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Assessment of Citizen Group Court Monitoring Programs

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16. Abstract <p>The purpose of this study is to determine whether the presence of a citizens group court monitoring program within a jurisdiction influences the disposition of driving while intoxicated cases. Initial research identified a number of citizens group court monitoring programs and selected a stratified random sample of these. Programs in the sample were contacted for information on their purpose and structure and perceived results of court monitoring.</p> <p>Two programs were selected as study sites: 1) Remove Intoxicated Drivers chapter, Oak Ridge, TN; and 2) Mothers Against Drunk Driving chapter, Douglas County, NB. A pretest, posttest control group design was employed to test the effectiveness of the court monitoring programs at changing various aspects of DWI offender treatment. The study clearly demonstrated that a well organized court monitoring program implemented by an organized citizens' group can be effective at changing the handling of DWI offenders. Both programs studied, carried out by different parent organizations in very different communities, brought about an increase in the severity with which DWI offenders were treated.</p>					
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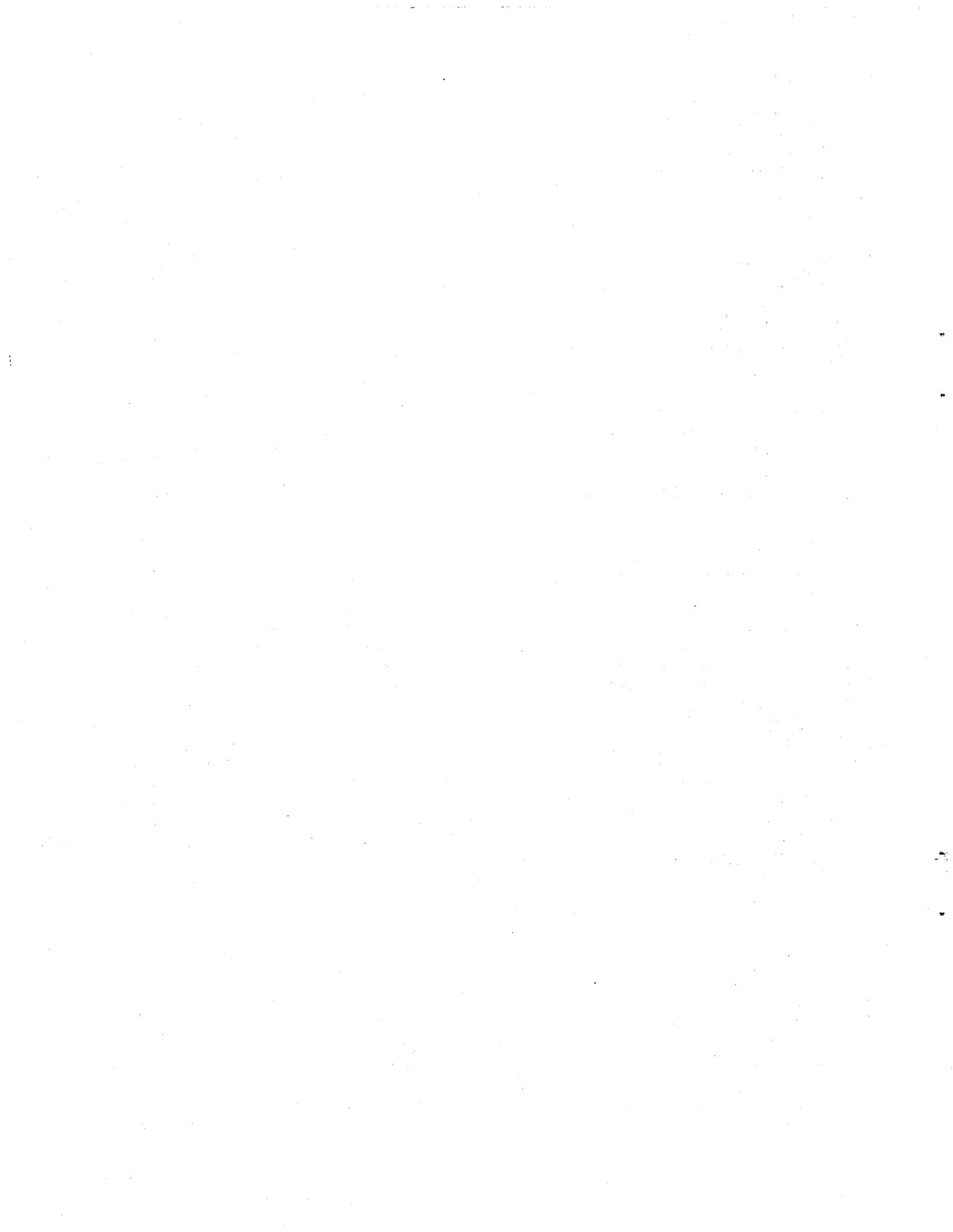


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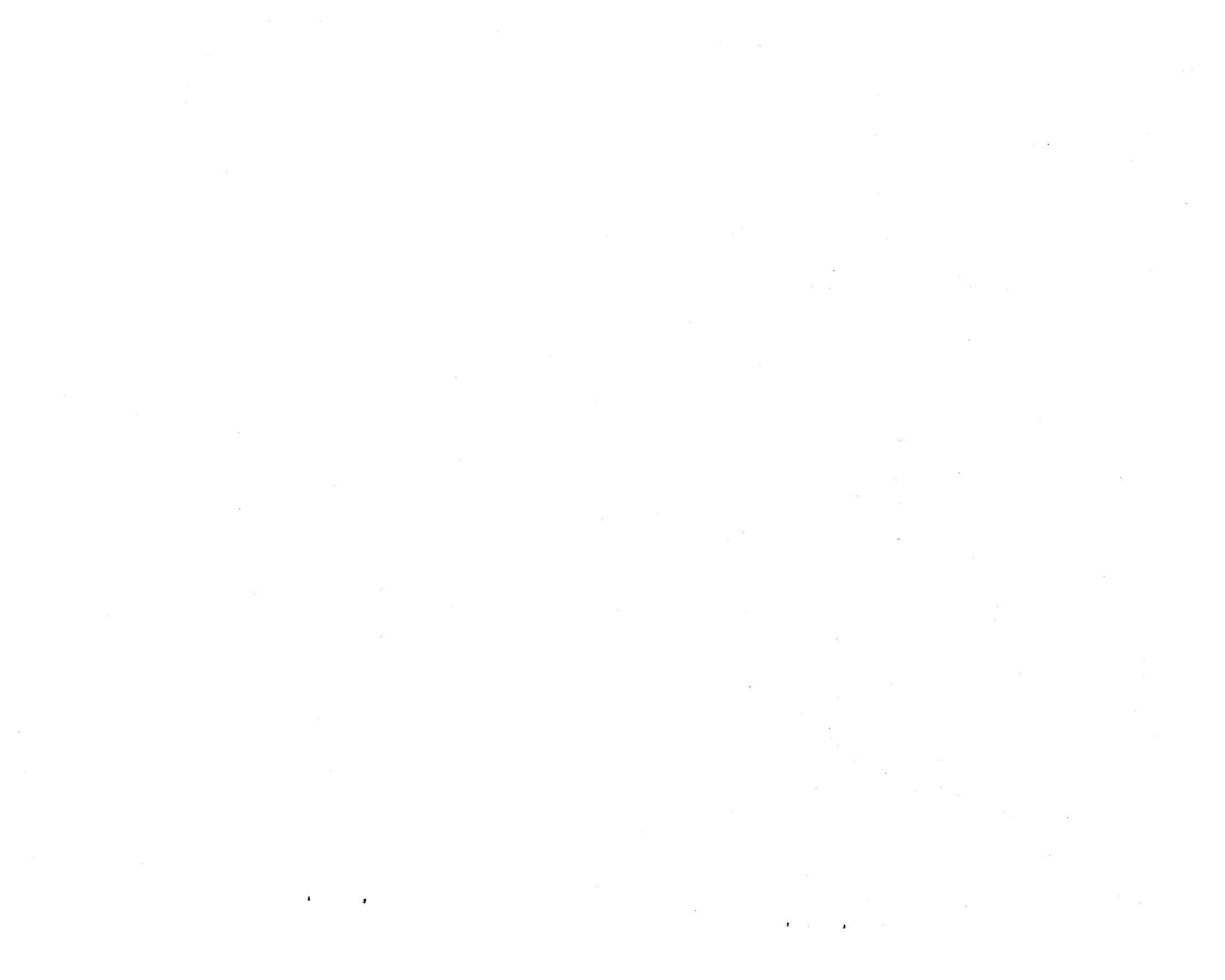
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INTRODUCTION AND SUMMARY

The past few years have seen a dramatic increase in public awareness of the adverse consequences of driving while intoxicated (DWI), together with increased demands for strict treatment of DWI offenders. Among the leaders in this change have been citizens' groups concerned with DWI and traffic safety, notably Mothers Against Drunk Drivers (MADD) and Remove Intoxicated Drivers (RID). Both of these groups spring from their founders' experience with the contrast between the havoc caused by DWI and the perceived lenient treatment of the offender by the judicial system. Both MADD and RID, as well as unaffiliated citizens' groups concerned about the DWI problem, encourage observation of the local enforcement and adjudication process to ensure appropriate handling of DWI offenders.

Court monitoring, as the observation process is generally called, has been implemented by a large number of local citizens' groups. Preliminary calls carried out under this contract identified 333 local organizations believed to operate court monitoring programs. Prior to the current contract, no independent assessment of the effect of court monitoring programs on the processing and sanctioning of DWI cases had been performed. Accordingly, the purpose of the contract documented by this report was to determine whether the presence of a citizens' group court monitoring program within a jurisdiction influences the disposition of driving-while-intoxicated cases (e.g., reduced plea bargaining, increased conviction rates, increased severity of sanctions, and so on).

Conducting a detailed examination of program effects entailed three research steps:

- o Obtaining a reliable estimate of the number of court watch programs in existence.
- o Developing a rough outline of the common characteristics of court monitoring programs.
- o Examining selected programs in detail to determine whether a well implemented court watch program would bring about changes in DWI case handling.

DETERMINATION OF THE CHARACTERISTICS OF COURT MONITORING PROGRAMS

Defining The Universe of Court Monitoring Programs

At the time the present study was initiated, there was no reliable estimate of the number of citizens' groups conducting court monitoring programs. Accordingly, the first task carried out was identification of existing programs and preparation of a preliminary list of these programs. SRA personnel compiled this list using information provided by the major citizens' groups active in opposing DWI, Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), and through contacts with

NHTSA and State personnel. A total of 333 programs was identified in this manner.

A stratified random sample of citizens' group programs was selected from among the list of court monitoring programs created at the beginning of the contract. Programs in this sample were contacted to obtain information on their purpose, structure and results, and to see if they could identify any programs that might have been missed in preparation of the first list. The purpose of this detailed examination of local programs was two-fold:

- o To develop an overall picture of the types of organizations carrying out court monitoring and of the manner in which such monitoring was being carried out. A valid picture of the usual activities of court monitoring programs was needed when selecting programs for in-depth study in order to ensure that the programs chosen were not markedly different from the norm.
- o To identify likely candidate sites for in-depth evaluation. The purpose of this study was to determine the effectiveness of court monitoring as an intervention strategy. Evaluation of a sporadic or poorly implemented program would not yield a determination of effectiveness, since lack of impact could be due to a poor idea or to a good idea that was poorly carried out. For this reason, it was important that exemplary sites be chosen for examination.

Method For Obtaining Program Information

Because of the large number of local citizens' groups performing court monitoring, it was decided to obtain information through sampling rather than through contacts with all organizations. A two-tiered sampling approach was employed. To provide an accurate picture of the universe of court monitoring programs, a random sample based on all programs was drawn. In addition, to ensure that programs likely to be effective would be included in the data base, a purposive sample was created. This purposive sample was composed of organizations in communities having both of the major anti-DWI groups represented (to measure and to identify possible inter-group cooperation); any independent groups identified (to obtain some information on groups not affiliated with the major organizations); and "referral programs," programs identified by other organizations as doing a good job of court monitoring.

Information on local programs was obtained through telephone calls to representatives of the local anti-DWI group. Local judges, district attorneys, and other officials whose names were supplied by the group were called to confirm information provided by the group and to provide their perspective on the group's court monitoring activities. Calls to organization representatives were lengthy and far-ranging, exploring the organization's history, procedures and results. Many local representatives mailed copies of reports, news releases, and other materials that documented their court monitoring programs or their results. Calls to

community officials were brief, exploring familiarity with the local organization and the individual's assessment of its positive and negative features.

Some problems were encountered in implementing the random sample. Many organizations believed to have court monitoring programs could not be reached, or when reached revealed that their programs had ceased operation. In addition, only a small number of organizations provided referrals to other programs. Thus, of the 100 organizations originally projected to be examined (72 in a random sample, 8 purposive and 20 referral), only 68 were successfully contacted (60 random, 4 purposive and 4 referral). The findings below pertain to this sample.

Characteristics Of Citizens' Group Court Monitoring Programs

Program Objectives

Most of the objectives reported by local organizations were broadly phrased. Commonly cited objectives were increased awareness (40% of all organizations), increased sanctions (26%), victim support (21%) and legislative change (16%). (Reported objectives exceed 100 percent because many organizations have multiple objectives.)

Program Size and Maintenance

The size of local citizens' groups varied considerable, from a low of approximately 25 to a high of 800 members. In over one-half of the programs contacted, five or fewer volunteers were responsible for court monitoring program. The average volunteer remained with the court monitoring program for six months to a year. Roughly half of the organizations had formal procedures for recruiting and training new volunteers for court monitoring.

Type of Case Monitored

As suggested by the small number of volunteers directly engaged in court monitoring, most organizations could not monitor all DWI cases occurring in their jurisdictions; only 26 percent did so. Most commonly, court monitoring programs reviewed only cases of particular seriousness: those involving personal injury or death, property damage, and/or second offense (38% of programs). Some programs selected a cross section of all cases, for example, all cases that appear on a particular day of the week (19%). The remaining programs either could not describe their case selection procedures or selected only cases that were specifically brought to their attention through newspaper coverage, a request for coverage by the District Attorney, or a request from persons involved in the case (usually injured parties).

Data Collection and Storage

Most organizations use a standard form for recording information on DWI cases. Completed forms were filed in the organization office for

analysis. In smaller programs, simple note taking was employed and data were less standardized. Only a very small number of organizations (3) reported that they were using or were developing computerized procedures for storing the information collected.

Use of Court Monitoring Information

Case notes obtained during court monitoring were used both for statistical analysis (generally profiles of conviction and sanctioning rates) and to identify "horror stories," cases that the local organization believed exemplified poor practice. Court monitoring information was used to support administrative reform, such as changes in the time at which a DWI conviction is reported to State authorities, and to motivate change in local case handling, such as pressure for increased sanctions. Procedures for communicating information learned through court monitoring included media releases (41% of organizations), meeting with local judges and district attorneys (practiced by nearly all organizations) and, less frequently, communication to the supervisors of an official deemed to have behaved inappropriately.

Networking

Three related findings suggest that the degree of networking among local citizens' groups and between such groups and the community could be improved:

- o Fewer than a third of the agencies contacted reported cooperating with other local community groups.
- o A quarter of the programs (26%) could not name a person in the community who could provide an outside view of the court monitoring program.
- o Only 26 percent of the organizations contacted could suggest another organization that was doing a good job of court monitoring.

Accomplishments

Local citizens' groups claimed positive results for their court monitoring programs in the following areas:

- o Approximately half reported increased awareness of the DWI problem.
- o One quarter of the organizations cited tougher sentencing.
- o One fifth cited changed legislation.

Other areas in which change was seen as a result of organization activities included enforcement, plea bargaining, conviction rates, court procedures, and drinking behavior of the general public. Victim support, viewed as a benefit of the program by outside community observers, was not generally reported as a benefit of court monitoring by organization personnel.

Community Opinion

Because community contacts were identified by local organizations, they were likely to represent a spectrum of positive opinion with regard to court monitoring. Virtually all local contacts were in favor of the court monitoring program, citing benefits that echoed the list of accomplishments in the preceding section. Criticisms of the programs fell in the areas of lack of knowledge of the court system, focus on a single issue, and excess enthusiasm in approaching their task and communicating their opinions.

EVALUATION OF TWO CITIZENS' GROUP PROGRAMS

Two citizens' group court monitoring programs were selected for indepth evaluation:

- o Oak Ridge, Tennessee - Remove Intoxicated Drivers. Oak Ridge is a small, rural-suburban community of about 30,000; one judge handles virtually all DWI cases.
- o Douglas County, Nebraska (Omaha) - Mothers Against Drunk Driving. Douglas County, which includes Omaha, is an urban-suburban community of roughly 4000,000; it has city and county courts staffed by several judges and district attorneys.

A pre-test--post-test control group design was used to measure the effects of court monitoring on the treatment given to DWI offenders. For each study site, a similar community was chosen to serve as a control site; Oak Ridge, TN, was matched with Johnson City, TN; Douglas County, NB, was compared to Lancaster County, NB. The handling of DWI offenders and the sanctions imposed upon guilty offenders were examined for periods before implementation of court monitoring, subsequent to implementation of court monitoring, and, in the case of Douglas County, NB, after court monitoring had stopped.

RID, Oak Ridge, TN

In Oak Ridge, the handling of DWI offenders was fairly strict even before the court monitoring program began. For example, nearly all DWI offenders in Oak Ridge were fined before court monitoring was instituted, while only half were fined in the control site. This high level of enforcement may have limited the range of improvement possible. In Oak Ridge, the single demonstrable effect of the court monitoring program was an increase in net fines for DWI offenders, which rose from \$50 prior to court monitoring to \$75.29, an increase of 51 percent.

Changes in Tennessee DWI law were implemented six months after initiation of the court monitoring program. After the new law went into effect, average fines for DWI offenders in Oak Ridge rose to \$260.58, which did not differ significantly from fines at the control site. Unfortunately, limitations in contract funds prevented collection of several years' data, which would have allowed for the determination of whether differences in fines

between the study and control sites reappeared after the new law had been in effect for a significant length of time.

MADD, Douglas County, NB

Analysis of Douglas County MADD encompassed three distinct time periods: the initial effects of the program prior to changes in Nebraska DWI law, effects of the program subsequent to the law change, and the effects of program cessation. In addition, the sophisticated data bases in the communities studied, Douglas and Lancaster Counties, yielded a wealth of data. As a result, the effects of court monitoring which would be analyzed were more extensive than in Tennessee.

Initial Program Effects

The initial effects of the court monitoring program in Douglas County, NB, were most noticeable in the prosecution of DWI offenders, the amount of fines applied to all guilty offenders, and the types of sanctions used against second offenders.

Between the preprogram and the program periods, the prosecution of DWI offenders in Douglas County increased in severity until virtually all offenders were charged in court as arrested, with few cases dropped or reduced. To determine whether federal grants for enforcement prosecution assistance, which went into effect during the end of the program period, could have been the reason for this change, a subset of program cases consisting only of those cases disposed of prior to grant award (before September 30, 1982) were examined. It was found that the decline in charges dropped or reduced took effect prior to implementation of the grants. This finding supports, although it cannot prove, the notion that the presence of the court monitoring program led to increased strictness in the prosecutor's office.

The court monitoring program does not appear to have influenced the type of sanction (fine, jail, license revocation or probation) applied to DWI first offenders. The proportion of offenders assigned each penalty remained the same in the program and preprogram periods, with no significant net changes. Significant net increases in fines for all offenders in Douglas County did follow implementation of the court monitoring program. Fines for male first offenders increased 27 percent; for females, 43 percent.

Broader changes were noted in the handling of male second offenders in Douglas County. After the court monitoring program was in effect, the proportion of male second offenders jailed increased 91 percent (from 20 to 37 percent), the proportion having their license revoked increased 52 percent (from 37 to 56 percent), and the proportion assigned probation fell 34 percent (from 47 to 32 percent). Second offender fines increased 11 percent.

Program Effects Under New Nebraska Law

In July, 1982 significant changes in Nebraska's DWI law went into effect. The change in law did not immediately affect prosecution of DWI cases in either Douglas or Lancaster Counties. The trend toward increased severity of prosecution in Douglas County which began during the prelaw program period continued through the postlaw program period. The proportion of male offender cases dropped before trial, for example, declined from 4 percent to 2.5 percent. In Lancaster County, prosecution of male offenders was unchanged by law. Among female offenders, there was an increase in the proportion of offenders allowed to plead guilty to reduced charges, from 27 to 35 percent. This change may represent an attempt to avoid the increased penalties associated with the new law.

Predictably, the change in law increased the penalties for all DWI offenders in each community. However, the precise nature of the changes was different. In Omaha, the use of all types of sanctions increased: more offenders of each sex and each type of offense were fined, jailed, had their licenses revoked and were placed on probation. In Lancaster, the increase in sanctions was not uniform: only the use of jail as a sanction increased for all types of offenders. The amount of fines assessed rose significantly in each community after the new law.

Looking at these changes as a whole, it appears that the use of sanctions increased more consistently in Douglas than in Lancaster County. It appears possible that the presence of the court monitoring program in the community created an environment in which the law could be applied rigorously.

Effects of Program Cessation

During the post-program period, both communities continued to experience changes in their patterns of prosecution and sanctioning which may be characterized as adjustments to the new legislation. Overall, the pattern in Lancaster County appeared to mix judicial severity in following the law with prosecutorial lenience which diluted the application of the law. In Douglas County, the increase in severity of handling for DWI offenders brought about by the new law did not decline following program cessation. Two explanations for the continued rigorous treatment of DWI offenders may be offered. First, the program may have succeeded in bringing about a lasting change in prevailing attitudes toward DWI offenders. Alternatively, because court monitoring was the only MADD activity that ceased, the continuing presence of the organization itself may have served as a reminder of the lessons imparted by court monitoring.

Prosecution behavior did not become less severe in Douglas County following cessation of court monitoring. The proportion of male offender cases having charges dropped remained low, as did the proportion of cases handled through plea reductions. The most notable change in the use of sanctions in Douglas County during the post program period was an increase in the use of license revocation as a sanction. During the post-program period, over ninety percent of all offenders had their licenses revoked.

The use of fines in Douglas County declined slightly, while other penalties remained unchanged. It is possible that the decline in use of fines was associated with the increase in use of license sanctions, as judges apparently reached consensus on the value of license revocation as a uniform sanction. The amount of fine assessed declined for first offenders (a drop of 4 percent for males and 10 percent for females), but continued to increase for second offenders (up 10 percent).

In Lancaster County during the post program period, the use of fines, jail and license revocation increased for male first offenders. At first glance, this change suggests that the failure of Douglas County to increase in these areas may have been due to the absence of court monitoring. The effectiveness of these increases may be questioned, however, as they were paralleled by a drop in the number of offenders actually appearing before the bench on the original arrest charge. Although the proportion of male first offenders jailed increased 28 percent, the proportion of offenders allowed to plead guilty to reduced charges increased 26 percent. Fines and jail terms for all categories of offender remained unchanged.

CHAPTER I IDENTIFYING AND SAMPLING COURT MONITORING PROGRAMS

PROGRAM INFORMATION

The purpose of contacting local citizens' groups was twofold: to develop an overall picture of the types of court monitoring being carried out by such organizations and to identify likely candidate sites for an in-depth evaluation of the effectiveness of court monitoring. Telephone conversations with local organizations and community representatives were used to obtain information. Contacts were completed by SRA research staff using a brief discussion guide.

The guide prompted research personnel to discuss program areas considered important for assessment and evaluation:

- o Program affiliation;
- o Program objectives;
- o Court monitoring coverage: geographic, types of court, number of cases;
- o Court monitoring procedures: selection of cases, recording information;
- o Information use and dissemination;
- o Contacts with officials;
- o Volunteer support: number, types of recruiting and training methods;
- o Program accomplishments;
- o Tips for other programs; and
- o Names of other programs.

SAMPLING APPROACH

The sample design for this study reflected this project's need to (1) represent the diversity of Court Monitoring Projects around the county and (2) identify programs having exemplary practices that merited more intensive study. Two samples were planned: a stratified random sample to ensure diversity and a purposive sample to include organizations with unique opportunities for cooperation or which were cited for excellence.

Stratified Random Sample

The random sample was created in the following manner:

- o Developing a Universe List. First, a potential universe of 333 active court monitoring programs was identified. This list was developed by local telephone contacts to update lists provided by MADD, RID, and Regional NHTSA staff.
- o Classification of Programs. Next, the programs were stratified into 24 cells on the basis of geographic region (East, South, Central and West), jurisdictional size (large = 300,000 or more; moderate; and small = less than 50,000), and sponsorship (MADD, RID/OTHER). This stratification is shown in Exhibit 1.
- o Sample Allocation. A stratified random sample of 72 programs was selected. In order to represent the diversity of programs, a roughly equal number of programs was selected from each cell; when cells were unfilled, the additional cases were allocated to the larger cells within the same region. The target allocation for the initial random sample of 72 programs is shown in Exhibit 2.
- o Sample Selection. Once the allocation was determined, the sampling of programs from each stratum was randomly conducted. However, in order to increase the diversity of the sample, no more than half of the programs in a cell in the initial sample were allowed to come from the same state.

As a result of this allocation approach, the random sample represented a wider diversity of organizations in terms of states, sponsorship, and jurisdictional size than would have occurred under proportional allocation. Since one of the goals of this project was to develop lessons for other court monitoring programs, it was believed that this approach would best enable the study to learn how court monitoring can effectively handle the problems experienced in a wide variety of settings.

Supplemental Sampling

In addition to the stratified random sample of 72 sites, 13 sites were intentionally selected because of special characteristics of interest to this study:

- o Eight organizations were selected from four sites where both MADD and RID were operating within the same jurisdiction. These organizations were selected to provide insight about problems and benefits of cooperation between programs.
- o Five organizations were selected on the basis of nomination as particularly active programs. During the initial contact, local organizations were asked to identify other court monitoring programs that they considered to be particularly active. As will be discussed later, relatively few organizations identified other organizations having an active court monitoring program.

EXHIBIT 1

**DISTRIBUTION OF COURT MONITORING PROGRAMS
BY REGION, JURISDICTIONAL SIZE, AND SPONSORSHIP**

REGION	JURISDICTIONAL SIZE										TOTAL		
	LARGE (300,00 or More)		MEDIUM (50,000 - 299,000)		SMALL (Less than 50,000)								
	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	ALL
Northeast	10	11	9	25	0	11	19	47	66				
South	21	2	67	11	28	10	116	23	139				
Midwest	15	6	31	5	12	6	58	17	75				
West	19	0	23	2	8	1	50	3	53				
TOTAL U.S.	65	19	130	43	48	28	243	90	333				

EXHIBIT 2
RANDOM SAMPLE OF COURT MONITORING PROGRAMS

REGION	JURISDICTIONAL SIZE										TOTAL		
	LARGE (300,000 or More)		MEDIUM (50,000 - 299,000)		SMALL (Less than 50,000)								
	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	ALL
Northeast	4 (4)	4 (1)	3 (2)	4 (4)	0 (0)	3 (3)	3 (3)	7 (6)	11 (8)	18 (14)			
South	5 (5)	1 (0)	6 (6)	3 (2)	3 (3)	3 (1)	14 (14)	7 (3)	21 (17)				
North Central	3 (3)	3 (2)	3 (2)	3 (1)	3 (3)	3 (3)	9 (8)	9 (6)	18 (14)				
West	6 (6)	0 (0)	4 (4)	1 (1)	3 (2)	1 (3)	13 (13)	2 (2)	15 (15)				
TOTAL U.S.	18 (18)	8 (3)	16 (14)	11 (8)	9 (8)	10 (10)	43 (41)	29 (19)	72 (60)				

NOTE: Intended sample numbers on left; contacts made on right, in parentheses.

SAMPLING IMPLEMENTATION

Random Sample

In order to obtain the full complement of 72 randomly selected programs, it was necessary to employ sampling with replacement within each cell. Replacement was employed under two conditions:

- o If the organization could not be reached after five attempts on different days at different times of day; or
- o If the organization reported that it had not yet started or had terminated its court monitoring program, or characterized its program as "not doing much." (The exception to this rule was one organization whose court monitoring program was only in a temporary hiatus.)

A total of 110 organizations (RID/Other-53; MADD-57) was selected for contact either as part of the original draw of 72 organizations or as replacements. Of these, 37 organizations (RID/Other-23; MADD-14) were dropped from the sample either because they could not be reached or because their court monitoring program was not operative. As of September 23, 1985, 20 RID and 39 MADD random contacts had been completed. The distribution of the random sample as implemented is provided in the numbers in parentheses shown earlier in Exhibit 2.

Purposive Sample

The original contact plan assumed that local organizations would be familiar with other local organizations and would be able to identify those having good court monitoring programs. Thus, 20 "referral" programs, programs identified by local organizations as effective, were allocated within the sample. Expectations concerning the degree of local networking were not upheld: few "other" programs were provided. A number of nominees had already been sampled; only five new organizations were nominated for the sample. The purposive sample also included eight organizations located in communities where both MADD and RID were represented. Four of these groups could be reached and had operating programs.

The distribution of the 68 programs interviewed in the study (the random sample of 60 programs plus four nominated programs and four programs that operated in the same jurisdiction) is shown in Exhibit 3. A complete list of these programs is provided in Appendix A.

Analysis of this information provided a revealing description of the nature and diversity of citizens' group court monitoring programs across the country.

EXHIBIT 3

FINAL SAMPLE OF COURT MONITORING PROGRAMS

REGION	JURISDICTIONAL SIZE						AFFILIATION		TOTAL
	LARGE (300,00 or More)		MEDIUM (50,000 - 299,000)		SMALL (Less than 50,000)		MADD	RID/OTHER	
	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	MADD	RID/OTHER	
Northeast	(5)	(2)	(2)	4	0	3	7	9	16
South	(6)	(3)	(6)	4	4	1	16	8	24
North Central	(3)	(2)	(2)	2	3	3	8	7	15
West	(5)	(0)	(4)	1	2	1	11	2	13
TOTAL U.S.	19	7	14	11	9	8	42	26	68

CHAPTER II PROGRAM CHARACTERISTICS AND COMMENTARY

This chapter presents information on citizens' group court monitoring programs acquired through the telephone discussions described in the preceding chapter. Each topic area is presented in two parts. First, findings concerning the nature of citizens' group court monitoring programs are presented. Second, comment on these findings based on the experience of SRA staff members is presented. Descriptions of each of the programs contacted are provided in Appendix B.

PROGRAM OBJECTIVES

Findings

MADD and RID, the two largest citizens' groups engaged in court monitoring of DWI cases, each have overall goals and objectives for their organizations. MADD's stated goals for court monitoring, for example, are as follows:

- o To educate those involved in the court monitoring program concerning the criminal justice system;
- o To compile pertinent statistics on the handling of DWI cases which can be used to improve the system;
- o To make those involved in the judicial process aware of the public interest and concern about the outcome of the judicial process; and
- o To report information gathered by the court monitoring program to the general public.

Similarly, RID describes the purpose of its court watch programs as follows:

- o To become more informed in the court process;
- o To evaluate the present DWI laws and the way they are enforced to see if any changes can be made to increase the courts' ability to cut down on the tragedy of injury and death taking place on the highways; and
- o To inform people of the community of what RID has seen, so that they can become better informed voters.

Within these broad national guidelines, individual local organizations may choose to order their priorities differently. In addition, goals as internalized by members and presented in discussion may differ from goals as codified. Accordingly, conversations with local organizations began by

asking the organization's goals. A variety of program objectives were encountered. Some organizational contacts offered multiple objectives, so the tallies below may exceed the number of programs contacted (68).

Awareness

Increasing public or professional awareness of drunk driving was a frequently cited goal (by 40% of the programs). "Awareness" generally pertained to one of three topics:

- o Awareness of the scope of the DWI problem, in general;
- o Awareness of the suffering of DWI victims; and
- o Awareness of the presence of the local organizations as a watchdog over local law enforcement and adjudication, as in "let the judges know we are there."

Some organizations stated their goals as "public education." These goals can better be classified under the rubric of awareness, however, as there is little action expected of the individual receiving the education except an understanding of the problem. These programs are generally diffuse in focus and concentrate on communicating sensitivity to the problem.

Victim Support

"Being there for the victims" was an objective for approximately 21 percent of the organizations. Within the context of court monitoring programs, support took the form of accompanying victims to court and preparing "victim impact statements" for the prosecution. Such groups hoped to "let victims feel some justice is done." Providing a sympathetic ear to the grief of those involved in a DWI incident is another function served by the organizations contacted.

Legislation

In some states, local organizations are still working to influence legislation concerning DWI offenses (16% of the programs). One of the uses of court monitoring information was to provide backup for such endeavors. Several organizations noted changed local and/or state legislation among their accomplishments.

Increased Sanctions

Approximately 26 percent of the organizations explicitly stated that obtaining strict sanctions for DWI offenders was one of their goals. Sanctioning goals included "reduction of plea bargaining" and "swift adjudication" but, by and large, the focus of attention concerning increased sanctions was "to see if judges follow the procedures of the law." Increased severity of sanctions may also be a secondary goal of awareness efforts; "educating judges about how victims feel" or "affecting outcome of DWI trials" can easily be construed as a request for more stringent punishment

of offenders. Not all organizations were strictly punitive in their definition of sanctions; "getting the offender into treatment" was also mentioned as a goal.

Comment

As the findings indicate, goals for many anti-DWI citizens' groups were loosely defined and reported accomplishments were equally broadly characterized. For instance, several programs reported only the broad objective of "stopping all drunk drivers," or "getting drunk drivers off the road." More tightly defined goals (and perhaps, the inclusion of some less ambitious ones) might be more likely to result in tangible results.

PROGRAM SIZE AND PROGRAM MAINTENANCE: FINDING AND TRAINING VOLUNTEERS

Findings

Maintaining membership is key to the survival of any organization. In addition to retaining a general membership, citizens' groups engaged in court monitoring must ensure that they have a constant supply of volunteers able to conduct court monitoring. Potential monitors are difficult to find because in almost all localities they must be available during normal working hours. To ensure uniformity in the court monitoring process, potential volunteers, once recruited, must be trained in the requirements of their volunteer task. To see how these twin challenges of recruitment and training were addressed, both of these issues were included in discussions held with local court monitoring personnel.

Program Size

Most anti-DWI organizations were young. Almost 70 percent of the organizations contacted had been in existence three years or less; only 11 percent had been operating for five years or more. The size of local citizens' groups sponsoring court monitoring programs varied from a low of approximately 25 up through 800 registered members. Generally, the MADD chapters were somewhat larger in membership than RID groups, in part because MADD required that a local chapter have at least 25 active dues-paying members and pay a charter membership fee of \$800 to the national organization (the charter fee for RID was only \$12). However, some RID organizations were very large (412 members in RID-TULSA), while some MADD organizations barely met the minimum size requirements.

Size of the community in which the program was located did not have a marked effect on the size of the program. Small communities in Alabama and Utah, for example, had large chapters while organizations in some major cities, such as San Diego, barely met minimum size requirements.

The number of volunteers working specifically with the court monitoring program was considerably smaller than total membership, ranging from a minimum of one volunteer through a high of 25. In fact, in half the organ-

izations contacted, five or fewer volunteers carried out the court monitoring program. Exhibit 4 summarizes the distribution of court monitoring programs by number of active volunteers.

The typical citizen volunteer remains in the program between six months and a year. Turnover can pose a problem when a key member of the monitoring group leaves. Several court monitoring programs drawn as part of the original sample had to be dropped because loss of a key volunteer had led to suspension of the program. ("The president had a baby this spring so no monitoring this year.") Similarly, a small group of court monitoring programs were described by local personnel or by community contacts as operating at less than full efficiency because a key volunteer was ill or had to leave the program. Such changes in activity can have a deleterious effect on program performance. One district attorney commented, "Increased publicity would be good. Monitoring dispositions gets old. [The volunteers] were enthused, but now I never see them anymore. We should know that they are looking over our shoulders."

EXHIBIT 4

DISTRIBUTION OF COURT MONITORING PROGRAMS BY NUMBER OF ACTIVE VOLUNTEERS*

NUMBER OF VOLUNTEERS	PROGRAMS
1	7
2	10
3	5
4	5
5	11
6-7	12
8-9	2
> 10	15
Not Reported	1
	<hr/> 68

*This chart represents volunteers who were actively participating in court monitoring activities. The organizations themselves actually had memberships averaging 50 and ranging up to 800.

Recruiting

For the sake of analysis, recruiting programs were classified as "formal" or "casual." Recruiting that used any planned, structured approach was considered "formal." This included the use of inserts or brochures distributed to the public, newspaper, or other media advertisements and of mall booths and other displays. Recruiting depending solely on "word of

mouth" or not described at all, was considered "casual." Using this classification, 57 percent of the organizations contacted who conduct some form of recruitment maintain formal recruiting programs, while 43 percent rely on casual recruiting.

Training

Both initial and new volunteers must have monitoring tasks and procedures explained to them. Because so few people were engaged in this task at any one time, however, it was difficult to structure formal training for volunteers.

Training programs were classified on the basis of degree of structure. A training program was considered "formal" when it included either structured presentations to volunteers or the use of any instruction manual with standard recording forms. Training consisting only of accompanying a new volunteer on his or her first few court sessions was classified as "casual." Using this classification, 49 percent of the programs which conducted some type of training used formal training and 51 percent conducted casual training programs.

Comment

Some volunteer turnover is inevitable. Many participants have themselves experienced injury or loss in a DWI accident; joining the citizens' group can be a means for working through the grief caused by this situation.¹ It is also possible that the lack of concrete short-term goals and objectives which could lend volunteers a sense of measureable progress may account for turnover in some citizen groups.

The efficacy of both recruitment and training is probably increased when formal rather than casual methods are used. Recruits are unlikely to seek out an organization unless they are aware that it is seeking new members. The use of formal training procedures, such as a training manual, ensures that the program will survive changes in the personnel who implement it.

TYPES OF CASES MONITORED

Findings

Any consistent program involving the presence of citizens' group volunteers in the courtroom observing the proceedings was considered a court monitoring program. (This definition excludes programs where victim sup-

¹ Weed (1985) explored the characteristics of a random sample of MADD chapter officers. He found them to be typically middle class married women and involved in community organizations. A high proportion of chapter presidents and other officers had lost a member of their family in a DWI crash (46.5% and 23.6% respectively). (F.J. Weed, "Grass-roots Activism and the Drunk Driving Issue: A Survey of MADD Chapters," presented to the 80th Annual Meeting of the American Sociological Association, Washington, D.C., August 1985).

port was the only reason behind a group's presence in the courtroom.) Within this general definition, there was considerable variation in the range of cases monitored:

- o Monitoring of all DWI cases in the local court system was found in some programs. As this can require a considerable amount of volunteer effort it was found in only 26 percent of the programs.
- o Monitoring of a cross-sectional sample of all DWI cases. Most programs monitor DWI cases selectively. Among programs monitoring the complete range of DWI offenders, the most common sampling approach was to schedule monitoring for specific days of the week (19%). Several programs concentrated their surveillance on specific judges. In one large program, systematic procedures for observing all judges/courts on a sample basis over the course of the year were in effect.
- o Monitoring injury, property damage or repeat offender cases only. Many programs (38%) limited their observation and tracking to injury or property damage cases. Several programs monitored all injury cases (these programs had developed working relationships with the district attorney's office to identify such cases). The majority of such programs only monitored high-publicity cases identified in the newspapers or cases where a victim requested assistance or was referred for assistance by the local victim assistance program.
- o Monitoring of random DWI cases was reported by 12 percent of the programs. These programs monitored various cases that they happened to hear about in the media or through court personnel.

Each program was asked the approximate number of cases it monitored each month. Of 42 programs able to supply an estimate, 36 percent monitored 10 or fewer cases per month, 26 percent monitored 11 to 50 cases per month, and 38 percent monitored more than 50 cases per month.

Comment

The number of volunteers actively participating in court monitoring in any group was quite small in relation to the bookkeeping task involved in complete monitoring of DWI cases. It was thus necessary to review DWI cases selectively, using a systematic sampling approach. While most programs limited their workload in some fashion, systematic sampling procedures were not widely used. Because more rigorous sampling could contribute to the ability of programs to monitor improvements in judicial performance, this appears to be an area where technical assistance could be valuable.

