in percent)

| | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Not Referred | 25.7 | 33.2 | 38.9 | 39.1 | 48.4 | 56.5 | 40.8 | 36.7 | 51.4 | 43.6 | 40.2 | 41.7 | 40.0 |
| Referred to ASAP | 73.6 | 65.6 | 60.2 | 59.3 | 49.2 | 38.4 | 54.6 | 53.9 | 36.4 | 45.1 | 41.8 | 44.4 | 53.3 |
| Referred Elsewhere | .3 | -0- | .2 | .6 | 2.4 | 5.1 | 4.6 | 9.4 | 12.1 | 11.3 | 18.0 | 13.9 | 6.4 |
| Other or Unknown | .3 | 1.2 | .7 | 1.1 | -0- | -0- | -0- | -0- | -0- | -0- | -0- | -0- | 3 |
| Total N= | 288 | 247 | 422 | 361 | 126 | 138 | 238 | 256 | 214 | 275 | 316 | 266 | 3147 |

$\chi^2=336.88$, $df=44$, $p= .00$

SCREENING RESULTS BY MONTH: 1976
(in percent)

| | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Not Referred | 41.6 | 41.6 | 35.4 | 36.9 | 32.7 | 30.6 | 36.5 | 39.9 | 30.2 | 31.5 | 27.2 | 33.0 | 35.2 |
| Referred to ASAP | 48.1 | 44.5 | 47.5 | 48.8 | 53.5 | 57.7 | 47.4 | 47.4 | 53.8 | 57.3 | 63.6 | 59.4 | 51.9 |
| Referred Elsewhere | 10.3 | 13.9 | 17.0 | 14.3 | 13.9 | 11.7 | 16.1 | 12.7 | 16.0 | 11.3 | 9.2 | 7.6 | 13.0 |
| Total N= | 341 | 281 | 305 | 363 | 303 | 281 | 285 | 228 | 212 | 248 | 217 | 224 | 3288 |

$\chi^2=56.25$, $df=22$, $p= .0001$

Table 3 shows screening results by BAC level. Those defendants with a BAC below a .10 percent were more apt not to be referred to ASAP or directly to treatment. This is primarily due to the fact that when arrested their BAC was below the presumptive level of intoxication in the state of Virginia. Approximately 60 percent of those defendants with BAC's between .10 percent and .24 percent were referred to ASAP and another 13 to 15 percent were referred directly to treatment. At BAC's of .25 percent and above, there is a decline in the percentage referred to ASAP, but not a decline in those referred elsewhere. One possible explanation for the decline in the percent referred to ASAP would be the judicial attitude that extreme BACs imply drinking problems too severe for the person to maintain the driver's license. This is further evidenced by the fact that in March of 1976, one criteria established by the courts was that no person with a BAC above .23 percent would be referred to ASAP. A possible reason "referred directly to treatment" for this BAC group did not decline might be that extreme problem drinkers are referred directly to in-patient care or to more intensive treatment. For a breakdown of screening results by jurisdiction see Table 3-1 Appendix B.

TABLE 3
PERCENT INITIAL SCREENING BY BAC
ALL JURISDICTIONS: 1976

| Screening Results | Blood Alcohol Content | | | | | | | Total |
|----------------------|-----------------------|-------|-------|-------|-------|-------|------|-------|
| | .00 | 01-04 | 05-09 | 10-14 | 15-19 | 20-24 | 25+ | |
| Not Referred | 100. | 92.2 | 88.4 | 25.3 | 21.0 | 25.7 | 44.5 | 32.6 |
| Referred to ASAP | 0 | 5.9 | 8.9 | 60.7 | 62.7 | 60.1 | 40.3 | 53.7 |
| Referred Elsewhere | 0 | 2.0 | 1.8 | 13.7 | 15.8 | 13.5 | 14.1 | 13.1 |
| Unknown or Continued | 0 | -0- | .9 | .3 | .4 | .7 | 1. | .6 |
| TOTAL N= | 19 | 51 | 224 | 692 | 910 | 689 | 290 | 2875 |

If we look at screening results by test or refusal of test for all jurisdictions, we find that those defendants who refused a blood or a breath test were not as likely to be referred either to ASAP or directly to treatment as were those who had a blood or a breath test administered. See Table 4. Screening results in each jurisdiction except Herndon follow the same pattern. In Herndon, all those who refused the test were either referred to ASAP or were referred elsewhere. Due to the small sample size, no explanation will be attempted for this difference. See Table 4-1 Appendix B.

TABLE 4
 SCREENING RESULTS BY TEST vs. REFUSAL
 ALL JURISDICTIONS:1976
 (in percent)

| CATEGORY | TOOK TEST | REFUSED TEST | TOTAL |
|--------------------|-----------|--------------|-------|
| Not Referred | 34.5 | 46.8 | 35.7 |
| Referred to ASAP | 52.3 | 42.9 | 51.4 |
| Referred Elsewhere | 13.2 | 10.3 | 12.1 |
| TOTAL N = | 2911 | 310 | 3221 |

Was there any particular group of people that had a higher referral rate? If we look at age, we find in most age groups slightly more than 50 percent were referred to ASAP and approximately another 12 to 13 percent were referred elsewhere. The youngest and the oldest age groups, however, had lower rates of referral to ASAP. Surprisingly, the 60 to 69 age group had the highest referral rate (62.8 percent referred to ASAP and 10.3 percent referred directly to treatment). See Table 5.

Although males accounted for 91.6 percent of total referrals, females had a higher percentage referred to ASAP than males. Fifty-nine percent of the female defendants were referred to ASAP and another 12.9 percent were referred elsewhere. See Table 6.

Among racial groups, as seen on Table 7, whites were more likely to be referred to ASAP than any other race. Slightly more than 54 percent of the whites were referred ASAP, followed by 44.3 percent for blacks, 42.3 percent for Spanish speaking and 27.3 percent for Orientals. It should be noted that these latter three categories comprised such a small number of total defendants that it is difficult to ascertain what relationship, if any, exists between race and screening results.

In conclusion it is clear that all types of groups show a significant relationship to screening results with middle-aged, whites and females having higher rates of referral to ASAP. A high percentage to those not referred were defendants with low BACs, or extremely high BACs, recidivists and, in the first six months of 1976, prior to the \$200 fee, non-county residents. Thus a trend does exist that suggests those people deemed eligible for ASAP by the courts are being referred.

4. DISPOSITIONS

The number of dispositions declined somewhat in 1976. The largest number of dispositions in the entire ASAP period was in 1975. This reflected judicial efforts to reduce backlog and probation caseloads and also marked the beginning of the policy requiring return to court within six months of first court appearance. The total number of cases reaching final disposition in 1976 was 3461. There were no dramatic changes in the distribution of outcomes as seen on Table 8. Over time, however, some changes have occurred, notably the decrease in the proportions convicted of DWI when ASAP began, followed by an increase in DWI convictions. The opposite is true of reduced charges. A high proportion of cases were reduced in 1972 followed by a lessening of the proportion that were reduced. These two trends tie in closely with the fluctuation in the proportion who are referred to ASAP, described earlier.

