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IMPACT OF COURT MONITORING ON DWI ADJUDICATION

Court monitoring of Driving While Intoxicated (DWI) cases is a labor-intensive effort conducted by over 300 concerned citizen groups across the U.S. The purpose of this study was to assess the impact of court monitoring on the adjudication process by analyzing the difference in court dispositions (guilty, not guilty, and dismissed) and case outcomes (jail, fine, and license suspension) between monitored cases and non-monitored cases.

Study Design

The data base for this study consisted of 9137 DWI arrests in the State of Maine within one calendar year (1987), during which there were no changes in the DWI laws. Statistical analysis compared 397 cases court monitored by Mothers Against Drunk Drivers (MADD) volunteers with the remaining 8737 non-monitored cases. The monitors made their presence known to judges and lawyers prior to the court proceedings. In selected cases, they discussed MADD's concerns with the judge and district attorney after the termination of the trial. The analysis showed that the court monitored sample was highly representative of the total Maine file in terms of variables that could affect disposition and outcome: driver age, BAC at time of arrest, number of previous DWI convictions, and proportions of males and females.

Major Evaluation Results

- o In Maine, even without court monitoring, the likelihood of conviction in the DWI cases is quite high (87%) and 75% of the drivers convicted received a jail sentence.
- o Court monitoring has most impact on first-time offenders; manifested in a significantly higher likelihood of conviction and a significantly lower likelihood of case dismissal.
 - (a) The conviction rate was 90% for the monitored drivers and 85% for the non-monitored drivers.
 - (b) The dismissal rate was 8% for the monitored drivers and 14% for the non-monitored drivers.
- o Monitoring effects on court disposition are greatest at the threshold levels of BAC (.10-.11 mg/l) and in cases of alcohol test refusals; i.e. the two situations where judges seem to have the most discretionary powers.
 - (a) For drivers with BAC .10-.11 the conviction rate was 82% for the monitored drivers and 74% for the non-monitored drivers; while the corresponding likelihoods for dismissals were 7% and 24%.

- (b) For drivers refusing the alcohol test, the likelihood of conviction was 96% for the monitored drivers and 78% for the non-monitored drivers; while the corresponding likelihoods for dismissal were 2% and 19%.
- o Recidivism is a critical determinant of the likelihood of conviction and severity of the penalty. With nearly all repeat offenders convicted (regardless of whether or not the case was monitored), monitoring impact on repeat offenders was greatest in the length of the jail sentence: The 75th percentile jail sentence for first-time offenders was 3 days for the monitored drivers and 2 days for the non-monitored drivers. For repeat offenders, the corresponding 75th percentile levels were 82 and 56 days.
- o Of the three case outcome measures - jail, fine, and license suspension - monitoring had a consistent effect on the jail sentence only. For guilty drivers:
 - (a) The likelihood of a jail sentence for monitored drivers was 81%, while for non-monitored drivers it was 75%
 - (b) Monitored drivers received longer jail sentences than non-monitored drivers, but most drivers in both groups received relatively short sentences: the 50th percentile sentence was 2.0 days for the monitored drivers and 1.7 days for the non-monitored drivers. The 75th percentiles were 25.0 and 6.2 days, respectively.
- o Monitoring did not have a significant effect on the outcome measures of fines and license suspensions.

Conclusion

Court monitoring of DWI cases by volunteer citizen groups, such as practiced by MADD, can be effective in increasing the likelihood of convictions, decreasing the likelihood of dismissals, and - in repeat offenders cases - increasing the length of jail sentence.

For additional information about this project write to: Dr. David Shinar, U.S. Department of Transportation, NHTSA/TSP/NTS- 02.1, Rm. 5125, 400 7th Street, S.W., Washington, D.C. 20590.

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