It was anticipated that court monitoring programs would track cases from arrest through sanction, monitoring the activity of the district attorney's office as well as that of the judicial system. It was observed,

however, that the judiciary comes under more rigorous scrutiny than the district attorney's office. In many cases a cooperative relationship exists between the citizens' program and the district attorney's office. For example, the district attorney's office was frequently noted as a source of information concerning upcoming cases that should be monitored or for which a victim impact statement should be prepared.

COURT MONITORING INFORMATION: DATA COLLECTION, DATA STORAGE, AND DATA ANALYSIS

Findings

Information Gathering

The first step in court monitoring is identifying the cases to be traced. About one-half of organizations were systematic in their approach, selecting cases in some formal manner such as review of the docket, examination of police bulletins, or arbitrarily selecting all cases appearing on the scheduled observation day. The other organizations, generally with smaller programs, relied on informal means for identifying cases to be studied, such as newspaper accounts, calls from victims, or notification by the district attorney.

In general, each citizens' group tried to collect and retain information in a consistent manner. Among the organizations contacted, 68 percent used a standard set of data collection procedures, while the remaining organizations had informal recordkeeping. Virtually all of the citizens' groups contacted reported that they kept files based on the information they obtained and that these files were open for public inspection.

Eighteen organizations supplied copies of their court monitoring forms and/or records. Two representative samples are included in Exhibit 5. An example of minimal recordkeeping is shown in Exhibit 6.

A number of organizations reported trouble getting access to information on DWI cases through official channels. For example, several organization representatives mentioned that they had to schedule monitoring activities by day of the week (when they would prefer to schedule them by individual case or case loads), because they were unable to obtain court dockets from officials. One organization that reported performing all data collection in court noted that the judge would whisper verdicts and sanctions as a way of keeping the court monitors from hearing them. There are two alternative explanations for these reports:

- (1) Local court monitoring groups are unaware of their right to information, or
- (2) Groups know they are entitled to information but local officials deny it and the group does not have the resources to pursue it further.

Exhibit 5

KANE COUNTY DUI COURT WATCHERS FORM

198_ Data

AAIM - THE ALLIANCE AGAINST INTOXICATED MOTORISTS, ELGIN, IL

DEFENDANT _____ COURT LOCATION _____

Defendant's Age (18-24) (25-34) (35 + over) Sex _____

Case Number _____

Date _____ Continuance Dates _____

Judge _____

State's Attorney _____ Defense Attorney _____

Arresting Police Agency: State _____ City _____ Sheriff _____

Charges & Dispositions _____

Plea _____

Was the defendant: Given an Alcohol Test _____ BAC Level _____
License Restricted _____
Given Supervision _____ Conditions _____
Fine/Court Cost _____
Repeat Offender _____

Were you able to hear the judge? _____
Did he admonish the offender for drinking and driving? _____
Was the state's attorney and other court personnel helpful? _____

Comments: _____

Name of Recorder _____

(PLEASE DATE YOUR COMMENTS)

Exhibit 5 Cont.

TRI - COUNTY RID, GLENS FALLS, NY
DWI COURT WATCH SHEET

Monitor _____ Prosecutor _____
Court _____ Defense Attorney _____
Judge _____

1. Name of Defendant, Sex, Age _____
2. Arrest Date, Time, and Location _____
3. Police Charges and Arrest Data:
 - A. 1192 Charges (Alcohol charges) _____
 - B. Other Traffic Charges _____
 - C. BAC, or Refusal _____
 - D. Personal Injuries, Fatalities, and/or Property Damage (When Available) _____
4. All Prior 1192 Convictions (DWAI or DWI) With Dates Of Arrests _____
5. Convictions, This Arrest
 - A. To Which 1192 Charges _____
 - B. To Which Other Charges _____
6. Date Of Sentencing _____
7. Elapsed Time In Days - Arrest To Sentencing _____
8. Specifics of Sentence on 1192 Conviction
 - A. Fine _____ C. DDP _____
 - B. Jail Time _____ D. Probation _____
9. Licensing Actions
 - A. Was License Picked Up On Arraignment?
 1. Because Of Prior 1192 Conviction Within 3 Years _____
 2. Because Of Refusal Of Chemical Test (1194) _____
 - B. If Convicted of 511, With The License Suspended Or Revoked Due To _____

Exhibit 5 cont.

Prior 1192 or 1194 Offenses, What Fine And Jail Time Are Ordered _____

C. Current Suspension/Revocation Action By Court _____

10. Additional Comments _____

Exhibit 6

BLOUNT COUNTY, ALABAMA - MADD

B	Quinton	O-10911	12/12/80	Reduced/RD/\$100
B	Quinton	O-2669	2/14/84	\$350/school/lic susp
B	Franklin E	O-2186	4/12/83	\$200
B	Franklin E	Sumpter Co	12/7/83	\$384/warrant 6/85
B	Franklin E	DC-85-928	6/24/85	\$350/school/6 mos susp 2 years proba/lic rev
F	Jimmy Lee	Snead	10/18/84	\$250/school/lic susp
B	Billy R	O-1325	12/15/81	\$100
B	Billy R	DC-85-187	4/8/85	14 days in jail/proba
B	Billy R	DC-85-1078	7/8/85	proba revoked/6 mos jail
H	William Ray	O-271	6/25/80	Dismissed
H	William Ray	DC-81-1269	5/18/81	
H	William Ray	O-2552	10/21/83	
H	William Ray	C-84-136	12/84	\$350/probation/school
H	William Ray			wrecked car while DUI 1/85; was not cited because officers did not actually see him behind wheel/were called to hospital instead. Hospital was asked to run a blood alcohol test but they would not without Holmes' permission since no one else was involved in the crash.
H	William Ray	DC-85-239	7/22/85	Public Intox/ alias writ
H	William Ray	O-TR-85-59	8/20/85	\$950/75 days in jail ***Note: On the 74th day, the city of Cleveland will file a probation revocation order; his sentence to run consecutively with the 75 days
H	James Randy	Snead	5/19/83	\$500
H	Donald R	DC-85-290	3/25/85	\$500/7 days in jail
H	Donald R	DC-85-993	7/8/85	Probation revoked/alias writ of arrest
J	David Eugene	DC-84-176	6/5/84	\$700/lic susp/comm serv
J	David Eugene	* Prior DUI 11/15/82	Cullman County	
K	Frank Davis	C-79-186	3/24/84	\$500
L	James Donny	O-2960	8/14/84	\$350/school/lic susp
L	James Donny	DC-85-1179	8/20/85	\$700/7 days in jail/prob
B	Ronald Hugh	C-84-152	11/30/84	\$500
B	Larry Joe	DC-84-409	6/25/84	\$1500/60 days in jail
B	Larry Joe	DC-81-1614	7/6/81	
B	Larry Joe	**Prior DUIs	4/14/82 8/4/81	
B	Marvin	O-2877	10/23/84	DUI Dismissed/Insuff Evi RD/\$250
G	Linda Gail	O-2368	7/30/83	\$500/DUI school
G	Tommy Joe	DC-85-424	6/5/85	\$350/school/susp sent/pr
		***Note: Had prior in Florida; DA did not check out c		state

Data Storage

Data storage was principally handled using files and notebooks. Only one program (AAIM in Elkin, IL) reported using computers to aid the court monitoring program, with another two (Berks County, PA and Terrebonne, LA) reporting that a computerized data base was currently being constructed. The Tulsa, Oklahoma RID program was using a home computer system to provide information on prior offenses to the district attorney's office.

Data Analysis

Two principal approaches to analyzing the information gathered through court monitoring were found: summary analysis of all DWI cases handled by courts or judges, and identification of "horror stories," cases that the organization believed represented poor prosecutorial or judicial action. An example of summary statistics is provided in Exhibit 7, which shows a page taken from an analysis published by the Northern Virginia MADD. Presentation of an individual case is highlighted in Exhibit 8, a newspaper report of a case identified by the Blount County MADD as being mishandled.

Comment

Most of the information monitored should be a matter of public record and thus available through record review. Ideally, monitoring could be performed entirely (and with more efficient use of volunteer time) through examination of records. However, relatively few organizations concentrated on record review alone; most programs combined court observations with record review. This combination may be the most effective one in terms of maintaining public visibility for the program combined with maintaining the interest level of volunteers.

Both statistical analyses and case histories are valuable products of a court monitoring program. Analyses are useful in presenting arguments which must be made to professional audiences, such as proposed changes in legislation or judicial procedures. Glaring cases, however, may be an effective means for arousing public sympathy in favor of stricter or more consistent sanctioning for DWI offenders.

Standardized, orderly information collecting serves three purposes: it allows continuity of information collection across volunteers and over time; allows the organization to point confidently to patterns in case handling when reports on exceptional cases are questioned; and allows analysis of program results over time. The increasing use of standardized forms for data collection and storage will make it possible for programs to continue analyses over time and after the departure of particular court monitors.

USES OF INFORMATION

Findings

Court monitoring can generate a wealth of information, both at the level of dramatic anecdote and statistical analysis. For this reason,

EXHIBIT 7

MADD

FAIRFAX COUNTY'S COURT RECORD OF DRUNK DRIVING CASES FOR 1984

The Northern Virginia Chapter of MADD monitored 935 drunk driving cases during 1984 in the Fairfax County District Courts. Data on each case was recorded in basic categories such as judge, prosecutor, disposition, continuance, fine, license suspension, jail sentence, etc.



CHART 1

BY JUDGE: NUMBER OF CASES			
JUDGE	CASES	JUDGE	CASES
Colby *	7	Kelly *	28
Davis	151	Leffler *	14
Ferris *	7	Perry	68
Hammer	108	Rothrock	146
Holmes *	3	Underwood *	8
Horan	71	Waters	127
Hurst	118	Watson	79

* Because of small sample, results may not be representative.

CHART 3

PENALTIES FOR CONVICTION OF DRIVING WHILE INTOXICATED			
Number of Convictions	Fine	Imprisonment	O/L Loss
1st conviction	up to \$1,000; no minimum	up to 12 mos. in jail; no minimum	6 months; automatic (may be modified)
2nd conviction			
(a) up to 5 years from date of 1st conviction	\$1,000 max; \$ 200 min	up to 12 mos.; 1 month min; 48 hrs to serve mandatory	3 yrs; 1 yr of suspension may be susp.
(b) after 5 years but less than 10 years the date of 1st conviction	\$1,000 max; \$ 200 min	up to 12 mos; 1 mo min; all may be susp.	3 yrs; 2 yrs of suspension may be susp.
3rd conviction	\$1,000 max; \$ 500 min	up to 12 mos; 2 mos min; 10 days to serve mandatory	10 years; no ASAP

DISPOSITIONS AND CONTINUANCES

Of the 935 cases on the court dockets, 587 or 63% (see Chart 2) resulted in a disposition (i.e., a DWI conviction or a reduction in the charge to reckless driving, failure to maintain proper control or improper driving. These reductions were generally granted to defendants with a BAC under .10).

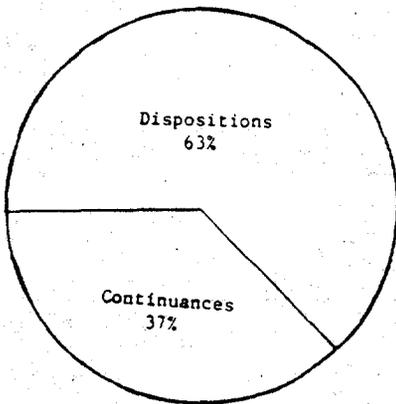


CHART 2

935 DWI CASES MONITORED
DISPOSITIONS AND CONTINUANCES GRANTED

The remaining 37% or 348 cases were granted continuances. This practice by drunk drivers and their lawyers reflects an increasing problem in delaying the disposition of the cases. Not only is an extra burden placed on the court's time and the taxpayer's money, but the drunk driver is left on the road for the next month or two normally granted for the continuance.

SENTENCING of DWI cases was quite weak when compared with the maximum penalties allowed by the Virginia Code of Law. (See chart 3)

FINES

Only 15% of the fines imposed were paid in full (see Chart 4). Consequently, of the \$271,580 in fines imposed, only \$105,300 was actually paid (see Chart 5). This loss in revenue to the county has the taxpayer, rather than the lawbreakers, paying for the police, courts, etc.

CHART 4

COMPARISON OF PERCENTAGES OF FINES FULLY PAID WITH FINES FULLY OR PARTIALLY SUSPENDED

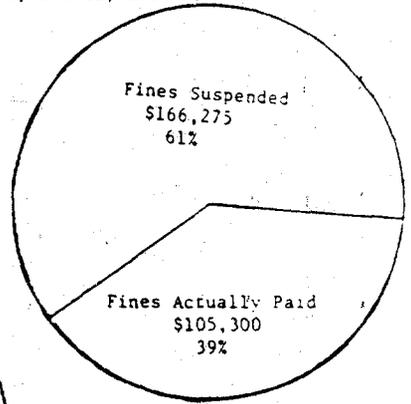
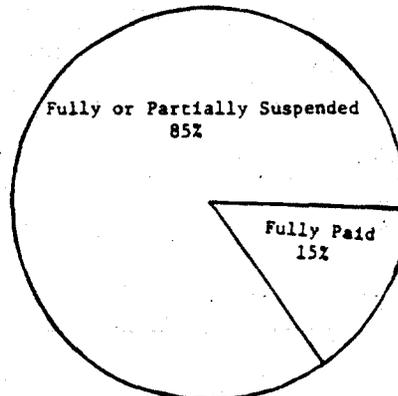


CHART 5

BREAKDOWN OF THE \$271,580 OF FINES IMPOSED: AMOUNT SUSPENDED AND AMOUNT ACTUALLY PAID

While the average fine imposed was \$490, the average amount imposed by judge varied from a high of \$750 by Judge Holmes to a low of \$333 by Judge Colby (see Chart 6). The average amount imposed is misleading because of the large amounts suspended. This varied from a low of 48% suspended by Judge Ferris to a high of 81% by Judge Underwood. Consequently, the average amount actually paid was \$190. The average paid fine imposed by a judge ranged from a low of \$75 by Judge Underwood to a high of \$266 by Judge Davis (see Chart 7).

DUI charge dismissed to protect defendant's job

by Suzy Lowry Geno:

A Blount County man, charged with driving under the influence (DUI) and driving on the wrong side of the road will not lose his license because of an agreement, reached between Blount County Assistant District Attorney Jack Martin Bains and Blount County Deputy Lavman Dunn.

District Judge Robert Austin dismissed DUI charges April 8 against the 30-year-old Susan Moore area resident after Bains and Dunn agreed the charges should be dropped to prevent the defendant from losing his job.

The case, which has been monitored by Blount County Mothers Against Drunk Driving (MADD), has been continued several times since January. The defendant was not present for the April hearing.

The defendant, who showed a PEI blood alcohol content of .12 some 37 minutes after his arrest, received the maximum fine for driving on the wrong side of the road, at the request of District Attorney Fitzhugh Burttram.

Dunn told The Democrat he first refused to ask for dismissal of the case when approached earlier by the defendant's in-laws and then meeting with the defendant. He said he later agreed to ask for dismissal after meeting with Bains and the defendant.

The incident occurred the evening of Dec. 1 when the defendant was returning home from the Auburn-Alabama football game in Birmingham. According to the offense report written and signed by Dunn,

when I met the defendant around 8:46 p.m., "subject was traveling north on Ala 75 at Susan Moore. When I met vehicle, it was running on shoulder of road. I turned around and while I was catching up to vehicle, subject ran off road two more times before I got him stopped. When subject got out of truck, he stumbled and almost fell."

Two charges are listed: "driving on wrong side of road and DUI."

The punishment for a first offender under Alabama's DUI laws includes an automatic 90-day suspension of the defendant's driver's license. Because this defendant works as a salesman for a Birmingham heavy equipment company, he would automatically lose his job if his license were suspended, according to Dunn.

Dunn told The Democrat, "I didn't want to ask to dismiss the charge. But I don't mind helping a fellow out. Things can't always be black or white."

"It was his first offense. I believe he's truly sorry—he won't do it again. I did the most important thing—I locked him up that night and that kept him off the road."

According to Burttram, this case is the first DUI case his office recommended for dismissal "in the last year or so."

When The Democrat asked Dunn what if the defendant had hit another car traveling on Ala 75 while he was swerving across the highway, Dunn said, "You can't prosecute a man for 'what ifs.'"

According to legal authorities, a judge's hands are tied when such a case as this defendant's is recom-

mended for dismissal. One lawyer explained, "A judge cannot be both a judge and a prosecutor."

If this defendant is apprehended again while drinking and driving, he will be treated by the court system as a DUI first offender. No record of his December 1 arrest will be kept in statewide or local files.

On the offense report filed Dec. 3, 1984, under condition of arrest, Dunn checked the box marked "drunk."

Records of Blount County District Court 1984 through January 1985 show four DUI cases came to court but were dismissed when PEI blood alcohol content was shown to be less than .10, the legal limit in Alabama.

The Susan Moore resident's PEI blood alcohol content is listed in district court files as .12.

On the offense report, Dunn cited state statute 32-5A-191 in connection with the DUI charge. That statute states, "(a) a person shall not drive or be in actual physical control of any vehicle while: (1) There is .10 per cent or more by weight of alcohol in his blood."

In section C it continues: "Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$250 nor more than \$1000, or by both such fine and imprisonment. In addition, on a first conviction, the director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days."

It further states first offenders must attend a DUI school; and "Neither reckless driving nor any

other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substance."

During the April 8 preliminary call, four other first offenders pled guilty to DUI charges. Judge Austin ordered them to pay a \$350 fine each plus court costs; sentenced them to 180 days in jail suspended upon their completion of a state approved DUI school; placed them on probation; and suspended their drivers' licenses for 90 days.

Statistics indicate the tougher DUI laws passed in 1983 are working. According to the Alabama Department of Public Safety, of the more than 26,000 arrested over the state in 1983 for DUI, 88% were convicted and 3% were found not guilty; charges were reduced to reckless driving in 1% of the cases and were dropped in 8%.

Five years before, in 1979, more than 34,000 were arrested on DUI charges. Of these, 40% were convicted and 2% were found not guilty; 47% of the charges were reduced to reckless driving and 10% of the charges were dropped.

According to the Department of Public Safety, the number of cases reduced had begun to drop even before the new DUI laws became effective because of pressure put on the courts and law enforcement groups as well as on the Legislature by lobbyist groups striving for tougher DUI laws and enforcement.

Thirty-seven states in addition to Alabama count blood alcohol of .10 as the legal level of intoxication; two say the legal level is .08; one .12, one .13, and two .15, with seven more having .10 as the presumptive level.

all but six of the organizations contacted reported making some use of the information they obtained through court monitoring. Of those who made no use of the information, several were new programs, and so may not have had time to study and assess their findings as of the time of contact. Of the organizations who clearly articulated their policies in this area, 34 percent reported publishing their court monitoring findings in a newsletter or internal report and 41 percent reported communicating to the general public through newspapers and other media (many used both methods). Most programs which sought media coverage appeared to obtain it; only a few organizations specifically noted that the press was unwilling to handle their news releases.

Two overall purposes for the release of court monitoring information were noted: to document needed legislative or administrative reform, or to bring about change in local case handling by judicial personnel.

"Needed legislative or administrative reform" covers a gamut of potential actions. During the past few years MADD, RID, and other safety groups were active in programs aimed at increasing the severity of DWI laws. As the accompanying chart shows (See Exhibit 9) virtually all States have modified their alcohol and driving legislation within the past four years. MADD and RID were among the groups active in this effort; many local chapters cited changed legislation in their state as one of their accomplishments.

An example of administrative reform brought about by the effective use of publicity is documented in the clipping presented as Exhibits 10 and 11. Court monitoring in Blount County, Alabama led to the discovery of a loophole in the enforcement/adjudication process: DWI offenses were not being reported to the State, and thus were not incorporated into offenders' driving records, until payment of any fines was completed. This delay could allow individuals charged with a second offense during the period to appear before the court as first offenders. Publicity surrounding this loophole (Exhibit 10) led to administrative change that eliminated it (Exhibit 11). It is of particular interest that both the problem and the solution received equal publicity. Potential offenders were put on notice that sanctions would now be more severe, rather than simply being apprised that current legislative penalties were lax (information that might lead to disregard for sanctions).

Much of the push for mandatory minimum sentences for DWI offenders existed because local officials were seen as too lenient regarding this offense. An important goal of local court monitoring was to bring about changes in local case handling. citizens' programs exerted direct pressure on judges and prosecutors by meeting with them to discuss specific cases and to lobby for more stringent handling of future cases. One-half of the programs contacted stated that members met with judges, district attorneys, and/or local Department of Corrections to discuss cases or rulings. They sometimes also exerted indirect pressure on these officials by preparing reports forwarded to their superiors and by publicity aimed at preventing their reelection, where possible.

Exhibit 9

SUMMARY OF SANCTIONS
States and Effective Dates

	Alabama 8/80	Alaska 8/80	Arizona 7/82	California 1/82	Colorado Passed '82	Connecticut 7/82	Delaware Passed '82	District of Columbia Passed '82
First Conviction Sanctions								
Minimum Mandatory Jail Sentence		72 hours	1 day	1 day	5 days			
30-90 Day License Suspension	5-90	30 days (Mand.)				S-1/R	90 days (Mand.)	6 months
Minimum Mandatory Fine			\$250	\$390	\$475 (Min.)			
Second Conviction Sanctions								
Minimum Mandatory Jail Sentence (days)	48 hours	20 days	60 days	48 hours	7 days	48 hours	60 days (Susp.)	
Minimum Mandatory License Suspension (3-12 months)	R-1 year	R-1 year	R-1 year		12 months (Mand.)	2 years (Mand.)	6 months	1 year
Minimum Mandatory Fine			\$500	\$390				
Other								
Plea Bargaining				/2	/3			
Community Service in Lieu of Jail Sentence		8 hours	48 hours	48-96 hours (Mand.)				
Pre-Trail Diversion								
Pre-Sentence Suspension							Admin. 6 months/4	Available Over .10% Pending Outcome

DISC = Discretionary Mand = Mandatory Susp = Suspension R = Revocation Min = Minimum

30

Exhibit 9

SUMMARY OF SANCTIONS (Continued)
States and Effective Dates

	Florida Unlawful BAC Passed '82	Indiana Passed '82	Iowa	Kansas Passed '82	Louisiana 1/83	Maine Criminal 9/81	Massachusetts Passed 7/82
First Conviction Sanctions							
Minimum Mandatory Jail Sentence				48 hours	2 days	2 days (Non-Susp.)	
30-90 Day License Suspension					60 days (Disc.)	45 days (Min.)	30 days (Mand.)
Minimum Mandatory Fine		\$750				\$350	
Second Conviction Sanctions							
Minimum Mandatory Jail Sentence (days)	10 days	1 year (Disc.)	7 days	5 days	15 days		7 days (Probation)
Minimum Mandatory License Suspension (3-12 months)	5 years	30 days		1 year (Mand.)	R-1 year	1 year	1 year
Minimum Mandatory Fine		\$750				\$350	
Other							
Plea Bargaining	/5			/7			
Community Service in Lieu of Jail Sentence	50 hours (Mand.)			100 hours	4 days		
Pre-Trial Diversion		/6	Available	Available			
Pre-Sentence Suspension							

DISC = Discretionary Mand = Mandatory Susp = Suspension R = Revocation Min = Minimum

Exhibit 9

SUMMARY OF SANCTIONS (Continued)
States and Effective Dates

	Michigan Passed 9/82	Nebraska 7/82	New Hampshire 1981	New Jersey 1/83	New York DWI (.10%) Passed '81	North Carolina (unknown)	Ohio (unknown)
First Conviction Sanctions							
Minimum Mandatory Jail Sentence							3 days
30-90 Day License Suspension	60 days	60 days	90 days (Min.)	6 months	90 days	10 days	30 days (Mand.)
Minimum Mandatory Fine					\$350		
Second Conviction Sanctions							
Minimum Mandatory Jail Sentence (days)		48 hours	7 days	48 hours		7 days	10 days
Minimum Mandatory License Suspension (3-12 months)	60 days	6 months (Mand.)	3 years	2 years	6 months (Mand.)	2 years (Mand.)	
Minimum Mandatory Fine					\$500		
Other							
Plea Bargaining							
Community Service in Lieu of Jail Sentence				Alternative to prison			
Pre-Trial Diversion							
Pre-Sentence Suspension							

DISC = Discretionary Mand = Mandatory Susp = Suspension R = Revocation Min = Minimum

Exhibit 9

SUMMARY OF SANCTIONS (Continued)
States and Effective Dates

	Oklahoma 4/82	Oregon (unknown)	Pennsylvania (possible new legislation 11/82)	Rhode Island 7/82	South Carolina 8/82	Tennessee 7/82	Utah (unknown)
First Conviction Sanctions							
Minimum Mandatory Jail Sentence		48 hours			48 hours	48 hours	48 hours
30-90 Day License Suspension	6 months		1 month	3months (Mand.)			90 days
Minimum Mandatory Fine			\$300				
Second Conviction Sanctions							
Minimum Mandatory Jail Sentence (days)		48 hours	30 days	48 hours	48 hours	45 days	48 hours
Minimum Mandatory License Suspension (3-12 months)	2 years	90 days	12 months	1 year	1 year	2 years (Mand.)	1 year
Minimum Mandatory Fine		\$300					
Other							
Plea Bargaining							
Community Service in Lieu of Jail Sentence		80 hours			48 hours		2 days
Pre-Trial Diversion		Available					
Pre-Sentence Suspension							

DISC = Discretionary Mand = Mandatory Susp = Suspension R = Revocation Min = Minimum

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Exhibit 9

SUMMARY OF SANCTIONS (Continued)
States and Effective Dates

	Vermont (unknown)	Washington 1/82	West Virginia (unknown)	Wisconsin (unknown)	Wyoming Passed '82
First Conviction Sanctions					
Minimum Mandatory Jail Sentence		24 hours	1 day		
30-90 Day License Suspension	90 days	30 days (Mand.)	30 days (Mand.)		3 months (Mand.)
Minimum Mandatory Fine			\$100	\$300 (Min.)	
Second Conviction Sanctions					
Minimum Mandatory Jail Sentence (_____ days)	48 hours	7 days	6 months		7 days
Minimum Mandatory License Suspension	18 months	1 year			
Minimum Mandatory Fine			\$1,000		
Other					
Plea Bargaining				/14	
Community Service in Lieu of Jail Sentence					
Pre-Trial Diversion					
Pre-Sentence Suspension					

DISC = Discretionary Mand = Mandatory Susp = Suspension R = Revocation Min = Minimum

MADD president: Are court reports not being promptly filed?

by Sue Tidwell

Jan Strickland told the Blount County MADD chapter last week that she was distressed at being told DUI charges are not entered into the state computer until the guilty driver pays his fine.

If that is the case, she said, a convicted driver could retain his license, continue driving, and be convicted on a second violation without a judge in another court knowing he was guilty of the first violation. It's not inconceivable, she said, that the driver could be involved in a traffic fatality while driving with a license that should already have been revoked. (See related article page B1.)

Projects planned

Mothers Against Drunk Driving discussed plans at its June 5 meeting to conduct a poster-essay contest in city and county schools next year.

The chapter plans to contact all school principals to encourage participation. Students from first grade

through high school will be asked to make posters or to write essays for competition in a county contest. Winners of county competition would proceed to the national level for judging. Cindy Thomason will chair this committee, which will meet next month for fall contests.

The chapter made final plans for the roadblock held in Oneonta June 8. Janice Baker reports that over \$400 was received in donations. Roadblocks will be planned for Snead, Cleveland, and Blountsville.

MADD will have a table again this fall during the Covered Bridge Festival with baked goods and arts and crafts offered for sale.

Thanks to Fretwell

The organization expressed appreciation to Jim Fretwell of Blount Office Supplies, Oneonta, for his gift of an electric typewriter.

Because the next meeting date would fall on July 4, MADD will not meet again until August.

Southern Democrat, June 26, 1985

Procedure improved

Thanks to District Judge Robert Austin and Circuit Clerk John Bobby Green who, when the problem was brought to their attention, promptly took measures to improve the reporting of county DUI convictions.

Two articles in last week's issue of *The Southern Democrat* dealt with the possible consequences when DUI convictions are not promptly recorded on the state computer. When that happens, convicted drivers can continue driving whereas timely recording would have prompted revocation of their licenses.

A person convicted of driving while intoxicated could have a second or third conviction in courts other than the original one without any of the judges knowing of the repeat offenses if the convictions are not recorded with the state Department of Public Safety in Montgomery. He could retain his license and continue driving, possibly while drinking again, and thus pose a danger to other motorists—or to pedestrians, for that matter.

Democrat reporter Suzy Geno talked with Capt. David Stewart, head of the Drivers License Division, who said some courts have been under the erroneous impression that records shouldn't be submitted to the state until fines are paid.

This was, in fact, what Green had understood. He said at no point during his training at seminars or conventions had he been taught otherwise. He said as soon as Title 32-5A-195, Code of Alabama, was brought to his attention, he made arrangements for his office to file records in Montgomery immediately upon receiving a judge's complete order of conviction.

In the meantime, Judge Austin had issued an order specifying that "all records or orders of convictions in traffic cases . . . be forwarded immediately upon conviction to the Alabama Department of Public Safety by the Clerk of this Court. All such records of convictions shall be immediately sent to the Department of Public Safety regardless of whether the fine and costs are paid at the time of conviction or a later date."

Playing a pivotal role in this situation has been Jan Strickland, president, Blount County MADD. She came upon the information that part of Blount County's DUIs were, in fact, not being promptly recorded. The chapter's computer enables her to efficiently monitor DUI cases in district and municipal courts.

She reported her discovery to the circuit clerk's office and was told that the DUI convictions were not recorded until fines were paid. Her concern alerted Suzy Geno and also elicited the letter printed below.

The movement against drunk driving is nationwide and strong. The harrowing tragedy and tearing grief drunk driving produces can be stopped only if many agencies, the public, and officials are unrelenting in their fight against it.

A not incidental footnote here is officials' refreshing willingness to correct a procedure once the need was brought to their attention. Anybody can blame another for error. It takes a certain bigness and a degree of grace to accept the fact of error and quietly correct it.

Southern Democrat, June 26, 1985

The process by which court information was used to bring about administrative or legislative reform varied. In the administrative case cited previously, court monitoring made local citizens aware of the operations of the court, brought the administrative "loophole" to their attention, and revealed a previously unknown problem. More commonly, court monitoring was employed to document problems already perceived to be present, particularly lax judicial enforcement of DWI laws. Documentation could take the form of compilation of statistics or could focus on dramatic cases seen as having been mishandled. Once either anecdotal or statistical information had been accumulated, there were several avenues the organization could pursue in order to use the information to its advantage: use of the media to arouse general public opinion, writing campaigns by members of the organization directed at State or county legislators, transmission of information to appropriate legislative committees, and personal meetings with the involved officials.

Organizations frequently reported cases or summary results of monitoring to their constituents via newsletter. A sample newsletter from the Northern Virginia MADD chapter is provided as Appendix C. It contains detailed reporting of court monitoring statistics plus individual case notes. As may be seen, this organization received corporate sponsorship for their newsletter. An independent citizens' group in North Carolina dispensed mock "awards" via its newsletter: the "rubber gavel" award for the worst decision by a judge, the "empty briefcase" award for the most ill-prepared prosecutor, the "save the intoxicated driver" award for a prosecutor who took what they perceived as a weak stand, and so on.

Newsletters, no matter how well prepared, communicate only with those people who already agree with the group's basic purpose. Contact with the public through news media, public appearances, and attention-getting devices such as booths at malls is also essential for swaying public opinion in favor of stricter enforcement of DWI laws or stricter sanctions for DWI offenders. Only two organizations specifically noted that the press was unwilling to handle their news releases.

Some organizations sponsoring court monitoring programs pushed for change through direct contacts between members of the organization and legislative or administrative officials. The RID program in Rowton, CT, for example, did not seek newspaper publicity in a campaign for stricter DWI legislation. Instead, newsletters urged all members to communicate directly with state legislators.

A related form of pressure on officials is the use of information to report to the officials' superiors. A number of programs compiled what they considered to be evidence of bad judgment on the part of one or more judges and passed this information on to the judges' superiors within the State system.

Finally, aggregate or case information can be used as the basis of direct discussions with judges and district attorneys. Just under half of the programs contacted reported such meetings with local officials. At such meetings, officials were asked to explain their actions in selected

cases, and the organization presented its argument for different handling in the future. (Several organizations noted that it is inappropriate to discuss cases under consideration.) Discussion of cases and requests for change in policy were more frequently directed at judges than at district attorneys. Many organizations noted excellent relationships with district attorneys' offices, with the latter forwarding them information on pending cases so that the organization could monitor them.

Cooperative personal contacts with officials can have immediate effects on the handling of DWI cases. The MADD program in Pennington, South Dakota, for example, participated in a discussion organized by the district attorney's office to decide cut-off-points for DWI plea bargaining. According to a local district attorney, guidelines set through this type of discussion have led to an increase in DWI guilty pleas.

Comment

The range of uses of information found echoes the range of local judicial situations encountered by court monitoring programs. Relatively few community officials contacted through this study felt that local groups used court monitoring information inappropriately.

NETWORKING

Findings

Networking refers to the degree to which an organization establishes contact with other organizations of similar intent, both within and outside its home community, in order to help accomplish its mission.

Networking among citizens' groups was examined from two perspectives. First, each organization contacted was asked whether it worked with or received sponsorship from any organization in its community. It was hoped in this way to identify organizations that were leveraging their impact by embedding their goals among the goals of related organizations. Next, in order to help identify "excellent" monitoring programs that would be good candidates for subsequent on-site analysis, organizations were asked if they knew of any other local monitoring programs that had been particularly effective.

Responses to both of these questions indicated very little collaborative contact between citizens' groups engaged in court monitoring of DWI cases and other organizations in the community. Of 68 programs contacted, only 21 (31%) indicated that they cooperated with any other local agency. Agencies listed included Citizens Against Crime, Parents of Murdered Children, League of Women Voters, Local Police, and United Way.

It is possible that the nature of discussions with local citizens' group personnel led to understatement of the true extent of cooperation between these organizations and other community groups. In a survey con-

ducted at roughly the same time, Weed (1985) found that 87.1 percent of MADD chapters reported that there were organizations in their community that were helpful in supporting MADD. The present study's only contact with most respondents was a brief phone call. Respondents may have overlooked parts of the group's activities. Further, the focus of each brief discussion was the court monitoring program; cooperation in other areas, such as public education, might not have been mentioned. The Northern Virginia MADD chapter, for example, reported that they worked with no other groups; however, their newsletter indicated that they cooperate with the Washington Regional Alcohol Program in educational efforts. Thus, emphasis on court monitoring may have caused local personnel to disregard their other activities during the discussion.

It would appear that most communication among court monitoring organizations flowed from MADD or RID central offices to local programs, with little contact across programs. Of 68 programs contacted, only 18 (26%) were able to provide the name of another court monitoring program felt to be doing a good job. The lack of references to another program doing a good job of court monitoring may stem from a combination of factors:

- o A paucity of local programs doing a truly well-organized and effective job of court monitoring. Among operating programs, some were clearly well organized and amply staffed with volunteers while others were maintaining a minimum presence in court with the aid of a very few volunteers. The number of programs encountered in this random survey that appeared to have an effective approach to court monitoring was small. (It should be noted that local citizens' groups with little to report in the area of court monitoring may well be doing excellent work in the fields of public education, legislative influence, and so on. These areas were not subject to investigation.)
- o Geographic dispersal of monitoring programs. While the number of monitoring programs encountered in the initial survey of local groups was reasonably large (333 programs), these programs are scattered across the entire country. Few programs will have counterparts in adjoining jurisdictions.
- o Lack of organizational experience on the part of citizens involved in court monitoring. As will be noted below, personnel involved in court monitoring programs may not feel a need to seek out others involved in this process to get ideas, but instead may rely on materials provided by headquarters of the principal anti-DWI organizations, MADD and RID.

Some court monitoring groups may be benefiting from the guidance provided by The Fund For Modern Courts, Inc., based in New York. This organization, which was cited by one program, has produced several useful publications, including a criminal court monitoring handbook. Their "Citizens' Court Projects Manual" provides general information on how to initiate, organize, and maintain a court monitoring program.

Comment

In examining the lack of apparent networking among citizens' groups, both within their home communities and with similar groups in different jurisdictions, it is useful to keep in mind the relative newness of such organizations. The oldest citizens' group encountered was 10 years old, and it was a distinct exception. Typically, such groups have been in existence from one to five years. During that period, more than one person may have been the dominant force within the organization. Communication lines among local groups may not yet have had time to evolve, as many groups are still in the process of defining themselves and their mission.

Lack of communication among groups does not imply that local leaders do not seek advice. Several local leaders responded eagerly to our discussion, asked how other programs contacted may have done things, and particularly asked when they would be able to read the instruction manual under consideration as part of this contract.

Lack of horizontal communication makes vertical communication all the more necessary. The MADD newsletters do not contain any instructional sections, unless vignettes of particularly successful public education activities are considered instructional, nor were any good court monitoring techniques included in the vignettes. The value of providing ongoing instruction in court monitoring issues should be communicated to the major citizens' groups.

ACCOMPLISHMENTS

Findings

Nearly all the local court monitoring programs contacted reported results from their activities. In many instances, reported accomplishments were in the area of awareness, but programs also mentioned accomplishments in the areas of enforcement, court procedures, sentencing, legislation, and public behavior. All accomplishments are self-reported. The purpose of exploring group accomplishments was to see how citizens' groups viewed their own effectiveness rather than to objectively evaluate that effectiveness.

Awareness

Nearly half of programs mentioned accomplishments in the area of greater awareness of DWI. For example, when asked about their accomplishments, program staff mentioned:

"Letting judges know you're there."

"Keeping DWI laws in the forefront of judges and police."

"Showing judges that citizens care by showing up in court."

One judge commented that "the program made judges aware of citizen concern. Maybe it did not change things, but it made judges aware of the problem."

Several programs noted that moving from awareness to more concrete accomplishments can be a long term process. One Virginia program noted, "It's hard work and you must stick with it to get results. It takes time to see the difference." The citizens' group representatives contacted were generally not discouraged by the slowness of change, and would cite various signs that their monitoring influenced court officials:

"There has been a change from seven years ago--at least we are being treated nicely in court now. We can get information from the court clerk."
(Connecticut)

"One defense attorney screens by asking jurors if they could face MADD if they decided on not guilty."
(Texas)

"The atmosphere in courts has changed. Before, cases used to be really settled out of court or in judges chambers and brought to trial just for show. Now the judges are even wearing their robes again. We have brought a sense of dignity back to the court."
(Tennessee)

Sentencing

More than a quarter of court monitoring programs contacted reported having had an impact on sanctions, either through stiffer penalties or more uniform sentencing. In a number of these sites, district attorneys confirmed in telephone contacts program reports of stricter sentences. In some cases, increased sentencing may have resulted from procedural reforms advocated by the court monitoring programs. For example, a program in Georgia reported that "judges are now receiving driving records of convictions before sentencing which has resulted in stiffer penalties." While no organizations submitted statistical data supportive of reports of stricter sentencing, the research conducted during the second phase of this contract confirmed that court monitoring programs can in fact lead to more severe sentencing.

Enforcement

A few programs noted increased enforcement (e.g., "more arrests," "better enforcement") as an accomplishment of their effort. One program in Oklahoma actively encouraged increased enforcement through an award of \$1,000 made through the local Fraternal Order of Police to the officer who made the most DWI arrests.

Plea Bargaining

While the focus of most court monitoring programs was on judges rather than on district attorneys, several programs reported that their program reduced the level of plea bargaining in their county. The interest of court monitoring programs in reduced plea bargaining may not be entirely unwelcome. For example, one district attorney in North Carolina noted:

"The programs eased the task of plea bargaining. It's easy for prosecutors to say 'no' to defense lawyers. The organization puts pressure on the DAs to take a hard stand."

Convictions

While most court monitoring programs concentrated on sentencing rather than convictions, a few court monitoring programs did report an impact on conviction rates. One program in Nebraska reported a 95 percent conviction rate for DWI. A district attorney in Wisconsin stated, "In part, the leadership of this organization has increased the rate of DWI convictions to 95 percent; murder charges in the county don't even have that high a conviction rate."