TABLE 5
 SCREENING RESULTS BY AGE
 ALL JURISDICTIONS:1976
 (in percent)

| AGE | NOT REFERRED | REFERRED ASAP | REFERRED ELSEWHERE | CONTINUED OR UNKNOWN | TOTAL N |
|------------|--------------|---------------|--------------------|----------------------|---------|
| 19 & Below | 45.8 | 44.3 | 9.9 | 0 | 332 |
| 20-29 | 36.0 | 50.6 | 12.9 | .6 | 1244 |
| 30-39 | 31.9 | 54.9 | 12.3 | .9 | 778 |
| 40-49 | 32.5 | 52.4 | 14.1 | 1.0 | 510 |
| 50-59 | 30.6 | 52.4 | 16.9 | 0 | 307 |
| 60-69 | 26.9 | 62.8 | 10.3 | 0 | 78 |
| 70 & above | 46.6 | 43.1 | 10.3 | 0 | 58 |
| Total | 35.0 | 51.6 | 12.9 | .6 | 3307 |

$\chi^2 = 42.9, df=18, p=.0008$

TABLE 6
 SCREENING RESULTS BY SEX
 ALL JURISDICTIONS:1976
 (in percent)

| CATEGORY | NOT REFERRED | REFERRED ASAP | REFERRED ELSEWHERE | CONTINUED OR UNKNOWN | TOTAL N |
|----------|--------------|---------------|--------------------|----------------------|---------|
| Male | 35.7 | 50.8 | 12.9 | .6 | 3018 |
| Female | 27.7 | 59.2 | 12.8 | .3 | 289 |
| Total | 35.0 | 51.6 | 12.9 | .6 | 3307 |

$\chi^2 = 8.6, df=3, p=.03$

TABLE 7
 SCREENING RESULTS BY RACE
 ALL JURISDICTIONS:1976
 (in percent)

| CATEGORY | NOT REFERRED | REFERRED ASAP | REFERRED ELSEWHERE | CONTINUED OR UNKNOWN | TOTAL N |
|------------------|--------------|---------------|--------------------|----------------------|---------|
| White | 32.9 | 54.2 | 12.3 | .5 | 2587 |
| Black | 37.8 | 44.3 | 16.9 | 7.1 | 201 |
| Spanish Speaking | 34.6 | 42.3 | 15.4 | 7.7 | 26 |
| Oriental | 63.7 | 27.3 | 9.0 | -0- | 11 |
| TOTAL | 33.3 | 53.3 | 12.7 | .6 | 2825 |

$\chi^2 = 31.0, df=9, p=.0003$

TABLE 8
 DWI ARREST DISPOSITIONS: 1969-1976
 (in percent)

| DISPOSITION | Pre-ASAP 1969-1971 | 1972 | 1973 | 1974 | 1975 | 1976 |
|---------------------------------|-----------------------|------|------|------|------|------|
| Convicted DWI | 25 | 16 | 13 | 21 | 26 | 24 |
| Convicted of Lesser A/R Offense | 27 | 0 | 0 | 0 | 0 | 0 |
| Convicted of Reduced Charge | 35 | 80 | 79 | 71 | 61 | 67 |
| Nolle Pros or Dismissed | 10 | 2 | 2 | 2 | 6 | 4 |
| Acquited | 0 | 2 | 5 | 6 | 1 | 4 |
| Other or Unknown | 3* | 0 | 0 | 0 | 7 | 5 |
| Total N= | 267 | 1030 | 3451 | 2368 | 3843 | 3461 |

*Held over for ASAP

Fairfax County District Court handled the largest number of cases, 2870, 83 percent of all final dispositions in the area. The County had the highest proportion of DWI convictions; Fairfax City had the lowest. See Table 9. These variations are again associated to some degree with the proportion referred to treatment. Fairfax County had the largest percentage

TABLE 9
DISPOSITION BY JURISDICTION: 1976

| DISPOSITION | FAIRFAX COUNTY | FAIRFAX CITY | FALLS CHURCH | HERNDON | VIENNA | Total |
|--------------------------------|----------------|---------------|---------------|--------------|--------------|----------------|
| Convicted DWI | 25.1 (721) | 17.6 (42) | 17.9 (35) | 18.8 (16) | 23.6 (17) | 24.0 (831) |
| Convicted of Reduced Charge | 66.9 (1920) | 70.3 (168) | 68.7 (133) | 74.1 (63) | 63.9 (46) | 67.3 (2330) |
| Nolle Pros or Dismissed | 3.1 (89) | 7.1 (17) | 6.2 (12) | 3.5 (3) | 5.6 (4) | 3.6 (125) |
| Other or Unknown | 4.9 (140) | 5.0 (12) | 7.7 (15) | 3.5 (3) | 6.9 (5) | 5.0 (175) |
| TOTAL | 82.9 (2870) | 6.9 (239) | 5.6 (195) | 2.5 (85) | 2.1 (72) | 100 (3461) |

not referred and would be expected, therefore, to have the highest proportion convicted DWI. One might conceptualize those not referred as being a "pool of eligibles" for DWI conviction while those referred to ASAP or directly to treatment are more likely to have the original charge reduced.

Screening results have a strong impact on final disposition. As noted above, the high proportions of cases not referred tends to be associated with high proportions of convictions on the DWI charge. Table 10 shows the significant relationship between screening results and final disposition. Almost half of those not referred are convicted of DWI while only 7.5 percent of those completing ASAP are convicted of that charge. Those who are referred, but who do not complete ASAP, fare worst of all; over 70 percent of them are convicted of DWI. This relationship is also significant within each jurisdiction. See Appendix B, Table 10-1.

Each disposition carries with it an assessed penalty. In most cases the full amounts of the penalty assessed are not imposed, rather some portion is suspended. Table 11 shows the average fines, days of operator's license revocation and days of jail assessed and actually imposed in 1976 for all dispositions. The fines range from 0 (334 cases) to \$1,000 (13 cases). As noted on the table, the mean is almost \$120 while the modal fine is \$50 (1532 cases). After suspension, the mean is reduced to \$86.64 but very little change is seen in the median or mode. The suspension of fines primarily affected those at the higher and low ends of the range. In fact, no fine of more than \$500 was actually imposed and the number of cases receiving no fine increased from 334 to 421.

