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AN ANALYSIS OF THE IMPACT OF ASAP ON THE TRAFFIC SAFETY SYSTEM IN
COLUMBUS, GEORGIA FROM JANUARY, 1972 - DECEMBER, 1974
SECTION II - VOLUME 4

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Institute of Government
University of Georgia
Athens, Georgia

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16. Abstract The Columbus, Georgia Alcohol Safety Action Project (ASAP) became operational in January 1972 and continued for a three year period. Two additional years of data collection were funded through NHTSA. The ASAP area included Columbus/Muscogee County, Georgia. Richmond County, Georgia was used as a control/comparison area in measuring the extent to which Columbus ASAP achieved its primary objectives: to decrease the number and proportion of DWI crashes. The Project reported that when data from Richmond are compared with data from Muscogee, it is clear that Columbus ASAP attained its first objective by producing a significant decrease in both the number and proportion of DUI crashes during 1972-1974. While DUI crashes significantly increased in Richmond during these two years, Muscogee DUI crashes were significantly reduced. This reduction seems directly attributable to the presence of Columbus ASAP in Muscogee, since the effects of all other confounding forces but one could be ruled out through the use of Richmond as a control area. One intriguing way in which Columbus ASAP generated this decrease may have been through its impact on the general driving public. Significantly fewer multi-vehicle DUI crashes during the 5:00 p.m. to 3:00 a.m. time period in 1972-1974 indicated increased cautiousness on the part of non-intoxicated drivers toward drivers suspected of intoxication. Thus, the general driving public was apparently attentive to Enforcement and PIE Countermeasures aimed more at the target group of intoxicated drivers, at least attentive enough to define this time period as one of peak threat to them from intoxicated drivers and thus a period in which they were more on the lookout for such drivers.			
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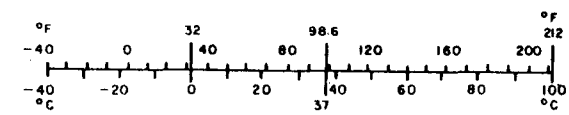
METRIC CONVERSION FACTORS

Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
in	inches	2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
AREA				
in ²	square inches	6.5	square centimeters	cm ²
ft ²	square feet	0.09	square meters	m ²
yd ²	square yards	0.8	square meters	m ²
mi ²	square miles	2.6	square kilometers	km ²
	acres	0.4	hectares	ha
MASS (weight)				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
VOLUME				
tsp	teaspoons	5	milliliters	ml
Tbsp	tablespoons	15	milliliters	ml
fl oz	fluid ounces	30	milliliters	ml
c	cups	0.24	liters	l
pt	pints	0.47	liters	l
qt	quarts	0.95	liters	l
gal	gallons	3.8	liters	l
ft ³	cubic feet	0.03	cubic meters	m ³
yd ³	cubic yards	0.76	cubic meters	m ³
TEMPERATURE (exact)				
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
mm	millimeters	0.04	inches	in
cm	centimeters	0.4	inches	in
m	meters	3.3	feet	ft
m	meters	1.1	yards	yd
km	kilometers	0.6	miles	mi
AREA				
cm ²	square centimeters	0.16	square inches	in ²
m ²	square meters	1.2	square yards	yd ²
m ²	square meters	0.4	square miles	mi ²
ha	hectares (10,000 m ²)	2.5	acres	
MASS (weight)				
g	grams	0.035	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	
VOLUME				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
l	liters	1.06	quarts	qt
l	liters	0.26	gallons	gal
m ³	cubic meters	35	cubic feet	ft ³
m ³	cubic meters	1.3	cubic yards	yd ³
TEMPERATURE (exact)				
°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F



* 1 in = 2.54 (exact). For other exact conversions and more detailed tables, see NBS Mon., Publ. 286, Units of Weights and Measures, Price \$2.25, 50 Catalog No. C-14, 10, 286.



A N A L Y T I C S T U D Y 4

AN ANALYSIS OF
THE IMPACT OF ASAP
ON THE TRAFFIC SAFETY SYSTEM
IN COLUMBUS, GEORGIA
FROM
JANUARY, 1972 - DECEMBER, 1974

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Introduction

Analytic Study Four provided a detailed description of the court system of Columbus-Muscogee county. The various aspects of the court system are considered in eight chapters. In addition to other means both population data and client information samples are used to help provide this description. Also a large and varied number of distributions are considered in order to convey a clear understanding of the operations and processes of the court system.