Judicial Procedures

Several court monitoring programs reported effecting changes in the judicial procedures of local court systems. Because similar problems could be found in other jurisdictions, these instances are mentioned below:

- o An Illinois program found that only half of the people placed on suspension for DWI were referred to remedial programs. Further, because of the way information was reported, offenders who were not placed in remedial programs were not identified as repeat offenders.
- o An Alabama program discovered that convictions were not reported to the State Department of Motor Vehicles until after an offender had completed payment of a fine or completed a remedial program. The organization recommended changes whereby convictions are reported at the time of conviction to ensure timely reporting of all convictions.
- o In Texas, one program noted a loophole whereby a defendant could verbally waive the right to a court appointed attorney, subsequently being able to overturn the conviction on appeal on the grounds of not having been adequately represented. Working with resources provided by the state MADD organization, the programs developed a signed form for waiving the right to counsel.

Changes in Legislation

A fifth of court monitoring programs contacted reported accomplishments in the area of legislative change on State and local levels. One organization explained, "Court monitoring has to be an element of a larger program and must be combined with other forms of DWI reduction if it plans to be effective." For instance, court monitoring programs in Nebraska and Texas reported being active in the passage of state and local open-container laws; and programs in Wisconsin and Nebraska reported being involved in the passage of victim's rights legislation (providing compensation to cases of DWI injury). Other programs were involved in passage of 21 year-old drinking laws, mandatory minimum jail sentences and, in some cases, traffic safety legislation such as mandatory seatbelt laws.

Changes in Drinking and Driving Behavior

A few organizations reported changes in drinking and driving behavior as a result of their program. This information was generally anecdotal and no supporting statistical information was offered. For example, one program reported that people were now taking taxis to nightclubs, and another program reported that people were now counting the number of drinks they were having. Decreased liquor sales were attributed to MADD. One program did provide data showing a decline in DWI arrests, but the period studied, which began in December and ended in February, may have slanted the results since it started with a holiday season, when DWI is particularly prevalent.

Comment

Several caveats must precede a discussion of the effectiveness of court monitoring programs. First, all accomplishments were self-reported and were not supported by independent evaluation. Second, changes in sanctioning may also be attributed to changes in legislation, which were almost universal during the past few years. While citizens' groups such as MADD and RID were prominent in seeking such changes, they were not alone. Finally, court monitoring is not the only activity of citizens' groups. Public education activities may have contributed as strongly as court monitoring to changes in public awareness and judicial habits. Despite these caveats, however, there is reason to believe that court monitoring can be effective. The two citizens' group programs studied in detail each had demonstrable effects on sentencing when compared to similar communities in the same state. Certainly, sensitivity to DWI issues increases among judges and attorneys when court monitoring is taking place. In the two communities studied, the anti-DWI group received considerable favorable publicity. However, claims of changing public awareness can neither be supported nor denied with current information.

COMMUNITY VIEWS OF COURT MONITORING PROGRAMS

Findings

The views of citizens' groups regarding the effectiveness of their court monitoring programs may differ somewhat from those of community members. For this reason, community representatives were contacted where possible to obtain their opinions regarding the strengths and weaknesses of local court monitoring programs. In general, the community representatives contacted took a positive attitude toward local court monitoring programs, although they occasionally identified specific areas in which improvement was deemed possible.

It should be noted that all community contacts were persons identified by the local citizens' group. Limitations in the degree of effort allocated to this phase of the contract prohibited detailed research in each community to identify and contact all individuals likely to come in contact with a court monitoring program: police, judges, district attorneys,

victim assistance personnel, alcohol rehabilitation services, and the defense bar. Instead, representatives of local citizens' groups were asked to identify individuals in their community who were familiar with their program and could discuss it. Because contacts were selected by the groups themselves, it is likely that they represented the spectrum of positive opinion with regard to court monitoring programs. Despite this potential source of bias, however, contacts with local officials were fruitful in identifying both good and bad points in local programs.

It was anticipated that all groups would be able to identify one or more individuals in the community sufficiently familiar with their operations to be able to provide input to this study. However, 26 percent of the organizations contacted did not provide an outside contact in the community. Three reasons may be offered for the lack of referrals:

- o Group members may have felt that individuals outside the group could not offer a fair appraisal of the court monitoring programs, and thus declined to supply a reference;
- o Group members may have believed that their program was small and thus did not feel that community officials were aware of it;
- o Group members may not be sufficiently familiar with community officials to supply a reference.

The most common explanation may be the second: many court monitoring programs were in fact small, working with a bare minimum of volunteers and scrutinizing only a few cases. Their public profile could have been low. In fact, three references given by different local groups reported that they were "not aware" that any court monitoring had been going on.

Community contacts suggested by local citizens' groups were primarily court officials:

- o Judges, of whom 13 were successfully contacted (2 declined to be interviewed);
- o District attorneys, of whom 23 were successfully contacted;
- o Court officials, such as court clerks, of whom 7 were successfully contacted; and
- o Other officials, of whom 8 could be contacted, including victim assistance personnel, police officers, and 2 defense attorneys.

Each community representative contacted was asked to give a balanced opinion (positive and negative aspects) of the local court monitoring program. This balance was reflected in the answers received: most community personnel could point to the positive accomplishments of local programs and at the same time could point to what they saw to be negative aspects of the program.

Discussion of positive aspects of the program tended to be somewhat general, on the lines of "they do a good job." Among the benefits of court monitoring cited were:

- o Education and public awareness;
- o Citizen participation in the courts;
- o Increased arrests;
- o Decreased plea bargaining;
- o Increased guilty pleas; and
- o Victim assistance.

Negative comments tended to be more specific, perhaps because it is generally easier to point to an irritant than to identify the components of a smoothly running system. None of the community representatives contacted suggested that court monitoring, per se, is ill advised. The connotation present in almost all comments was that the negative aspects should be corrected rather than that the program should be discontinued. Negative comments addressed several areas:

- o Lack of understanding of the legal system:

"They don't realize that when a case goes to trial there is some question of guilt." (Judge)

"They don't always get an overall picture because they see too few cases." (Court Clerk)

"They let the defendant know they're not cloaked in anonymity." (This positive assessment offered by a District Attorney appears to reflect a counterproductive attitude toward the difference between a defendant and a convicted offender.)

- o Excessive concentration on one issue:

"If we had such a group for every crime the system couldn't handle it." (Police Chief)

". . . (concerned with) only one issue." (Court Clerk)

"(They need to) line themselves with a broader victim scale." (Victim Assistance Counselor)

"They need to recruit a broader base in the community." (District Attorney)

o Excess enthusiasm:

"They do a good job; just add a little temperance."
(Defense Attorney)

"(The only problem is) the connotation that the group is
totally against drinking." (Judge)

"The judges don't want them wearing badges in the courtroom."
(District Attorney)

"(They) overreact to the defendant as an individual."
(District Attorney).

o Use of information:

"(They are) most energetic but not a real influence . . .
busybodies . . . more effective if they spoke to judges
personally." (District Attorney).

Most respondents favored a large, active court monitoring program, and many expressed the desire for a larger local program. Some respondents felt that the program needed to be larger so as to be able to increase already excellent results. In other cases, small size was seen to cripple program effectiveness: "anemic . . . not enough people to do successfully what they should do." (Staff DWI Coordinator, local government)

CHAPTER III STUDY PURPOSE AND DESIGN

STUDY PURPOSE

Research conducted during the first part of the contract confirmed that a large number of citizens' groups were involved in monitoring court handling of DWI cases. These groups varied widely in size, in the level of effort available for court monitoring, in the procedures used for communicating monitoring findings, and in their reported effects. Because of the number of different types of programs, it would have been prohibitively expensive to examine in detail a representative cross section of all programs, in order to determine the overall national effect of court monitoring. Instead, research focused on determining whether court monitoring, when carried out in what appeared to be a logical and organized fashion, could be effective in altering local handling of DWI cases.

STUDY DESIGN

The 68 citizens' group court monitoring programs contacted during the first phase of the contract varied widely in probable effectiveness. Some program representatives offered information to support claims of more severe sanctions or reduction in plea bargaining, while others noted that their program had not met their expectations. In narrowing down the range of possible evaluation sites, the following criteria were used:

- o Level of court monitoring activity. Preference was given to sites with ongoing or recurrent programs, rather than one-time-only activities, and to sites which conducted systematic monitoring, reviewing all DWI cases or all cases of a specific type (first offender, multiple offender, injury) rather than sporadic appearances in court.
- o Potential for evaluation, as measured by
 - Availability of baseline data;
 - Availability of comparison data;
 - Absence of confounding factors.

Twelve sites were selected as evaluation candidates (see memo of September 18, 1985; included as Appendix D). Candidates included programs located in small and large communities, different areas of the country, and affiliated with both of the major citizens' groups, Mothers Against Drunk Driving and Remove Intoxicated Drivers. Each site was contacted to determine willingness to participate in the evaluation and to assess the availability of information from local courts. Two programs were selected for in-depth evaluation:

- o Remove Intoxicated Drivers chapter in Oak Ridge, TN;
- o Mothers Against Drunk Driving chapter in Douglas County, NB.

A pre-test, post-test control group design was employed to test the effectiveness of the court monitoring programs at changing various aspects of DWI offender treatment. Specific analytic procedures varied with the site, as legislative changes in fines and other penalties imposed on DWI offenders took place at each site during the study period.

LIMITS TO THIS STUDY

The research reported here addressed one specific question: Can a well-implemented court monitoring program result in increased sanctions for DWI offenders? The answer to that limited question is clearly "yes." It is important to note that there are several questions that this research cannot answer:

- o What are the nationwide effects of court monitoring? This report documents an examination of two test sites, not a statistical analysis of the impact of court monitoring throughout the United States. It would be a gross distortion to attempt to project nationwide effects from the two cases reported here.
- o What characteristics of court monitoring programs lead to success? It is possible to hypothesize, based on knowledge of community programs and the insights of respondents, features of the programs studied that may have contributed to their effectiveness. Given the small number of programs involved, however, it is impossible to make any sweeping statements about program or community characteristics, and the interaction between them, that are particularly conducive to success.
- o What is the effect of court monitoring programs on the incidence of DWI or DWI-related accidents? The proponents of court monitoring encourage stringent penalties for DWI offenses for two reasons: to punish offenders and to deter potential offenders. This study does not examine the deterrent effect, if any, of increased sanctions for DWI.

CHAPTER IV

OAK RIDGE COURT MONITORING PROGRAM DESCRIPTION AND ANALYSIS OF RESULTS

THE COMMUNITY AND ITS COURTS

Oak Ridge, TN, is a "created" community; it was developed in the 1940's when the Federal government placed a military base housing a center for atomic energy research in the rural Appalachian county of Anderson, Tennessee. This area was christened Oak Ridge. Much of it was later separated from the military base and research center and incorporated as a municipality.

Today, Oak Ridge has a population of approximately 29,000. The military base and research center are still central to the city's identity and its history no doubt exerts an influence today. Oak Ridge has a population that is both highly educated² and interested in civic activities. Remove Intoxicated Drivers (RID) state headquarters is in Oak Ridge, as is the headquarters of the Prisoners Aid Society of Tennessee. Local observers point to a history of volunteerism dating from the early years and to a high interest in volunteer activities today which they attribute in part to the town's history as a military base. Whatever the reason for the interest in volunteer activities, it does appear to be high in Oak Ridge and this has undoubtedly benefitted RID court monitoring efforts.

Although Oak Ridge is the largest municipality in Anderson County it is not the county seat. The county seat, and thus the county court, is in nearby Clinton. Oak Ridge RID originally intended to monitor both the Oak Ridge and Clinton courts. However, unlike Oak Ridge, where recruiting efforts have been quite successful, RID met with limited success in recruiting court monitoring volunteers for the Clinton court. Monitoring in the Clinton court is undertaken only in special circumstances or when requested by the district attorney or victims in DWI cases.

RID routinely monitors the municipal court in Oak Ridge. This court, unlike most municipal courts in Tennessee, has been vested by the legislature with the authority to hear certain State offenses.³ These include misdemeanor offenses occurring within Oak Ridge when these are prosecuted by a State official (the district attorney or a representative of that office). The court may also hear preliminary hearings on felony cases for offenses occurring within Oak Ridge. Tennessee law defines most DWI cases as misdemeanors, including first, second, and third offenses, and thus within the purview of the Oak Ridge court. Although this court cannot rule on felony cases, which would include such offenses as vehicular homicide, it can hold preliminary hearings.

² 34.3 percent of the population of Oak Ridge have 16 or more years of education, compared to Tennessee average of 12.6%. Source: U.S. Bureau of the Census, County and City Data Book, 1983.

³ The municipal court in Johnson City, Tennessee, this study's control site, has the same authority as the Oak Ridge court.

DWI cases are heard in the Oak Ridge court on the three days each week when a representative of the district attorney's office is present. A RID court watch volunteer attends court on these days.

The county court in Clinton has additional authority above that of the Oak Ridge court, and can hear jury trials, appeals, and felony cases. Although defendants in misdemeanor DWI cases may request jury trials, this is reportedly rarely done. When it does occur, or when a decision by the Oak Ridge court is appealed, these cases are heard in Clinton. RID officials estimate that their routine monitoring of the Oak Ridge court covers 60-70 percent of DWI cases. The other cases are heard in Clinton's Anderson County court, where a RID representative may or may not be present.

OAK RIDGE COURT MONITORING PROGRAM

Overview of Oak Ridge RID

From its inception, the Oak Ridge, Tennessee chapter of Remove Intoxicated Drivers (RID) viewed court monitoring as a major component of its anti-DWI programs. Oak Ridge RID was launched in November 1981 and began active court monitoring in February 1982. In the intervening months, RID laid the groundwork for its court watch by talking to local judges and other court officials and by recruiting volunteers.

The program involves routine monitoring of DWI cases in the Oak Ridge court and limited monitoring of cases in the county court in nearby Clinton. It relies on a group of volunteers who are assigned on a rotating basis to attend courtroom sessions and report results to program coordinators, who are responsible for recruiting and assigning volunteers and for compilation of results reported by these volunteers. Compilation and publication of results is limited; Oak Ridge court monitoring planners feel that the presence of a volunteer in the courtroom is more important than the reporting of results. Thus, energy is focused on recruiting and assigning volunteers to cover the three days a week when DWI cases are heard in Oak Ridge.

The RID court monitoring program has a good relationship with the district attorney's office, and reports that its presence has affected the outcome of DWI cases and changed the demeanor of the Oak Ridge court. The organization of "court watch", as it is called in Oak Ridge, seems suited to the community, which has a history of volunteerism.

Program operation, procedures, and community characteristics are discussed in greater detail below.

Program Operations

RID court watch coordinators are responsible for recruiting and briefing volunteers, establishing a calendar of court sessions and assigning

volunteers to cover them, and compiling information on DWI cases based on forms submitted by courtroom watchers. Coordinators are available for questions from courtroom volunteers and for any official communication with members of the judicial community. One of the founders of Oak Ridge RID headed court watch efforts from the program's inception through 1985, when responsibility for coordination passed to two RID members who had been active in courtroom monitoring. The transition from the initial coordinator to its present ones appears to have been smooth.

Volunteer Recruitment

Volunteers for "court watch," the Oak Ridge term for the program, were initially recruited from participants at RID public meetings and audiences at speaking engagements before local organizations. The court watch coordinator's recruitment aim was a cadre of volunteers who could rotate assignments for DWI court sessions. To this end, presentations asked for volunteers to give one day a month to the court watch program. To those who were uncertain of even this limited commitment, program coordinators suggested trying court watch just once before making a final decision. RID planners believed that once people saw the court process themselves, they would become motivated to participate. The coordinator reports that 85 percent of those who agreed to a one-day trial period decided to continue participation.

Courtroom volunteers were encouraged to bring a friend with them, in part to make them more comfortable, but also to expose more people to the courtroom and get them to become court watchers themselves.

Recruiting efforts continued after the initial period and supplied replacements for those who dropped from the program. In fact, efforts at recruiting volunteers are given such priority that they are viewed as almost more important than retaining existing court watch volunteers. A fact sheet promoting the program and outlining court watchers' responsibilities (Exhibit 12) was developed for use at public meetings to recruit and inform volunteers. It serves the dual purpose of recruiting volunteers and informing them of what they are to do once they have chosen to participate.

Volunteer Training and Expectations

Volunteers are trained in the courtroom by an experienced court monitor who accompanies them on their first day to familiarize them with the courtroom and explain courtroom procedures. Volunteers are told to observe courtroom procedures and shown how to do any necessary record searches in the event they cannot hear or do not understand what they have heard. They are told how to contact the RID coordinator(s) with any questions. Volunteers are informed that they can speak with the district attorney and/or judge, but at appropriate times and not in a combative manner.

The RID court watch program is able to use many different volunteers with varying levels of knowledge in part because it places a premium on the presence of a RID volunteer in the courtroom above the information gained

Exhibit 12

COURT WATCHING FOR RID - HELPING MAKE A DIFFERENCE!

IS THIS YOU?

- You feel that you would like to do a little bit of volunteer work for the good of the community, BUT you don't want to be roped into doing too much.
- You've always wondered how the law - judges and lawyers- worked, but never really have had any opportunity to find out.
- You care about how justice is administered in our society.
- You find yourself occasionally concerned when you read the papers with reports on accidents caused by drunk drivers, and wonder if there is anything you could do (without getting over-involved).
- You have a free hour once or twice a month.
- You appreciate any input which will further your education about the society in which you live.
- You would like to make a REAL difference to the safety of people you care about.
- You have had a friend or relative whose life has been affected by a drunk driver.

COURT WATCH CAN BE THE IDEA VOLLUNTEER JOB FOR YOU

- Very limited time commitment - 1-3 hours a month, mornings or evenings - it is up to you.
- Your actual presence in the court room is the most important part of your volunteer work.
- Almost never boring - you learn more about Oak Ridge then you ever knew!

PRACTICAL ASPECTS OF COURT WATCHING

1. Wear your RID button in court (unless you really feel uncomfortable putting it on).
2. Take a reporting sheet (furnished and pre-addressed) and a pencil.
3. As the DUI (DWI) cases come up, fill in or circle appropriate entries on sheet.
4. DO NOT WORRY if you can not hear and/or fill out everything. YOUR PRESENCE IS YOUR MOST VALUABLE CONTRIBUTION, though the reporting sheets ARE important in helping us track what is happening to DUI arrests in court.
5. Fold up sheet, staple or tape, and stick it in mail.

If you have any questions or concerns about what has gone on in court, remember that both the District Attorney and the Clerk of the Court are public officials, and the court proceedings are a matter of public record. These officials are available to answer your questions. You also can contact either Nancy Mlekoja - 482-2928 or Claudia Raudorf - 483-5313, RID members in charge of Court Watch.

in hearing a case. Oak Ridge RID works on the assumption that the benefit of court monitoring comes primarily from the effect citizen observation has on the actions of court officials. Thus, volunteers need not know the law to be effective; by their presence they signify community interest in the disposition of DWI cases.

Recordkeeping

Although compilation of records is not the primary objective of the court watch program, data are gathered. Volunteers are given forms (see Exhibit 13) to complete showing the day's activity on DWI cases. These forms are mailed to coordinators. Thus far, records of actions on DWI cases have been used mainly in reporting to the RID board.

Reporting Court Monitoring Findings

Court watch statistics are published in the RID newsletter, which goes to members and others, such as courtroom officials. Both the district attorney and the Oak Ridge municipal judge reported receiving the newsletter. Newsletter reports are seen by RID officials as serving both to inform interested parties and to confirm the continued presence of RID volunteers in the courtroom.

The Oak Ridge RID approach to use of court monitoring data carefully steers away from confrontation and embarrassing situations. Court watch planners emphasize personal contact with court officials in case of disagreement. Publication of data is geared at reinforcement of actions they deem to be positive rather than public criticism. Recognizing that the police are an important part of DWI enforcement, Oak Ridge RID studied police records to determine those police officers who were making DWI arrests and those who were not. Results of this research were submitted to the Fraternal Order of Police Officers and the media. The press release listed the names of officers who had made arrests, but did not call attention to officers who did not make arrests. In the case of the district attorney, RID issued a press release showing the number of DWI cases he had reduced to lesser charges and the much higher number that had been reduced by his predecessor.

Possibly because of its nonconfrontational approach, Oak Ridge RID is favorably viewed by the police, judge and district attorney.

ANALYSIS OF EFFECTIVENESS OF COURT MONITORING IN OAK RIDGE, TN

Site and Control

A pre-test, post-test nonequivalent control group design was used to test the effectiveness of the RID Court Monitoring Program in Oak Ridge. This design entails comparison of the court monitoring program site with a similar site in Tennessee that did not have such a program. Selecting a control site within the same state ensured that the laws in effect were the

same at both sites. It also helped ensure that effects distinct from the court watch program, such as the lobbying campaign that is presumed to have preceded changes in Tennessee DWI legislation, were present in both the study and control sites.

Finding a control site presented some difficulty, as Oak Ridge is an unusual community. Founded by the Federal Government in the 1940's as a locus for atomic energy research, it remains a small, physically dispersed community with a highly educated population engaged in highly technical work. In selecting a control site, a community similar in size to Oak Ridge that also had a relatively well-educated population was sought. Johnson City, home of East Tennessee State University, was the control site chosen. Like Oak Ridge, it is a moderate-sized community with a relatively well-educated population (18.8% of the population have 16 or more years of education compared to the Tennessee average of 12.6%). Selected comparative data on the two sites follow:

**EXHIBIT 14
COMPARATIVE DATA, JOHNSON CITY AND OAK RIDGE**

	Johnson City	Oak Ridge
Population	39,753	27,662
Percent Adult Population with 16 or More Years of Education	18.9%	34.3%
Median Family Income	\$15,993	\$24,457

Source: U.S. Bureau of the Census, County and City Data Book, 1983

Time Frame for Analysis

Ideally, the time frame used for analysis would allow sufficient time prior to court monitoring program implementation to establish a clear estimate of annual variations in DWI caseload and typical case handling, plus sufficient time to distinguish between initial program effects and later program effects (if such differences are present). Budget considerations combined with outside effects (the change in Tennessee law) required economy in defining the period of study. Data were obtained for three distinct time periods:

- o Pre-program: prior to implementation of the RID court monitoring program. Data for this period serve as baseline. July 1981 - January 1982.
- o Program: subsequent to implementation of the court monitoring program but prior to changes in Tennessee DWI legislation. Data from this period contain program effects but not legislative effects. February 1982 - June 1982.
- o Program Law: subsequent to implementation of court monitoring and subsequent to changes in DWI legislation. July 1982 - December 1982.

Sample Size

All DWI cases occurring in Oak Ridge during the 18-month period under study were recorded for analysis, yielding a total of 366 cases. Most case records were obtained from a rough chronological notebook maintained by the court clerk rather than from official court docket books, as docket books frequently had not been updated with sentencing information.

It should be noted that Oak Ridge maintained the briefest court records of any community studied. Date of arrest was generally not available for any Oak Ridge DWI cases. This absence is particularly significant for cases heard at about the time of the law change, since date of arrest determines the law under which the individual is tried and sentenced: pre-law change arrests were subject to the lesser penalties of the earlier law, while arrests subsequent to July 1, 1982 were subject to the higher fines and imprisonment requirements of the new law. Date of arrest for cases heard in July, 1982 was imputed from the docket number assigned the case (these are assigned in accordance with arrest and arraignment, not trial date).

Records in Johnson City were sampled so as to yield approximately 130 records for each of the three time periods under study. (Prior to detailed interviews with Oak Ridge personnel, it was believed that the court monitoring began in January, 1982, yielding 3 six-month study periods.) To obtain 130 records, a sample of 22 records per month was required. Records were abstracted from the Johnson City Court docket books, with the first 22 DWI cases recorded each month being selected. In months with 22 cases or fewer, this yielded a 100 percent sample. A comparison of sample cases with total cases, by month, is shown in Exhibit 15.

EXHIBIT 15
CASES AND SAMPLE SIZE, JOHNSON CITY

Month	Total Cases	Sample	Sample %
<u>Pre-Program</u>			
July	19	19	100
August	22	15	68
September	32	16	50
October	38	26	68
November	40	23	58
December	52	23	44
January	37	27	73
<u>Program</u>			
February	40	20	50
March	50	50	100
April	50	24	48
May	44	22	50
June	53	19	36
<u>Program Law</u>			
July	29	20	69
August	26	23	88
September	48	21	44
October	56	22	39
November	58	19	33
December	65	42	65

Analytic Procedures

The study design uses a program court and a control (non-program) court for studying changes, yielding four values for each variable being tested: the pre-program and program values at each of the two courts. By using X to represent a particular variable being tested, 1 and 2 for the pre-program and program periods and P and C to represent the program court and control court respectively, the four values can be specified as:

- X_{p1} = Value in pre-program period of program court;
- X_{p2} = Value in program period of program court;
- X_{c1} = Value in pre-program period of control court;
- X_{c2} = Value in program period of control court.

Measuring the changes in each variable involves determining the differences between the four values. Not all the possible differences between the four will have any meaning. Those that have meaning may be set forth as:

- $\Delta P = X_{p2} - X_{p1}$, the change shown by the program court;
 $\Delta C = X_{c2} - X_{c1}$, the change shown by the control court;
 $D_1 = X_{p1} - X_{c1}$, the pre-program period difference between the two courts;
 $D_2 = X_{p2} - X_{c2}$, the program period difference between the two courts.

Which of these four meaningful differences should be tested for significance? It is insufficient to test ΔP because one cannot be sure that the change shown, even though significant, is really due to the presence of a monitoring program. It might be thought that if ΔP is significant while ΔC is not significant, an effect has been demonstrated. However, such a comparison is insufficient because it does not provide a check on net shift.

It is also tempting to think that if D_2 is significant while D_1 is not significant, the presence of a monitoring program has had an effect. This comparison also fails the test of net change. It is necessary to test the significance of the difference between the two changes, $\Delta P - \Delta C$, in order to gauge properly the net shift. As regards absolute magnitude, $D_2 - D_1$, will always equal $\Delta P - \Delta C$ but it is easier to evaluate the latter difference.

A two-tailed hypothesis test will be most appropriate for all variables under consideration as there was no reason to believe that changes would occur in any one particular direction. While the court monitoring program intended to increase sanctions, for example, it is also possible that judges could resent observation and decrease penalties as a gesture of independence. The framework for testing for the significance of a net change in any variable resulting from the presence of a monitoring program can therefore be set forth as:

$$H_0: \Delta P - \Delta C = 0$$

$$H_1: \Delta P - \Delta C \neq 0$$

Several measures of DWI case handling for the pre-program and program periods were examined, using the following variables:

- o Proportion of reductions in DWI charges by District Attorney.
- o Proportion of DWI offenders found guilty by presiding judge.
- o Proportion of guilty DWI offenders who were fined.
- o Proportion of fines suspended.
- o Mean net fines paid by guilty DWI offenders.
- o Proportion of guilty DWI offenders who were sentenced to jail.
- o Proportion of jail terms suspended.
- o Mean period of jail terms.

- o Proportion of guilty DWI offenders who had their licenses suspended.
- o Mean duration of license suspensions.
- o Proportion of guilty DWI offenders who were sent for education.
- o Proportion of guilty DWI offenders who were put on probation.
- o Mean period of probation imposed on guilty DWI offenders.

As shown in Exhibit 16, DWI tends to be a male offense; relatively few females were arrested for DWI in either community. Similarly, most of the cases encountered in Oak Ridge and Johnson City were first offender cases.

EXHIBIT 16

DISTRIBUTION OF DWI OFFENDERS Oak Ridge and Johnson City July 1981 - June 1982

	SEX	OAK RIDGE		JOHNSON CITY	
		Pre-Program	Program	Pre-Program	Program
First Offenders	Male	101	76	99	91
	Female	9	10	18	20
	Unknown	5	1	17	14
Second Offenders	Male	0	6	11	5
	Female	0	0	0	0
	Unknown	0	0	1	0
Third Offenders	Male	0	0	3	2
	Female	0	0	1	0
	Unknown	0	0	0	0
Felony Offenders	Male	0	0	0	2
	Female	0	0	0	0
	Unknown	0	0	0	0

To obtain sufficient cases for valid analysis, subsequent presentations for the study communities focus on male offenders being prosecuted for DWI, first offense.⁴

⁴ It should be noted that not all offenders prosecuted as first offenders have no other DWI cases on their record. It was explained that in order to prosecute a DWI case as a second offense the District Attorney must obtain a certified copy of the prior conviction, if that did not take place in the same county. This step may be omitted for any number of reasons, and multiple offense charges tend to be limited to offenses taking place within a single county.

Findings

Pre-Program and Program Periods, Oak Ridge, TN

In the pre-program period, about 90 percent of all males who were charged with a first DWI offense in Oak Ridge were found guilty by the presiding judge. Almost all of these guilty persons (about 95 percent) were both fined and sent to jail. All offenders were fined \$50 each and jailed, on the average, a net period of 4.3 days. About 25 percent of those sentenced to jail had their jail terms suspended. In addition, about 63 percent had their licenses suspended for an average of 7.8 months. In the same period none of the fines imposed by the presiding judge were suspended and none of the guilty offenders were sent for education or community service. A small proportion (about 10 percent) were put on probation for an average of 11 months. Comparisons between the pre-program and program periods for Oak Ridge are summarized in Exhibit 17.

In the program period, the treatment of DWI offenders remained unchanged for all variables examined except mean net fines paid, where a statistically significant change was observed. In the program period, 56 males were found guilty of first DWI offenses. Of these, 55 were fined and the mean net fine was \$75.29. This represents a statistically significant increase of \$25.29 over the mean net fine in the pre-program period.

A closer examination of the net fines paid by DWI first offenders in the two periods in Oak Ridge reveals an interesting pattern. In the pre-program period, all 59 DWI first offenders in the sample who were fined paid a net fine of \$50 each. During the pre-law period of the program, 55 DWI first offenders in the sample were fined. Of these, only 38 paid the typical \$50 fine, and 16 of the remaining 17 received higher fines. Details of the distribution of net fines are contained in Exhibit 18.

EXHIBIT 17

COMPARISON OF PRE-PROGRAM PERIOD AND PROGRAM PERIOD VARIABLES
OAK RIDGE

	PRE-PROGRAM PERIOD	PROGRAM PERIOD	CHANGE
Percent Reductions	8.70 (N=69)	17.91 (N=67)	9.21
Percent Found Guilty	89.86 (N = 69)	83.58 (N=67)	-6.28
Percent Fined (Guilty Offenders)	95.16 (N=62)	100.00 (N=56)	4.84
Percent Jailed (Guilty Offenders)	96.77 (N=62)	94.64 (N=56)	-2.13
Percent License Suspensions (Guilty Offenders)	62.90 (N=62)	62.50 (N=56)	-0.40
Percent Education (Guilty Offenders)	0.00 (N=62)	1.79 (N=56)	1.79
Percent Probation (Guilty Offenders)	9.68 (N=62)	3.57 (N=56)	-6.11
Percent of Fines Suspended	0.00 (N=59)	1.79 (N=56)	1.79
Percent Jail Terms Suspended	24.64 (N=60)	23.88 (N=53)	0.76
Mean Net Fine	\$50.00 (N=59)	\$75.29 (N=55)	\$25.29*
Mean Jail Term Served (Days)	4.3 (N=45)	7.4 (N=40)	3.1
Mean Period of License Suspension (Months)	7.8 (N=39)	9.2 (N=35)	1.4
Mean Period Of Probation (Months)	11.0 (N=6)	11.5 (N=2)	0.5

*t = 3.5111, DF=54, Prob<0.001
Other changes are insignificant.

EXHIBIT 18
DISTRIBUTION OF NET FINES FOR
PRE-PROGRAM AND PROGRAM PERIODS, OAK RIDGE

NET FINE (\$)	FREQUENCY	
	Pre-Program Period	Program Period
16	0	1
50	59	38
75	0	1
100	0	6
125	0	4
150	0	1
200	0	1
250	0	3
Total	59	55

While this change is promising, it cannot be attributed to the presence of the monitoring program without further analysis. A comparison has to be made with the change observed in mean net fine in the Johnson City court to determine the net effect of the program.

In the Johnson City court there are two judges, referred to here as Judge #1 and Judge #2. In the pre-program period, Judge #1 fined a sample of 21 male DWI first offenders a mean net fine of \$66.67. In the same period Judge #2 fined a sample of 18 male DWI first offenders a mean net fine of \$50.00. The difference of \$16.67 in mean net fine between the two judges is statistically significant. For this reason, the findings on the two judges cannot be combined to form one sample for Johnson City. (See Exhibit 19.) Instead, the data gathered on each judge will be considered as a separate sample to be used as a control in determining the net effect of the court monitoring program on mean net fines in Oak Ridge.

While the two judges in Johnson City differed from one another, their individual sentencing patterns remained basically unchanged between the pre-program and program periods. (See Exhibits 20 and 21.) In contrast, the sentencing pattern in Oak Ridge changed significantly. The relative magnitude of the changes that took place in Johnson City and Oak Ridge can be tested to determine their significance.

The mean net fines imposed by Johnson City Judge #1 was \$66.67 in the pre-program period and \$65.74 in the post-program period, for a net change of -\$0.93. Controlling the Oak Ridge data using the sample cases heard by Judge #1, the effect on the mean of net fines which resulted from court monitoring is:

$$\Delta P - \Delta C = \$25.29 - (-\$0.93) = \$26.22$$

EXHIBIT 19

COMPARISON OF JOHNSON CITY
JUDGES IN PRE-PROGRAM PERIOD

	JUDGE #1	JUDGE #2	DIFFERENCE
Percent Found Guilty	95.83 (N=48)	95.56 (N=45)	-0.27
Percent Fined (Guilty Offenders)	97.83 (N=46)	41.86 (N=43)	-55.97 ^a
Percent Jailed (Guilty Offenders)	97.83 (N=46)	93.02 (N=43)	-4.81
Percent License Suspensions (Guilty Offenders)	30.43 (N=46)	25.58 (N=43)	-4.85
Percent Education (Guilty Offenders)	82.61 (N=46)	81.40 (N=43)	-1.21
Percent Probation (Guilty Offenders)	50.00 (N=46)	62.79 (N=43)	12.79
Percent of Fines Suspended	53.33 (N=45)	0.00 (N=18)	-53.33 ^b
Percent of Jail Terms Suspended	62.50 (N=45)	64.44 (N=40)	1.94
Mean Net Fine	\$66.67 (N=21)	\$50.00 (N=18)	-\$16.67 ^c
Mean Jail Term Served (Days)	6.9 (N=17)	6.0 (N=14)	-0.9
Mean Period of License Suspension (Months)	10.15 (N=14)	9.60 (N=11)	-0.55
Mean Period Of Probation (Months)	11.52 (N=23)	11.78 (N=27)	0.26

^aChi-Square = 33.662, DF= 1, Prob<.001

^bChi-Square = 15.508, DF= 1, Prob<.001

^ct = 2.600, DF=20, Prob<.01

EXHIBIT 20

COMPARISON OF PRE-PROGRAM PERIOD AND PROGRAM PERIOD VARIABLES
JOHNSON CITY - JUDGE #1

	PRE-PROGRAM PERIOD	PROGRAM PERIOD	CHANGE*
Percent Reductions	2.08 (N=48)	8.77 (N=57)	6.69
Percent Found Guilty	95.83 (N=48)	98.25 (N=57)	2.42
Percent Fined (Guilty Offenders)	97.83 (N=46)	100.00 (N=56)	2.17
Percent Jailed (Guilty Offenders)	97.83 (N=46)	96.43 (N=56)	-1.40
Percent License Suspensions (Guilty Offenders)	30.43 (N=46)	39.29 (N=56)	8.86
Percent Education (Guilty Offenders)	82.61 (N=46)	92.86 (N=56)	10.25
Percent Probation (Guilty Offenders)	50.00 (N=46)	46.43 (N=56)	-3.57
Percent of Fines Suspended	53.33 (N=45)	52.63 (N=56)	-0.70
Percent of Jail Terms Suspended	62.50 (N=45)	61.40 (N=54)	-1.10
Mean Net Fine	\$66.67 (N=21)	\$65.74 (N=27)	-\$0.93
Mean Jail Term Served (Days)	6.9 (N=17)	13.2 (N=21)	6.3
Mean Period Of License Suspension (Months)	10.15 (N=14)	8.85 (N=22)	-1.30
Mean Period Of Probation (Months)	11.52 (N=23)	11.64 (N=29)	0.12

* No changes are statistically significant.

EXHIBIT 21

COMPARISON OF PRE-PROGRAM PERIOD AND PROGRAM PERIOD VARIABLES
JOHNSON CITY - JUDGE #2

	PRE-PROGRAM PERIOD	PROGRAM PERIOD	CHANGE*
Percent Reductions	8.89 (N=45)	6.67 (N=30)	-2.22
Percent Found Guilty	95.56 (N=45)	93.33 (N=30)	-2.23
Percent Fined (Guilty Offenders)	41.86 (N=43)	60.71 (N=28)	18.85
Percent Jailed (Guilty Offenders)	93.02 (N=43)	92.86 (N=28)	-0.16
Percent License Suspensions (Guilty Offenders)	25.58 (N=43)	46.43 (N=28)	20.85
Percent Education (Guilty Offenders)	81.40 (N=43)	82.14 (N=28)	0.74
Percent Probation (Guilty Offenders)	62.79 (N=43)	53.57 (N=28)	-9.22
Percent of Fines Suspended	0.00 (N=18)	17.75 (N=17)	17.65
Percent of Jail Terms Suspended	64.44 (N=40)	53.33 (N=26)	-11.11
Mean Net Fine	\$50.00 (N=18)	\$53.57 (N=14)	\$3.57
Mean Jail Term Served (Days)	6.0 (N=14)	3.8 (N=12)	-2.2
Mean Period of License Suspension (Months)	9.60 (N=11)	8.31 (N=13)	-1.29
Mean Period Of Probation (Months)	11.78 (N=27)	12.00 (N=15)	0.22

* No changes are statistically significant.

This net increase of \$26.22 is statistically significant.

The mean net fine imposed by Johnson City Judge #2 was \$50.00 in the pre-program period and \$53.57 in the post-program period, for a net change of \$3.57. Controlling the Oak Ridge data using the sample cases heard by Judge #2, the effect on the mean of net fines which resulted from court monitoring is:

$$\Delta P - \Delta C = \$25.27 - \$3.57 = \$21.72$$

This net increase of \$21.72 is also statistically significant.

In brief, the changes in sentencing pattern observed at Oak Ridge are significant, while those at Johnson City were not; further, the net change observed in Oak Ridge is significantly greater than that in Johnson City.

Effect of the New Tennessee Law: Prelaw Program Versus Law Program Periods

Effect of the Changed Tennessee Law on DWI Case Handling and Dispositions

Because handling of DWI offenders was more strict in Oak Ridge than in Johnson City, the effects of the new Tennessee DWI law were more pronounced in Johnson City. The change in Tennessee DWI law which came into effect on July 1, 1982 brought about significant changes in only three of the categories of DWI case handling under study in Oak Ridge, while nearly all were affected in Johnson City (see Exhibits 22, 23, and 24).

The most obvious change following the new law was in the fines imposed on and net fines paid by DWI offenders. The average fine paid by DWI offenders in Oak Ridge in the period following the law was \$260.58. Compared to an average fine of \$50.00 in the period before the monitoring program and \$75.29 in the period during which the program was in effect, this represents an increase of 346 percent. The change in Johnson City was slightly larger. In the pre-program period, the average fine paid by DWI first offenders in Johnson City was \$66.67 in cases handled by Judge #1 and \$50 in cases handled by Judge #2. In the program period, no significant changes were observed in these values. In the period after the law, the average fine paid by DWI offenders handled by Judge #1 increased 375 percent, to \$250; cases handled by Judge #2 increased 522%, to \$261.11. The distribution of net fines in Oak Ridge and Johnson City after the law is shown in Exhibit 25.