TABLE 10
DISPOSITION BY SCREENING RESULTS: 1976

| DISPOSITION | NOT REFERRED | ASAP COMPLETED | ASAP DROPPED | REFERRED ELSEWHERE | TOTAL |
|-----------------------------|--------------|----------------|--------------|--------------------|-------|
| Convicted DWI | 46.7 | 7.5 | 71.1 | 12.6 | 23.9 |
| Convicted of Reduced Charge | 34.9 | 89.1 | 21.9 | 84.9 | 67.5 |
| Nolle Pross or Reduced | 8.8 | .8 | 2.6 | .7 | 3.6 |
| Other or Unknown | 9.6 | 2.7 | 4.4 | 1.8 | 5.0 |
| Total N= | 1199 | 1687 | 114 | 443 | 3443 |

$\chi^2 = 1155.7$, $df=12$, $p=.00$

cases missing = 13

TABLE 11
PENALTIES ASSESSED AND IMPOSED: 1976

| PENALTY | MEAN | MEDIAN | MODE |
|-------------------------|----------|------------------|---------|
| Fines Assessed | \$119.67 | \$50.33 | \$50.00 |
| Fines Actual | \$ 86.64 | \$50.16 | \$50.00 |
| Operators Loss Assessed | 70.4 | .26 | -0- |
| Operators Loss Actual | 67.5 | .21 | -0- |
| Jail Assessed | 11.9 | .13 | -0- |
| Jail Actual | 2.7 | .02 | -0- |
| Total N= | 3445. | Missing Cases 16 | |

Days of operator's license loss show less change when comparing days assessed to days imposed. The range of days of loss assessed is from zero (2,274 cases) to permanent revocation (58 cases). It should be noted that the mean is artificially lowered because permanent loss was coded as 999 days. The range of license loss imposed shows some increase in the cases receiving no loss (2,434), but no change in the 58 cases of permanent revocation.

Days of jail, like fines, show a drop in the mean, and no change in the mode. The median was reduced because of a substantial increase in the number of persons receiving no days in jail. The range before and after suspension of penalty was zero (2,766 cases) to 365 days (11 cases) and zero (3,306 cases) to 365 days (6 cases).

As would be expected, the penalties imposed vary by disposition and also by jurisdiction. Cases convicted of DWI have higher penalties than do those whose charge is reduced. For example, the average fine for DWI is \$302, but for a reduced charge is only \$58. Table 12 shows the average penalties by disposition and is broken down by jurisdiction. (Throughout the remainder of the study, reference is to actual penalty imposed, rather than to the amounts assessed before suspension). From Table 12 it is seen that Fairfax County imposes heavier than average fines for those convicted DWI, but lighter than average for those who are reduced. The same pattern holds for license loss. Fairfax City and Falls Church imposed more severe penalties on reduced cases than do other jurisdictions.

TABLE 12

AVERAGE PENALTY BY DISPOSITION AND JURISDICTION:1976

| DISPOSITION | Fine (dollars) | License Loss (days) | Jail (days) | Total N |
|----------------|-------------------|------------------------|----------------|------------|
| Convicted DWI | \$203 | 260 | 11 | 738 |
| Fairfax County | \$207 | 265 | 11 | 639 |
| Fairfax City | \$157 | 262 | 8 | 37 |
| Falls Church | \$188 | 170 | 10 | 32 |
| Herndon | \$184 | 199 | 8 | 16 |
| Vienna | \$161 | 315 | 10 | 14 |
| ----- | | | | |
| Reduced Charge | \$58 | 6.5 | .06 | 2298 |
| Fairfax County | \$54 | 5.6 | 7.01 | 1899 |
| Fairfax City | \$86 | 11.3 | .8 | 164 |
| Falls Church | \$83 | 11.2 | .3 | 129 |
| Herndon | \$47 | 7.4 | .0 | 61 |
| Vienna | \$52 | 12.0 | .2 | 45 |

Since screening results are so strongly associated with disposition, they should also be included as a variable when considering the components of the penalty. We will look first at the penalties by screening results; in addition, we shall examine the influence of BAC and demographic characteristics on fines, license loss and jail.

The highest penalties were given to those who dropped ASAP. Figure 4 illustrates the average fine, license loss and jail for those not referred, referred directly to treatment and referred to ASAP. The latter category includes only those who successfully completed the program. A separate column is seen for those who did not complete the ASAP treatment referral. On the average, those not referred and those referred to ASAP, but who did not complete the program, received the most severe fines, license loss and jail. This would be expected since, as was previously seen on Table 10, those two groups received the highest proportion of DWI convictions.

The penalties received are not only related to disposition and screening results, but also are related to BAC. It may be recalled that the presumptive level of intoxication in Virginia is a blood alcohol content of .10 percent. A person may be convicted of drunk driving at lower BAC levels, but additional evidence must be provided. Thus convictions at lower BACs are often difficult to obtain.

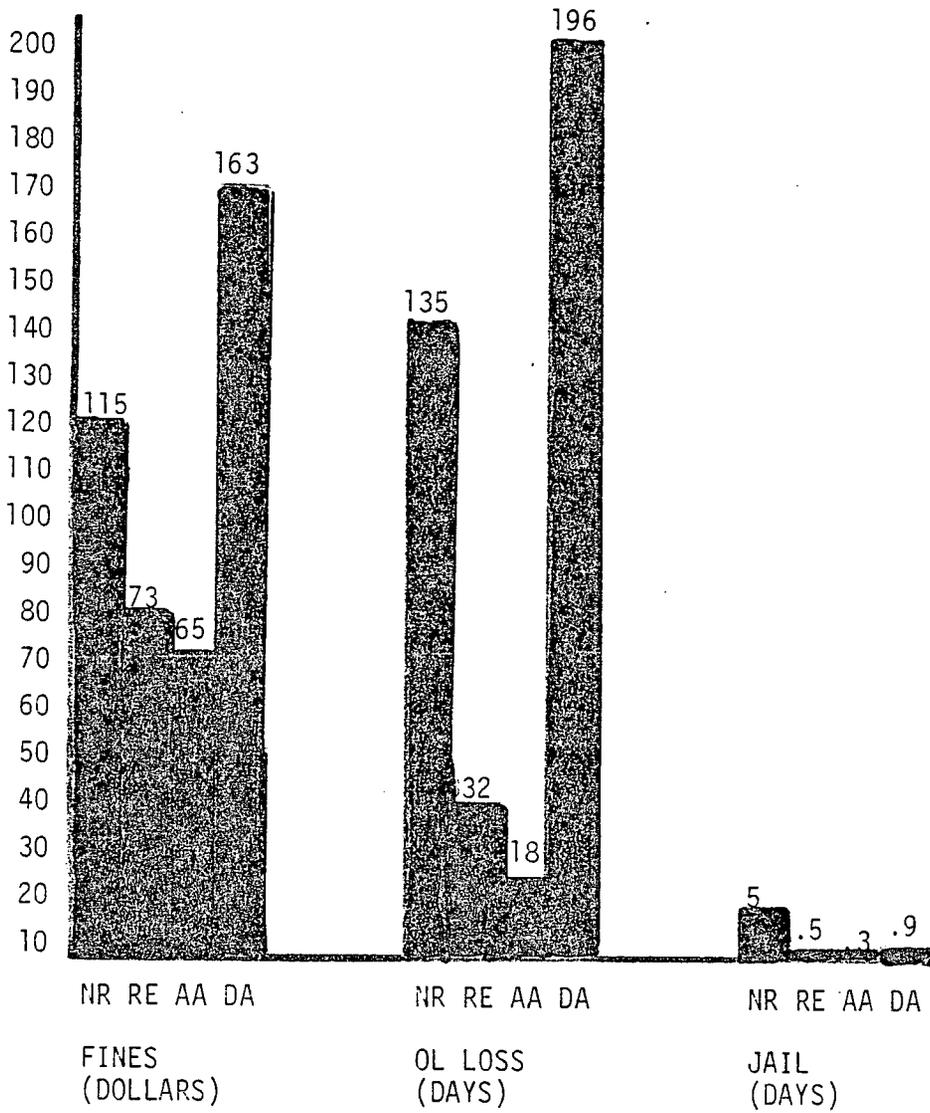
This is demonstrated on Table 13. Fine and days of license loss are higher for those with low BACs who complete ASAP than for those not referred. Above .10 percent the trend is the opposite. Fines, license loss and jail are considerably higher for those not referred. Since July 1, 1976 all ASAP participants have paid a \$200 fee, established by State law. Those who have extended treatment may be asked to cover those costs in addition to the \$200. The benefits of ASAP participation, then, are not in financial savings, but rather in exposure to treatment and in reduction of operator's license loss.