EXHIBIT 22

COMPARISON OF PRE-PROGRAM PERIOD AND LAW PERIOD CHARACTERISTICS
OAK RIDGE

	PRE-PROGRAM PERIOD	LAW PERIOD	CHANGE
Percent Reductions	8.70 (N=69)	13.11 (N=61)	4.41
Percent Found Guilty	89.86 (N=69)	88.52 (N=61)	-1.34
Percent Fined (Guilty Offenders)	95.16 (N=62)	98.15 (N=54)	2.99
Percent Jailed (Guilty Offenders)	96.77 (N=62)	96.30 (N=54)	-0.47
Percent License Suspensions (Guilty Offenders)	62.90 (N=62)	50.00 (N=54)	-12.90
Percent Education (Guilty Offenders)	0.00 (N=62)	0.00 (N=54)	0.00
Percent Probation (Guilty Offenders)	9.68 (N=62)	44.44 (N=54)	34.76 ^a
Percent of Fines Suspended	0.00 (N=59)	1.89 (N=53)	1.89
Percent of Jail Terms Suspended	24.64 (N=60)	14.75 (N=52)	-9.89
Mean Net Fine	\$50.00 (N=59)	\$260.58 (N=52)	\$210.58 ^b
Mean Jail Term Served (Days)	4.3 (N=45)	4.2 (N=44)	-0.1
Mean Period of License Suspension (Months)	7.8 (N=40)	12.2 (N=27)	4.4 ^c
Mean Period Of Probation (Months)	11.0 (N=6)	12.0 (N=24)	1.0

a Chi-Square = 18.195, DF= 1, Prob<0.001
 bt = 31.0873, DF=51, Prob<0.001
 ct = 6.3975, DF=65, Prob<0.001

EXHIBIT 23

COMPARISON OF PRE-PROGRAM PERIOD AND LAW PERIOD CHARACTERISTICS
JOHNSON CITY - JUDGE #1

	PRE-PROGRAM PERIOD	LAW PERIOD	CHANGE
Percent Reductions	2.08 (N=48)	2.13 (N=47)	0.05
Percent Found Guilty	95.83 (N=48)	97.87 (N=47)	2.04
Percent Fined (Guilty Offenders)	97.83 (N=46)	100.00 (N=46)	2.17
Percent Jailed (Guilty Offenders)	97.83 (N=46)	100.00 (N=46)	2.17
Percent License Suspensions (Guilty Offenders)	30.43 (N=46)	80.43 (N=46)	50.00 ^a
Percent Education (Guilty Offenders)	82.61 (N=46)	95.65 (N=46)	13.04
Percent Probation (Guilty Offenders)	50.00 (N=46)	95.65 (N=46)	45.65 ^b
Percent of Fines Suspended	53.33 (N=45)	2.17 (N=46)	-51.16 ^c
Percent of Jail Terms Suspended	62.50 (N=45)	6.38 (N=46)	-56.12 ^d
Mean Net Fine	\$66.67 (N=21)	\$250.00 (N=45)	\$183.33 ^e
Mean Jail Term Served (Days)	6.9 (N=17)	2.0 (N=43)	-4.9 ^f
Mean Period Of License Suspension (Months)	10.15 (N=14)	12.00 (N=37)	1.859
Mean Period Of Probation (Months)	11.52 (N=23)	12.22* (N=18)	0.70

* Owing to lack of information on period of probation for most of the sample DWI convictions, the number of cases used in determining the mean period of probation is less than expected.

^aChi-Square= 34.075, DF=2, Prob<0.001 . et= 21.4101, DF=20, Prob<0.001
^bChi-Square= 24.222, DF=1, Prob<0.001 . ft= 4.5007, DF=59, Prob<0.001
^cChi-Square= 29.880, DF=1, Prob<0.001 . gt= 2.2328, DF=50, Prob<0.05
^dChi-Square= 35.183, DF=1, Prob<0.001

EXHIBIT 24

COMPARISON OF PRE-PROGRAM PERIOD AND LAW PERIOD CHARACTERISTICS
JOHNSON CITY - JUDGE #2

	PRE-PROGRAM PERIOD	LAW PERIOD	CHANGE
Percent Reductions	8.89 (N=45)	6.00 (N=50)	-2.89
Percent Found Guilty	95.56 (N=45)	92.00 (N=50)	-3.56
Percent Fined (Guilty Offenders)	41.86 (N=43)	97.83 (N=46)	55.97 ^a
Percent Jailed (Guilty Offenders)	93.02 (N=43)	97.83 (N=46)	4.81
Percent License Suspensions (Guilty Offenders)	25.58 (N=43)	73.91 (N=46)	48.33 ^b
Percent Education (Guilty Offenders)	81.40 (N=43)	93.48 (N=46)	12.08
Percent Probation (Guilty Offenders)	62.79 (N=43)	97.83 (N=46)	35.04 ^c
Percent of Fines Suspended	0.00 (N=18)	0.00 (N=45)	0.00
Percent of Jail Terms Suspended	64.44 (N=40)	14.00 (N=45)	-50.44 ^d
Mean Net Fine	\$50.00 (N=18)	\$261.11 (N=45)	\$211.11 ^e
Mean Jail Term Served (Days)	6.00 (N=14)	2.21 (N=39)	-3.79 ^f
Mean Period Of License Suspension (Months)	9.60 (N=11)	12.00 (N=34)	2.49
Mean Period Of Probation (Months)	11.78 (N=27)	11.33* (N=23)	-0.45

* Owing to lack of information on period of probation for most of the sample DWI convictions, the number of cases used in determining the mean period of probation is less than expected.

^aChi-Square= 33.662, DF=1, Prob<0.001 . et= 11.9580, DF=44, Prob<0.001
^bChi-Square= 22.936, DF=2, Prob<0.001 . ft= 5.5760, DF=52, Prob<0.001
^cChi-Square= 17.654, DF=1, Prob<0.001 . gt= 4.6515, DF=44, Prob<0.001
^dChi-Square= 29.186, DF=1, Prob<0.001

EXHIBIT 25

FREQUENCY DISTRIBUTION OF
NET FINES IN LAW PERIOD

Net Fine	Oak Ridge	Johnson City (1)	Johnson City (2)
\$250	49	43	44
300	1	0	0
500	2	0	0
750	0	0	1
Total	52	43	45

The proportion of Johnson City DWI offenders fined by the two judges also changed following the new law. In the pre-program period, both judges effectively fined only half of the offenders they handled. In the period following the law, both judges in Johnson City fined almost all convicted DWI offenders and suspended none of the fines.

The proportion of offenders whose licenses were suspended in Oak Ridge was 63 percent in the program period and 50 percent after the new law; this change was not significant. For Johnson City, however, the change following the new law was dramatic. In the period before the program, Judge #1 suspended the licenses of about 30 percent of convicted DWI offenders whose cases he handled and Judge #2 suspended the licenses of about 26 percent of convicted DWI offenders whose cases he handled. In the period following the law, Judge #1 suspended the licenses of about 80 percent of convicted DWI offenders and Judge #2 suspended the licenses of about 74 percent. Thus, the proportion of convicted DWI offenders whose licenses were suspended almost tripled.

While the new law did not affect the proportion of offenders whose licenses were suspended in Oak Ridge, it did increase the average period of suspension. The average duration of license suspension in the pre-program period was 7.8 months and remained about the same in the period in which the monitoring program was in effect. In the period after the enactment of the law, this average became 12.2 months, a statistically significant increase of 4.4 months over the pre-program period value. In Johnson City as a result of the enactment of the law, the average period of license suspension was increased by 1.85 months in cases handled by Judge #1 and by 2.4 months in cases handled by Judge #2. Details are contained in Exhibits 23 and 24.

In the pre-law period, the judges in Oak Ridge imposed jail terms on virtually all DWI offenders, with suspensions recorded in virtually no cases. Thus, the new law did not bring about any increase in the use of jail terms as a sanction. In Johnson City, the new law brought about an increase in the proportion of offenders sentenced to jail, accompanied by a decrease in the number of days sentenced.

In the pre-program period, Judge #1 imposed jail sentences on almost all convicted male DWI first offenders in Johnson City, but suspended the jail terms of about 63 percent of them. In the program period, no significant change was observed in this proportion. In the post-law period, this judge still imposed jail sentences on all convicted male DWI first offenders but suspended the jail terms of only 6 percent. This represents a significant drop of about 56 percent in jail term suspensions by Judge #1. Similarly, Judge #2 sentenced about 93 percent of all convicted male DWI first offenders in the pre-program period to jail, but suspended this sentence for 64 percent of the offenders. In the program period, these proportions remained about the same. In the period following the new law, however, this judge suspended the jail terms of only 14 percent of the male DWI first offenders. This represents a significant drop of about 50 percent in jail term suspensions by Judge #2. On the whole, the proportion of convicted DWI offenders who actually served a jail term increased by about 50 percent after the enactment of the law.

As mentioned earlier, a significant change was also observed in the average number of days served in jail in Johnson City. In the pre-program period, Judge #1 imposed an average jail term of 6.9 days while the average for Judge #2 was 6 days. No significant changes were observed in these values in the program period. In the period after the law, the average jail term imposed fell to 2.2 days for Judge #1 and to 2 days for Judge #2. These findings indicate a drop of more than 65 percent in the number of days served in jail following the enactment of the law. This drop in the number of days served in jail was most likely the result of the large increase in the number of persons serving jail terms; jail was no longer reserved for the most dramatic offenses.

The effect of the law was also observed in the proportion of DWI offenders put on probation in both communities. (See Exhibit 25.) In the period before the monitoring program, about 10 percent of all male DWI first offenders in Oak Ridge were put on probation. No significant change was observed in this figure in the period after the program was started. After the law, this proportion increased to about 44 percent. This represents a net increase of about 35 percent over the pre-program period value.

As in Oak Ridge, the enactment of the law resulted in significant changes in the proportion of Johnson City DWI offenders put on probation and the average duration of license suspensions. (See Exhibits 23 and 24). In the period before the program, Judge #1 put about 50 percent of male DWI first offenders whom he convicted on probation while Judge #2 put about 63 percent on probation. In the program period, no significant changes were observed in these figures. In the period following the enactment of the law, the proportion rose to 96 percent for Judge #1 and 98 percent for Judge #2. On the whole, these findings indicate an increase of over 40 percent in the proportion of DWI offenders put on probation in Johnson City in the post-law period.

Effect of the New Tennessee Law on Program Effects

The only observable impact of the court monitoring program in Oak Ridge was a significant increase in the mean of net fines paid by convicted DWI offenders, from \$50 in the pre-program period to \$75.29 in the program period. In the period immediately following the enactment of the law, the mean net fine in Oak Ridge increased to \$261.58. In Johnson City, the mean net fine imposed by Judge #1 in the post-law period was \$250 and for Judge #2 it was \$261.11.

A detailed comparison of the mean net fines between Oak Ridge and Johnson City in the post-law period is contained in Exhibits 26 and 27. As a result of the enactment of the law, the fines paid by convicted DWI offenders became the same in both the Oak Ridge court and the Johnson City court. This leads to the conclusion that in the period immediately following the enactment of the law, the effect of the law overshadowed the impact of the court monitoring program in Oak Ridge.

It is possible that the effect of the law change decays over time; that is, that average fines decrease. The presence of a court monitoring program may act to ameliorate or delay such a decrease. Unfortunately, resources did not allow for a second study period for exploration of this possibility.

EXHIBIT 26

**COMPARISON OF MEAN NET FINES IN LAW PERIOD
JUDGE #1**

	OAK RIDGE	JOHNSON CITY (Judge #1)	DIFFERENCE	T	PROB> T
Mean Net Fine (Dollars)	\$261.58	\$250.00	11.58	1.4186	0.1594

EXHIBIT 27

**COMPARISON OF MEAN NET FINES IN LAW PERIOD
JUDGE #2**

	OAK RIDGE	JOHNSON CITY (Judge #2)	DIFFERENCE	T	PROB> T
Mean Net Fine (Dollars)	\$261.58	\$261.11	0.47	-0.0423	0.9664

CHAPTER V
MADD COURT MONITORING PROGRAM DESCRIPTION AND ANALYSIS OF RESULTS

BACKGROUND: THE COMMUNITY AND ITS COURTS

Omaha, Nebraska's largest city with an estimated population of 314,000, is located in Douglas County (estimated city-county population is 397,000). DWI cases in the metropolitan area may be handled by either city or county officials, depending on the location of the arrest. Arrests made within city boundaries by city police are handled by city officials; arrests made in the county by the sheriff's department are handled by county officials. Both city and county cases are tried at the same courthouse building complex and both were monitored by Douglas County Mothers Against Drunk Drivers (MADD).

The city and county courts were separate organizations until July, 1985, when state law merged them into a single court system. This law merged judges and courts, but maintained separate enforcement and prosecution for the city and county. Physically, the offices of both the city and county district attorneys and of all judges and judicial administration personnel are in a single courthouse complex.

Until approximately 1983, the Omaha-Douglas County area had one of the lowest DWI arrest-to-population ratios in Nebraska. This situation did not go unnoticed. A number of events set in motion in the early 1980's had the potential of affecting the manner in which DWI cases were handled in the community:

- o January, 1981--MADD chapter in Douglas County was organized and began court monitoring as well as educational campaigns.
- o October 1982--The police department received a grant to increase enforcement of the 55 mph speed limit. Increased enforcement of any sort was bound to increase the number of DWI suspects detected.
- o December 1982--The police department received a Federal grant for increased DWI enforcement.
- o December 1982--The district attorney's office received a Federal grant to assist in prosecuting DWI cases.
- o October 1983--The police department received a Federal grant for increased DWI education in the high schools.

These new activities and resources may have affected DWI arrests and prosecution. Certainly, DWI arrests rose after 1982. Arrests on DWI charges numbered about 750 in 1981, rose to 2,000 in 1983 and then to over 2,500 in 1984 and 1985. The potential impact of these activities on the subject of this study, DWI prosecution and sanctioning, is discussed in more detail in the evaluation section of this chapter.

DOUGLAS COUNTY MADD COURT MONITORING PROGRAM

Origins of Douglas County MADD and Court Monitoring

Douglas County MADD was organized by a woman who was herself injured in DWI crashes. After being injured for the third time by an intoxicated driver, she decided that community action was necessary. Court monitoring efforts began in late January - early February, 1982, shortly after the group was chartered. Monitoring of all DWI cases through a combination of in-court presence and records review continued until October, 1983, when other commitments sidelined the program's coordinator and primary participant.

The court monitoring program coordinator began her planning of court monitoring procedures by interviewing court and prosecution officials in order to learn about DWI laws and the handling of cases. By asking questions of city and county district attorneys, judges, and other court officials, she learned about the process and disposition of DWI cases. At the same time, the program coordinator established cordial working relationships with the officials, helping ensure her subsequent access to them to discuss specific cases.

Program Operations

Nearly all court monitoring was done by the program coordinator and one other long-term volunteer. Their training consisted of the interviews with court and district attorney personnel noted above, coupled with the experience they gained through court monitoring. Other volunteers were active in the program, but do not appear to have been as central to its daily operation as the coordinator and her associate. Recruiting efforts do not appear to have been given the emphasis they received in Oak Ridge.

Volunteers were instructed both in recording information during court sessions and in extracting information from case records. Data pertaining to each case were recorded on the program's Court Record Form (see Exhibit 28), which provided a complete record of the progress of each case from arrest through sentencing. Information from each court day's activities was turned over to the program coordinator, who reviewed cases and compiled statistics.

Douglas County MADD volunteers could obtain a comprehensive record on each DWI case because they incorporated review of court records into their monitoring efforts and because Douglas County maintained an excellent city-county data system. The coordinators or other volunteers were able to check complete, up-to-date court records kept in the court clerk's office for information not obtained in court. Because the court clerk's office is located between the courtrooms and the judges' offices, volunteers abstracting data could easily be seen as they monitored case records. Thus, even when they were not in the courtroom, volunteers were visible and their court monitoring function evident.

COURT RECORD

DISTRICT _____ COUNTY _____ MUNICIPAL _____

Personal Data:

First Name _____ Middle _____ Last _____

Street _____ File No. _____ T - _____

City _____ State _____ Docket No. _____ T - _____

Zip _____ Date of Birth _____ Age _____ Sex _____

Offense Data:

Offense Date _____ Charge Date _____ Charge _____

Offense Place _____ Zip _____

Arrest Date _____ Plea _____ Judge _____

Continuances _____

Trial Date _____ Plea _____ Judge _____

Defense Attorney _____

Sentence Date _____ Judge _____

Days In System	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	/	/	/	/	/	/	/	/	/	/	/	/

Sentencing Data:

Jail _____ days Conditions _____

Fine \$ _____ Conditions _____

License Suspension _____ days Conditions _____

Probation _____ days Terms _____

Notes:

Reporting Court Monitoring Findings

The Douglas County MADD used a mixture of confrontational and collegial techniques in communicating the information it obtained from court monitoring to court officials and to the public. Early in the program's history, MADD released a compilation of judges' DWI sentencing records together with its recommendations concerning the judges' fitness for office several days prior to judicial elections. This report does not appear to have swayed the election results, but it did leave a certain bitterness on the part of those judges identified for criticism.

A collegial approach to exploring differences was used more frequently and consistently throughout the court monitoring program. When the program coordinator questioned the appropriateness of a prosecutorial or judicial decision, she would schedule a meeting to discuss the case. Such followup meetings allowed court monitoring personnel to request clarification on why a case was handled in a certain way and yet maintain a non-combative posture. Instead of arguing against a certain decision, whether it involved dismissal, plea bargain, or judgment, MADD court monitors would first go to officials and ask them to explain the decision. They believed in presenting a cooperative, "we want to learn" posture to the court, while retaining their option to disagree with the actions of officials. If court monitoring personnel disagreed with a decision after receiving an explanation, the program coordinator would write a letter concerning the problem and sign it with her official title as vice president of MADD.

Court Monitoring Ends

While several people were active in court monitoring, the program coordinator was the person with the greatest interest in and responsibilities toward the program. Personal considerations forced her to give up her daily role in the program in October, 1983. No successor with both similar interests and the ability to commit large amounts of time to court monitoring was found. As a result, court monitoring effectively stopped when she was no longer available. MADD did attend court sporadically after October, 1983, generally in cases involving injury or death as a result of DWI. However, such visits were rare.

In measuring the effectiveness of a monitoring program, it is important to ascertain whether the program was visible: whether officials knew that monitoring was taking place, and, in Omaha, whether they were aware when it ceased. The local newspaper continued to take an interest in DWI after MADD court monitoring stopped, and its reporters occasionally visited the court records room to extract information on DWI cases. It is thus possible that some officials may not have been aware that MADD was no longer in the court regularly after late 1983.

The judges and attorneys contacted were aware that monitoring had been most intensive some years ago. The district attorney's office was most sensitive to the presence of the court monitoring program; district attorney personnel knew that the program had stopped following loss of the coordinator. Those sympathetic to MADD expressed a desire that someone fill the coordinator's role and restart day-to-day monitoring.

One judge reported that he had seen program volunteers in the courtroom "long ago," but not recently. He was aware that court records were reviewed up to the present, however, because he had seen someone making notes in the clerk's office. He reported that he did not know if this person was a MADD representative or the court reporter for the local newspaper, the Omaha World-Herald. The judge's remarks illustrate his awareness that MADD conducted paper as well as in-court review of DWI cases. His comments that he could not tell whether MADD or the Omaha World-Herald was responsible for court monitoring may need some assessment. Because so few volunteers participated in court monitoring, court personnel had the opportunity to become familiar with MADD personnel. In lumping the activities of MADD and the newspaper, the judge may have been dismissing the recognizability, and thus the influence, of MADD rather than stating literal confusion. This judge was one of the individuals whom MADD publicly identified as unfit for office, and thus would be inclined to discount the value of the organization. In balance, it appears that most courtroom personnel were aware of the court monitoring program when it was active and noticed when it stopped.

Other MADD Activities

While its court monitoring program stopped in October, 1983, MADD continued its other activities with undiminished vigor. It remained, and remains, active both in public education and in fostering community support for DWI enforcement. Among other activities, it raised funds to donate two specialized vehicles for DWI enforcement to the local police. Further, when the founder of MADD believed that the vehicles were not being appropriately used, she mounted a publicity campaign to get the vehicles in operation. MADD in Douglas County is a vocal, politically savvy organization whose perceived strength is much greater than the small number of dues paying members it can claim.

ANALYSIS OF THE EFFECTIVENESS OF COURT MONITORING IN DOUGLAS COUNTY, NB

Site and Control

The MADD program in Douglas County, Nebraska, was selected for evaluation both because of its self-reported effectiveness at increasing sanctions for DWI offenses and because of the excellent automated data system maintained by Douglas County.

A pre-test, post-test nonequivalent control group design was used to test the effectiveness of the MADD court monitoring program. This design entailed the comparison of the court monitoring program site with a similar site in Nebraska that did not have such a program. Selecting a control site within the same state ensured that the laws in effect were the same at both sites. It also helped ensure that other influences on DWI case handling, such as the lobbying presumed to have preceeded changes in Nebraska DWI legislation, were present in both the study and the control sites.

Lancaster County, which includes the city of Lincoln, was the control site chosen. Only two Nebraska counties, Douglas and Lancaster, have populations over 100,000. This makes Lancaster a logical choice as a control for Douglas County. Although Lancaster County currently has a MADD group that monitors county courts, this program was only initiated in 1985. During the period when the Douglas County MADD program was active, there was no comparable activity in Lancaster County. Lancaster County also has an excellent automated data system, making it possible to obtain data comparable to that obtained from Omaha.

As the only two sizeable communities in Nebraska, Douglas County and Lancaster County share several characteristics:

**EXHIBIT 29
COMPARATIVE DATA, DOUGLAS AND LANCASTER COUNTIES**

	Douglas County	Lancaster County
Population	397,038	192,884
Percent Adult Population with 12 or More Years Education	73.9%	81.5%
Median Family Income	\$21,629	\$21,381

Source: U.S. Bureau of the Census, County and City Data Book, 1983

Although they shared many demographic characteristics, Lancaster and Douglas Counties differed in their approach to the prosecution and adjudication of DWI cases throughout the study period.

Prior to 1982, Douglas County had historically had a low level of DWI enforcement. Improving the low level of enforcement was a reason behind the police enforcement grant received in October, 1982. During the study period, Douglas County approximately doubled the number of offenders apprehended per year.

The two communities differed most markedly in prosecution handling of DWI offenders after arrest. In Douglas County, virtually all DWI offenders proceeded to trial, and almost all offenders were found guilty. In contrast, nearly half of all cases in Lancaster County either were dropped before trial or were allowed to plead guilty to reduced charges. These differences between the communities became even greater over the study period. In Douglas County, the court monitoring program coincided with, and probably reinforced, an increase in prosecutorial severity. The proportion of cases dropped and charges reduced declined after implementation of court monitoring--from 16 percent to 6 percent of all male offenders, for example--and continued to decline throughout the entire study period.

Differences in the types of cases brought before the bench affects the sentencing behavior of judges. These differences should be kept in mind

particularly during the law periods, when the severity of sanctions applied to DWI offenders increased in both communities. For example, judges in Lancaster County were twice as willing as judges in Douglas County to sentence male first offenders to jail after the new Nebraska legislation took effect (45 percent versus 23 percent). However, judges in Lancaster County were dealing with an offender population that had already been halved by cases dropped and plea reductions, while judges in Omaha saw nearly all offenders. Because of differences between the two communities, analysis of program effects focuses on net changes, rather than on differences between the communities themselves.

Time Periods for Analysis

Three major events that might have affected the handling of DWI offenders took place in Douglas County/Omaha during the four years under study: the court monitoring program was implemented and later ceased operation, Nebraska law with regard to DWI offenses was revised, and several Federal grants addressing DWI enforcement were awarded. Most of the present analysis focuses on determining the effects of the first two of these events, the court monitoring program and the changes in Nebraska law.

The four years (1981 - 1984) studied in Douglas County break down into four logical time periods for purposes of examining the effects of the court monitoring program:

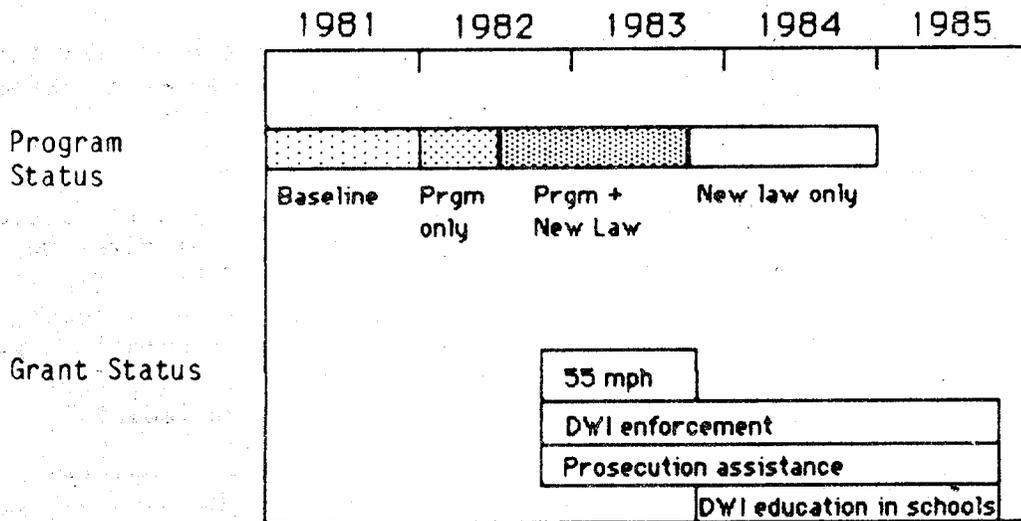
- o Preprogram Period. During this baseline period, the court monitoring program was not in operation and the changes to Nebraska state law had not been made. Cases disposed of during January - December, 1981 fall in the preprogram period.
- o Prelaw Program Period. The court monitoring program was initiated during January - February, 1982, prior to changes in Nebraska DWI law. It is thus possible to examine the effects of the program independent of the effects of the law. Cases appearing in court while the monitoring program was active, but arrested prior to the changes in Nebraska state law that took effect on July 17, 1982, are defined as occurring during the prelaw program period.
- o Law Program Period. New DWI legislation with stiffer penalties took effect July 17, 1982. Cases arrested on or after July 17, and disposed of while the court monitoring program was still active (prior to October, 1983), are considered to fall in the law program period.
- o Law Postprogram Period. In October, 1983, court monitoring effectively ceased. The program declined from regular monitoring to sporadic visits to the courts. The postprogram period encompasses cases disposed of on or after October, 1983 through the end of 1984.

Several Federal grants were received by Douglas County during the period under study. These include:

- o A grant to the police department for enforcement of the 55 mile per hour speed limit, which also included a DWI enforcement component. Period of grant: 10/1/82 - 9/30/83.
- o A grant to the police department for DWI enforcement. Period of grant: 12/7/82 - 9/30/85.
- o A DWI prosecution assistance grant to the prosecutors office. Period of grant: 12/17/82 - 9/30/85.
- o A grant to the police department for anti-DWI education in high schools. Period of grant: 10/1/83 - 9/30/85.

The timing of these grants relative to the Omaha court monitoring program is illustrated in Exhibit 30, below. Since only the prosecution grant directly addressed the variables under study, detailed examination of the effects of the grants was not undertaken within this contract. Vincent Webb at the University of Nebraska is currently carrying out an evaluation of the effects of the grants.

**EXHIBIT 30
TIMELINES FOR ANTI-DWI ACTIVITIES IN DOUGLAS COUNTY, NB**



Sample Size

All adult DWI cases entered in the computerized records of Douglas or Lancaster Counties during the period under study were considered for analysis. Only cases in which a disposition could not be reached because of death or insanity of the defendant, or which were referred without action to a different court, were excluded. The total number of cases for each community, by time period, is shown below.

EXHIBIT 31
SAMPLE SIZES BY TIME PERIOD, BY COUNTY AND SEX OF OFFENDER

Period	Douglas County		Lancaster County	
	Males	Females	Males	Females
Preprogram	635	96	357	68
Prelaw Program	756	106	1,305	260
Law Program	1,717	289	1,913	381
Law Postprogram	2,839	473	1,997	397

Analytic Procedures

The study design employed in Douglas County directly parallels that employed in Oak Ridge, TN (see previous chapter). Changes in key variables in Douglas County are compared to similar changes in Lancaster County, and the net differences tested for significance. The logic behind this procedure was outlined previously.

Because the study was able to obtain a greater number of cases over a longer time period in Nebraska than in Tennessee, possible comparisons between study and control sites were more numerous. In particular, it was possible to examine DWI case-handling after cessation of the court monitoring program as well as prior to its implementation to look for decay in program effects. The following specific effects are examined:

- o The initial effects of the program. The handling of DWI offenders after initiation of court monitoring but prior to implementation of the new DWI law is compared to handling before implementation. (Preprogram period compared to prelaw program period.)
- o The effect of law change when combined with program influences. The handling of DWI offenders subsequent to revisions in Nebraska law in sites having and not having court monitoring is explored. (Prelaw program period compared to law program period.)
- o The effect of program cessation. At the end of 1983, court monitoring by Douglas County MADD stopped, while other educational efforts continued. Court monitoring may be viewed as an educational intervention which sensitizes judges to DWI. Court monitoring effects, like other learning, will decay after the training stops. (Law program period compared to law postprogram period.)

Findings

The Initial Effects of the Program: The Preprogram and Prelaw Program Period in Douglas County, NB

Police and Prosecution Effectiveness

Not all DWI arrests proceed to a judicial disposition. Some cases are dropped before trial because of inability to locate the defendant within two years, police error in assembling and documenting the evidence, exercise of prosecutorial discretion, or for some other reason. Between the preprogram and the program periods, the prosecution of DWI offenders in Douglas County increased in severity, until virtually all offenders were charged in court as arrested, with few dropped cases or reduced. Specifically, the proportion of male offender cases dropped declined from 10 to 5 percent and the proportion of male offenders allowed to plead to reduced charges declined from 6 to 2 percent. The proportion of cases dropped among female offenders remained approximately the same at 7 percent, but the proportion of plea reductions dropped similarly to male offenders, from 7 to 1 percent. (See Exhibit 32.) During the same period in Lancaster County, little or no change was seen in these variables.

The changes in Douglas County may stem either from rule-tighting in the prosecutor's office, or from improved police behavior leading to a greater proportion of supportable arrests. Of more interest is the motivation behind the change. Two influences may be offered: the court monitoring program, which called for more strict handling of offenders, and Federal grants for enforcement prosecution assistance, which went into effect during the end of the program period. It is possible that the grants allowed the police to collect improved evidence or attend court more regularly, or that they allowed the prosecutor's office to complete old or difficult cases that might otherwise have been dropped. However, these grants were awarded at the end of 1982, while the prelaw program period is defined as all cases disposed of from January 1982 through September 1983 which were arrested prior to July 17, 1982. It is thus possible to test for program effect occurring prior to receipt of the Federal grants. (Note that this test is conservative, as it presumably takes some time after receipt of a grant to staff its implementation.)

EXHIBIT 32
CHARGES AND VERDICTS, PREPROGRAM VERSUS PRELAW PROGRAM PERIOD,
BY COUNTY AND SEX

Male Offenders

	Douglas County		Lancaster County	
	Preprgm	Prelaw Prgm	Preprgm	Prelaw Prgm
Cases Dropped Before Trial	10.4% (N=635)	4.7%* (N=756)	6.7% (N=357)	5.3% (N=1,305)
Cases Disposed of with Reduced Charges	6.0% (N=569)	1.8%* (N=702)	42.6% (N=333)	37.6% (N=1,235)
Cases Ruled Guilty	96.1% (N=569)	97.1% (N=702)	100.0% (N=333)	99.8% (N=1,235)

Female Offenders

	Douglas County		Lancaster County	
	Preprgm	Prelaw Prgm	Preprgm	Prelaw Prgm
Cases Dropped Before Trial	7.3% (N=96)	6.6%* (N=106)	2.9% (N=68)	5.8% (N=260)
Cases Disposed of with Reduced Charges	6.5% (N=92)	1.0%* (N=99)	36.4% (N=66)	27.3% (N=245)
Cases Ruled Guilty	93.5% (N=92)	96.0% (N=99)	100.0% (N=66)	99.6% (N=245)

*Net decrease is significant (P<0.05)

When only cases disposed of prior to October 1, 1982 (the date of the first police grant) are examined, the results in terms of reduction in dropped or reduced charges cases are similar. In the period in which the monitoring program was in effect but prior to the Federal grants, the proportion of cases dropped before trial had decreased significantly to 5 percent for male offenders and 7 percent for female offenders. The proportion of reduced charges in this period had dropped to 1 percent for male offenders and less than 1 percent for female offenders.

These decreases represent a significant change when tested against the data from Lancaster County, indicating that changes in the proportions of dropped and reduced cases occurred even before the Federal grants were received.

The high percentage of cases in Lancaster County which were disposed of with reduced charges should be kept in mind in reviewing the findings presented in subsequent sections. Cases disposed of with reduced charges can be assumed to be less serious cases; therefore, the cases remaining in Lancaster County for analysis as to disposition are more serious, and more likely to receive harsher penalties.

Sanctions For DWI Offenders

Citizens groups opposing DWI, including the Douglas County MADD, favor strong penalties for DWI offenders, both to ensure that punishment is proportionate to the offense and to serve as a deterrent to future offenders. As noted earlier, Douglas County MADD analyzed the sentencing patterns of judges and published its estimation of the judges' fitness for office based on those patterns. Thus, it was anticipated that the effects of the program would be seen primarily in terms of increased sanctions for DWI offenders.

To test the effects of the Douglas County MADD court monitoring program prior to changes in Nebraska law, cases reaching disposition after the program had been implemented but subject to the pre-1982 law (see earlier definition of time periods) were compared to cases disposed of during 1981 (prior to implementation of the law). Net changes in Douglas and Lancaster Counties were then tested to separate program effects from other changes that may have been occurring within the State of Nebraska.

The Douglas County court monitoring program brought about significant net increases in fines for all DWI offenders, as well as net increases in the proportion of second offenders sentenced to jail terms, the proportion of second offenders whose licenses were revoked and the proportion of second offenders put on probation. Details of these findings are discussed below. Meaningful statistical analysis of DWI third-offender cases and felony-offender cases is not possible owing to very few cases of that nature in both Douglas and Lancaster Counties.

Effect of Court Monitoring Program on Sanctions for First Offenders

As indicated above, no significant change took place in the type of sanctions applied to first offenders of either sex (Exhibit 33). The only effect of the court monitoring program on sanctions for DWI first offenders was in the level of imposed fines.

In the period before the program, the average fine for male first offenders in Douglas County was \$129.40; in the prelaw program period, the average fine had increased by about 27 percent to \$164.87. In the same period, male first offender fines in Lancaster County increased by 5 percent. This represents a net increase of 22 percent (or \$29.00) in the average fine of DWI first offenders in Douglas County. This net increase is statistically significant (see Exhibit 34).

For female first offenders in Douglas County in the preprogram period, the average fine was \$108.33. In the prelaw program period, the average

fine increased about 43 percent, to \$154.60. In the same period, the average fine in Lancaster County increased by 21 percent to \$143.89. This represents a net increase of 22 percent (or \$23.95) in the average fine of female DWI first offenders in Douglas County. This net increase is also statistically significant (see Exhibit 34).

EXHIBIT 33
USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATION AS PENALTIES
FOR DWI FIRST OFFENDERS, PREPROGRAM AND PRELAW PROGRAM PERIODS

Male First Offenders

	Douglas County			Lancaster County		
	Pre-Program N=424	Prelaw Program N=504	Percent Increase	Pre-Program N=225	Prelaw Program N=997	Percent Increase
Fined	88.2%	89.3%	1.2%	67.6%	48.6%	-28.0%
Jailed	6.6%	8.9%	35.3%	8.0%	11.2%	40.4%
Licenses Revoked	25.0%	24.2%*	-3.1%	64.4%	48.3%	-25.0%
Probation	46.0%	59.7%*	29.8%	1.8%	26.8%	14.0%

Female First Offenders

	Douglas County			Lancaster County		
	Pre-Program N=75	Prelaw Program N=85	Percent Increase	Pre-Program N=45	Prelaw Program N=202	Percent Increase
Fined	84.0%	89.4%	6.4%	57.8%	42.6%	-26.3%
Jailed	4.0%	0.0%	-	0.0%	4.5%	-
Licenses Revoked	22.7%	12.9%	-42.9%	46.7%	42.1%	-9.8%
Probation	45.3%	68.2%*	50.5%	2.2%	28.2%	-

*Net increase is significant

EXHIBIT 34
AVERAGE FINES AND AVERAGE JAIL TERMS FOR FIRST DWI OFFENDERS,
PREPROGRAM AND PRELAW PROGRAM PERIOD

Male First Offenders

	Douglas County			Lancaster County		
	Pre-Program	Prelaw Program	Percent Increase	Pre-Program	Prelaw Program	Percent Increase
Average Fine (Dollars)	\$129.40 (N=374)	\$164.87* (N=450)	27.4%	\$163.22 (N=152)	\$171.44 (N=485)	5.0%
Average Jail Term (Days)	**	8.00 (N=3)	-	5.44 (N=18)	7.14 (N=112)	31.2%

Female First Offenders

	Douglas County			Lancaster County		
	Pre-Program	Prelaw Program	Percent Increase	Pre-Program	Prelaw Program	Percent Increase
Average Fine (Dollars)	\$108.33 (N=63)	\$154.60* (N=76)	42.7%	\$119.23 (N=26)	\$143.89 (N=86)	20.7%
Average Jail Term (Days)	**	**	-	**	4.8 (N=9)	-

*Net increase is significant (P<0.05).

**All jail terms suspended.

Effect of Court Monitoring Program on Sanctions for Second Offenders

The effect of the court monitoring program in Douglas County was stronger in sanctions of DWI second offenders than on first offenders. In addition to increased fines, the program had increases in the proportion of DWI second offenders sentenced to jail terms and whose licenses were revoked. (See Exhibits 35 and 36.) For DWI second offender cases, only 7 percent of the cases in Douglas County and 5 percent in Lancaster County involved female offenders in the entire four-year study period. Owing to the small number of female second offender cases, analysis for second DWI offenders is limited to cases involving male offenders.

EXHIBIT 35
USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATION AS PENALTIES
FOR DWI SECOND OFFENDERS, PREPROGRAM AND PRELAW PROGRAM PERIODS

Male Second Offenders

	Douglas County			Lancaster County		
	Pre-Program (N=97)	Prelaw Program (N=142)	Percent Increase	Pre-Program (N=13)	Prelaw Program (N=44)	Percent Increase
Fined	75.3%	75.3%	0.1%	34.9%	65.9%	89.1%
Jailed	19.6%	37.3%**	90.5%	30.8%	50.0%	62.5%
Licenses Revoked	37.1%	56.3%**	51.8%	46.1%	63.6%	37.9%
Probation	47.4%	31.7%*	-33.2%	0.0%	20.4%	-

*Net decrease is significant (P<0.05).

**Net increase is significant (P<0.05).

EXHIBIT 36
AVERAGE FINES AND JAIL TERMS FOR SECOND DWI OFFENDERS,
PREPROGRAM AND PRELAW PROGRAM PERIOD

Male Second Offenders

	Douglas County			Lancaster County		
	Pre-Program (N=73)	Prelaw Program (N=107)	Percent Increase	Pre-Program (N=5)	Prelaw Program (N=29)	Percent Increase
Average Fine (Dollars)	\$255.48	\$275.23*	7.7%	\$260.00	\$253.45	-2.5%
Average Jail Term (Days)	**	**		16.2	9.2	-43.2%

*Net increase is significant (P<0.005).

**All jail terms suspended.

Numerous changes were noted in the handling of male second offenders in Douglas County. After the court monitoring program was in effect, the proportion of guilty offenders jailed increased 91 percent (from 20 to 37 percent), the proportion having their license revoked increased 52 percent (from 37 to 56 percent), and the proportion assigned probation fell 34 percent (from 47 to 32 percent).

There was virtually no increase in the percentage of second offenders receiving fines in Douglas County and a large increase (89%) in Lancaster County. However, a higher percentage of offenders received fines in the prelaw program period in Douglas than in Lancaster County--the already large percentage receiving fines in Douglas County in the preprogram period served to minimize the possibility for increase.