The question of the relationship between demographic characteristics and penalties is complex since many variables may interact. For example, an earlier study found that women had higher average BACs than men. This was found to be related to the fact that women were, on the average, older than men and were arrested during daytime hours.¹ Consequently we might expect higher penalties for women since higher BACs are related to lower rates of referral and higher penalties. This proves not to be the case. Within each category of screening results, women received lower fines, days of license loss and days of jail than men. See Table 14. Out of 12 comparisons, the average penalty imposed on women was lower in 11. This is particularly surprising because of the higher average BAC at time of the arrest noted earlier.

¹Clark, Susan G. and Kathie A. Mangus. An Analysis of ASAP Patrol Activity: 1976. Fairfax, VA 22030 1977, p. 36.

FIGURE 4

AVERAGE PENALTY, BY SCREENING RESULTS ALL JURISDICTIONS: 1976



NR - Not Referred
 RE - Referred Elsewhere
 AA - Referred ASAP and completed
 DA - Dropped ASAP

TABLE 13

AVERAGE PENALTIES BY SCREENING RESULTS AND BAC ALL JURISDICTIONS:1976

| SCREENING RESULTS | BLOOD ALCOHOL CONTENT | | | | | | |
|--------------------|-----------------------|---------|----------|----------|----------|----------|----------|
| | 00 | 01-04 | 05-09 | 10-14 | 15-19 | 20-24 | 25 + |
| Not Referred | | | | | | | |
| Fine | \$15.26 | \$35.74 | \$45.10 | \$107.54 | \$136.50 | \$171.54 | \$162.29 |
| Jail | .2 | .6 | .03 | 4.1 | 10.3 | 10.1 | 5.0 |
| OL Loss | 33.1 | 37. | 11.1 | 105.7 | 173.8 | 203.1 | 250.6 |
| TOTAL N | 19 | 47 | 202 | 181 | 197 | 191 | 140 |
| Completed ASAP | | | | | | | |
| Fine | \$50.00 | \$ -0- | \$80.00 | \$61.39 | \$63.56 | \$64.50 | \$80.56 |
| Jail | -0- | -0- | -0- | -0- | .2 | .3 | 1.1 |
| OL Loss | -0- | -0- | 40.0 | 12.6 | 15.6 | 19.7 | 33.3 |
| Total N | 1 | 4 | 23 | 400 | 585 | 388 | 116 |
| Dropped ASAP | | | | | | | |
| Fine | ----- | ----- | \$150.00 | \$157.50 | \$151.20 | \$185.00 | \$150.00 |
| Jail | ----- | ----- | -0- | .6 | 2.2 | .7 | -0- |
| OL Loss | ----- | ----- | 137.5 | 169.2 | 173.4 | 214.8 | 294.9 |
| Total N | -0- | -0- | 4 | 30 | 29 | 35 | 8 |
| Referred Elsewhere | | | | | | | |
| Fine | ----- | -0- | \$ 41.66 | \$67.87 | \$75.30 | \$77.75 | \$81.97 |
| Jail | ----- | -0- | -0- | .7 | .5 | .3 | .2 |
| OL Loss | ----- | -0- | 60.0 | 27.4 | 26.9 | 29.5 | 68.6 |
| Total N | ----- | 1 | 3 | 101 | 154 | 91 | 43 |

TABLE 14
AVERAGE PENALTY BY SCREENING AND SEX:1976

| CATEGORY | AVERAGE FINE | DAYS OF OL LOSS | DAYS OF JAIL | TOTAL N |
|--------------------|--------------|-----------------|--------------|---------|
| Not Referred | | | | |
| Males | \$122.24 | 140.6 | 7. | 1111 |
| Females | \$ 69.14 | 93.8 | .1 | 87 |
| Completed ASAP | | | | |
| Males | \$ 66.50 | 19. | .3 | 1538 |
| Females | \$ 54.36 | 2.9 | 0 | 141 |
| Dropped ASAP | | | | |
| Males | \$168.72 | 196.8 | .1 | 98 |
| Females | \$140.00 | 192.9 | 0 | 15 |
| Referred Elsewhere | | | | |
| Males | \$ 76.00 | 33.6 | .5 | 411 |
| Females | \$ 67.00 | 11.2 | .9 | 31 |

The categories in the racial groups other than whites and blacks are small, and few generalizations can or should be made with reference to those individual groups. Looking at the two largest groups, seen on Table 15, we see that the average penalties for blacks in all categories except Not Referred are less than for whites. No pattern is discerned within the Not Referred group. Blacks, like women, were found to have higher BACs at time of arrest and also were above the average age of whites. Again, the penalties are surprising in light of the higher BAC.

TABLE 15
AVERAGE PENALTY BY SCREENING AND RACE: 1976

| CATEGORY | AVERAGE FINE | DAYS OF OL LOSS | DAYS OF JAIL | TOTAL N |
|--------------------|--------------|-----------------|--------------|---------|
| Not Referred | | | | |
| Whites | \$118.13 | 136.1 | 6.1 | 875 |
| Blacks | \$119.69 | 128.2 | 8.1 | 72 |
| Oriental | \$121.43 | 51.4 | -0- | 7 |
| Spanish Speaking | \$102.14 | 102.8 | 1.4 | 7 |
| Complete ASAP | | | | |
| Whites | \$ 65.78 | 17.7 | .2 | 1286 |
| Blacks | \$ 59.65 | 17.3 | -0- | 57 |
| Oriental | N/A | N/A | N/A | 2 |
| Spanish Speaking | \$ 50.00 | -0- | -0- | 1 |
| Dropped ASAP | | | | |
| Whites | \$174.22 | 196.3 | 1.1 | 84 |
| Blacks | \$ 80.00 | 120.6 | -0- | 5 |
| Oriental | \$ 50.00 | 10. | -0- | 1 |
| Spanish Speaking | ----- | ----- | ----- | 0 |
| Referred Elsewhere | | | | |
| Whites | \$ 80.00 | 34.7 | .6 | 312 |
| Blacks | \$ 53.00 | 51.7 | -0- | 23 |
| Oriental | \$ 50.00 | -0- | .7 | 1 |
| Spanish Speaking | ----- | ----- | ----- | 0 |

Patterns are not easy to see when the penalties are broken into age categories, see Table 16. For those not referred and for those completing ASAP, fines are least among the youth. One reason for the low fines in the young, not referred group is that a sizeable proportion of them had BACs under .10 percent. The opposite is true among those referred elsewhere and among those who dropped ASAP. Days of license loss appears inversely related to fines among the group who completed ASAP. It almost appears that license loss was the main penalty given the oldest and youngest who may be those least able to pay fines. Generally, though, age is not an influential variable relating to penalties. The absence of patterns documents this.

Of all these demographic characteristics only sex appears to be related consistently to the penalty, with women in each category of screening results receiving lighter penalties.

It has been rumored that the best way to "beat" a DWI charge is to refuse the blood or breath test. Even though this carries an additional charge, many persons seem to feel there is less chance of a conviction for DWI in the absence of test results. The evidence does not support this interpretation. As noted earlier, those who refuse the test are less likely to be referred to ASAP or directly to treatment and being not referred increased chances of conviction of DWI.

Among those referred to ASAP, no significant relationship exists between test or refusal and disposition. In fact, a slightly higher percentage of those who refuse the test are convicted of DWI. See Table 17. Looking at those not referred on Table 17, note that 61 percent of those who refused the test were convicted of DWI and only 52.9 percent of those who took a test were convicted. The same thing holds true for ASAP participants; a slightly higher proportion of those who refused the test were convicted. The relationship is not significant in either case, so the conclusion must be that taking the test or refusing does not increase the chance of receiving a reduced charge.

5. DEFENDANT PROCESSING TIME

One indicator of performance of the judicial countermeasure is the average time lapsed between various stages of the judicial process, beginning with the day of arrest and concluding with the day of final disposition. The information could be useful in directing attention to components of the system that cause unnecessary delay, and it could indicate where case backlogs may occur.

The available data from 1972 through 1973 were, unfortunately, drawn from non-random samples. In 1974, data were randomly drawn, but were based only on 100 cases. In 1975 and 1976, the automatic data processing system was considered sufficiently accurate to provide a complete survey. Thus comparisons, especially with years prior to 1974, must be made with caution. It would also be noted that until 1976, breakdown

TABLE 16
AVERAGE PENALTY BY SCREENING AND AGE: 1976

| CATEGORY AGE | FINE | DAYS OF OL LOSS | DAYS OF JAIL | TOTAL N |
|---------------------------|----------|--------------------|-----------------|------------|
| Not Referred | | | | |
| 19-under | \$46.79 | 65.9 | .4 | 151 |
| 20-29 | 109.38 | 133.1 | 6.1 | 471 |
| 30-39 | 158.21 | 186.6 | 7.9 | 252 |
| 40-49 | 141.18 | 130.6 | 7.9 | 178 |
| 50-59 | 117.63 | 146.1 | 7.4 | 96 |
| 60-69 | 103.12 | 166.6 | 16.9 | 24 |
| 70-above | 167.59 | 130.9 | 15.1 | 27 |
| Completed ASAP | | | | |
| 19-under | \$52.74 | 20.4 | .1 | 144 |
| 20-29 | 69.05 | 20.9 | .5 | 580 |
| 30-39 | 68.43 | 18.2 | .4 | 411 |
| 40-49 | 66.16 | 15.3 | 0 | 307 |
| 50-59 | 62.98 | 11.1 | .2 | 186 |
| 60-69 | 56.33 | 14.9 | 1.4 | 49 |
| 70-above | 47.50 | 25.0 | 1.0 | 10 |
| Dropped ASAP | | | | |
| 19-under | \$178.00 | 144. | .9 | 15 |
| 20-29 | 176.31 | 197.3 | 1.6 | 61 |
| 30-39 | 146.59 | 185.8 | .7 | 22 |
| 40-49 | 152.08 | 224.1 | 1.8 | 12 |
| 50-59 | 53.33 | 461.3 | 0 | 3 |
| 60-69 | ----- | ----- | --- | 0 |
| 70-above | ----- | ----- | --- | 0 |
| Referred Elsewhere | | | | |
| 19-under | \$91.46 | 42.3 | 0 | 41 |
| 20-29 | 74.55 | 34.3 | .5 | 154 |
| 30-39 | 83.61 | 37.7 | 1.2 | 108 |
| 40-49 | 72.26 | 31.9 | .3 | 85 |
| 50-59 | 57.06 | 8.0 | 0 | 46 |
| 60-69 | 40.71 | ----- | 0 | 7 |
| 70-above | 62.50 | ----- | 0 | 2 |

TABLE 17*
 TEST BY DISPOSITION
 (in percent)

ASAP PARTICIPANTS

| | Reduced | DWI | N or D | Total |
|--------------|---------|-----|--------|-------|
| Took Test | 93.0 | 6.4 | .6 | 1137 |
| Refused Test | 90.9 | 9.1 | 0 | 99 |
| Total | 92.8 | 6.6 | .6 | 1236 |

$\chi^2 = 1.6, df=2, p=N.S.$

NON - PARTICIPANTS

| | Reduced | DWI | N or D | Total |
|-----------|---------|------|--------|-------|
| Took Test | 39.1 | 52.9 | 8.0 | 822 |
| Refused | 30.1 | 61.2 | 8.7 | 103 |
| Total | 38.1 | 53.8 | 8.1 | 925 |

$\chi^2 = 3.1, df=2, p=N.S.$

*Fairfax County Only

by screening was not available. The total time from arrest to disposition is substantially influenced by the proportion referred to ASAP. A review of figure 3 may be useful.

The time of arrest to screening is crucial from the highway safety perspective. This is the time period following arrest when the person maintains full driving privileges and has not entered any education or treatment program.¹ The average number of days from arrest to screening 1972 - 1976 is seen on Figure 5. This shows little variation, with 1973 apparently requiring the least time and 1976 the most. The mean number of days between arrest and screening in 1976 was 67.5 days. Two reasons may be suggested for this increase. One is that a large number of cases are continued to a later date at the time of the defendant's first court appearance. Continuances were not as common when screening was a function of the prosecutor's office. Secondly, a system of scheduling police officer's court days was begun. The time from arrest to treatment completion, also seen on Figure 5, shows considerably more variation. A dramatic increase of time in treatment was seen in 1974 as multiple treatment referrals became more common. Another increase was seen in 1975 to an average of 306.8 days. This was the case although expansion of time in treatment had already become an issue between judges and the ASAP Probation Office that made the referrals. As probation caseloads grew, part of the issue revolved around whether more probation officers were needed or whether limitations on time in treatment were to be imposed. As noted in an earlier section, limitations were set. During 1975 judicial policy was developed that required return to court six months after initial court appearance (screening). Persons who had not completed treatment by that time could request extra time for completion or could have dispositions handed down with portions suspended if treatment were successfully completed at a later date.