One finding worth noting was a significant decrease in the proportion of Douglas County DWI second offenders who were put on probation. As shown in Exhibit 35, between the preprogram period and the prelaw program period the proportion of DWI second offenders put on probation in Douglas County decreased by about a third (from 47% to 32%). At the same time, the percentage of DWI second offenders in Lancaster County increased from none in the preprogram period to about 20 percent in the prelaw program period. One may infer that the increases in the use of jail and license revocations as penalties caused the decline in the use of probation in Douglas County. Judges apparently chose to jail offenders or revoke their licenses instead of putting them on probation--stricter penalties that may be attributable to court monitoring.

Effect of Program on Fines of Second DWI Offenders

Prior to the 1982 revision in Nebraska DWI law, both first and second DWI offenses had no minimum penalty and a maximum penalty of seven days in jail and a \$500 fine. While the law did not distinguish between first and second offenders, judges did: fines imposed on second offenders were approximately double those imposed on first offenders.

After the initiation of court monitoring, average fines for DWI second offenders in Douglas County rose 8 percent from \$255.48 to \$275.23 and fell by 2 percent (from \$260.00 to \$253.45) in Lancaster County (Exhibit 36). This represents a net increase of 10 percent (or \$26.13) in the average fine of DWI second offenders; this increase is statistically significant.

Effect of the New Nebraska DWI Law: Prelaw Program Versus Law Program Periods

In July, 1982 significant changes in Nebraska's DWI law went into effect. Prior to the change in legislation, both first and second DWI offenses were punishable by a maximum fine of \$500 and a maximum of seven days in jail; there were no minimum penalties for either offense. After the new law went into effect, the punishment for first offense DWI became a fine of \$200, a mandatory seven days in jail, and a six-month license revocation. Probation may be used if the jail sentence is suspended, with a minimum 60 day license revocation. Punishment for a second DWI offense became a mandatory 30 day jail term and a \$500 fine, plus license revocation for one year. Again, the jail sentence may be suspended, but seven days in jail and a one-year license revocation are minimum penalties for a second DWI offense (see Appendix E). It was anticipated that the stricter penalties contained in the new law would bring about markedly different handling of DWI offenders.

The change in law did not immediately affect prosecution of DWI cases in either Douglas or Lancaster Counties. The trend toward increased severity of prosecution in Douglas County which began during the prelaw program period continued through the law program period. The proportion of male of cases dropped before trial, for example, declined from 4 percent to 2 percent. (See Exhibit 37.) Since no similar change was observed in

Lincoln, the decrease in Omaha cannot be attributed to the effects of the new legislation. This decrease is probably the result of a continuing effect of the court monitoring program or a late effect of the Federal grants.

In Lancaster County, prosecution of male offenders was unchanged by the law. Among female offenders, there was an increase in the proportion of offenders allowed to plead guilty to reduced charges, from 27 to 36 percent. This change may represent an attempt to avoid the increased penalties associated with the new law.

EXHIBIT 37
MEASURES OF PROSECUTION VARIABLES FOR DWI OFFENDERS
BEFORE THE NEW LEGISLATION AND AFTER THE NEW LEGISLATION

Male

	Douglas County Prelaw Program	County Law Program	Lancaster County Prelaw Program	County Law Program
Cases Dropped Before Trial	4.2% (N=756)	2.5%* (N=1,717)	5.3% (N=1,305)	5.4% (N=1,913)
Cases Disposed of With Reduced Charges ⁵	1.8% (N=724)	1.3% (N=1,674)	37.6% (N=1,236)	40.1% (N=1,810)
Cases Ruled Guilty ⁶	97.1% (N=702)	97.7% (N=1,606)	99.8% (N=1,235)	100.0% (N=1,806)

*Decrease is significant (P<0.005).

Female

	Douglas County Prelaw Program	County Law Program	Lancaster County Prelaw Program	County Law Program
Cases Dropped Before Trial	6.6% (N=106)	3.5% (N=289)	5.8% (N=260)	4.5% (N=381)
Cases Disposed of With Reduced Charges ⁵	1.0% (N=99)	0.7% (N=279)	27.3% (N=245)	35.8%** (N=364)
Cases Ruled Guilty ⁶	96.0% (N=99)	96.1% (N=275)	99.6% (N=245)	100.0% (N=364)

**Increase is significant (P<0.005).

⁵ Includes cases that were reduced from DWI first offense to lesser charges.

⁶ Does not include cases that were reduced from DWI first offense to lesser charges.

Effect of New Legislation on Sanctions for DWI First Offenders

The most noticeable effect of the new legislation on DWI first offenders in both the Douglas and Lancaster County Courts was the large increase in the percentage of both male and female offenders who received jail sentences (see Exhibit 38). In the prelaw program period in Douglas County no females were jailed, but in the law program period about 12 percent were. Males sentenced to jail rose 160 percent in Douglas County (to 23%) and almost 300 percent (to 45%) in Lancaster County. The most dramatic increase was in the jail sentencing of females in Lancaster County--a more than 500 percent increase (from 4% to 27%).

**EXHIBIT 38
USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATIONS AS PENALTIES FOR
DWI FIRST OFFENDERS, PRELAW PROGRAM AND LAW PROGRAM PERIODS**

Male First Offenders

	Douglas County			Lancaster County		
	Prelaw Program N=504	Law Program N=1,337	Percent Increase	Prelaw Program N=997	Law Program N=1,255	Percent Increase
Fined	89.3%	95.2%*	6.6%	48.6%	44.7%**	-8.1%
Jailed	8.9%	23.2%*	160.0%	11.2%	44.7%*	298.0%
Licenses Revoked	24.2%	76.4%*	215.7%	48.3%	44.6%	-1.5%
Probation	59.7%	77.5%*	29.7%	26.8%	52.1%*	94.6%

*Increase is significant (P<0.005).

**Decrease is significant (P<0.001).

Female First Offenders

	Douglas County			Lancaster County		
	Prelaw Program N=85	Law Program N=256	Percent Increase	Prelaw Program N=202	Law Program N=271	Percent Increase
Fined	89.4%	93.4%*	4.4%	42.6%	28.0%**	-34.1%
Jailed	0.0%	12.5%*	-	4.5%	27.3%*	512.3%
Licenses Revoked	12.9%	76.6%*	491.6%	42.1%	27.7%	-34.2%
Probation	68.2%	85.5%*	25.4%	28.2%	69.7%*	147.1%

*Increase is significant (P<0.005).

**Decrease is significant (P<0.001).

Increases were also found in the percentages of both male and female offenders put on probation in Douglas and Lancaster Counties.

Although the increases were more dramatic in Lancaster County for both male and female offenders (95% and 147% respectively), the 30 and 25 percent increases for males and females, respectively, in Douglas County resulted in a higher percentage of both sexes receiving probation than their counterparts in Lancaster County. These increases in jail sentences and probation are consistent for both Douglas and Lancaster Counties, and for males and females, and are therefore likely attributable to the effect of the new legislation.

However, changes in the percentages of first offenders receiving fines or having their license revoked varied between Douglas and Lancaster Counties. The percentage of male and female DWI first offenders in Douglas County who were fined increased somewhat (7% and 4%, respectively), while these percentages decreased in Lancaster County (an 8% decrease for males and a 34% decrease for females). This difference is particularly interesting since the percentage of offenders fined in Douglas County in the prelaw program period was about double that in Lancaster County, so the change served to increase the difference between these two counties.

Similarly, the percentages of first offenders (both male and female) who had their license revoked increased in Douglas County--over 200 percent for males and nearly 500 percent for females. In Lancaster County, there was a slight decrease (1%) in the percentage of male first offenders having their license revoked, and a 34 percent decrease in female offenders. So while in the prelaw program period a smaller percentage of first offenders in Douglas than in Lancaster County had their license revoked, in the law program period this was reversed.

Although the increase in DWI first offenders having their license revoked in Douglas County is dramatic, this change cannot be attributed to the law since there was no similar pattern in Lancaster County. Nor can the increase in fines in Douglas County be attributed to the law since changes were different in Lancaster County. Since in both these areas percentages increased in Douglas County and decreased in Lancaster County, the increases may be the result of the continuing effect of the Court Monitoring Program in Douglas County.

The changes in Douglas County did not necessarily result in a more extensive use of sanctions in that county than in Lancaster County. After the new law, for example, only 23 percent of male first offenders in Douglas County were jailed, versus 45 percent in Lancaster County. It must be kept in mind that the offender population appearing before the bench in each county differed. Judges in Lancaster County saw only half of all arrested offenders, presumably the half whose offenses were most severe. The changes occurring in each county, rather than absolute values, are examined here. In Douglas County, change toward increased severity applied to DWI offenders was more consistent and widespread than in Lancaster County.

Effect of New Legislation on Sanctions Applied to DWI Second Offenders

The new legislation in Nebraska increased the sanctions imposed on male DWI second offenders (females are excluded from the analysis due to their small numbers) in all four areas of analysis in both Douglas and Lancaster Counties. (See Exhibit 39.) However, the effectiveness of the law was more pronounced in Douglas County, where the percentage increase in all four sanctions was statistically significant. In Lancaster County only the increase in jail sentences was significant.

EXHIBIT 39

USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATIONS AS PENALTIES FOR DWI SECOND OFFENDERS, PRELAW PROGRAM AND LAW PERIODS

Male Second Offenders

	Douglas County			Lancaster County		
	Prelaw Program	Law Program	Percent Increase	Prelaw Program	Law Program	Percent Increase
Fined	75.35%	94.71%**	25.7%	65.91%	74.03%	12.3%
Jailed	37.32%	78.37%*	110.0%	50.00%	74.32%*	50.6%
Licenses Revoked	56.34%	77.88%**	38.2%	63.64%	73.38%	15.3%
Probation	31.69%	63.84%**	101.8%	20.45%	21.43%	4.8%
	N=142	N=208		N=44	N=154	

*Increase is significant in both counties (P<0.005).

**Increase is significant in only Douglas County (P<0.005).

The largest increase occurred in jail sentencing in both counties--110 percent in Douglas County and 50 percent in Lancaster County--both statistically significant increases. These increases made the two counties approximately equal in the percentage of cases given jail sentences--78 percent in Douglas County and 74 percent in Lancaster County.

Following enactment of the legislation, the two counties were also approximately equal in the percentage of cases with licenses revoked--78 percent in Douglas County and 74 percent in Lancaster County. However, the increase from the prelaw period in Douglas was statistically significant (38%) while the Lancaster County increase was not (15%).

Nearly all second offenders in Douglas were fined (95%), while only about three-quarters of those in Lancaster received fines. Douglas County showed a significant increase from the prelaw to the law period (26%) but Lancaster County only increased by 12% (and this increase only brought them about level with the prelaw program percentage of Douglas County).

The largest difference between the two counties was found in the percentage of cases placed on probation: almost two-thirds of those in Douglas County vs. less than a quarter in Lancaster County. The percentage

in Douglas County doubled with the enactment of the law, while the increase in Lancaster County was a modest 5 percent.

Since all sanctions increased in both counties--although at very different rates--it would appear that the law had an effect. However, the amount of change varied considerably between the two sites. The larger increases in Douglas County may well be attributable to the court monitoring activities. It is reasonable to assume that MADD used the new legislation to support their efforts in effecting stricter sanctions.

Effect of New Legislation on Fines and Jail Terms

The new legislation led to increases in the level of fines imposed on all DWI offenders in both the Douglas County and Lancaster County Courts. Upon the inception of the new legislation, the average fine imposed on male DWI first offenders in Douglas County rose by 12 percent from \$164.87 before the new law, to \$184.62 after the new law. In Lancaster County, the average fine for male DWI first offenders rose by 16 percent from \$171.44 to \$199.28. For female first offenders, the average fine in Douglas County rose by about 9% from \$154.60 before the new law to \$168.41 after the new law. The corresponding increase in Lancaster County was 37 percent from \$143.89 before the new law to \$197.37 after the new law. All increases were found to be statistically significant (see Exhibit 40).

**EXHIBIT 40
AVERAGE FINES AND AVERAGE JAIL TERMS FOR FIRST DWI OFFENDERS
PRELAW PROGRAM AND LAW PERIODS**

Male First Offenders

	Douglas County			Lancaster County		
	Prelaw Program	Law Program	Percent Increase	Prelaw Program	Law Program	Percent Increase
Average Fine (Dollars)	\$164.87 (N=450)	\$184.62* (N=1,272)	12.0%	\$171.44 (N=485)	\$199.28* (N=561)	16.2%
Average Jail Term (Days)	8.00 (N=3)	8.29 (N=210)	3.6%	7.14 (N=112)	7.00 (N=561)	-2.0%

Female First Offenders

	Douglas County			Lancaster County		
	Prelaw Program	Law Program	Percent Increase	Prelaw Program	Law Program	Percent Increase
Average Fine (Dollars)	\$154.60 (N=76)	\$168.41* (N=239)	8.9%	\$143.89 (N=86)	\$197.37* (N=76)	37.2%
Average Jail Term (Days)	-	4.45 (N=20)	-	4.78 (N=9)	7.00 (N=74)	46.4%

*Increase is statistically significant (P<0.005).

Changes in the length of jail sentences were not significant.

Significant increases were also found in the average fines imposed on DWI second offenders in both Douglas and Lancaster Counties. In Douglas County, the mean fine for DWI second offenders increased by 20 percent, from \$275.23 to \$332.05. The corresponding increase in Lancaster County was 89 percent, from \$253.45 before the law to \$478.07 after the law (Exhibit 41).

EXHIBIT 41
AVERAGE FINES AND AVERAGE JAIL TERMS FOR SECOND DWI OFFENDERS,
PRELAW PROGRAM AND LAW PROGRAM PERIODS

Male Second Offenders

	Douglas County			Lancaster County		
	Pre-Law	Law Program	Percent Increase	Pre-Law	Law Program	Percent Increase
Average Fine (Dollars)	\$275.23 (N=107)	\$332.05* (N=197)	20.6%	\$253.45 (N=29)	\$478.07* (N=114)	88.6%
Average Jail Term (Days)	30.00 (N=1)	17.50 (N=119)	-	9.23 (N=22)	28.11 (N=116)	204.6%

*Increase is statistically significant.

Program Cessation: Effects of Removal of Court Monitoring

In October, 1983, personal commitments forced the Douglas County MADD court monitoring coordinator to drop out of the program. In her absence the program lapsed from regular monitoring of all cases through observation or records review to infrequent visits to court occasioned by particular cases. Court monitoring effectively ceased.

Court monitoring can be viewed as influencing judicial behavior in one of two ways. It may change behavior through the threat of the consequences, real or perceived, of revealing judges' handling of DWI offenders to the voting public. Alternatively, court monitoring may act as a teaching device, sensitizing judges to public concerns of which they were previously unaware. In Douglas County, as in other communities, members of the citizens group sponsoring court monitoring occasionally held both views of court monitoring, and the judges may have shared this ambivalence.

The increase in sanctions noted in Douglas County following implementation of the court monitoring program did not disappear after the program ceased. This may be because the program succeeded in bringing about a lasting change in the prevailing attitudes toward DWI offenders. Alternatively, because court monitoring was the only MADD activity that ceased, the continuing presence of the organization itself may have served as a reminder of the lessons imparted by court monitoring.

Prosecution behavior did not become less severe in Douglas County following cessation of court monitoring. The proportion of male offender cases having charges dropped remained low, as did the proportion of cases handled through plea reductions. In Lancaster County, in contrast, the proportion of male offenders whose charges were dropped or reduced increased 31 percent in the post-program period. This increase may be a reaction to the increased application of sanctions in Lancaster County which occurred at the same time. (See Exhibit 42.)

EXHIBIT 42
MEASURES OF PROSECUTION VARIABLES FOR DWI OFFENDERS:
LAW PROGRAM AND LAW/POST-PROGRAM PERIODS

Male

	Douglas County		Lancaster County	
	Law Program	Law/Post-Program	Law Program	Law/Post-Program
Cases Dropped Before Trial	2.5% (N=1,717)	2.1% (N=2,839)	5.4% (N=1,913)	8.9%* (N=1,997)
Cases Disposed of With Reduced Charges	1.3% (N=1,674)	1.1% (N=2,779)	40.5% (N=1,810)	51.1%* (N=1,819)
Cases Ruled Guilty	97.7% (N=1,606)	98.1% (N=2,733)	100.0% (N=1,806)	99.9% (N=1,815)

Female

	Douglas County		Lancaster County	
	Law Program	Law/Post-Program	Law Program	Law/Post-Program
Cases Dropped Before Trial	2.5% (N=289)	1.3%** (N=473)	4.5% (N=381)	8.1% (N=397)
Cases Disposed of With Reduced Charges	0.7% (N=279)	0.6% (N=467)	35.7% (N=364)	41.6% (N=365)
Cases Ruled Guilty	96.1% (N=275)	98.3% (N=462)	100.0% (N=364)	99.7% (N=365)

*Significant Increase (P<0.005).

**Significant Decrease (P<0.005).

Although the proportion of female offenders whose cases were dropped before trial in Douglas County continued to decline, such a decrease is likely due to the continuing effect of the Federal grants rather than a result of the removal of the court monitoring influence.

Effect of Cessation of Court Monitoring on Type and Amount of Sanctions Applied to DWI Offenders

The effect of the cessation of court monitoring in Douglas County is not clear. As shown in Exhibit 42, there were generally no changes in the prosecution variables. While there was a statistically significant decrease in the proportion of female DWI offenders whose cases were dropped before trial, the decrease was only 1.2 percent.

Ninety-eight percent of the cases in Douglas County which came to trial were found guilty. The penalties assessed for these cases permits several interpretations. There was a slight but statistically significant decrease in the proportion of first offenders receiving fines (see Exhibit 43), and the amount of the fines also decreased significantly (see Exhibit 44).

**EXHIBIT 43
USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATION AS PENALTIES FOR
DWI FIRST OFFENDERS: LAW PROGRAM AND LAW/POST-PROGRAM PERIODS**

Male First Offenders

	Douglas County			Lancaster County		
	Law Program	Law/Post-Program	Percent Increase	Law Program	Law/Post-Program	Percent Increase
Fined	95.21%	92.49%*	-2.8%	44.70%	57.11%**	+27.8%
Jailed	23.19%	24.60%	+6.0%	44.70%	57.11%**	+27.8%
Licenses Revoked	76.44%	93.60%**	+22.4%	44.62%	56.63%**	+26.9%
Probation	77.49%	74.29%	-4.1%	52.11%	37.49%*	-28.0%
	(N=1,337)	(N=2,264)		(N=1,255)	(N=1,259)	

*Significant Decrease (P<0.05).

**Significant Increase (P<0.05).

**EXHIBIT 43, Continued)
Female First Offenders**

	Douglas County			Lancaster County		
	Law Program	Law/Post-Program	Percent Increase	Law Program	Law/Post-Program	Percent Increase
Fined	93.36%	88.40%*	-5.3%	28.04%	34.53%	+23.1%
Jailed	12.50%	13.69%	+9.5%	27.31%	34.89%	27.7%
Licenses Revoked	76.56%	93.50%**	+22.1%	27.68%	34.53%**	+24.7%
Probation	85.55%	84.22%	-1.6%	69.74%	60.43%*	-13.3%
	(N=256)	(N=431)		(N=271)	(N=278)	

*Significant Decrease (P<0.05).

**Significant Increase (P<0.05).

**EXHIBIT 44
AVERAGE FINES AND AVERAGE JAIL TERMS FOR DWI OFFENDERS
LAW PROGRAM AND LAW/POST-PROGRAM**

Male First Offenders

	Douglas County			Lancaster County		
	Law Program	Law/Post-Program	Percent Increase	Law Program	Law/Post-Program	Percent Increase
Average Fine (Dollars)	184.62 (N=1,272)	177.21* (N=2,093)	-4.0%	199.28 (N=561)	199.86 (N=719)	+0.3%
Average Jail Term (Days)	8.29 (N=210)	8.97 (N=460)	+8.2%	7.00 (N=561)	7.00 (N=719)	-

Female First Offenders

	Douglas County			Lancaster County		
	Law Program	Law/Post-Program	Percent Increase	Law Program	Law/Post-Program	Percent Increase
Average Fine (Dollars)	168.41 (N=239)	148.00* (N=381)	-12.1%	197.37 (N=76)	198.96 (N=98)	0.8%
Average Jail Term (Days)	4.45 (N=20)	6.26 (N=54)	40.7%	7.00 (N=74)	6.96 (N=97)	0.6%

*Decrease is significant (P<0.001).

However, there was a much larger change in the proportion of first offenders having their licenses revoked (an increase of over 20 percent). Changes in probation and jail were not significant, but the proportion receiving the stricter penalty (jail) increased and the proportion receiving the more lenient penalty (probation) decreased.

One could hypothesize that the decrease in fines was due to judges handing down stricter penalties (license revocation and jail) to cases that formerly would have only received fines (or probation). If this were the case, the lower amount of fines would be explained since those cases receiving fines would be the less serious cases, and therefore receive lower fines than previously. Additionally, if a fine were assessed in addition to license revocation, the amount of fine might be less than that assessed in cases where a fine was the only penalty.

In Lancaster County during the post-program period, the use of fines, jail and license revocation increased for male first offenders. At first glance, therefore, it would appear that the cessation of court monitoring caused Douglas County to experience a relative decline in the severity of sanctions. The effectiveness of the Lancaster County increases, however, may be questioned, as they were paralleled by a drop in the number of offenders actually appearing before the bench on the original arrest charge. Although the proportion of male first offenders jailed increased 28 percent (from 45 to 57 percent), the proportion of offenders allowed to plead guilty to reduced charges increased 26 percent (from 41 to 51 percent). The only other significant change in application of sanctions was a decline in the proportion of female first offenders placed on probation. Fines and jail terms for all categories of offender remained unchanged.

The removal of the court monitoring influence did not appear to have affected sanctions imposed on DWI second offenders. As Exhibit 45 indicates, the only significant changes which occurred in Douglas County between the law program and the law post-program periods were an increase of 19 percent in the proportion of second offenders whose licenses were revoked and a decrease of 14 percent in the proportion of second offenders who were put on probation. The corresponding proportions in Lancaster County showed no changes.

As in the case of the first offenders the decrease in the proportion of offenders put on probation could have resulted from the large increase in the proportion of license revocations and therefore not be attributable to the effects of the cessation of the monitoring program.

EXHIBIT 45
USE OF FINE, PROBATION, JAIL AND LICENSE REVOCATION AS PENALTIES FOR
DWI SECOND OFFENDERS: LAW PROGRAM AND LAW POSTPROGRAM PERIODS

Male Second Offenders

	Douglas County			Lancaster County		
	Law Program	Law/Post-Program	Percent Increase	Law Program	Law/Post-Program	Percent Increase
Fined	94.71%	92.08%	-2.8%	74.03%	69.34%	-6.3%
Jailed	78.37%	81.69%	+4.2%	75.32%	68.61%	-8.9%
Licenses Revoked	77.88%	92.35%**	+18.6%	73.38%	67.88%	-7.5%
Probation	63.94%	54.82%*	-14.1%	21.43%	17.52%	-18.2%
	N=208	N=366		N=154	N=137	

*Decrease is significant (P<0.05).

**Increase is significant (P<0.0001).

During the post-program period, both communities continued to experience changes in their patterns of prosecution and sanctioning which may be characterized as adjustments to the new legislation. Overall, the pattern in Lancaster County appears to mix judicial severity in following the law with prosecutorial lenience which diluted the application of the law. In Douglas County, the increase in severity of handling for DWI offenders brought about by the new law did not decline precipitously following program cessation, although some decreases were noted. As noted earlier, this may be attributable to the lasting effects of the court monitoring program, or to the continued presence of the sponsoring organization in the community.

CHAPTER VI CONCLUSIONS

The principal purpose of this study was to determine whether citizens' group court monitoring programs could be effective at increasing the severity with which DWI cases are prosecuted and adjudicated. In this section, the findings of the study are looked at as a whole to see what conclusions they suggest with regard to court monitoring programs.

The study clearly demonstrated that a well organized court monitoring program implemented by an organized citizens' group can be effective at changing the handling of DWI offenders. Both programs studied, carried out by different parent organizations in very different communities, brought about an increase in the severity with which DWI offenders were treated. It would thus appear that the emphasis placed on court monitoring by anti-DWI citizens' groups is justified.

Two qualifications must be made in applying this conclusion.

- o First, it must be stressed that both programs studied were well organized: court monitoring was not haphazard or sporadic, but encompassed virtually all cases and occurred on a regular basis. It may be that programs which monitor only specific types of cases, or which monitor infrequently, would not be as effective in changing adjudication or sanctioning patterns.
- o Second, both programs studied were carried out by organized citizens' groups. Court monitoring activities were reinforced by other educational activities carried out by the parent organizations. Further, court monitoring personnel were recognized as representatives of a larger organization. It is likely that court monitoring implemented without the context of visible citizen support--as a school project, for example--would not result in dramatic changes in sanction.

The precise mechanism by which court monitoring influences the behavior of judges or prosecutors cannot be determined from this study. Court monitoring personnel and local officials hold two basic theories on this issue: court monitoring as education and court monitoring as political influence. On one hand, court monitoring is viewed as part of the group's educational activities. The volunteers' presence in court, and questions raised about specific cases, are seen as a method of informing officials of the seriousness with which this offense is viewed by the sponsoring organization. On the other hand, the attention paid by an informed group of voters to DWI issues is seen as a subtle political threat. If large groups of voters support increased sanctions for DWI offenses, it would behoove political officials to respect their point of view. It is likely that both of these sources of influence are active in modifying behavior.

Additional conclusions useful for citizens' groups involved in court monitoring can be drawn from the study:

- (1) Increases in sanctions need to be examined in light of prosecution procedures.

The data from Lancaster County, NB clearly reveal the potential relationship between sanctions and prosecution. Increases in the severity of sanctions applied will have no real effect on the population of DWI offenders if they are accompanied by a parallel decrease in the proportion of offenders prosecuted.

- (2) Change in sanctions may require education supporting these changes.

Prosecution action to dilute the impact of increased sanctions may be a response to community sentiment that changed sanctions are too severe. The education efforts of anti-DWI citizens' groups act to create an environment in which increased sanctions are seen as justified. This may explain why changes in the Nebraska law were more uniformly applied in Douglas County, which had such educational programs, than in Lancaster County.

- (3) The sanction most susceptible to influence appears to be fines imposed on DWI offenders.

Fines rose in each of the communities studied as soon as court monitoring began. In Oak Ridge, fines were the only sanction affected. In Douglas County, the increase in fines associated with program initiation was paralleled by a decrease in fines after the program ceased, even though the sanctioning of DWI offenders as a whole did not decline in severity when monitoring was not taking place. In the control sites, fines increased immediately in response to new legislation, while change in other sanctions, even when legislatively required, was not as consistent. Because fines are sensitive to influence, they may be used as a measure of program influence by both program organizers and researchers examining program effectiveness. Program organizers will have an interest in choosing the measure most likely to reveal their success. If their efforts do not succeed in bringing fines closer to legal maximums, it is likely that their program needs to be redesigned.

APPENDIX A

LIST OF ATTEMPTED AND CONTACTED SITES, BY CELL

CELL/SITE

STATUS (X = Complete)

RID/NORTH EAST/LARGE

Central Monmouth (NJ) > Queens (NY) > Onondaga (NY)

NYC (Fordham Univ.) (NY) > Brooklyn (NY) > Staten Island (NY)

Essex (NJ)

RAID (Rochester, NY)

Time Limit

Time Limit

No more cases in cell

X

RID/NORTH EAST/MEDIUM

Harwinton (CT) > Fulton County (NY) > Glenn Falls (NY)

Hampshire (MA) > Clarence (NY) > Poughkeepsie (NY) > PARKIT (Ithaca, NY)

Lee/Dover (NH)

Albany County (NY)

X

X

X

X

RID/NORTH EAST/SMALL

Watertown (MA) > Rowaton (CT)

Tewksbury (MA) > Bridgefield (CT) > RID Vermont > Newington (CT)

Wayne (NJ)

X

X

X

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE

STATUS (X = Complete)

RID/SOUTH/LARGE

Little Rock (AR) > Tulsa (OK)

No more cases in cell

RID/SOUTH/MEDIUM

Gulfport (FL) > Sarasota (FL) > Jackson (MS) > Arden (NC) > North Georgia RID

X

Oak Ridge (TN)

X

Corpus Christi (TX)

X

RID/SOUTH/SMALL

Peachtree City (GA) > Ponca City (OK) > Chattanooga (TN)

X

Logan-Franklin (AR)

Time Limit

Louisville (MS) > Valrico (FL)

Time Limit

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE

STATUS (X = Complete)

RID/NORTH CENTRAL/LARGE

Greater Chicago (IL)

Manchester (MI)

St. Louis (MO)

X

No more cases in cell

X

RID/NORTH CENTRAL/MEDIUM

RID Illinois Metro East > Eau Claire (WI)

Elkhart (IN) > Springfield (MO)

Des Moines (IA) > Evanston (IL) > Lawrence (KS)

X

Time Limit

Time Limit

RID/NORTH CENTRAL/SMALL

Benton (IL) > Abilene (KS)

Wichita (KS)

RID Iowa East (IA)

X

X

X

RID/WEST/LARGE

None

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE	STATUS (X = Complete)
<u>RID/WEST/MEDIUM</u>	
Cache County (UT)	X
<u>RID/WEST/SMALL</u>	
Boise (ID)	X
<u>MADD/NORTH EAST/LARGE</u>	
Central Massachusetts (MA)	X
Plymouth County (MA)	X
Berks County (PA)	X
Delaware County (PA)	X
<u>MADD/NORTH EAST/MEDIUM</u>	
New London (CT)	X
Hillsborough County (NH)	X
Orange County (NY) > Tri-County (PA)	Time Limit

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE

STATUS (X = Complete)

MADD/NORTH EAST/SMALL

None

MADD/SOUTH/LARGE

Dade County (FL) X

Guilford County (NC) X

Oklahoma County (OK) X

Houston (TX) X

Northern Virginia (VA) X

MADD/SOUTH/MEDIUM

Glynn County (GA) X

Terrebonne (LA) X

Durham (NC) X

Denton (TX) > Bibb County (GA) X

Horry County (SC) X

Taylor County (TX) X

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE	STATUS (X = Complete)
<u>MADD/SOUTH/SMALL</u>	
Lower Eastern Shore (MD)	X
Watauga County (NC)	X
Blount County (AL)	X
Rockwall County (TX)	X
<u>MADD/NORTH CENTRAL/LARGE</u>	
Lake County (IN)	X
Douglas County (NE)	X
Milwaukee (WI)	X
<u>MADD/NORTH CENTRAL/MEDIUM</u>	
Saginaw (MI)	Time Limit
Miami (OH)	X
Pennington (SD)	X

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE

STATUS (X = Complete)

MADD/NORTH CENTRAL/SMALL

Washington County (IN) > Fayette County (IN)	X
Itasca County (MI)	X
Dawson County (NE) > Terre Haute (IN)	X

MADD/WEST/LARGE

Hi Desert (Lancaster) (CA)	X
San Diego County (CA)	X
Santa Clara (CA)	X
Denver (CO) > Phoenix (AZ)	Time Limit
Clark County (NV) > Multnomah (OR)	X
King County (WA) > Fresno/Madera (CA)	X

MADD/WEST/MEDIUM

Larimer County (WY)	X
Pueblo County (CO) > Skagit County (WY) > Santa Fe (NM)	X
Benton County (OR)	X
Clark County (WA)	X

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE

STATUS (X = Complete)

MADD/WEST/SMALL

Union (OR) > Pikes Peak (CO)

X

Campbell County (WY) > Lake County (CA) > Walla Walla (WA)

No more cases in cell

Park County (WY)

X

PURPOSIVE SAMPLE

Westchester (NY) MADD

X

Westchester (NY) RID

X

Tulsa (OK) MADD

X

Tulsa (OK) RID

X

Indianapolis (IN) MADD

No Longer Monitoring

Indianapolis (IN) RID

No Longer Monitoring

Polk County (IA) MADD

No Longer Monitoring

Polk County (IA) RID

No number to contact

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX A (Continued)

CELL/SITE	STATUS (X = Complete)
<u>REFERRALS</u>	
Alliance Against Intoxicated Motorists (IL) - North Central/Large	X
North Carolinians Against Intoxicated Drivers - South/Medium	X
Save Our Loved Ones (NC) - South/Large	X
Traffic Highway Safety Leaders (IL) - North Central/Large	X
Christians Against Drunk Drivers (CA)	No contact

Note: When multiple sites are listed, only the last site listed was contacted and had a court monitoring program. Other sites were attempted but replaced. "Time limit" indicates that contact could not be completed prior to September 25, 1985.

APPENDIX B

NAME	TERREBONE COUNTY, MADD, LA
CELL/SITE	\ MADD/SOUTH/MEDIUM
YEAR FOUNDED	1984
OBJECTIVES	TO EFFECT THE OUTCOME OF DWI TRIALS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 4 COURT MONITORS/48 MEMBERS
RECRUITING PROCEDURES	● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	● NEW VOLUNTEERS ARE ESCORTED TO COURT
CASELOAD	
TYPE OF CASELOAD	● FELONY AND MISDEMEANOR CASES ● JUDGE TRIALS ● JURY TRIALS ● APPEALS
NUMBER OF CASES PER MONTH	● 18 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● STANDARDIZED FORM ● RATE POLICE, PROSECUTORS AND JUDGES
ANALYSIS	● COMPUTERIZED ANALYSIS
USE	● INFORMATION WILL BE PUBLISHED ONCE MORE DATA IS COLLECTED
ACCOMPLISHMENTS	● NUMBER OF DWI ARRESTS HAVE INCREASED ● DOLLAR AMOUNT OF FINES HAS INCREASED ● PUBLIC AWARENESS IS UP

NAME	TAYLOR COUNTY, MADD, TX
CELL/SITE	MADD/SOUTH/MEDIUM
YEAR FOUNDED	1982
OBJECTIVES	PUBLIC AWARENESS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 4 COURT MONITORS/10 MEMBERS
RECRUITING PROCEDURES	● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	● FAMILIARIZE NEW MEMEBRS WITH LEGAL TERMS AND REVIEW COLLECTION FORM
CASELOAD	
TYPE OF CASELOAD	● DISTRICT COURTS ● JURY TRIALS ● APPEALS
NUMBER OF CASES PER MONTH	● 6 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● STANDARDIZED COLLECTION FORM
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● RESULTS PUBLISHED IN NEWSLETTER
ACCOMPLISHMENTS	DEFENDING ATTORNEYS ARE MORE AWARE OF PROBLEMS RELATING TO DWI CASES

NAME	WABASH VALLEY, MADD, IN
CELL/SITE	MADD/NORTH CENTRAL/SMALL
YEAR FOUNDED	1983
OBJECTIVES	<ul style="list-style-type: none">● PRESSURE ON JUDGES
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 2 COURT MONITORS/10 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none">● PUBLIC MEETINGS● NEWSLETTER
TRAINING PROCEDURES	<ul style="list-style-type: none">● PROSECUTOR CONDUCTS TRAINING SESSION
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● CIRCUIT COURTS● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● 28 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● RECORD NAME OF OFFENDER AND PREVIOUS ARRESTS
ANALYSIS	<ul style="list-style-type: none">● RECORD NUMBER OF DWI CASES
USE	<ul style="list-style-type: none">● RESULTS PUBLISHED IN NEWSLETTER
ACCOMPLISHMENTS	<ul style="list-style-type: none">● JUDGES HAVE CREDITED THEM FOR REDUCING INTOXICATION LEVELS

NAME	WATAUGA COUNTY, MADD, NC
CELL/SITE	MADD/SOUTH/SMALL
YEAR FOUNDED	1984
OBJECTIVES	<ul style="list-style-type: none"> ● PUBLIC AWARENESS AND EDUCATION ● VICTIM ASSISTANCE ● LOWER HIGHWAY DEATH RATE
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 7-10 COURT MONITORS/30 MEMBERS
RECRUITING PROCEDURES	● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	● CRIMINAL COURT
NUMBER OF CASES PER MONTH	● 4 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● RECORD INFORMATION ON SENTENCING, CONTINUANCES, PLEA BARGAINS, TIME SERVED, PLEA, AND REHABILITATION
ANALYSIS	● OBTAIN STATISTICS FROM RALEIGH
USE	● "IN-HOUSE" USE
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● INCREASED PUBLIC AWARENESS ● EDUCATION OF YOUNG PEOPLE ● WORK CLOSELY WITH LOCAL SADD CHAPTER



NAME	ABILENE, RID, KS
CELL/SITE	RID/NORTH CENTRAL/SMALL
YEAR FOUNDED	FEBRUARY 1985
OBJECTIVES	PUBLIC AWARENESS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 1 COURT MONITOR/23 MEMBERS
RECRUITING PROCEDURES	● DISTRIBUTE FLYERS
TRAINING PROCEDURES	● NO FORMAL TRAINING
CASELOAD	
TYPE OF CASELOAD	● DISTRICT AND CIRCUIT COURTS ● JURY TRIALS
NUMBER OF CASES PER MONTH	● 4 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● INFORMATION ENTERED INTO COURT MONITORING NOTEBOOK ● REVIEW OF RECORDS
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● MONTHLY PAMPHLET
ACCOMPLISHMENTS	● PUBLIC AWARENESS

NAME	ALBANY COUNTY, RID, NY
CELL/SITE	RID/NORTHEAST/MEDIUM
YEAR FOUNDED	1978
OBJECTIVES	<ul style="list-style-type: none"> ● ACCESS AND EVALUATE HANDLING OF DWI CASES ● VICTIM ASSISTANCE
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 15 COURT MONITORS/350 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● MEDIA EXPOSURE ● NEWSLETTERS ● INFORMATION DISTRIBUTED THROUGH INSURANCE COMPANIES
TRAINING PROCEDURES	<ul style="list-style-type: none"> ● 10 HOUR TRAINING SESSION
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● TRAFFIC COURT ● JURY TRIALS ● APPEALS AND CRIMINAL CASES
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none"> ● 42 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● DATA IS ENTERED INTO COMPUTER
ANALYSIS	<ul style="list-style-type: none"> ● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none"> ● PRESS RELEASES ● LETTERS TO JUDGES AND DISTRICT ATTORNEYS
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● PROVIDE TRAINING INFORMATION TO STATE TROOPERS ● PROVIDE INFORMATION TO DISTRICT ATTORNEYS ● COMPLETED TWO-MONTH STUDY

NAME BOISE, RID, ID
CELL/SITE RID/WEST/SMALL
YEAR FOUNDED 1980
OBJECTIVES PUBLIC AWARENESS

**PROGRAM SIZE
AND MAINTENANCE**

- NUMBER OF VOLUNTEERS** ● 15 MEMBERS
RECRUITING PROCEDURES ● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES ● NO FORMAL TRAINING

CASELOAD

- TYPE OF CASELOAD** ● DISTRICT AND CIRCUIT COURTS
**NUMBER OF CASES
PER MONTH** ● UNKNOWN

DATA USAGE

- COLLECTION PROCEDURES** ● STANDARD COURT MONITORING FORMS
ANALYSIS ● TYPE OF ANALYSIS UNKNOWN
USE ● INFORMATION IS PUBLISHED MONTHLY

ACCOMPLISHMENTS

- VICTIMS BILL OF RIGHTS
● INCREASED PUBLIC AWARENESS

NAME	CACHE COUNTY, RID, UT
CELL/SITE	RID/WEST/MEDIUM
YEAR FOUNDED	1983
OBJECTIVES	CHANGE DWI LEGISLATION
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 200-300 ACTIVE MEMBERS/800 DUES PAYING MEMBERS
RECRUITING PROCEDURES	● PRESS RELEASES
TRAINING PROCEDURES	● TRAINING CONDUCTED BY RID FOUNDER, DORIS AIKENS
CASELOAD	
TYPE OF CASELOAD	● DISTRICT AND CIRCUIT COURTS
NUMBER OF CASES PER MONTH	● 4 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● RECORD NAME OF OFFENDER AND ANY PRIOR ARRESTS
ANALYSIS	● STATISTICS
USE	● LOCAL RADIO AND NEWSPAPER ANNOUNCEMENTS
ACCOMPLISHMENTS	● REDUCTION IN DWI CASES DECEMBER 1983 - 87 ARRESTS JANUARY 1983 - 40 ARRESTS FEBRUARY 1983 - 20 ARRESTS MARCH 1983 - 12 ARRESTS