The number of days from arrest to treatment completion did decrease in 1976 as would be expected in response to judicial policy.² The average number of days was 226.8, a decrease of over two months from 1975. Variations by jurisdiction are not great and may be seen in Appendix B, Table 18-1.

The time from arrest to final court date averaged 210.5 days in 1976. (See Figure 5). This average is somewhat misleading since it includes ASAP referrals, those referred elsewhere and those not referred. Breakdowns are available only for 1975 and 1976. See Table 18. The comparison shows a lessening of time between arrest and final court date from 1975 to 1976, although 59 cases whose screening results are unknown contributes to increasing the average in 1975. Both major categories, those not referred and those completing ASAP, contributed to the reduced time in 1976. Although comparisons of time in various stages of the judicial process across years are risky because of the non-random character of the data, it does appear that changes in the amount of time spent in any stage, particularly in

²The term "treatment" will be used to cover all referrals - driving school, alcohol education and alcohol therapy.

³Days in treatment for those referred directly to treatment is not available. Days in treatment refers to ASAP clients only.

FIGURE 5

AVERAGE PROCESSING TIME FOR ALL DEFENDANTS, 1972-1976

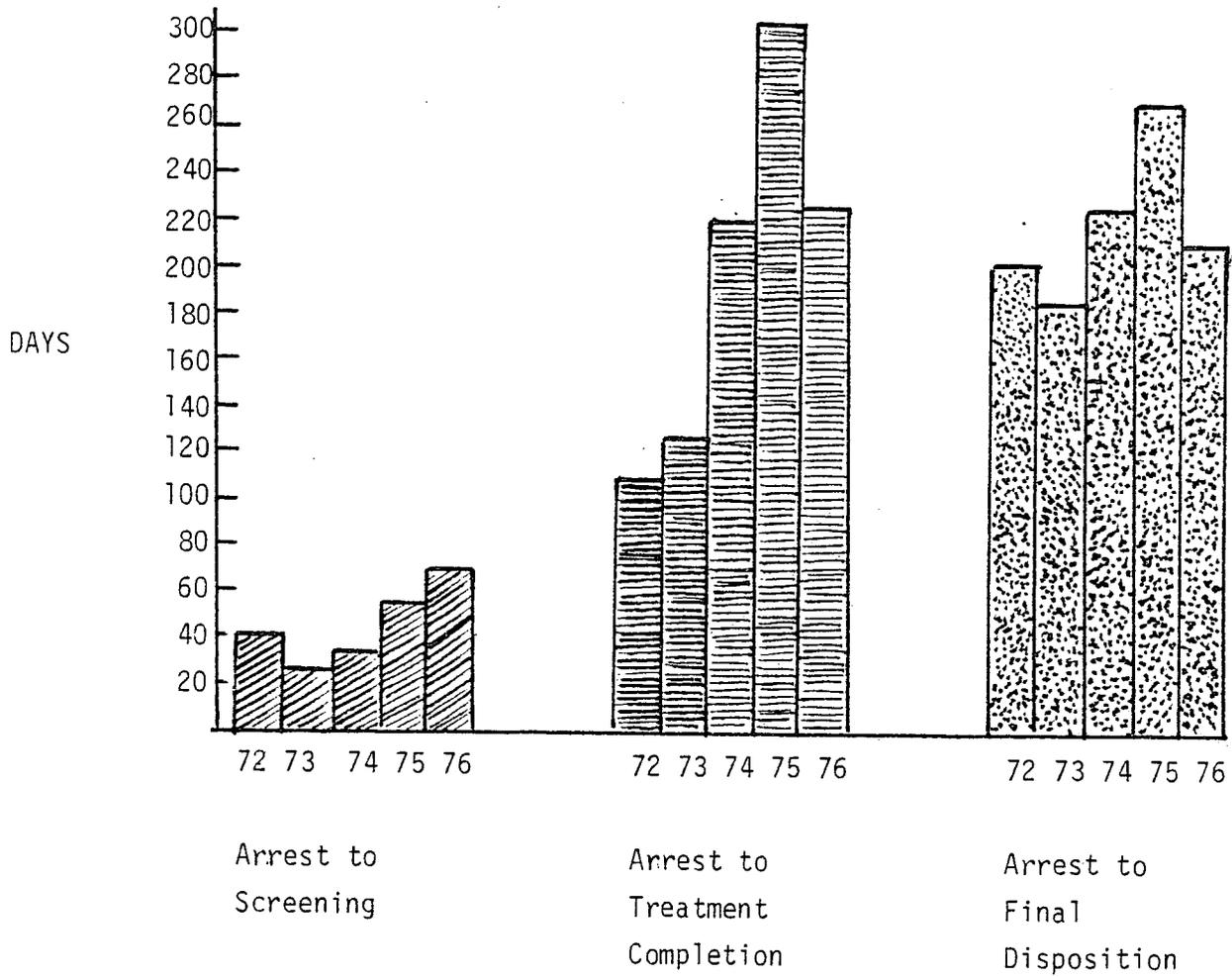


TABLE 18

AVERAGE DAYS ARREST TO FINAL COURT DATE BY SCREENING
ALL JURISDICTIONS: 1975-1976

| SCREENING RESULTS | AVERAGE DAYS | <u>1975</u> | TOTAL N |
|----------------------|-----------------|-------------|------------|
| Not Referred | 183.0 | | 1567 |
| Completed ASAP | 318.4 | | 2225 |
| Dropped ASAP | 271.3 | | 78 |
| Referred Elsewhere | 158.2 | | 19 |
| Unknown | 568.5 | | 59 |
| TOTAL | 267.1 | | 3948 |
| | | <u>1976</u> | |
| Not Referred | 95.6 | | 1190 |
| Completed ASAP | 277.6 | | 1679 |
| Dropped ASAP | 284.9 | | 114 |
| Referred Elsewhere | 242.2 | | 442 |
| TOTAL | 210.5 | | 3425 |

treatment have led to concern and even conflict among those involved with the process. Closer monitoring of time lapses and availability of information concerning time spent in various stages could contribute to decision making within this countermeasure.

6. SUMMARY AND CONCLUSION

The purpose of this study is to describe and analyze the judicial countermeasure of the Fairfax Alcohol Safety Action Project. In addition to providing short history of the changes in judicial policy, the study focused on three questions.

The first of these relates to the screening function. Did the courts utilize ASAP to capacity? Approximately 50 percent of those who appeared before the court were referred to ASAP. Referrals were generally consistent with judicial policies to limit participation to non-recidivists with BACs less than .23 percent. As ASAP backlogs were reduced, referrals directly to treatment were gradually reduced and ASAP referrals increased. Just over 1,700 persons were referred to ASAP by the courts during 1976.