NAME	CHATTANOOGA, RID, TN
CELL/SITE	RID/SOUTH/SMALL
YEAR FOUNDED	1982
OBJECTIVES	<ul style="list-style-type: none">● COURT MONITORING● LOBBY FOR STRICTER LAWS● PUBLIC AWARENESS● TALKS WITH CIVIC GROUPS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 6 COURT MONITORS/50 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none">● NEWSPAPER ADVERTISEMENTS
TRAINING PROCEDURES	<ul style="list-style-type: none">● TRAINEES ARE ACCOMPANIED TO COURT, TO FAMILIARIZE THEM WITH COURT PROCEDURES
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● GENERAL SESSION COURTS● CITY COURTS● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● 25 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● PRESENTLY THEY ARE NOT RECORDING CASE INFORMATION
ANALYSIS	<ul style="list-style-type: none">● NO FORMAL ANALYSIS
USE	<ul style="list-style-type: none">● PRESS RELEASES ON OCCASION
ACCOMPLISHMENTS	DISTRICT ATTORNEY STATED THAT THE RID ORGANIZATION MADE DWI CASES "STICK OUT"

NAME	CORPUS CHRISTI, RID, TX
CELL/SITE	RID/SOUTH/MEDIUM
YEAR FOUNDED	1975
OBJECTIVES	KEEPING INFORMED OF THE JUDICIAL PROCESS IN THE COUNTY
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 25 COURT MONITORS/60 MEMBERS
RECRUITING PROCEDURES	● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	● NO FORMAL TRAINING
CASELOAD	
TYPE OF CASELOAD	● DISTRICT AND COUNTY COURT ● JURY TRAILS
NUMBER OF CASES PER MONTH	● INVOLUNTARY MANSLAUGHTER AND VICTIM SUPPORT CASES ONLY
DATA USAGE	
COLLECTION PROCEDURES	● NO FORMAL COLLECTION PROCEDURES
ANALYSIS	● NO STATISTICAL INFORMATION GATHERED
USE	● NEWSLETTER CONTAINS OUTCOME OF TRIALS
ACCOMPLISHMENTS	● COMMUNITY AWARENESS

NAME	EAU-CLAIR, RID, WI
CELL/SITE	RID/NORTH CENTRAL/MEDIUM
YEAR FOUNDED	1981
OBJECTIVES	PUBLIC AWARENESS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 5 COURT MONITORS/40 MEMBERS
RECRUITING PROCEDURES	● NEWSPAPER ADVERTISEMENTS
TRAINING PROCEDURES	● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	● CIRCUIT COURT ● JURY TRAILS
NUMBER OF CASES PER MONTH	● 1 PER MONTH - VICTIM AND FATALITY CASES
DATA USAGE	
COLLECTION PROCEDURES	● STANDARDIZED FORM
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● IN-HOUSE USE
ACCOMPLISHMENTS	● PUBLIC AWARENESS

NAME	GLEN FALLS, RID, NY
CELL/SITE	RID/NORTH EAST/MEDIUM
YEAR FOUNDED	1981
OBJECTIVES	INCREASE DWI LAW ENFORCEMENT
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 2 COURT MONITORS/10 ACTIVE MEMBERS
RECRUITING PROCEDURES	● OPEN MEETINGS
TRAINING PROCEDURES	● NEW VOLUNTEERS ARE ESCORTED TO COURT BY EXPERIENCED MONITORS
CASELOAD	
TYPE OF CASELOAD	● "LOCAL" COURTS ● MONITOR TWO-TO-THREE CASES FROM EACH OF THE THREE SURROUNDING COUNTIES ● JURY TRIALS
NUMBER OF CASES PER MONTH	● 20 PER YEAR, PLUS VICTIM REQUESTS
DATA USAGE	
COLLECTION PROCEDURES	● DATA COLLECTION FORMS ● REVIEW OF FILES ● IN-HOUSE FILES
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● PRESS CONFERENCES ● REPORTS ● IN-HOUSE USE
ACCOMPLISHMENTS	● PROMINENT CITIZENS NO LONGER BEAT THE SYSTEM - NOW RECEIVE SAME PENALTIES

NAME	GREATER CHICAGO, RID, IL
CELL/SITE	RID/NORTH CENTRAL/LARGE
YEAR FOUNDED	1984
OBJECTIVES	STIFFER SENTENCING FOR DWI CASES
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 2-3 COURT MONITORS/20 MEMBERS
RECRUITING PROCEDURES	● SPONSOR RUNNING RACES WHICH HELP PROMOTE ORGANIZATION
TRAINING PROCEDURES	● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	● TRAFFIC COURT
NUMBER OF CASES PER MONTH	● 10 CASES PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● NO STANDARDIZED FORM
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● INFORMATION PUBLISHED IN NEWSLETTER
ACCOMPLISHMENTS	

NAME	NEWINGTON, RID, CT
CELL/SITE	RID/NORTH EAST/SMALL
YEAR FOUNDED	1982
OBJECTIVES	<ul style="list-style-type: none">● LEGISLATIVE CHANGE● PUBLISHED INFORMATION● PUBLIC AWARENESS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 20-25 COURT MONITORS/150 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none">● PUBLIC SPEAKING ENGAGEMENTS
TRAINING PROCEDURES	<ul style="list-style-type: none">● PRESENTATION FOR NEW COURT MONITORS
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● SUPERIOR COURT● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● 50 PER YEAR
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● DATA COLLECTION FORM● REVIEW OF RECORDS● OBSERVATION
ANALYSIS	<ul style="list-style-type: none">● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none">● REPORTS● PRESS RELEASES
ACCOMPLISHMENTS	BETTER RELATIONSHIP WITH JUDICIAL STAFF

NAME OAK RIDGE, RID, TN
CELL/SITE RID/SOUTH/MEDIUM
YEAR FOUNDED 1981
OBJECTIVES SUPPORT LOCAL ACTIVITIES

**PROGRAM SIZE
AND MAINTENANCE**

- NUMBER OF VOLUNTEERS** ● 25 COURT MONITORS/55 ACTIVE MEMBERS
RECRUITING PROCEDURES ● WORD OF MOUTH
TRAINING PROCEDURES ● NO FORMAL TRAINING PROCEDURES

CASELOAD

- TYPE OF CASELOAD** ● CITY AND COUNTY COURTS
● JURY TRIALS
● APPEALS

- NUMBER OF CASES
PER MONTH** ● 20 CASES PER WEEK IN CITY COURT
● 20 CASES PER WEEK IN COUNTY COURT

DATA USAGE

- COLLECTION PROCEDURES** ● CASE INFORMATION RECORDED BY COURT MONITOR
● OBSERVATION
● REVIEW OF COURT RECORDS

- ANALYSIS** ● TYPE OF ANALYSIS UNKNOWN

- USE** ● RESULTS ARE PUBLISHED IN NEWSPAPER

ACCOMPLISHMENTS RAPPORT WITH JUDGES HAS IMPROVED

NAME	PARK-IT, ITHICA, NY
CELL/SITE	RID/NORTH EAST/MEDIUM
YEAR FOUNDED	1978
OBJECTIVES	<ul style="list-style-type: none">● PUBLIC AWARENESS● VICTIM SUPPORT● LET POLICE KNOW WE ARE WATCHING
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 5-6 COURT MONITORS/7-8 ACTIVE MEMBERS170 TOTAL MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none">● FUND RAISERS● MAILING LISTS
TRAINING PROCEDURES	<ul style="list-style-type: none">● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● CITY AND COUNTY COURTS● FELONY-LEVEL CRIMES
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● ACTUAL NUMBER OF CASES PER MONTH IS UNCLEAR
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● PAID COORDINATOR WHO RESEARCHES COURT RECORDS
ANALYSIS	<ul style="list-style-type: none">● NO ARCHIVE INFORMATION
USE	<ul style="list-style-type: none">● REPORTS AND COMMENTS ON COURT MONITORING ARE SENT DIRECTLY TO JUDGES
ACCOMPLISHMENTS	ESTABLISHED RELATIONSHIP WITH COUNTY JUDGE

NAME RAID - RID, HOMNEY LAKE, NY
(ROCHESTER AGAINST INTOXICATED DRIVERS)

CELL/SITE RID/NORTH EAST/LARGE

YEAR FOUNDED JOINED RID 1973
FINANCIALLY INDEPENDENT/FORMED RAID 1979

OBJECTIVES GET THE DRUNK DRIVER OFF THE ROAD
5 POINT PROCESS (1) PUBLIC AWARENESS (2)
LEGISLATION (3) ENFORCEMENT OF CANDIDATES (4)
COURT MONITORING (5) VICTIM SUPPORT

**PROGRAM SIZE
AND MAINTENANCE**

NUMBER OF VOLUNTEERS ● 10 COURT MONITORS/40 ACTIVE MEMBERS
415 ACTIVE TOTAL MEMBERS

RECRUITING PROCEDURES ● WORD OF MOUTH

TRAINING PROCEDURES ● GUIDE BOOK WHICH FAMILIARIZES COURT
MONITORS WITH LEGAL TERMS AND PROCEDURES
(GUIDE BOOK WAS SHOWN TO JUDGES)

CASELOAD

TYPE OF CASELOAD ● CRIMINAL COURT
● TOWN/CITY/COUNTY COURT

**NUMBER OF CASES
PER MONTH** ● 12 PER MONTH

DATA USAGE

COLLECTION PROCEDURES ● 6 MONTH STUDY OF ALL DWI CASES EXCEPT FOR
GRAND JURY

ANALYSIS ● COMPARISON OF JUDGES DECISIONS

USE ● STUDY WILL BE RELEASED TO PRESS

ACCOMPLISHMENTS ● PUBLIC AWARENESS
● PUBLICITY OF DWI CASES
● MICROPHONES INSTALLED IN COURT TO ENABLE
EVERYONE TO HEAR PROCEEDINGS

NAME	RID IOWA EAST, IA
CELL/SITE	RID/NORTH CENTRAL/SMALL
YEAR FOUNDED	1984
OBJECTIVES	<ul style="list-style-type: none">● ASSIST VICTIMS OF DWI● EDUCATION OF PUBLIC, ESPECIALLY YOUNG PEOPLE● PROMOTE STRICTER LEGISLATION
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 2 COURT MONITORS/15 ACTIVE MEMBERS 40 MEMBERS TOTAL
RECRUITING PROCEDURES	<ul style="list-style-type: none">● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	<ul style="list-style-type: none">● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● DISTRICT COURTS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● UNKNOWN
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● COLLECT ALL CASE INFORMATION AND NEWS CLIPPING FROM DWI CASES● OCCASIONALLY POLICE REPORTS
ANALYSIS	<ul style="list-style-type: none">● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none">● IN-HOUSE FILES
ACCOMPLISHMENTS	<ul style="list-style-type: none">● PUBLIC AWARENESS● EDUCATION● INCREASED DWI ARRESTS

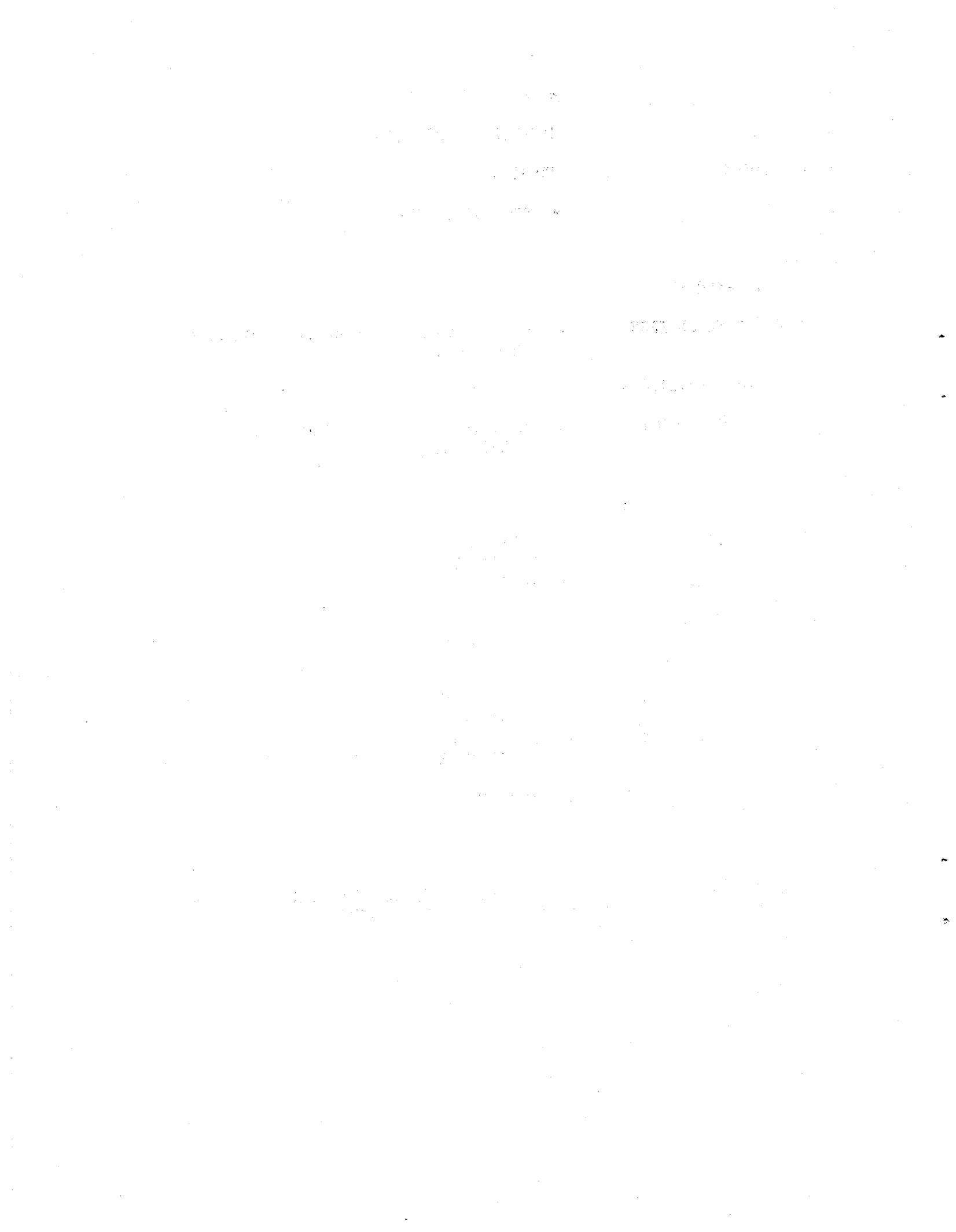
NAME	RID - LEE - DOVER, NH
CELL/SITE	RID/NORTH EAST/MEDIUM
YEAR FOUNDED	1982
OBJECTIVES	DETERMINE WHAT ACTIONS THE COURTS ARE TAKING
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 2 COURT MONITORS/20-30 ACTIVE MEMBERS
RECRUITING PROCEDURES	● BOOTHS IN SHOPPING MALLS
TRAINING PROCEDURES	● NO FORMAL TRAINING PROCEDURES
CASELOAD	
TYPE OF CASELOAD	● DISTRICT AND SUPERIOR COURTS ● JURY TRIALS ● APPEALS
NUMBER OF CASES PER MONTH	● RECENTLY CONCLUDED SIX-MONTH PROJECT 30 CASES IN EACH COURT WERE MONITORED
DATA USAGE	
COLLECTION PROCEDURES	● COURT MONITORING SPREAD SHEET
ANALYSIS	● TYPE OF ANALYSIS UNKNOWN
USE	● PRESS RELEASES
ACCOMPLISHMENTS	JUDGES ARE NOW AWARE OF THE CITIZENS CONCERNS OVER DWI CASES

NAME	ROWAYTON COUNTY, RID, CT
CELL/SITE	RID/NORTH EAST/SMALL
YEAR FOUNDED	1982
OBJECTIVES	STRICTER ENFORCEMENT OF DWI LAWS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 2 COURT MONITORS/4 ACTIVE MEMBERS OVER 100 STATEWIDE
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	<ul style="list-style-type: none"> ● NEW VOLUNTEERS MONITOR CASES WITH EXPERIENCED VOLUNTEERS
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● SUPERIOR COURTS ● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none"> ● 80-120 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● OBSERVATION ● RECORD DATA IN NOTEBOOK
ANALYSIS	<ul style="list-style-type: none"> ● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none"> ● INFORMATION IS USED WHEN PETITIONING FOR NEW LAWS
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● UNIFORM SENTENCING BY JUDGES ● LEGISLATION HAS BEEN PASSED DUE IN PART TO MEMBERS OF ORGANIZATION CALLING THEIR STATE REPRESENTATIVES

NAME	ST. LOUIS COUNTY, RID, MO
CELL/SITE	RID/NORTH CENTRAL/LARGE
YEAR FOUNDED	1981
OBJECTIVES	<ul style="list-style-type: none"> ● VICTIMS BILL OF RIGHTS ● ENFORCEMENT OF CURRENT DWI LAWS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 5 COURT MONITORS/15-20 ACTIVE MEMBERS ● 750 TOTAL MEMBERSHIP
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● OPEN MEETINGS ● WORD OF MOUTH
TRAINING PROCEDURES	<ul style="list-style-type: none"> ● TRAINING PACKETS ● TRAINING MEETINGS
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● CIRCUIT AND ASSOCIATE CIRCUIT COURTS ● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none"> ● 5 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● OBSERVATION ● RECORD AND ORGANIZE FILES ON CASES
ANALYSIS	<ul style="list-style-type: none"> ● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none"> ● REPORTS UPON REQUEST
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● SUSPENSION OF LICENSE FOR OFFENDERS

NAME	WAYNE, RID, NJ
CELL/SITE	RID/NORTH EAST/SMALL
YEAR FOUNDED	1981
OBJECTIVES	<ul style="list-style-type: none">● SWIFT ADJUDICATION● COUSELING FOR OFFENDERS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 12 COURT MONTITORS/24 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none">● NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	<ul style="list-style-type: none">● LIST OF "DO'S AND DONT'S FOR NEW COURT MONITORS
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● MUNICIPAL COURTS● JURY TRIALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● MONITOR TWO SPECIFIC COURT (ALL CASES) EXACT NUMBER OF CASES PER MONTH UNKNOWN
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● COURT MONITORING FORM● OBSERVATION● REVIEW OF COURT RECORDS
ANALYSIS	<ul style="list-style-type: none">● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none">● REPORTS ARE ISSUED TO THE PRESS AND JUDGES
ACCOMPLISHMENTS	<ul style="list-style-type: none">● SUBMITTED LIST OF RECOMMENDATIONS TO JUDGES● RELEASED FORMAL REPORT

NAME	WICHITA, RID, KS
CELL/SITE	RID/NORTH CENTRAL/SMALL
YEAR FOUNDED	UNKNOWN
OBJECTIVES	<ul style="list-style-type: none">● MONITOR JUDGES
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none">● 6 COURT MONITORS/35 ACTIVE MEMBERS/85 DUES PAYING
RECRUITING PROCEDURES	<ul style="list-style-type: none">● WORD OF MOUTH
TRAINING PROCEDURES	<ul style="list-style-type: none">● NEW VOLUNTEERS ARE ESCORTED TO COURT BY AN EXPERIENCED VOLUNTEER
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none">● CITY COURT● COUNTY COURT● APPEALS
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none">● 45 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none">● OBSERVATION● MAINTAIN PERSONAL FILES
ANALYSIS	<ul style="list-style-type: none">● UNKNOWN
USE	<ul style="list-style-type: none">● UNKNOWN
ACCOMPLISHMENTS	<ul style="list-style-type: none">● MANDATORY JAIL SENTENCE FOR FELONY CASES● BETTER LAW ENFORCEMENT



NAME	TULSA COUNTY, RID, OK
CELL/SITE	PURPOSIVE SAMPLE
YEAR FOUNDED	1981
OBJECTIVES	REDUCE DRUNK DRIVING IN TULSA COUNTY
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	412 - DIVIDED INTO 9 SEPARATE TASK FORCES
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● MEDIA TASK FORCE INCLUDES: EDUCATIONAL FILMS FOR PUBLIC AWARENESS. THESE FILMS ARE ALSO A METHOD OF RECRUITING NEW MEMBERS.
TRAINING PROCEDURES	INFORMAL
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● MUNICIPAL AND DISTRICT COURTS
NUMBER OF CASES PER MONTH	UNKNOWN
DATA USAGE	
COLLECTION PROCEDURES	<p>TWO SEPARATE TASK FORCES FOR COURT MONITORING</p> <ul style="list-style-type: none"> ● HOME P.C.'s STORE INFORMATION ON PRIOR OFFENDERS (CASE TRACKING) ● IN-COURT MONITORS
ANALYSIS	COMPUTERIZED DATA
USE	<ul style="list-style-type: none"> ● INFORMATION GATHERED FROM TASK FORCES IS PRESENTED TO JUDGES
ACCOMPLISHMENTS	THE PUBLIC IS MORE AWARE OF THE STRICT DWI LAWS IN TULSA. THIS NEW YEARS EVE PEOPLE STARTED TAKING TAXIS TO NIGHTCLUBS, SOMETHING THAT WAS UNCOMMON BEFORE THIS YEAR.

NAME TULSA COUNTY, MADD, OK
CELL/SITE PURPOSIVE SAMPLE
YEAR FOUNDED 1984
OBJECTIVES PREPARING STATISTICS THAT WILL AID IN DEVELOPMENT OF STRICTER LEGISLATION
PROGRAM SIZE AND MAINTENANCE
NUMBER OF VOLUNTEERS 25
RECRUITING PROCEDURES NO FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES COURT MONITORING WORK SHOP
CASELOAD
TYPE OF CASELOAD

- DISTRICT/CIRCUIT COURTS
- JURY TRIALS

NUMBER OF CASES PER MONTH 3 TO 4 PER MONTH
DATA USAGE
COLLECTION PROCEDURES FORMAL DATA COLLECTION
ANALYSIS

- COMPUTERIZED
- AID IN LOBBYING FOR STRICTER DWI LAWS

USE
ACCOMPLISHMENTS STRICTER SENTENCING

NAME WESTCHESTER COUNTY, RID, NY
CELL/SITE PURPOSIVE SAMPLE
YEAR FOUNDED 1983
OBJECTIVES PUBLIC EDUCATION AND AWARENESS

**PROGRAM SIZE
AND MAINTENANCE**

NUMBER OF VOLUNTEERS 5 ACTIVE/70 DUES PAYING
RECRUITING PROCEDURES
● COUNTY INFORMATION SYSTEM
● NEWSLETTERS
TRAINING PROCEDURES
● WRITTEN SUMMARY FROM RID HEADQUARTERS

CASELOAD

TYPE OF CASELOAD COUNTY COURT/FELONY CASES
**NUMBER OF CASES
PER MONTH** 2 TO 3 TIMES A YEAR
VICTIM ASSISTANCE ONLY

DATA USAGE

COLLECTION PROCEDURES ● RECORD CHARGE AND SENTENCING
ANALYSIS ● NO FORMAL ANALYSIS
USE ● PRESS RELEASE

ACCOMPLISHMENTS

HIGHER AWARENESS OF THE PROBLEM

NAME	WESTCHESTER COUNTY, MADD, NY
CELL/SITE	PURPOSIVE SAMPLE
YEAR FOUNDED	1983
OBJECTIVES	<ul style="list-style-type: none">● PUBLIC AWARENESS● EDUCATION OF YOUNG PEOPLE● MAINTAIN PRESENCE WITH COURT CLERK
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	15 ACTIVE/200 DUES PAYING
RECRUITING PROCEDURES	<ul style="list-style-type: none">● NEWSLETTERS● RADIO/TV ANNOUNCEMENTS
TRAINING PROCEDURES	<ul style="list-style-type: none">● INFORMAL
CASELOAD	
TYPE OF CASELOAD	TOWN AND VILLAGE COURTS
NUMBER OF CASES PER MONTH	4 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	FORMAL COURT MONITORING FORM
ANALYSIS	<ul style="list-style-type: none">● NO FORMAL STATISTICS
USE	<ul style="list-style-type: none">● PUBLISHED LETTERS TO THE EDITOR
ACCOMPLISHMENTS	INITIATED A PROJECT GRADUATION THIS YEAR

NAME	ALLIANCE AGAINST INTOXICATED MOTORISTS (AAIM)
CELL/SITE	REFERRAL/NORTH CENTRAL/LARGE
YEAR FOUNDED	1982
OBJECTIVES	<ul style="list-style-type: none"> ● COMMUNITY AWARENESS
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 15 VOLUNTEERS COURT MONITOR
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● ADVERTISE IN MAGAZINES
TRAINING PROCEDURES	<ul style="list-style-type: none"> ● 2 HOURS TRAINING SESSION WITH FOLLOW-UP SESSIONS AFTER COURT HEARINGS
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● MONITOR DISTRICT COURT AND CIRCUIT COURTS ● JURY TRIALS
NUMBER OF CASES PER MONTH	267 CASES PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● COURT OBSERVATION AND REVIEW OF COURT RECORDS
ANALYSIS	<ul style="list-style-type: none"> ● COMPUTERIZED ANALYSIS
USE	<ul style="list-style-type: none"> ● FINDINGS ARE RELEASED TO COUNTY COURTS AND THE MEDIA
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● COMMUNITY AWARENESS ● WRITTEN REPORT OF FINDINGS

NAME	ILLINOIS HIGHWAY SAFETY LEADERS
CELL/SITE	REFERRAL/NORTH CENTRAL/LARGE
YEAR FOUNDED	1975
OBJECTIVES	DETERMINE PROPER SENTENCING
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 30 - 40 COURT MONITORS ● 100 - 150 MEMBERS
RECRUITING PROCEDURES	● FORMAL RECRUITING PROCEDURES
TRAINING PROCEDURES	INFORMAL
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● CIRCUIT COURTS ● JURY TRIALS ● APPEALS
NUMBER OF CASES PER MONTH	80 - 120 PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	● FORMAL COURT MONITORING FORM
ANALYSIS	● COMPUTERIZED DATA ANALYSIS
USE	● FINDINGS ARE RELEASED TO THE PRESS
ACCOMPLISHMENTS	MAKING JUDGES MORE AWARE OF THE DRUNK DRIVING PROBLEM

NAME	NORTH CAROLINIANS AGAINST INTOXICATED DRIVERS (NC/AID)
CELL/SITE	REFERRAL/SOUTH/MEDIUM
YEAR FOUNDED	1982
OBJECTIVES	<ul style="list-style-type: none"> ● EDUCATE PUBLIC ● INCREASE PUBLIC AWARENESS ● CHANGE LEGISLATION ● PREVENTION ● JUDICIAL REFORM ● VICTIM SUPPORT
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	● 3 COURT MONITORS/6 ACTIVE MEMBERS
RECRUITING PROCEDURES	● NO FORMAL RECRUITING
TRAINING PROCEDURES	● INSTRUCT NEW MEMBERS IN RESEARCHING COURT RECORDS
CASELOAD	
TYPE OF CASELOAD	DISTRICT COURT AND SUPERIOR COURT
NUMBER OF CASES PER MONTH	12 CASES PER MONTH
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● FORMAL AND COURT MONITORING FORMS ● FACTS FROM ARRESTING OFFICERS ● READ CLERKS MINUTES FROM HEARINGS
ANALYSIS	● STATISTICS ON CONVICTION RATES
USE	● FINDINGS RELEASED TO PUBLIC, U.S. ATTORNEY AND JUDICIAL STANDARDS COMMITTEE
ACCOMPLISHMENTS	DEROGATORY AWARDS ARE GIVEN TO THOSE JUDGES, PROSECUTORS, AND JUDICIARY COMMITTEES WHO IMPLEMENT LENIENT LAWS, ARE ILL-PREPARED FOR CASES OR INDICATE LENIENT SENTENCING

NAME	NORTH GEORGIA, RID, GA
CELL/SITE	REFERRAL/SOUTH/MEDIUM
YEAR FOUNDED	1983
OBJECTIVES	<ul style="list-style-type: none"> ● STOP ALL DRUNK DRIVERS THROUGH EDUCATION
PROGRAM SIZE AND MAINTENANCE	
NUMBER OF VOLUNTEERS	<ul style="list-style-type: none"> ● 10 COURT MONITORS/20 MEMBERS
RECRUITING PROCEDURES	<ul style="list-style-type: none"> ● 1-HOUR TELEVISION PROGRAM, WHICH SIMULATED A DWI CAR ACCIDENT, AND SHOWED ARREST
TRAINING PROCEDURES	FORMAL TRAINING PROCEDURE 3-4 HOURS IN LENGTH
CASELOAD	
TYPE OF CASELOAD	<ul style="list-style-type: none"> ● APPEALS ● DISTRICT COURT ● CIRCUIT COURT
NUMBER OF CASES PER MONTH	<ul style="list-style-type: none"> ● 1 - COURT THAT MEETS 1 TIME PER WEEK ● 1 - COURT THAT MEETS 2 TIMES PER WEEK ● 1 - COURT THAT MEETS 4 TIMES PER YEAR
DATA USAGE	
COLLECTION PROCEDURES	<ul style="list-style-type: none"> ● RECORD KEEPING ● OBSERVATION ● REVIEW OF RECORDS AND CALENDARS
ANALYSIS	<ul style="list-style-type: none"> ● TYPE OF ANALYSIS UNKNOWN
USE	<ul style="list-style-type: none"> ● WENT PUBLIC WITH INFORMATION ON ONE JUDGE THAT DRINKS AND DRIVES
ACCOMPLISHMENTS	<ul style="list-style-type: none"> ● NEW EDUCATION PROGRAM ON PUBLIC TELEVISION STATION ● INCREASE IN DOLLAR AMOUNT OF FINES ● PUBLIC AWARENESS ON PART OF JUDGES AND OFFENDERS

NAME SAVE OUR LOVED ONES (SOLO)

CELL/SITE REFERRAL/SOUTH/MEDIUM

YEAR FOUNDED 1984

OBJECTIVES

- VICTIM ASSISTANCE
- PUBLIC AWARENESS
- LEGISLATIVE CHANGE

PROGRAM SIZE AND MAINTENANCE

NUMBER OF VOLUNTEERS ● 10 COURT MONITORING VOLUNTEERS

RECRUITING PROCEDURES ● NO FORMAL PROCEDURES

TRAINING PROCEDURES ● NO FORMAL PROCEDURES

CASELOAD

TYPE OF CASELOAD

- CASES INVOLVING REPEAT OFFENDERS
- CASES INVOLVING VICTIMS

NUMBER OF CASES PER MONTH DEPENDS ON CASELOAD

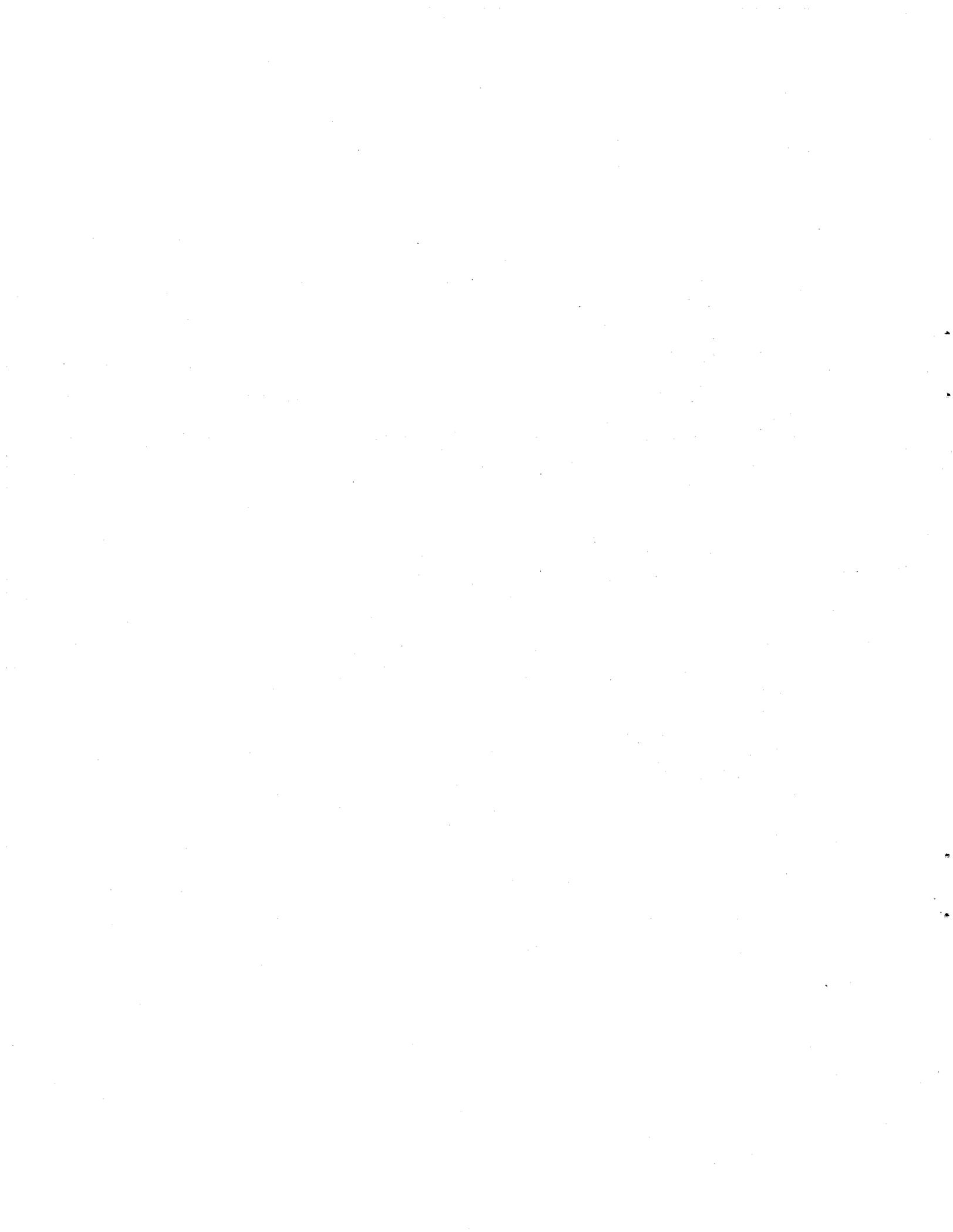
DATA USAGE

COLLECTION PROCEDURES ● UNKNOWN

ANALYSIS ● STATISTICAL ANALYSIS

USE ● STATISTICS FOR SOLO RECORDS ONLY

ACCOMPLISHMENTS





MADD

APPENDIX C

Mothers Against Drunk Driving

NORTHERN VIRGINIA

NEWSLETTER

APRIL, 1985

THE "BUCK" STOPS WITH THE JUDGES

-- by Lou Herzog

This issue of our newsletter will look at the judiciary. Each edition of the newsletter addresses a different part of the system set up to handle the drunk driving tragedy. We hope to be able to highlight the successes and weaknesses of specific areas in this manner.

I'm sure most of you have heard about the sign on former President Harry Truman's desk which read, "The Buck Stops Here." The buck in the drunk driving problem does stop with the judges because they determine the level of deterrence and rehabilitation placed upon drunk drivers. All parts of the system which battle drunk driving must work together. A weak link in the system results in a process that does not operate efficiently or effectively to stop the drunk driving tragedy. The editorial in this newsletter discusses what the efforts of Judge Ed O'Farrell of New Philadelphia, Ohio have accomplished.

MADD does not want everyone who takes a drink "locked up." However, we do feel that anyone who is proven guilty of drunk driving under the laws of the Commonwealth of Virginia should receive a sentence that will deter him from breaking the drunk driving statutes again. Statistics for our area show that we are not deterring the drunk driver by the sentences we are presently imposing.

I believe a judges' job entails evaluating each case and determining what penalty would deter the defendant from drinking and driving again. Presently, our judges do not have available to them the information necessary for effective sentencing. Judges also do not have an effective probation program to which they could refer those who are found guilty of drunk driving. Judges should demand probation programs which will help them monitor the rehabilitation progress of convicted drunk drivers.

Judges are failing drunk drivers and the rest of society when they coddle these offenders and do not hold them responsible for their actions. The fight against drunk driving WILL BE WON, but OUR JUDGES MUST MAKE A SIGNIFICANT CONTRIBUTION in this fight.

MADD -- 320 CHAPTERS IN 46 STATES

HELP WANTED

ASSISTANT NEWSLETTER EDITOR--Duties: assist editor in composing, layout of the MADD quarterly newsletter. Experience: none required, will train. Time required: 24-40 hrs. each quarter. Contact Karen Bickley at 978-0325.

COURT MONITORS--Duties: monitor performance of police, Commonwealth Attorney, defense lawyers and judges during DWI cases and record data. Experience: none required, will train. Time required: 4 hrs. per session; you choose number of sessions/months. Contact Lynne Svec at 323-8378.

FAIRS/MALLS EXHIBITS BOOTH COORDINATOR--Duties: maintain list of fair/mall exhibits in Northern Va., submit application for MADD booth, coordinate and schedule manning of booth. Experience: none required, will train. Time required: 4 to 8 hrs. per fair/mall. Contact Lou Herzog at 978-3364.

PUBLIC RELATIONS COORDINATOR--Duties: establish contact with media, prepare news releases for events and in response to questions. Experience: previous PR nice but not required, will train. Time required: 8 to 16 hrs. per month maximum. Contact Lou Herzog at 978-3364.



Drunk drivers:

**Accountability
in the courts is
a key first step**

ATTENTION MEMBERS

MADD membership is annual. Our records indicate your expiration date was/is: _____ . You are a valued member, and your support has helped to achieve the progress accomplished thus far. Please use the form on the last page to renew if your membership has expired.

YOUR LEGISLATORS ---
WHAT THEY DID IN RICHMOND
ON DRUNK DRIVING BILLS

21!

LETTERS -- WE NEED LETTERS !!!

The 1985 Virginia General Assembly concluded its 46-day legislative session with a sprinkling of drunk driving bills passed. Most significant were bills to raise the drinking age to 21. Three bills on 21 were proposed: Delegate JIM DILLARD's (Fairfax) bill which was defeated sought to raise the drinking age to 21 effective July 1985. Delegate FRANK HARGROVE (Glen Allen) and Senator RICHARD SASLAW's (Annandale) bills provided a grandfather clause (gradually increasing the drinking age over two years). Both bills were passed by the House and Senate and are before Governor Robb (to choose between the two for signature). Mr. Hargrove's bill is in conformance with the federal law, i.e., Virginia would be eligible to receive all of its federal highway construction funds in due course because of its effective date of July, 1986 whereas Senator Saslaw's bill penalizes Virginia by having the road construction funds withheld for 9 months because of its effective date of July, 1987.

Again, a number of DWI bills were proposed. Most substantive of them (that were killed by the House Courts of Justice Committee) were Delegate FRANK MEDICO's (Alexandria) bill for mandatory suspension of license for 28 days on a first DWI conviction; Delegate JIM ALMAND's (Arlington) Open Container bill that would prohibit consumption of alcohol beverages WHILE operating a motor vehicle; and Senator JOE CANADA's (Virginia Beach) bill that would lower the state's presently .15 illegal per se law to a more reasonable .10, as in 37 other states.

FAIRFAX COUNTY DWI LISTS TO BE RELEASED

The Fairfax Co. Police Dept. stopped releasing names of those persons arrested for drunk driving in May, 1984, because attorneys were using the arrest log to cull names and addresses of people charged with DWI to solicit business. The Fairfax Co. Board of Supervisors voted unanimously last October to request the courts to provide DWI conviction lists. State law requires release to the public of the identity of any individual other than a juvenile who was arrested and charged and the status of the charge and arrest. The Governor's Task Force on DWI recommended publishing of such lists.

MADD believes that the publication of these lists has a deterrent effect on drunk driving. We look forward to seeing them in the Northern Virginia Sun and other local newspapers.

As a result of the controversy surrounding the drinking age bill--i.e., legislators attempted to require Congress to raise the drinking age on military bases before raising it in Virginia. Northern Virginia Congressman STANFORD PARRIS has introduced HR 1180 in Congress which would establish a public law requiring persons on military bases to abide by the minimum drinking age set by the state in which they are located. The bill cannot be heard before a Congressional committee until it has 150 co-sponsors. Please write to your Congressman immediately indicating your strong endorsement of HR 1180, asking him to sign on as a co-sponsor. (Addresses follow)

McLean
Dist 10:

Frank Wolf
130 Cannon House Office Bldg
Washington, DC 20515

Newport News:
Dist 1

Herbert Bateman
1518 Longworth House Office Bldg
Washington, DC 20515

Norfolk:
Dist 2

G. William Whitehurst
2469 Rayburn House Office Bldg
Washington DC 20515

Richmond
Dist 3:

Thomas J. Bliley, Jr
213 Cannon House Office Bldg
Washington, DC 20515

Portsmouth
Dist 4:

Norman Sisisky
1429 Longworth House Office Bldg
Washington DC 20515

Danville
Dist 5

W.C. (Dan) Daniel
2368 Rayburn House Office Bldg
Washington DC 20515

Roanoke
Dist 6:

James Randolph Olin
1207 Longworth House Office Bldg
Washington DC 20515

Winchester
Dist 7:

J. Kenneth Robinson
2233 Rayburn House Office Bldg
Washington, DC 20515

Abingdon
Dist 9:

Frederick C. Boucher
1723 Longworth House Office Bldg
Washington, DC 20515

A FINAL NOTE:

To adequately address the needless tragedies caused by young persons commuting to border states (e.g. from Virginia and Maryland to Washington, D.C. where the BEER AND WINE drinking age is 18), Congressman Frank Wolfe of VA and Michael Barnes of MD sent a letter to the D.C. City Council asking that the drinking age in the District for ALL alcoholic beverages be raised to 21. To voice your concern regarding establishing a uniform drinking age NATIONWIDE, INCLUDING WASHINGTON, D.C., please call (202) 727-6319, or write immediately to:

Honorable Marion Barry
Mayor, District of Columbia
District Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004

FAIRFAX COUNTY'S COURT RECORD OF DRUNK DRIVING CASES FOR 1984

The Northern Virginia Chapter of MADD monitored 935 drunk driving cases during 1984 in the Fairfax County District Courts. Data on each case was recorded in basic categories such as judge, prosecutor, disposition, continuance, fine, license suspension, jail sentence, etc.



CHART 3

CHART 1

<u>BY JUDGE: NUMBER OF CASES</u>			
<u>JUDGE</u>	<u>CASES</u>	<u>JUDGE</u>	<u>CASES</u>
Colby *	7	Kelly *	28
Davis	151	Leffler *	14
Ferris *	7	Perry	68
Hammer	108	Rothrock	146
Holmes *	3	Underwood *	8
Horan	71	Waters	127
Hurst	118	Watson	79

* Because of small sample, results may not be representative.

PENALTIES FOR CONVICTION OF DRIVING WHILE INTOXICATED

<u>Number of Convictions</u>	<u>Fine</u>	<u>Imprisonment</u>	<u>O/L Loss</u>
<u>1st conviction</u>	up to \$1,000; no minimum	up to 12 mos. in jail; no minimum	6 months; automatic (may be modified)
<u>2nd conviction</u>			
(a) up to 5 years from date of 1st conviction	\$1,000 max; \$ 200 min	up to 12 mos.; 1 month min; 48 hrs to serve mandatory	3 yrs; 1 yr of suspension may be susp.
(b) after 5 years but less than 10 years the date of 1st conviction	\$1,000 max; \$ 200 min	up to 12 mos; 1 mo min; all may be susp.	3 yrs; 2 yrs of suspension; may be susp.
<u>3rd conviction</u>	\$1,000 max; \$ 500 min	up to 12 mos; 2 mos min; 10 days to serve mandatory	10 years; no ASAP

DISPOSITIONS AND CONTINUANCES

Of the 935 cases on the court dockets, 587 or 63% (see Chart 2) resulted in a disposition (i.e., a DWI conviction or a reduction in the charge to reckless driving, failure to maintain proper control or improper driving. These reductions were generally granted to defendants with a BAC under .10).

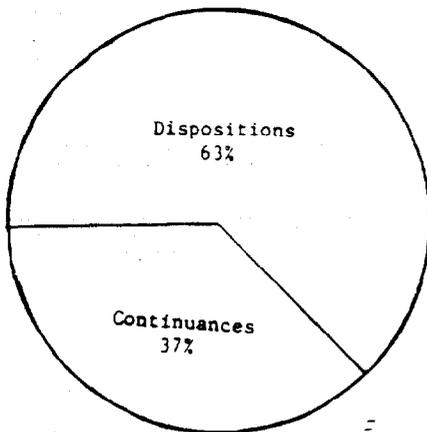


CHART 2

935 DWI CASES MONITORED
DISPOSITIONS AND CONTINUANCES GRANTED

The remaining 37% or 348 cases were granted continuances. This practice by drunk drivers and their lawyers reflects an increasing problem in delaying the disposition of the cases. Not only is an extra burden placed on the court's time and the taxpayer's money, but the drunk driver is left on the road for the next month or two normally granted for the continuance.

SENTENCING of DWI cases was quite weak when compared with the maximum penalties allowed by the Virginia Code of Law. (See chart 3)

FINES

Only 15% of the fines imposed were paid in full (see Chart 4). Consequently, of the \$271,580 in fines imposed, only \$105,300 was actually paid (see Chart 5). This loss in revenue to the county has the taxpayer, rather than the lawbreakers, paying for the police, courts, etc.

CHART 4

COMPARISON OF PERCENTAGES OF FINES FULLY PAID WITH FINES FULLY OR PARTIALLY SUSPENDED

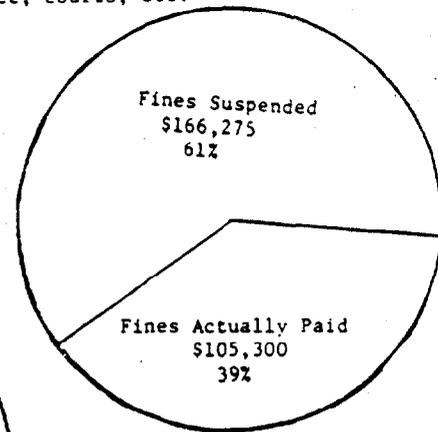
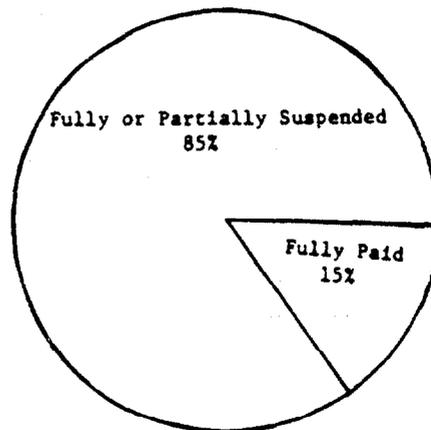


CHART 5

BREAKDOWN OF THE \$271,580 OF FINES IMPOSED: AMOUNT SUSPENDED AND AMOUNT ACTUALLY PAID

While the average fine imposed was \$490, the average amount imposed by judge varied from a high of \$750 by Judge Holmes to a low of \$333 by Judge Colby (see Chart 6). The average amount imposed is misleading because of the large amounts suspended. This varied from a low of 48% suspended by Judge Ferris to a high of 81% by Judge Underwood. Consequently, the average amount actually paid was \$190. The average paid fine imposed by a judge ranged from a low of \$75 by Judge Underwood to a high of \$266 by Judge Davis (see Chart 7).

BY JUDGE: AVERAGE AMOUNT OF FINE ACTUALLY PAID

Davis	\$266
Ferris *	\$257
Leffler *	\$256
Holmes *	\$225
Horan	\$222
Watson	\$206
Average	\$190
Waters	\$176
Hammer	\$174
Perry	\$172
Rothrock	\$169
Hurst	\$166
Kelly *	\$145
Colby *	\$100
Underwood *	\$75

CHART 6

* Because of small sample, results may not be representative.

The average fine paid by first time offenders was only \$122, and 74% of the individuals convicted of DWI paid \$100 or less (see Chart 9). The median fine was only \$100.

BREAKDOWN OF FINES ACTUALLY PAID BY FIRST TIME OFFENDERS

Number of Individuals

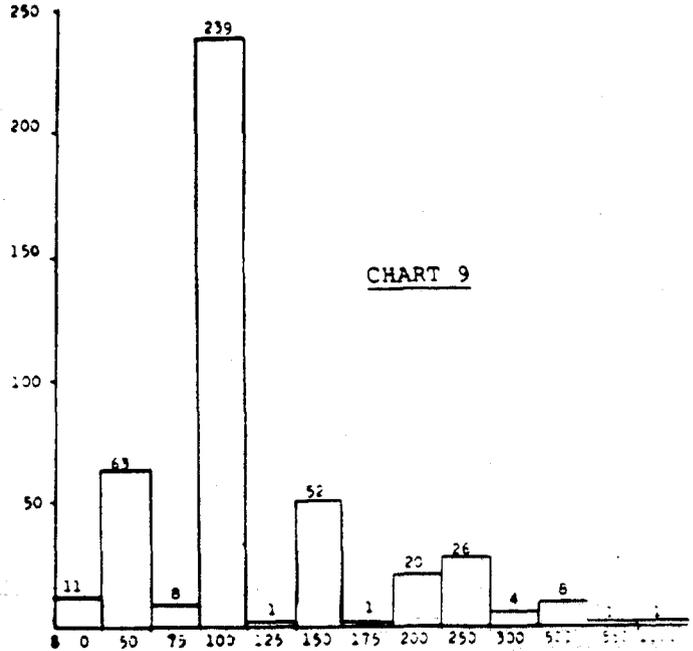


CHART 9

Excludes the \$100-\$1000 fines imposed on the 26 convicted DWIs who failed to appear in court.

The fines paid by individuals with one or more prior convictions were higher than first time convictions. However, even for multiple offenders the average fine was merely \$357. Moreover, 59% of the individuals with "known" prior convictions paid \$250 or less and the median was only \$250. (Prior convictions are not always stated in court. See Chart 10).

BREAKDOWN OF FINES ACTUALLY PAID BY MULTIPLE OFFENDERS

Number of Individuals

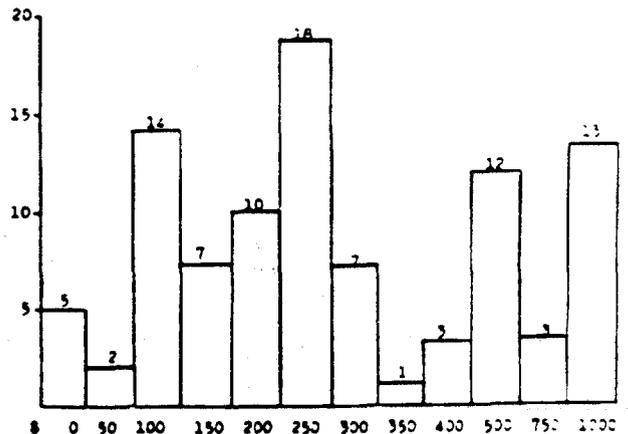


CHART 10

Ironically, based on cases monitored, judges apparently feel prior convictions to be a less serious offense than a defendant's failure to appear in court. The average fine for these individuals was \$713 and the median fine was \$500.

BY JUDGE: AVERAGE FINES IMPOSED, % SUSPENDED, FINE ACTUALLY PAID

Judge	Average Fine Imposed	Average % Suspended	Average Fine Actually Paid
Holmes *	\$750	67%	\$225
Leffler *	\$625	59%	\$256
Davis	\$587	55%	\$266
Waters	\$537	67%	\$176
Hammer	\$496	65%	\$174
Ferris	\$493	48%	\$257
Watson	\$486	58%	\$206
Horan	\$478	54%	\$222
Perry	\$472	64%	\$172
Rothrock	\$465	64%	\$169
Kelly *	\$436	67%	\$145
Underwood *	\$400	81%	\$75
Hurst	\$398	58%	\$166
Colby *	\$333	70%	\$100

* Because of small sample, results may not be representative.

The average fine of \$190 paid is misleading and only gives a partial picture. For example, the median fine paid by the 554 individuals convicted of DWI was only \$100. (See Chart 8).

COMPARISON: AVERAGE AND MEDIAN FINES PAID BY CONVICTED DWI OFFENDERS

	Average Fine	Median Fine
First Time Offenders	\$122	\$100
Offenders Failing To Appear in Court	\$713	\$500
Offenders with "Known" Prior Convictions (a)	\$357	\$250
All Convicted DWIs	\$190	\$100

CHART 8

(a) Prior convictions not always stated in court.

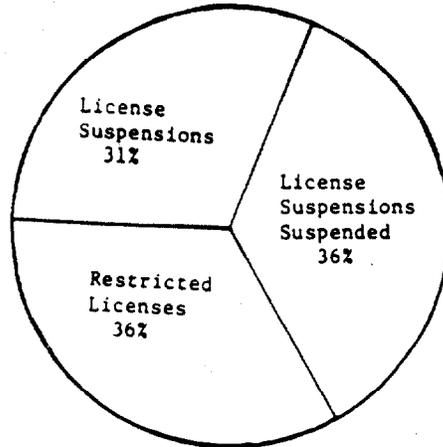
MADD

LICENSE

During the year, 536 licenses were suspended. However, 69% of those individuals convicted of DWI were returned to the highways via suspended license suspensions and restricted licenses (driving to and from work and to and from ASAP meetings). On the average, judges suspended license suspensions 36% of the time and gave restricted licenses 33% of the time (see Chart 11). In only 31% of the cases, drunk drivers actually lost all driving privileges.

CHART 11

DISPOSITION OF
536 LICENSE SUSPENSIONS
FOR DWI



There was a tremendous variation in the percentage of suspended suspensions and restricted licenses given by judges from 0% by Judge Holmes to 100% by Judge Underwood (see Chart 12).

BY JUDGE: PERCENTAGE OF CONVICTED DWIs PUT BACK ON THE HIGHWAY VIA SUSPENDED LICENSE SUSPENSIONS AND RESTRICTED LICENSES

Judge	S - %	R - %	Total %
Underwood *	50%	50%	100%
Moran	36%	47%	83%
Kelly *	56%	22%	78%
Waters	35%	43%	78%
Hurst	53%	24%	77%
Perry	35%	41%	76%
Hammer	36%	39%	75%
Average	36%	33%	69%
Watson	37%	29%	66%
Rothrock	32%	32%	64%
Leffler *	50%	13%	63%
Ferris *	29%	29%	58%
Colby *	50%	0%	50%
Davis	23%	21%	44%
Holmes *	0%	0%	0%

CHART 12

S - Suspended License Suspensions
R - Restricted Licenses

* Because of small sample, results may not be representative.

JAIL

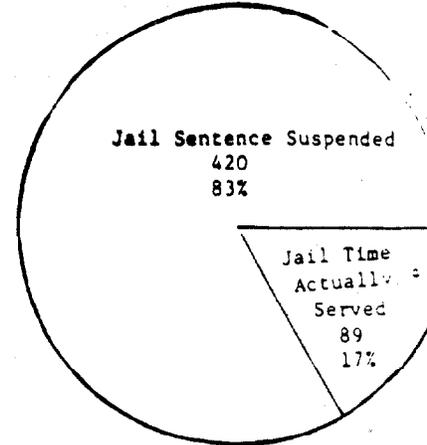
While 509 individuals convicted of DWI were sentenced to jail, judges then suspended those sentences 83% of the time (see Chart 13). The overwhelming majority of

the 89 people or 17% who actually served time were second, third, or fourth time offenders. The law requires a mandatory jail sentence for these offenses (see Chart 2).

CHART 13

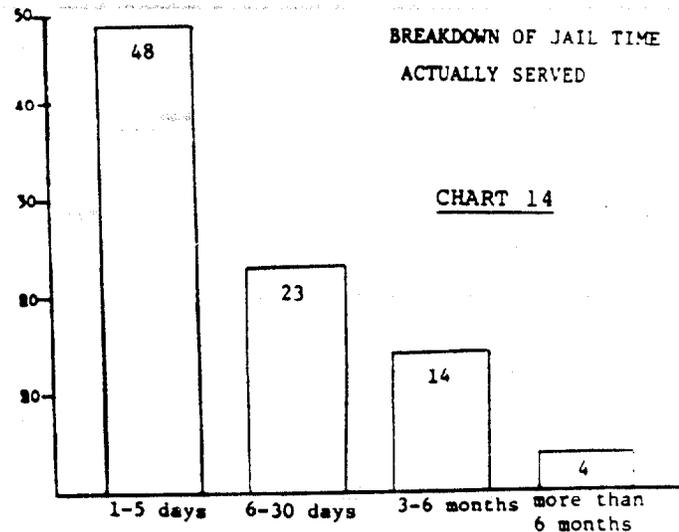
BREAKDOWN OF 509
JAIL SENTENCES:

NUMBER WITH
SUSPENDED
SENTENCES
AND
NUMBER ACTUALLY
SERVING TIME



More than half of the 89 individuals sentenced to jail served between 1-5 days (see Chart 14). This was primarily due to the mandatory 48-hour sentence for a 2nd conviction. The longer sentences include the mandatory 10 day sentence for a 3rd offense and sentences given on the basis of severity of the case (i.e. accident, injuries, death).

Number of
Individuals



**BREAKDOWN OF JAIL TIME
ACTUALLY SERVED**

CHART 14

DATA COMPARISON

Northern Virginia MADD last compiled court monitoring statistics for the period covering June 1982-July 1983. The number of continuances granted has increased 10%. This is due in part to the increasing number of defendants choosing to hire a defense attorney and waiting until they get to court to make that decision.

The amount of fines imposed and suspended and actually paid has increased. The percentage of license suspensions imposed (this does not include the suspension of those suspensions or restricted licenses given), has tripled. The use of the jail sentence being imposed has increased substantially. However, those sentences are being suspended and the use of jail as a punishment has not increased.

A navy Commander was convicted of DWI with a BAC of .12. On appeal, his conviction was reduced to reckless driving.



A Fairfax County attorney pled guilty to DWI with a .25 BAC (one prior alcohol related conviction in 1981) and was given a lecture by the judge, a \$250 fine, and a restricted license for 6 months.

A Vienna man arrested on a 2nd or subsequent DWI charge with a .37 BAC asked for a continuance (1-7-85) to obtain a lawyer. The judge granted the continuance until 2-25-85. In effect, he put the man back on the streets to possibly drive drunk again. (He could have taken the license as part of bond.)

On 11-17-84 at 9:00 PM, Griffin Lee Lang pulled out of the Centreville Bowling Alley parking lot directly into the path of MR. and MRS. WINFORD MICHAEL's 1985 Lincoln, which then hit him broadside. Lang got out of the car, ran into the bowling alley, and returned to the scene with his girlfriend who claimed she had been driving. Lang was staggering, smelled of alcohol, had bloodshot eyes, and slurred and senseless speech.

Even though Judge Conrad Waters ruled the BAC (.26) inadmissible evidence because Lang wasn't given the written form explaining his right to a blood test at his own expense, he gave him the maximum sentences for both the DWI and driving on revoked/suspended license charges. Because this was Lang's 4th DWI conviction (one in Georgia, three in Virginia), the sentences were:

DWI -- \$1,000 fine
12 months in jail
10 year license suspension

REV/SUS -- \$1,000 fine
12 months in jail
36 months license suspension

Lang appealed the sentence. Circuit Court Judge Jack Stevens accepted Commonwealth Attorney Buttery's plea bargaining recommendation on a guilty plea from Lang and sentenced him to:

DWI -- \$500 fine
3 months in jail
10 year license suspension

REV/SUS -- \$500 fine
1 month in jail
6 months license suspension

Paul Roop pleaded guilty to DWI with a .00 BAC, was given a restricted license, and sent to ASAP which he completed. When ASAP referred him to Crossroads, a drug rehabilitation program, he refused to attend. Judge Stewart Davis found him guilty of noncompliance and suspended his license for 12 months because he had a problem with drugs. His defense attorney argued that he had completed ASAP, and the statute didn't allow for drug referral.

Upon appeal, Assistant Commonwealth Attorney Scanlon presented the "defense" to Judge Griffith so well that he dismissed the case. Whereupon, the defense attorney thanked Scanlon for his efforts.

One day recently in General District Court, Judge William Hammer declined to hear a case represented by a former law partner. He also declined to hear a case of a red light violation, because he knew the defendant.

The same day Judge Hammer had no qualms hearing two cases represented by a fellow substitute judge, Robert Whitestone. Several substitute judges appear in traffic court frequently to defend their DWI clients. One must wonder if they can be truly unbiased when sitting on the bench. We might suggest that Assistant Commonwealth Attorneys may also be selected as substitute judges. They also are professional lawyers, members of the Bar, and should qualify.

POSITIVE NOTES

Since August, 1984, 10 men who have been declared habitual offenders and have had their licenses revoked have been convicted of driving on revoked licenses and are serving sentences from one to four years in jail.

On 2-15-84, a habitual offender appeared smelling of alcohol in court on charges of reckless driving and speeding to elude a police officer. DWI could not be charged as he fled on foot into the woods. K-9 Corps found him. Judge John T. Graham (substitute judge) sentenced him to 60 days on each charge - to run concurrently.

PARK POLICE LEAD THE WAY

In the last few years, the U.S. Park Police officers who patrol the George Washington Parkway from 10 pm to 6 am have been doing an outstanding job in controlling the DWI situation in their jurisdiction. We would like to focus attention on one officer in particular for the fine work he has done. Officer ILMAR PAEGLE made approximately 370 DWI arrests along the George Washington Parkway in 1983 and 265 arrests in 1984.

Senator DOUGLAS WILDER (D-Richmond), Virginia's Democratic candidate for Lieutenant Governor, recently came all the way from Richmond to Fairfax County Traffic Court to defend a driver charged with DWI. The DWI charge was amended to reckless driving on a technicality. The "loophole" - a provision which Judge Rothrock commented had been in effect for 2-3 months -- was one which Sen. Wilder acknowledged in the courtroom "that he had voted for."

NORTHERN VIRGINIA MADD REFERENCE MANUAL

On April 1, 1985, the President of the Northern Virginia Chapter of MADD presented copies of the drunk driving reference manual to the Fairfax County Board of Supervisors. The guide was compiled and written by local MADD chapter members. The manual was funded under a grant from Dave Pyles Lincoln-Mercury. Grant money was also used for a poster contest to raise elementary and secondary students awareness of the consequences of drinking and driving. In addition, two books about drinking and driving were placed in each high school library using these funds.

The reference manual provides secondary pupils, college students, and others with information about MADD, the physiological effects of alcohol (as they relate to driving), drunk driving laws, available reference materials, and a glossary.

Special thanks go to Marie Kunec, Patty Herzog, Ed Kunec, Stu Schmid, Lynne and Bob Svec, Pam Pagano, Karen Bickley and Marlena Thompson for their time and efforts in writing, reviewing and producing the manual. We also want to thank Robin Wheeler and A-OK Printers for their help in composing, typesetting and technical advice. A final thank you goes to Mr Dave Pyles, President of Dave Pyles Lincoln Mercury for his September 1983 grant on the occasion of the 10th anniversary of his auto dealership.

The guide is available in Fairfax and Arlington County libraries as well as secondary school libraries.

FYI FOR YOUR INFORMATION

High school students in Norfolk, Virginia are given breath tests if they are suspected of drinking alcohol, and scores of them have been expelled for failing the tests in the last five years.

A ban on beer at rush parties did not hurt recruiting efforts by Virginia Tech fraternities. While overall attendance at rush parties did drop, the number of freshmen actually pledging a fraternity increased this year.

MARYLAND - Licenses for drivers between the ages of 16-18 must include a provision that they be off the roads by midnight.

Navy Secretary John Lehman, Jr. has ordered Navy bases to comply with local drinking laws.

The U.S. government agreed to pay \$250,000 to the family of a man killed in an automobile crash in 1981. **MICHAEL McDONNELL**, 36, was killed by an enlisted man (BAC of .26) who had been drinking at a club on a military post.

VIRGINIA ABC COMMISSION STUDIES HAPPY HOURS

Alcohol Beverage Control Commission members and a special committee they appointed, recently listened to a testimony in Richmond by eight people during a public hearing on banning happy hours. Bill Ellenbogen, a Blacksburg restaurant owner, said that happy hours are "almost mandatory in a college town. I am not a moral counselor to the masses. I have a product to sell, and one is alcohol..." MADD's Ed Kunec countered that "happy hours are not only dangerous, but lead to family strife. In my mind, happy hours encourage staying away from the family...alcohol abuse and drunk driving. They encourage excessive drinking." The ABC board expects to announce a decision by Sept. 25th.

PANDAA "MOCKTAIL" DANCE

FRIDAY MAY 3, 1985

HYATT REGENCY IN CRYSTAL CITY
3700 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA

DANCE TO THE BIG BAND MUSIC OF



*Frank Sinatra and
The Starlite
Orchestra*

"...a true big band..."
The Washington Post

"...melting and swinging
arrangements..."
The Washington Post

AN ALCOHOL-FREE FUND RAISING GALA FOR PANDAA

ADMISSION \$4.00	DANCING 9:00 PM TO 1:00 AM
TWO FOR \$16.00	INFORMATION: 703-237-8121
the donation	301-607-1115
MAKES CHECKS PAYABLE TO PANDAA, MAIL TO P.O. BOX 314, ARRANDALE, VA 22001	
PARENTS ASSOCIATION TO SEVERALIZED DRUG AND ALCOHOL ABUSE, INC. (PANDAA)	

PROJECT GRADUATION

Washington Regional Alcohol Program (WRAP), for the third year in a row, is conducting **PROJECT GRADUATION**. In 1982, there were 26 Metropolitan Area teenagers killed during prom and graduation season. In the past two years, there have been zero alcohol related injuries or deaths.

On April 25, 1985 at 10 AM, Fairfax County will host a press conference to kick off the campaign. It will be held at the Fairfax Hospital helipad.

Each school will be supplied with posters, buttons, cards for corsage boxes and tuxedo pockets, and table tents for prom tables. Many schools will have special assemblies and week-long programs promoting the campaign. The theme for 1985 will again be "Be a Friend for Life."

To combat the problem of drinking and driving in conjunction with proms and graduation parties, dial-a-ride programs have been established in each jurisdiction. Inebriated drivers or their passengers can dial **AAA-LIFT** (222-5438) for a safe ride home.

WRAP also plans a continuing series of seasonal campaigns during the remainder of 1985 which will include safe summer, safe fall, and safe holiday campaigns.

EDITORIAL

--by Karen Bickley

Does a tough judge make a difference in decreasing the carnage caused by drunk drivers? This question should be answered with a resounding "YES".

A stellar example is Judge Ed O'Farrell in New Philadelphia, Ohio's Municipal Court. In O'Farrell's court, there is NO plea bargaining, and as a result he presides over more jury trials than any other one-judge court in the U.S. A first conviction carries 15 days in jail, \$750 fine, plus a 6 month license suspension. The second conviction results in 30-60 days in jail, \$1,000 fine, and a 1-year license suspension. Some drivers must surrender their license plates.

What are the results of these strict sentences? In 1981, the New Philadelphia area had 16 alcohol related deaths. The number dropped to 7 in 1982 and 3 in 1983.

TOUGH JUDGES DO MAKE A DIFFERENCE. We applaud the efforts of Judge O'Farrell and ALL JUDGES who deal out stiff penalties to drunk drivers.

CALENDAR OF EVENTS

April 11-14	Share Conference (Self Help Association Relating Experience)--National Organization of Victim Assistance--MADD
2	McFarland DWI trial
14-20	Victim's Rights Week
16	MADD Monthly Business Meeting--9350 Braddock Rd.
19-20	Tyson's Corner Self Help Fair
24	Trial--Herndon selling to underage violators
25	Project Graduation Kick-Off Press Conference
May 21	MADD meeting--speaker and topic to be announced - 7:30, 9350 Braddock Rd.
June 14	Clara Clore DWI trial No General Meeting

United Services Life Companies

Members of USLICO Corporation



United Services Life Insurance Company
 United Services General Life Company
 General Services Life Insurance Company
 Bankers Security Life Insurance Society
 Provident Life Insurance Company
 United Olympic Life Insurance Company
 Teton National Insurance Company
 United Services Equities, Inc.
 USLICO Securities Corporation

MADD
 MOTHERS AGAINST DRUNK DRIVERS

Northern Virginia Chapter
 (Serving Fairfax County and surrounding areas)

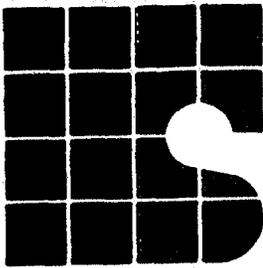
APPLICATION

I wish to become a member (\$20 individual; \$40 family; \$150 organization; \$10 student/senior)
 I would like to contribute \$_____ in support of your organization
 I would like to contribute my time. Please call.
 I am a victim. _____ I am a concerned citizen.

NAME _____
 ADDRESS _____ ZIP _____
 PHONE _____ Address to: MADD, P.O. Box 64
 Falls Church, Va. 22046
 (703) 978-3364

MADD is a non-profit organization. Donations are tax-deductible.

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APPENDIX D

MEMORANDUM

TO: Richard Compton
THRU: Jan Probst
FROM: James Hersey *JCH*
DATE: September 18, 1985
RE: Selection of Programs for In-depth Investigation

Our preliminary review of court monitoring programs across the country served two purposes: (1) documenting the different types of program and program activity currently employed by citizens groups, and (2) providing information needed for selecting sites suitable for in-depth analysis. This memo presents recommended criteria for selecting evaluation sites from among the range of candidates and discusses potential sites that might merit further investigation.

SELECTION CRITERIA

It is recommended that three factors be considered as criteria in selecting sites of more intensive investigation: (1) Level of Court Monitoring Activity, (2) Potential for Evaluation, and (3) Value in Information Dissemination.

Level of Court Monitoring Activity

The goal of this evaluation is to determine the effects of a well implemented citizen group court monitoring program. An evaluation of a program that is sporadic or poorly implemented is not likely to contribute to such answers (since it would be difficult to determine if lack of impact was due to a poor idea or to a good idea that was poorly implemented). Hence, we recommend that the level of court monitoring activity be the first criteria for selection.

Level of court monitoring activity can vary over time in the extent and type of cases reviewed. Our recommendations in these areas are:

- Ongoing or Recurrent Court Monitoring Programs. Several programs (such as the court monitoring projects by Women Highway Traffic Safety Leaders in Illinois and Ohio) were essentially one-time projects and the coalitions that initiated the monitoring activity have moved on to other traffic safety issues. Such a program may be expected to have less impact on judicial behavior than programs that are either ongoing, or expected to recur again. Thus, we recommend that only ongoing or recurrent court monitoring programs be selected for evaluation.

- Extent of coverage of cases. We recommend selecting programs that monitor a sufficient number of cases from individual judges that finding cannot be dismissed out-of-hand as unrepresentative. For similar reasons, we think we could exclude programs that only monitor self-selected cases (e.g., only monitoring cases where a victim requests help). We recommend selecting programs that monitor (1) all cases, (2) all of the same types of cases, (3) all cases during a given period of time, e.g., a three month period, or (4) a significant proportion of all cases handled by a court.

- Types of cases covered. Our initial preference was to select only programs that covered all DWI cases. During the survey, however, we learned that many programs monitor only personal injury cases, or cases with second offenders. The exclusion of injury only programs might overlook a number of programs that have found that concentration on cases with victims is an effective way to maximize effectiveness of limited resources. Consistent with the previous recommendation, we suggest we select only programs that monitor all or a representative sample of the type of cases they choose to watch. This would exclude programs that only provide assistance in cases where a victim requests their assistance. Similarly, if the number of injury

cases is small, or if injury cases prove impractical to identify in a pre-monitoring baseline period, such programs could be excluded on the baseline period, such programs could be excluded on the basis of evaluability, (as will be discussed below.)

Potential for Evaluation.

While it is unlikely that any program will satisfy all the conditions necessary for a rigorous evaluation, consideration of the potential for evaluability will enhance the ability of this study to assess the effects of citizen court monitoring programs. Factors influencing evaluability include:

- Availability of Baseline Data. A first consideration in selection of a site should be the availability of baseline data. Availability can be influenced by such factors as the cooperativeness of court clerks, and the nature of the case record filing system. Availability can be a concern if the court monitoring program only watch a particular type of case, such as cases with personal injury, and there is no way to easily identify such cases from court docket information. Availability could also be a concern in those programs which began more than 3-4 years ago where baseline data could be more difficult to access.
- Availability of Comparison Site Data. All things equal, we would prefer to select programs where we could also collect comparison data from a similar court system in the same State that did not have a court monitoring program. The availability of data from such a comparison site should influence site selection.
- Absence of Confounding Factors. One of the realities of evaluating court monitoring is that such projects are often part of a wider set of anti-DWI activities in a state or locality. In this regard, we are particularly sensitive to the impact that changes in many state laws have had on sentencing and plea bargaining. (For instance, the

passage of a new "tough anti-DWI law" concurrent with the implementation of court monitoring programs makes it difficult to assess the meaning of findings from the mid-Hudson court monitoring evaluation.) While we are unlikely to find a state where such changes did not take place, we do hope to select a site where the implementation of the court monitoring program and the implementation of a new legislative requirement are staggered in time, so that we can begin to disentangle their respective effects.

Potential for Dissemination.

The purpose of this project is not solely to demonstrate the effectiveness of citizen group monitoring programs; rather, the evaluation effort is a component of a broader project to develop lessons that can be shared to improve the effectiveness of a wide variety of citizen group court monitoring programs. Accordingly, it may be useful to select for intensive investigation programs that operate in a diversity of settings. We recommend, then, that we select (1) programs in different geographic regions of the country, and (2) programs that operate in different sizes jurisdictions. It may also be informative to ensure that programs selected for evaluation span more than one sponsoring organization.

POTENTIAL SITES

Our recommendations about potential sites are influenced by two factors that we did not fully anticipate when we began our initial round of data collection. First, the level of networking among programs is lower than we expected, so that very few programs were able to nominate other programs that they considered to be exemplary. Second, the level of program activity and sophistication in the programs we did contact was quite mixed. While our sampling approach represents the diversity of the typical citizen group court monitoring program across the country, it is not certain that the "best" programs were included in the survey.

Among the programs we did talk to, the programs listed below would seem to merit further investigation. The locations of the programs, along with the population of neighboring jurisdictions (potential comparison sites) are shown on the state maps at the end of this document.

UNAFFILIATED

Alliance Against Intoxicated Motorists (AAIM) -- Kane County, Illinois
Population: 278,000

The program has a victim hotline, and a good court monitoring form. This unaffiliated program may be a prime candidate for further investigation because it recently monitored about 1,600 cases over a six month period, and have done some work to compile these data on a home computer.

RID

RID -- TULSA, OKLAHOMA
Population: 471,000

The RID TULSA program is exemplary for the number of task forces it operates and its connection with policy and judicial personnel. It has also developed a useful relationship with TULSA-MADD (which focuses on direct victim assistance). The court monitoring task force, however, is not one of the stronger groups, so the program is more of interest as a demonstration of how court monitoring fits into a more comprehensive program than as a separate element by itself.

RID -- OAK RIDGE, TENNESSEE
Population (Anderson County): 67,000

The Oak Ridge program represents one of the more active RID projects. The program monitors 20 city and 20 county cases selected from the docket

each week in the city and the county court, and publishes the results in the paper. The program has about 25 volunteers who work 2 hours a week, and has been active since November 1981.

MADD

PLYMOUTH COUNTY, MASSACHUSETTS -- MADD

Population: 405,500

The program monitors 2-3 dozen cases a month and has been operating for two years, though in the summer the number of volunteers is small. The program is of interest because the Judge and DA felt that there was an increase in sanctioning as a result of court monitoring activity.

BERKS COUNTY, PENNSYLVANIA -- MADD

Population: 313,000

This program, which began in January 1984, monitors about 100 cases per month. It is innovative in that it uses interns from the local college to assist in monitoring tasks. Of use for evaluation purposes, a local college faculty member is computerizing the court monitoring records.

DELAWARE COUNTY, PENNSYLVANIA -- MADD

Population: 555,000

The program, which began in 1983, monitors about 100 cases a month. It has about 5 steady volunteers, and monitors all Advanced Rehabilitation (ARD cases). The level of program activity recommends it for further investigation.

BLOUNT COUNTY, ALABAMA -- MADD

Population: 36,500

The program, which began in January 1984, monitors about 50 cases a month in the District and Circuit court. It has 2 steady court monitoring

volunteers and has a good rapport with the court clerk. The program is of interest because it reports fewer dismissals and more uniform sentencing as a result of its activity.

GLYNN COUNTY, GEORGIA -- MADD

Population: 55,000

The program, begun in 1983, monitors 3 cases per month. It has 20 volunteers, and has good training materials and data forms. The court clerk is helpful in notifying them of cases, and the program claims that the Judge is now reviewing records of prior convictions before sentencing. The sophistication of materials, the rapport with the clerk court, and the report of impact recommend this program for further investigation.

TERREBONNE PARISH, LOUISIANA -- MADD

Population: 95,000

The program, which began in December 1984, monitors all cases by sitting in the court until a DWI case comes up. The DA is a member of the organization. There are 5 volunteers and data are compiled on a computer. The possibility of computerized data and the reports of impact on sanctions make this program interesting. Both the DA and the program claim stiffer sentencing.

LAKE COUNTY, INDIANA -- MADD

Population: 523,000

This program, which began in January 1984, monitors 2,100 cases a year in 3 county courts. The program collects good data, and has 6 court monitors who work about 25 hours a month. The level of court monitoring activity in a large jurisdiction makes the program of interest.

DOUGLAS COUNTY, NEBRASKA -- MADD

Population: 398,000

The program, a year ago, monitored 2,500 cases a cases a year in 10 municipal and 5 county courts. It now collects data on a more limited basis. There are 1-4 active court monitors, and good data collection instruments. The program reports a 96 percent conviction rate and attorneys who no longer plea bargain. The DA reports that the program got judges to impose stiffer sentences and wishes that the program do more monitoring now. The level of activity and the reports of impact make this program of interest.

MIAMI COUNTY, OHIO -- MADD

Population: 90,000

The program, begun in April 1981, monitors 3 months twice a year, collecting data on 100 cases per month over those time periods. The program has 4 volunteers and has developed computer files. Although the DA and Judge said the program did not have an impact, the sophistication of the monitoring strategy makes the program of interest.

EVALUATION OPTIONS

There appear to be two alternative data collection approaches that might be utilized in conducting a more in-depth evaluation of these programs, depending on the resources and the weight that NHTSA desires to give to different objectives of this study. One approach might be to conduct one-two day site visits in ten to twelve programs to collect more detailed information about what lessons from relatively active local programs could be profitably shared with other groups. Such an approach could be particularly useful in developing "tips" and "strategies" to be shared in a court monitoring manual.

The other approach would be to select a small number (2 or 3) programs in which to conduct an independent evaluation of the effects of the court monitoring programs. Such an approach is appealing in terms of scientific merit. The drawbacks are that a rigorous evaluation can be expensive (e.g., 5000 hours were devoted just to data collection in the mid-Hudson evaluation study) and we will be uncertain of the costs in different jurisdictions until the evaluations are well underway. One strategy to reduce the uncertainty about costs would be to proceed sequentially, by conducting the evaluation of one program before proceeding to evaluate additional programs.