The second question was whether the dispositions for those who participated in the program were less severe than were the dispositions of non-participants. This was clearly the case. Dispositions were related to screening results with those who completed ASAP being less likely to be convicted DWI than non-participants. Specific penalties such as fines, days of jail and days of operator's license loss were also related to screening. ASAP participants and those referred directly to treatment had lower penalties than those not referred and ASAP participants who dropped. Holding screening results constant, it was found that higher penalties were associated with higher BACs. Within screening categories only one demographic characteristic was consistently related to lower penalties. Women tended to receive lower fines, few days of jail and fewer days of license loss.

One interesting finding was that those who refused the test were less likely to be referred to ASAP, thus increasing their chances of a DWI conviction. Among those referred to ASAP and among those not referred, refusing the test was not significantly related to receiving a reduced charge. In fact a higher proportion of refusals in each category were convicted DWI.

The third question concerned the time lapse between various stages of the process - arrest to screening, arrest to treatment completion, arrest to final disposition. Reductions in time were found in 1976 and are believed to be a response to judicial policy that imposed time limits on returns to court.

In sum, then, the judicial countermeasure seemed to be operating more efficiently in 1976 than in previous years. Policies were established that were related to increased ASAP referrals and reduced time between arrest and return to court.

APPENDIX A
SOURCE OF DATA

Data from the baseline period (1969-1971) were originally obtained from local court records and were reported in An Analysis of The Impact of ASAP On The Traffic Safety System In Fairfax County: 1975, Edward R. Sweeton, Center For Environment and Man, Hartford, Connecticut, June, 1976. This study was the data source for the current study.

A computer based client tracking system was developed to service the Fairfax ASAP. 1972-1973 court data is unreliable since that was the period of development of the computer system. Sweeton's study relies on a non-random sample of clients for those years. In 1974 the data was based on a random sample of clients and by 1975 full use was made of total client sample. This study used Sweeton's data for 1972-1974. Otherwise figures were obtained directly from the computer. Data reported herein may differ from Sweeton's because of increasing accuracy of the computer tracking system. Data may also differ from other studies since ASAP accepts referrals from other jurisdictions, but only cases seen in courts of the five participating jurisdictions are included here.

Dispositions for juveniles are not available. For Tables of broad generality, these cases are included as "other or unknown". Where statistical tests are applied, unknown dispositions were usually excluded from the tables.

Early in 1976, efforts were made to insure confidentiality for those whose arrest was nolle prossed or dismissed. All records of those cases were removed from ASAP files and destroyed. The computer records were reidentified and stored on a separate file. Unfortunately records from the first quarter of 1976 were treated in the same manner consequently, only Table 8 contains all of those cases. A total of 157 cases were nolle prossed or dismissed in 1976. All except 32 appear on the other tables.

APPENDIX B
TABLES BY JURISDICTION

TABLE 2 - 1
SCREENING BY JURISDICTION
1976

| CATEGORY | FAIRFAX COUNTY | FAIRFAX CITY | FALLS CHURCH | HERNDON | VIENNA |
|-------------------------|-------------------|-----------------|-----------------|---------|--------|
| Not Referred | 35.7 | 28.9 | 29.8 | 41.7 | 29.9 |
| Referred to ASAP | 50.1 | 61.7 | 63.2 | 50.0 | 58.2 |
| Referred Elsewhere | 13.8 | 7.8 | 5.8 | 8.3 | 10.4 |
| Continued or unknown | .5 | 1.7 | -0- | -0- | 1.5 |
| TOTAL N= | 2841 | 180 | 171 | 48 | 67 |

TABLE 3 - 1
 SCREENING RESULTS BY BAC AND JURISDICTION
 1976

| <u>VIENNA</u> JURISDICTION | <u>BLOOD ALCOHOL CONTENT</u> | | | | | | |
|-------------------------------|------------------------------|---------|---------|---------|---------|---------|------|
| | 00 | .01-.04 | .05-.09 | .10-.14 | .15-.19 | .20-.24 | .25+ |
| Not Referred | -- | 100. | 100. | 10.5 | 23.1 | 6.7 | 0 |
| Referred ASAP | -- | 0 | 0 | 68.4 | 76.9 | 80.0 | 66.7 |
| Referred Elsewhere | -- | 0 | 0 | 15.8 | 0 | 13.3 | 33.3 |
| Continued or Unknown | -- | 0 | 0 | 5.3 | 0 | 0 | 0 |
| Total N= | 0 | 1 | 3 | 19 | 13 | 15 | 3 |
| <u>HERNDON</u> | | | | | | | |
| Not Referred | -- | 100. | 100. | 66.7 | 0 | 10.0 | 66.7 |
| Referred ASAP | -- | 0 | 0 | 16.7 | 14.3 | 0 | 0 |
| Referred Elsewhere | -- | 0 | 0 | 16.7 | 85.7 | 90. | 33.3 |
| Continued or Unknown | -- | 0 | 0 | 0 | 0 | 0 | 0 |
| Total N= | 0 | 1 | 3 | 6 | 7 | 10 | 6 |
| <u>FAIRFAX COUNTY</u> | | | | | | | |
| Not Referred | 100. | 89.5 | 90.1 | 25.5 | 22.1 | 27.6 | 47.8 |
| Referred ASAP | 0 | 7.9 | 7.4 | 59.6 | 60.8 | 57.7 | 37.5 |
| Referred Elsewhere | 0 | 2.6 | 1.5 | 14.8 | 16.7 | 14.2 | 14.3 |
| Continued or Unknown | 0 | 0 | 1.0 | .2 | .4 | .5 | .4 |
| Total N= | 16 | 38 | 202 | 601 | 801 | 591 | 251 |

TABLE 3-1 (continued)
 SCREENING RESULTS BY BAC AND JURISDICTION

1976

FAIRFAX CITY

| CATEGORY | 00 | .01-.04 | .05-.09 | .10-.14 | .15-.19 | .20-.24 | .25+ |
|-------------------------|------|---------|---------|---------|---------|---------|------|
| Not Referred | 100. | 100. | 66.7 | 15.2 | 14.7 | 17.5 | 15.8 |
| Referred ASAP | 0 | 0 | 33.3 | 78.8 | 70.6 | 70. | 68.4 |
| Referred Elsewhere | 0 | 0 | 0 | 6.1 | 11.8 | 10.0 | 10.5 |
| Continued or Unknown | 0 | 0 | 0 | 0 | 2.9 | 2.5 | 5.3 |
| Total N= | 1 | 7 | 6 | 33 | 34 | 40 | 19 |

FALLS CHURCH

| | | | | | | | |
|-------------------------|------|------|------|------|------|------|------|
| Not Referred | 100. | 100. | 60. | 34.4 | 9.4 | 15.2 | 27.3 |
| Referred ASAP | 0 | 0 | 30. | 65.6 | 81.1 | 72.7 | 54.5 |
| Referred Elsewhere | 0 | 0 | 10.0 | 0 | 9.4 | 9.1 | 9.1 |
| Continued or Unknown | 0 | 0 | 0 | 0 | 0 | 3.0 | 9.1 |
| Total N= | 1 | 5 | 10 | 32 | 53 | 33 | 11 |