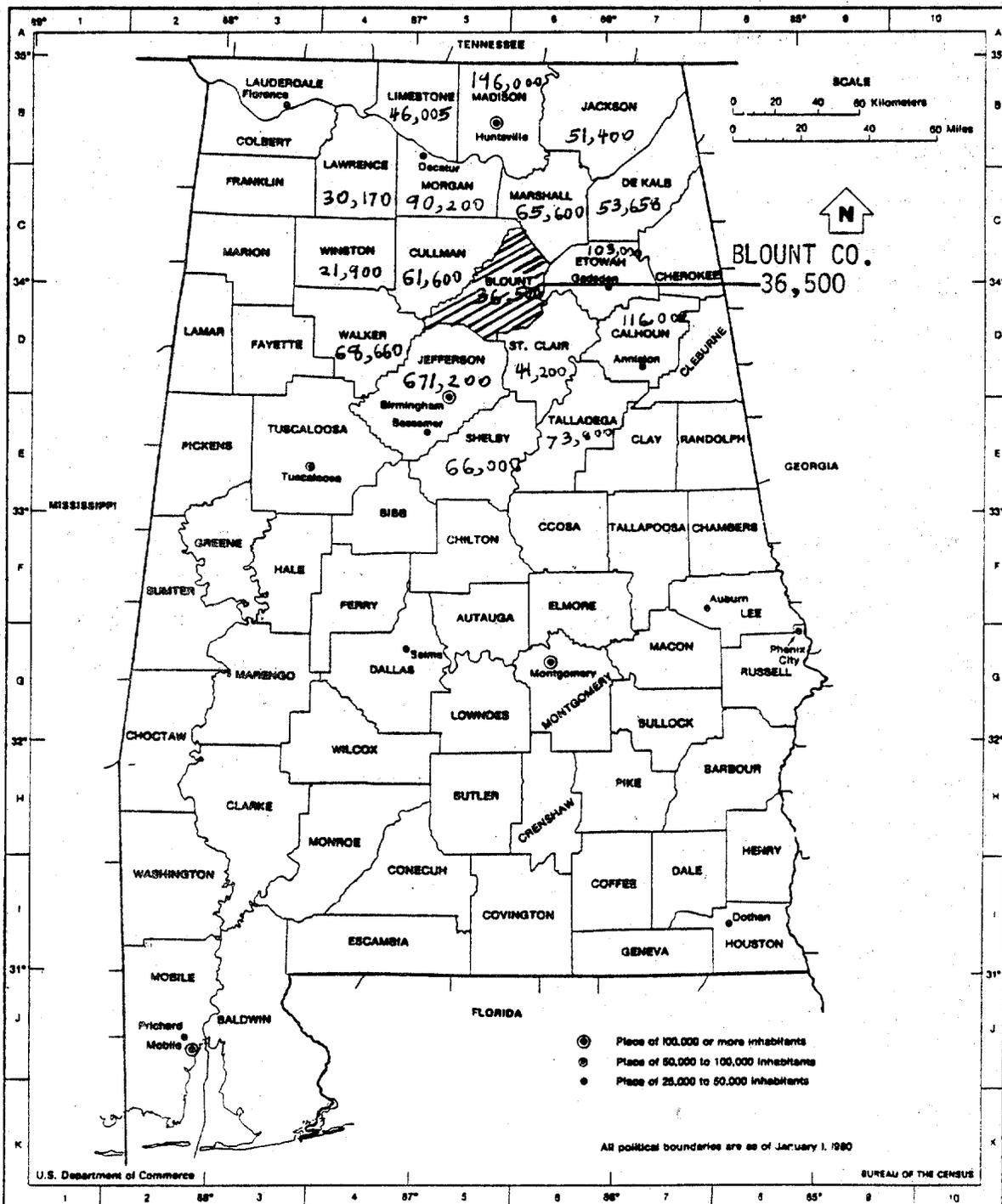
While our preference is to conduct a rigorous evaluation, our commitment to honesty requires us to point out that it will be difficult to generalize findings based on an evaluation in a small number of programs. Hence, whatever the results of the evaluation, NHTSA will be left with the question about whether the program would have had similar effects or greater effects in other jurisdictions. Given this limitation, NHTSA may want to consider the first alternative of looking somewhat less definitively at a wider number of programs.

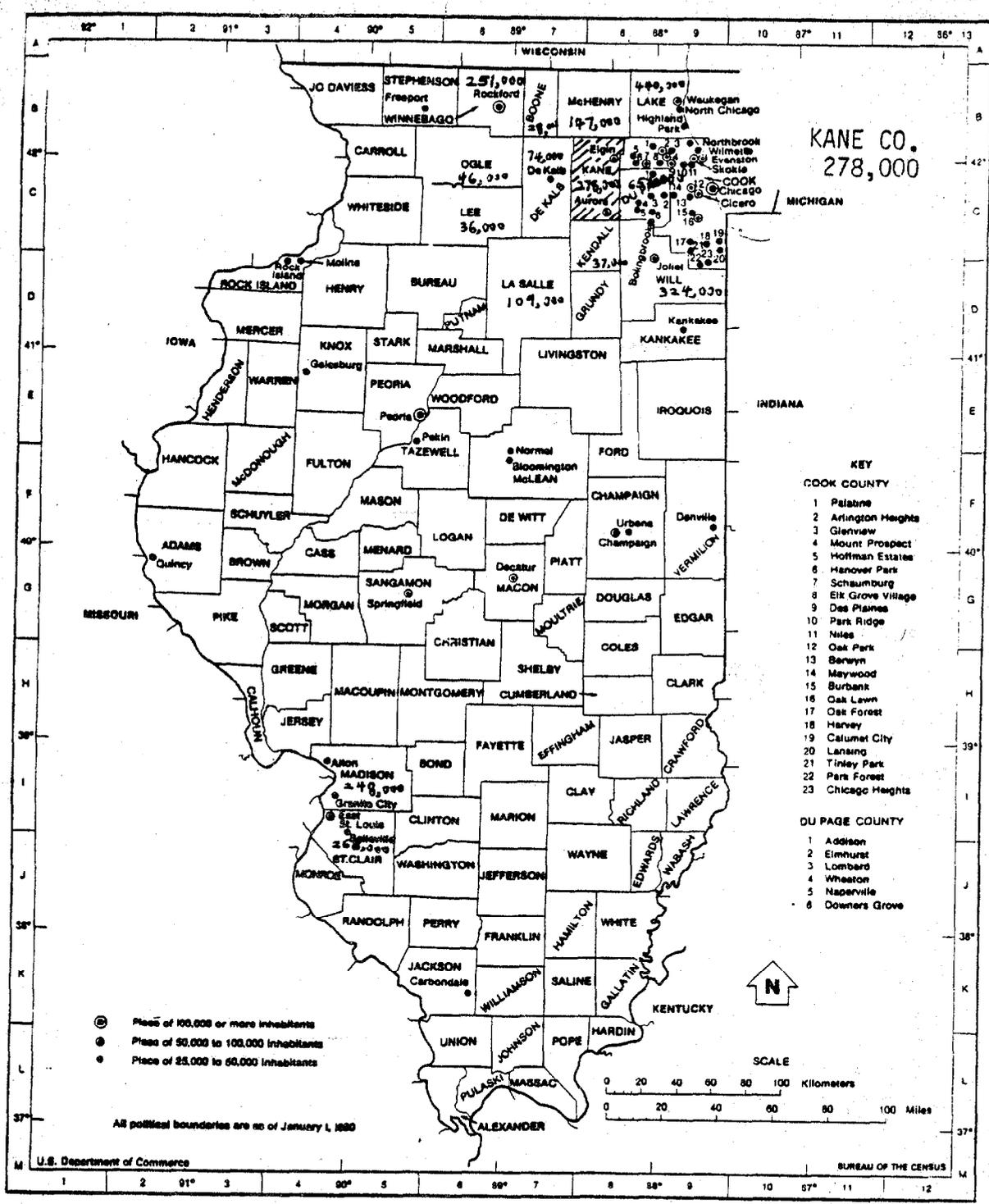
Our recommendation at the present time is that we proceed with further telephone calls to respondents in the sites listed as candidates for more detailed investigation. This will contribute to our understanding about how to implement effective court monitoring programs, and lay the necessary groundwork for deciding how to proceed to a more in-depth evaluation.

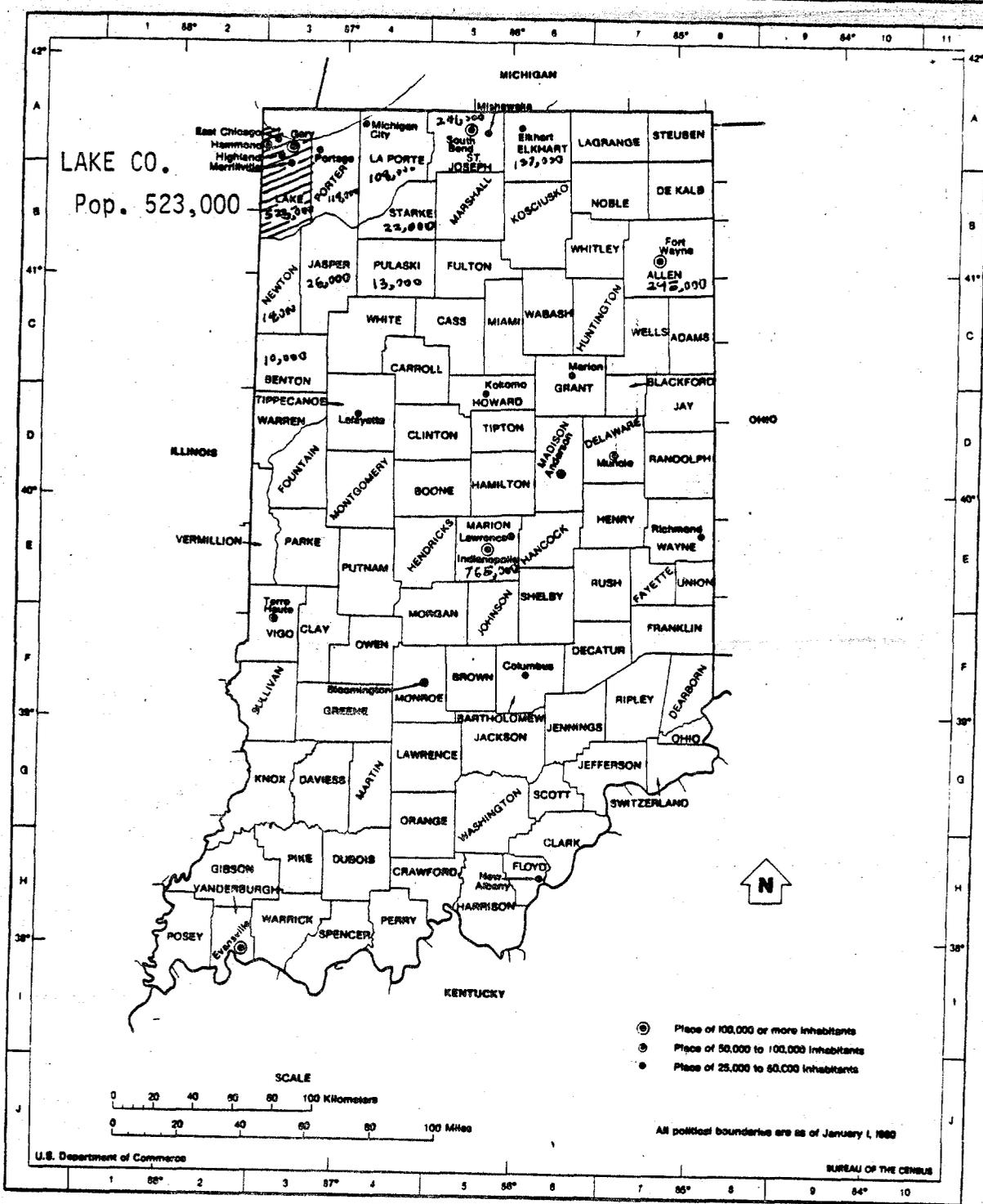
LOCATIONS OF POTENTIAL SITES

The maps that follow show the population and location of counties with court monitoring programs that have been recommended for further investigation. The maps also show the population in adjacent counties and in other counties of similar size within the state.

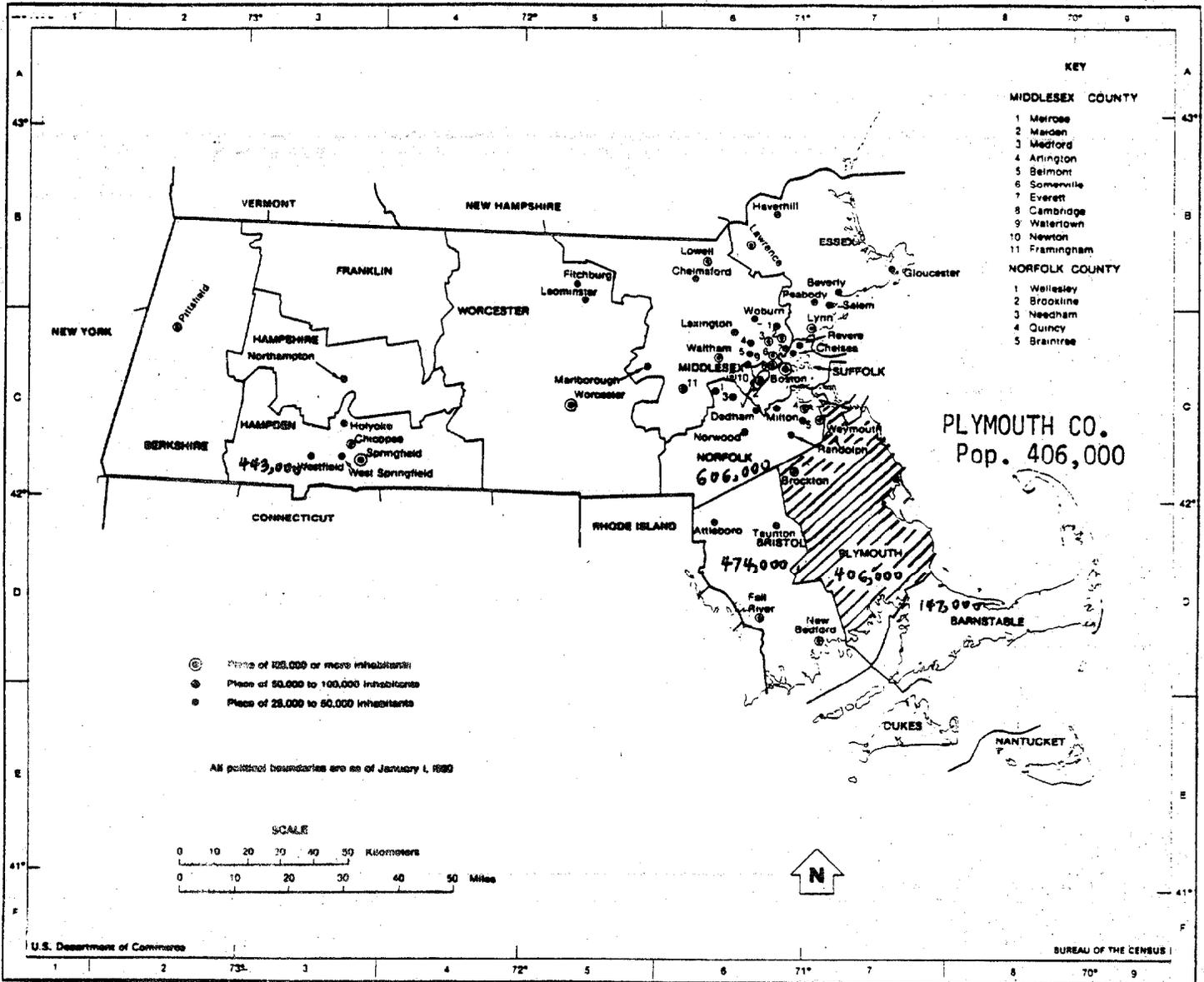
Alabama





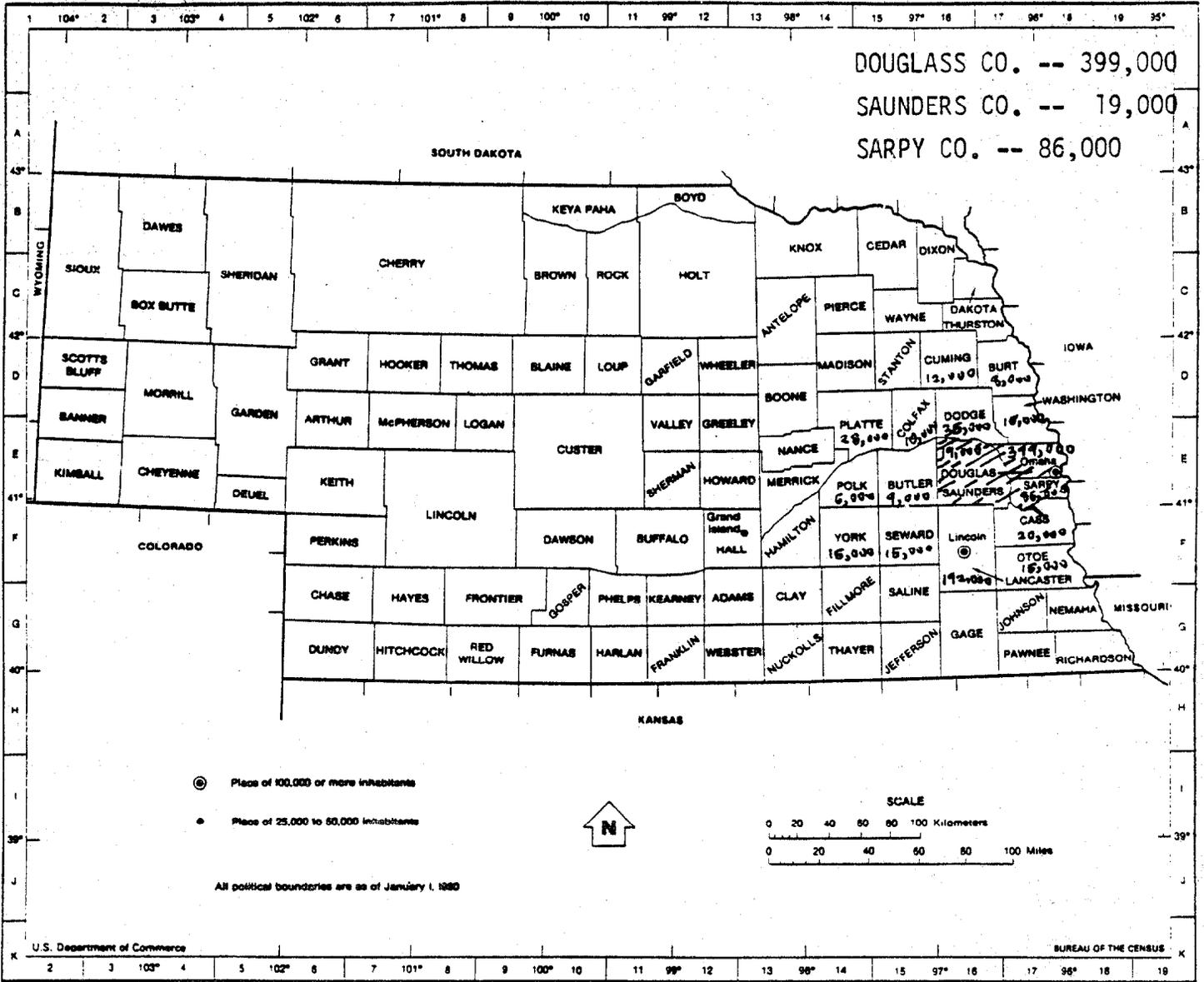


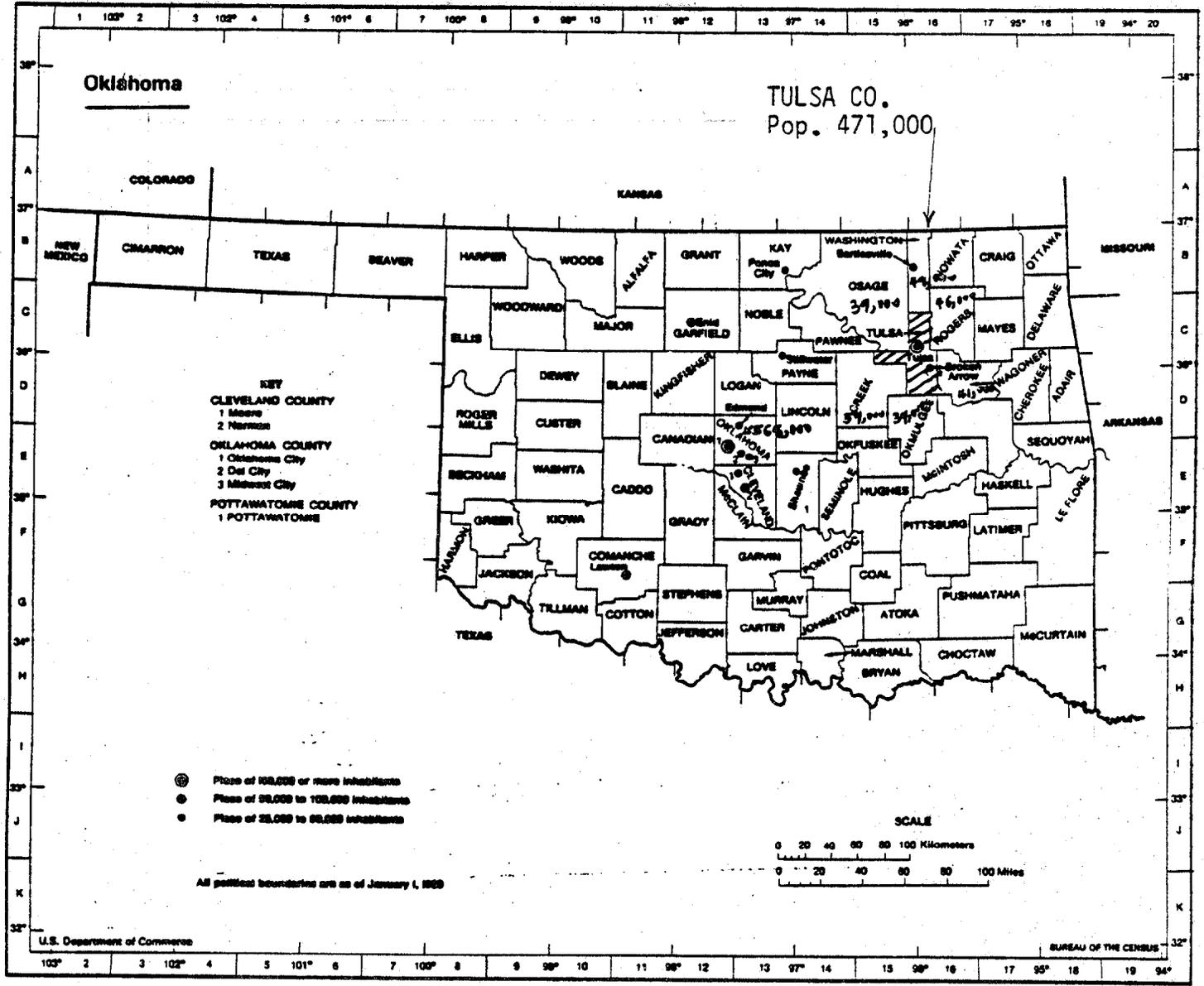
Massachusetts



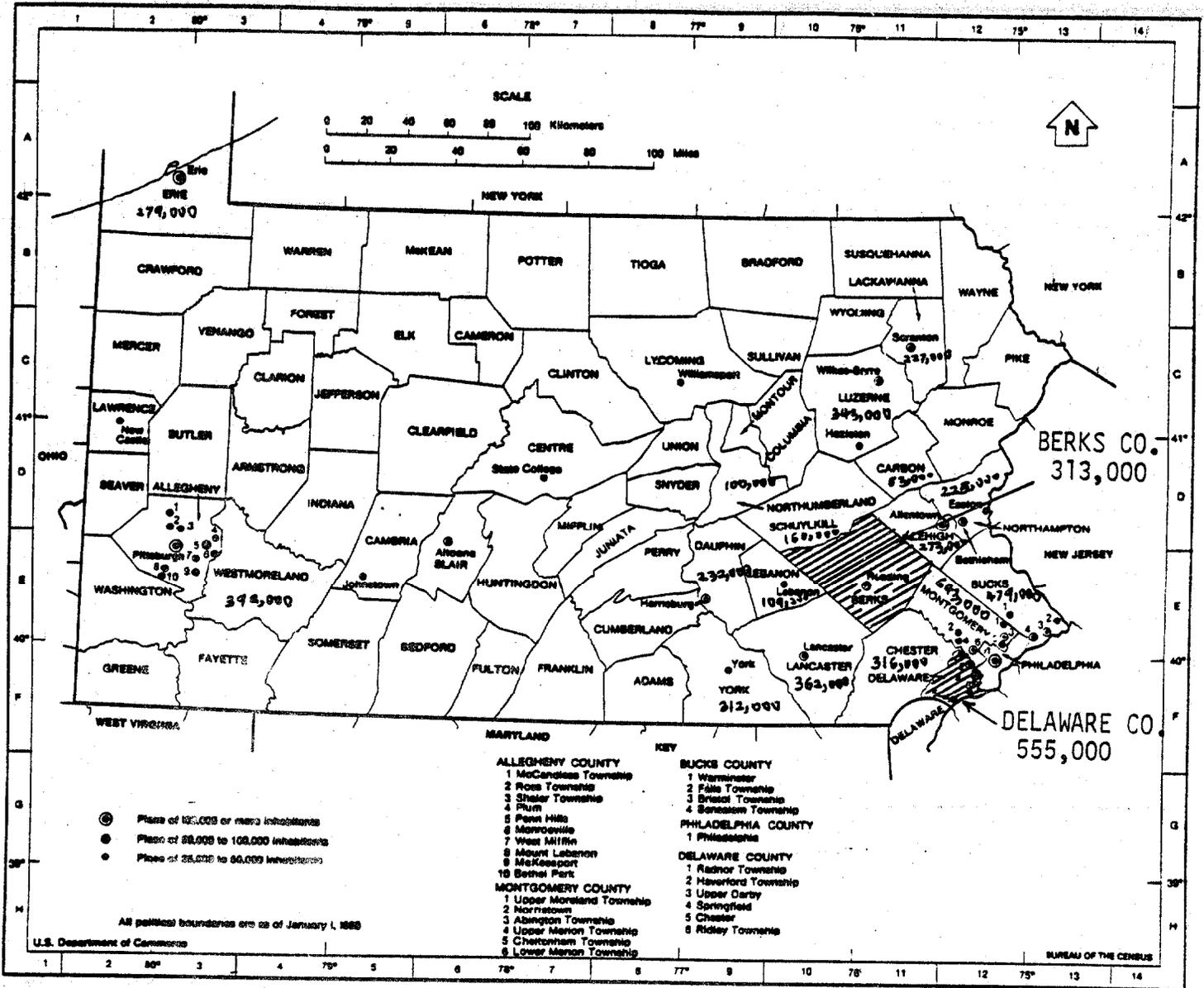
Nebraska

DOUGLASS CO. -- 399,000
 SAUNDERS CO. -- 19,000
 SARPY CO. -- 86,000

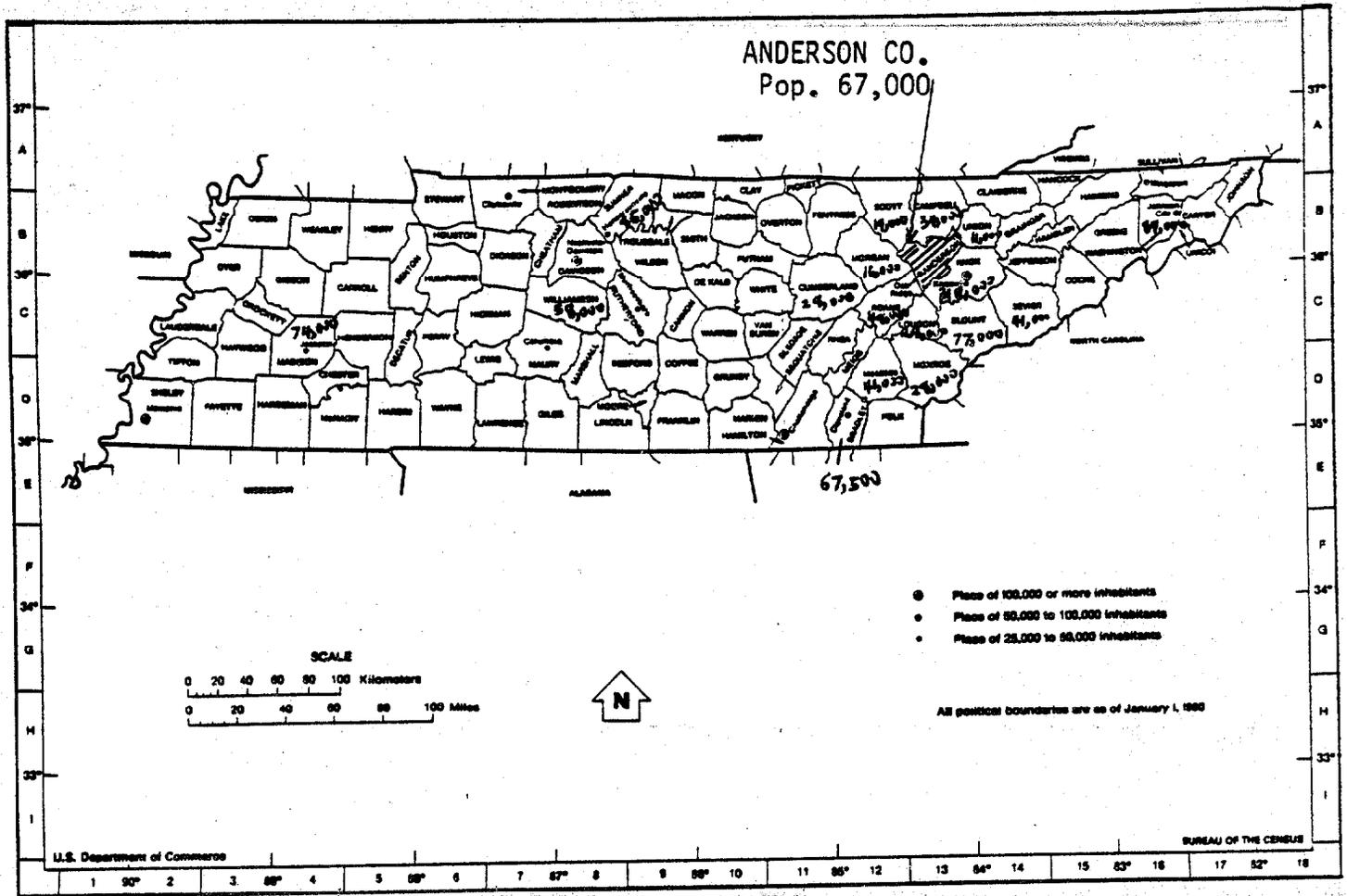




Pennsylvania



Tennessee



APPENDIX E

TENNESSEE DRIVING WHILE INTOXICATED LAW

Tennessee law prohibits driving or being in actual physical control of an automobile while under the influence of an intoxicant. The law describes an intoxicant as alcohol or drugs producing stimulant effects on the central nervous system. The level of intoxication is described in the provisions as a blood alcohol rate of .10 percent.

Chemical testing for the purpose of determining level of alcohol or drugs must be administered at the direction of a police officer. The law enforcement officer must have reasonable grounds to believe the person has been driving under the influence. If a person is suspected of driving under the influence and refuses to submit to chemical testing the Commissioner of the Department of Safety shall automatically suspend his or his license. Any person having a BAC of .05 percent or less shall not be considered intoxicated.

Current DWI Laws

The most recent Tennessee law went into effect July 1, 1982, and overrides all prior provisions.

Penalties for Violations

First Offense: for conviction of a first offense, violators will be fined not less than two hundred fifty dollars, or more than one thousand. There is a mandatory confinement of not less than forty-eight hours, and not more than twenty-nine days. Driving privileges are revoked for one year.

Second Offense: Upon conviction of a second offense, violators will be fined not less than five hundred dollars and not more than two thousand

five hundred dollars. The minimum incarceration is forty-five days, and driving privileges are suspended for a period of two years.

Third or subsequent convictions: for a third or subsequent violation, fines have been imposed at not less than one thousand and not more than five thousand dollars. The minimum period of incarceration is one hundred and twenty days, and a license suspension of at least three years, and not more than ten years must be imposed.

Tennessee code states that any violator of code 55-10-401, who is confined to a county jail for a first offense may serve his or her sentence at a time that will not interfere with employment or education. Subsequent offenders are also allowed work release; however judges at their discretion may require individuals to remove litter from state or county land and/or work at a recycling center. Violators are allowed to do so at a time other than regular hours of employment.

A person whose convictions occur more than ten years apart is not considered a multiple offender, and penalties are imposed for a first offense violation.

Violators are eligible for suspension of prosecution, dismissal of charges, and pre-trial diversion only after minimum incarceration is served. In addition to at least the minimum sentence, violators are required to serve the difference between time served and the maximum sentence on probation. Judges at their discretion may also impose the following conditions:

- o participate in an alcohol safety DWI school program, if available;
or
- o upon second or subsequent convictions, participate in a rehabilitation program at an alcohol treatment centers, if available; and

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- o pay restitution to any person suffering physical injury or personal loss as a result of the offense, if the person is capable of making such restitution.

PRIOR TENNESSEE LAW (1980)

First Offense

Prior Tennessee law stated that any person violating provision 5-10-401 shall be fined not less than ten dollars or more than five hundred dollars at a first offense; violators must also be confined for not less than 48 hours or more than 11 months and 29 days. The court also prohibited a violator from driving an automobile for less than six months.

Second Offense

For conviction of a second offense, violators were fined not less than twenty-five dollars and not more than seven hundred and fifty dollars. Violators were confined for not less than five days and not more than 11 months and twenty-nine days. Driving privileges were suspended for not less than 1 year.

Third or Subsequent Violations

Third or subsequent convictions, violators were fined not less than fifty dollars and not more than one thousand dollars. Violators were also confined for not less than 60 days or more than 11 months and twenty-nine days and driving privileges were suspended for not less than two years or more than 10 years.

In the prosecution of second or subsequent offenders the indictment must have alleged the prior convictions, and produced evidence regarding the time and place of each conviction. After the conviction of a second or subsequent offense trial judges had the authority to allow or disallow restricted operators license.

APPENDIX F

NEBRASKA DRIVING WHILE INTOXICATED LAW

Summary of Current Law

Under Nebraska law there are two basic DUI offenses. First, the law prohibits operating or being in the actual physical control of a motor vehicle while under the influence of alcohol. Second, the law prohibits a person from operating or being in actual physical control of a motor vehicle when he has more than a 0.10 percent blood alcohol content.

If a police officer has reason to believe a person has consumed alcohol, or has committed a moving traffic violation, or has been involved in a traffic accident, the officer may require a preliminary breath test. Refusal to submit to this test is a class V misdemeanor, punishable by a maximum fine of \$100. If the person refuses or if the test indicates a blood alcohol content of 0.10 percent or greater, then the officer must arrest that person.

After arrest, a police officer may request that the person arrested submit to alcohol testing of his blood, breath or urine. If a person who is under arrest refuses to submit to chemical testing the police officer must make a sworn statement to that effect to the Division of Motor Vehicles. After proper notice and a hearing, if the person cannot show that the refusal to submit to the test was reasonable, then the Division of Motor Vehicles must revoke the person's license for one year. This decision may be appealed to the District Court of the County where the alleged events occurred.

In addition to the license revocation mentioned above, a person who refuses to submit to chemical testing is guilty of a crime and can be punished as follows:

If no prior DUI convictions - The offender is guilty of a class W misdemeanor (for first offense this carries a mandatory sentence of 7 days

in jail and a \$200 fine) and will have the privilege of driving in Nebraska revoked for six months. If the person is placed on probation or his sentence is suspended, the minimum penalty is a 60 day license revocation.

If one prior DUI conviction - The offender is again guilty of a class W misdemeanor (now, however, the penalty is a mandatory 30 day jail term and a \$500 fine) and will have the privilege of driving in Nebraska revoked for one year. If the person is placed on probation or the sentence is suspended, the minimum penalty is a six month license suspension and a minimum jail term of 48 hours.

If two or more prior DUI convictions - The offender is guilty of a class W misdemeanor (for third or subsequent offense this carries a maximum penalty of six months in jail and a \$500 fine, and a minimum penalty of 3 months in jail and a \$500 fine) and will have his license permanently revoked. If the person is placed on probation or his sentence is suspended, the minimum penalty is a one year license revocation and a minimum jail term of seven days.

If a person drives when his license has been permanently revoked under the DUI law, he is guilty of a class IV felony (no minimum penalty, but a maximum penalty of five years imprisonment or \$10,000 fine or both).

With each conviction, the court makes a finding as to the number of the defendant's prior DUI convictions. The defendant may review the record of prior convictions, argue mitigating factors and make objections on the record regarding the validity of prior convictions.

The above penalties apply if a person refuses to submit to chemical testing. If the person does submit to chemical testing and his blood alcohol content is above 0.10 percent then he is in violation of the statute. The statute does not provide for any presumptions of innocence or guilt for alcohol levels below 0.10 percent.

The penalties for driving under the influence are the same as those for the crime of refusing to submit to chemical testing. (Note that the one year administrative license revocation is separate from the crime of refusing to submit to chemical testing. Consequently, the liability for refusing to submit to chemical testing is potentially greater than the liability for driving under the influence.) As with the chemical testing penalties, the severity of the penalty increases for repeated offenses.

Two other provisions are significant from the standpoint of evaluating sentencing for DUI violations in Nebraska. First, a person convicted of driving while under the influence or of refusing to submit to chemical testing is not eligible for "pretrial diversion" under Nebraska's pretrial diversion program. The program allows one charged with a crime the opportunity of avoiding both trial and a conviction by cooperating with authorities. The law thus eliminates a pretrial settlement procedure for DUI offenses.

Second, cities and villages are authorized to enact ordinances "in conformance" with the DWI law. If one is convicted of violating a local DUI ordinance, he will be subject to the license revocation provisions of the state law.

Important Recent Changes in Nebraska DUI Law

In 1982 Nebraska significantly changed a number of laws related to driving while under the influence of alcohol. The bill that effected these revisions summarized them as changes to:

- o create a new class of misdemeanor;
- o limit pretrial diversion;
- o change provisions relating to driving under the influence of alcohol or drugs;

- o change provisions relating to submission to chemical tests;
- o restrict the issuance of employment driving permits;
- o change certain probation provisions to provide for penalties; and
- o provide severability; and to repeal various sections of the statutes, Laws, 1982, LB 568.

The first change created the class W misdemeanor for the purpose of punishing DUI offenses. The previous law had treated first and second DUI offenses as class IIIA misdemeanors, which had no minimum penalty and a maximum of seven days in jail and a \$500 fine. The class W misdemeanor brought mandatory penalties with a graduated scale for repeat offenses.

The next change dealt with general probation and sentence suspension provisions. Under the old law, a municipal court could not order probation for more than two years. The revision authorized municipal courts to order probation for two years for a first offense and up to five years for a second or subsequent offense. A new provision also authorized the judge, as part of the conditions for probation, to order that the defendant be confined periodically in the city or county jail or return to custody after specified hours for a period not to exceed 30 days.

The pretrial diversion exemption was also created in 1982. The prior law had treated DUI offenses as other crimes and allowed pretrial diversion. The new law specifically exempted DUI defendants from pretrial diversion.

The most significant changes involved the mandatory penalties for DUI and for refusal to submit to chemical testing. The creation of the class W misdemeanor has already been alluded to. Other changes included:

First offense - If an offender was placed on probation or his license was suspended, the minimum penalty was increased from 30 to 60 days. The old law also allowed for an "employment license," but the new law eliminated this provision.

Second offense - The new law added the provision for mandatory six month license revocation in the event of parole or a suspended sentence. The prior law also has a provision that required the offender's car to be impounded for a two month period. This requirement was eliminated.

Third or subsequent offense - Class IV felonies under pre-1982 law were made a class W misdemeanor by the revision. As for license revocation, the rule has been that the offender's license would be revoked for one year from the offender's release from a penal or correctional institution. This was replaced with permanent license revocation. The 1982 change also included, for the first time, the mandatory condition of probation or sentence suspension that the license be revoked for a year and that the offender be jailed for seven days.

In addition, after 1982 it became a class IV felony for a person to drive while his license was permanently revoked. Prior to 1982 there had not been a penalty of permanent license revocation.

Finally, the 1982 revision brought changes in the procedures for administrative license revocation for failure to submit to chemical testing. The license revocation period had been six months, but that was changed to a year. In addition, the old law had allowed a person who had his license revoked to be eligible to obtain a license to drive to and from work. The new law eliminated this eligibility.

1980 revision - A 1980 law amended the DWI statute to provide that the court may order, as a term of probation, that a defendant attend an alcoholism treatment program. In 1982, this language was taken out of the statute and the sections authorizing alcohol treatment programs were repealed.