TABLE 4-1
SCREENING RESULTS BY TEST vs. REFUSAL

| <u>FAIRFAX COUNTY</u> | TOOK TEST | REFUSED TEST |
|-------------------------|-----------|--------------|
| Not Referred | 34.9 | 44.1 |
| Referred to ASAP | 50.6 | 44.1 |
| Referred Elsewhere | 14.1 | 11.0 |
| Continued or Unknown | .4 | .8 |
| Total N= | 2526 | 254 |
| <u>FAIRFAX CITY</u> | | |
| Not Referred | 23.8 | 56.0 |
| Referred to ASAP | 66.0 | 36.0 |
| Referred Elsewhere | 8.2 | 8.0 |
| Continued or Unknown | 2.0 | 0 |
| Total N= | 147 | 25 |
| <u>FALLS CHURCH</u> | | |
| Not Referred | 25.4 | 61.9 |
| Referred to ASAP | 66.2 | 38.1 |
| Referred Elsewhere | 7.0 | 0 |
| Continued or Unknown | 1.4 | 0 |
| Total N= | 142 | 21 |
| <u>HERNDON</u> | | |
| Not Referred | 43.6 | 0 |
| Referred to ASAP | 48.7 | 66.7 |
| Referred Elsewhere | 7.7 | 33.3 |
| Continued or Unknown | 0 | ---- |
| Total N= | 39 | 3 |

TABLE 4-1 (Continued)

SCREENING RESULTS BY TEST vs REFUSAL

| VIENNA | TOOK TEST | REFUSED TEST |
|----------------------|-----------|--------------|
| Not Referred | 28.1 | 57.1 |
| Referred to ASAP | 61.4 | 28.6 |
| Referred Elsewhere | 8.8 | 14.3 |
| Continued or Unknown | 1.8 | 0 |
| Total N= | 57 | 7 |

TABLE 10 - 1
DISPOSITION BY SCREENING RESULTS: 1976

FAIRFAX COUNTY

| DISPOSITION | NOT REFERRED | REFERRED ASAP | DROPPED ASAP | REFERRED ELSEWHERE | CONTINUED or UNKNOWN | TOTAL N |
|-------------------------|--------------|---------------|--------------|--------------------|----------------------|---------|
| Convicted DWI | 53.4 | 6.6 | 77.8 | 12.4 | 50.0 | 26.3 |
| Reduced Charge | 38.6 | 92.8 | 20.0 | 86.9 | 37.5 | 70.4 |
| Nolle Pros or Dismissed | 8.0 | .6 | 2.2 | .7 | 12.5 | 3.3 |
| TOTAL N= | 951 | 1264 | 90 | 412 | 412 | 2725 |

$\chi^2 = 954.37, df=8, p = .00$

FAIRFAX CITY

| DISPOSITION | NOT REFERRED | REFERRED ASAP | DROPPED ASAP | REFERRED ELSEWHERE | CONTINUED or UNKNOWN | TOTAL N |
|-------------------------|--------------|---------------|--------------|--------------------|----------------------|---------|
| Convicted DWI | 41.2 | 8.6 | 71.4 | 40.0 | -0- | 18.5 |
| Reduced Charge | 35.3 | 89.0 | 14.3 | 60.0 | 100 | 74.0 |
| Nolle Pros or Dismissed | 23.5 | 2.5 | 14.3 | -0- | -0- | 7.5 |
| TOTAL N= | 51 | 16.3 | 7 | 5 | 1 | 227 |

$\chi^2 = 77.62, df=8, p = .00$

FALLS CHURCH

| DISPOSITION | NOT REFERRED | REFERRED ASAP | DROPPED ASAP | REFERRED ELSEWHERE | CONTINUED or UNKNOWN | TOTAL N |
|-------------------------|--------------|---------------|--------------|--------------------|----------------------|---------|
| Convicted DWI | 26.7 | 15.8 | 42.9 | 14.3 | 100 | 19.4 |
| Reduced Charge | 48.9 | 83.3 | 57.1 | 85.7 | -0- | 73.9 |
| Nolle Pros or Dismissed | 24.4 | .8 | -0- | -0- | -0- | 6.7 |
| TOTAL N= | 45 | 120 | 7 | 7 | 1 | 180 |

$\chi^2 = 38.48, df=8, p = .00$

Cont...

TABLE 10-1 (continued)

DISPOSITION BY SCREENING RESULTS: 1976

HERNDON

| DISPOSITION | NOT REFERRED | REFERRED ASAP | DROPPED ASAP | REFERRED ELSEWHERE | CONTINUED or UNKNOWN | TOTAL N |
|-------------------------|--------------|---------------|--------------|--------------------|----------------------|---------|
| Convicted DWI | 45.0 | 11.1 | -0- | 20.0 | -0- | 19.5 |
| Reduced Charge | 40.0 | 88.9 | 100 | 80.0 | 100 | 76.8 |
| Nolle Pros or Dismissed | 15.0 | -0- | -0- | -0- | -0- | 3.7 |
| TOTAL N= | 20 | 54 | 2 | 5 | 1 | 82 |

$\chi^2 = 23.3, df=8, p = .003$

VIENNA

| DISPOSITION | NOT REFERRED | REFERRED ASAP | DROPPED ASAP | REFERRED ELSEWHERE | TOTAL |
|-------------------------|--------------|---------------|--------------|--------------------|-------|
| Convicted DWI | 58.8 | 7.3 | 100 | 16.7 | 25.4 |
| Reduced Charge | 23.5 | 90.2 | -0- | 83.3 | 68.7 |
| Nolle Pros or Dismissed | 17.6 | 2.4 | -0- | -0- | 6.0 |
| TOTAL N= | 17 | 41 | 3 | 6 | 67 |

$\chi^2 = 34.9, df=6, p = >.00$

TABLE 18 - 1

TIME FROM ARREST TO TREATMENT BY JURISDICTION: 1976

| JURISDICTION | AVERAGE NUMBER OF DAYS | TOTAL N |
|----------------------------------|---------------------------|---------|
| Fairfax County | 212.9 | 1,365 |
| Fairfax City | 285.8 | 172 |
| Falls Church | 254.3 | 130 |
| Herndon | 295.4 | 56 |
| Vienna | 257.3 | 46 |
| Average For all Jurisdictions | 226.8 | 1,769 |

TABLE 18-2

TIME FROM ARREST TO FINAL DISPOSTION BY JURISDICTION: 1976

| JURISDICTION | AVERAGE NUMBER OF DAYS | TOTAL N |
|----------------------------------|---------------------------|---------|
| Fairfax County | 192.9 | 2,852 |
| Fairfax City | 304.4 | 236 |
| Falls Church | 289.0 | 194 |
| Herndon | 308.0 | 84 |
| Vienna | 256.2 | 72 |
| Average For all Jurisdictions | 210.52 | 3,438 |