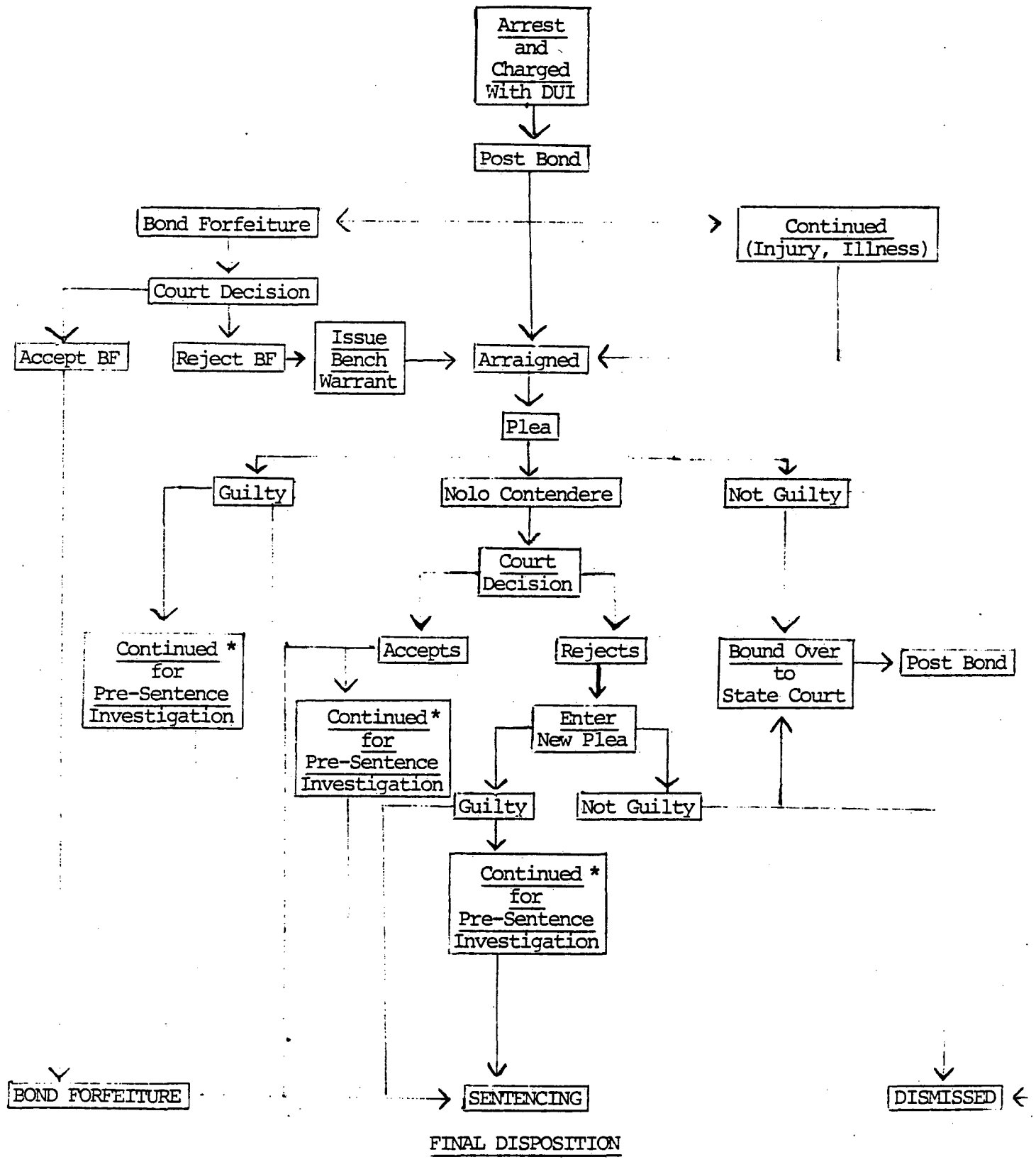
I. RECORDER'S COURT

The procedure for disposition of arrests for driving under the influence of intoxicants (DUI) in Columbus-Muscogee County depends for the most part on the plea entered by the defendant.¹ Regardless of plea, however, disposition always begins in Recorder's Court.² (See Figure 1 for Recorder's Court flow chart.)

Typically, once a driver is arrested and charged with DUI, he is held in jail a minimum of four hours, although his release can be secured sooner by a relative, acquaintance (personal friend, employer), or an attorney.³ Upon release a defendant must post bond, usually in the amount of \$250.00.⁴

At the subsequent Recorder's Court session,⁵ the defendant must appear and enter a plea before the Recorder's Court judge. Failure to appear results in forfeiture of the bond.⁶ There are three pleas an accused can enter in Recorder's Court: not guilty, nolo contendere, or guilty. If the plea is "not guilty," the Recorder's Court judge weighs the evidence.⁷ If the Court feels the evidence is not sufficient for conviction, the DUI charge is dismissed. If the Court believes the evidence is such that the DUI charge cannot be dismissed, the defendant is bound over to State Court. Importantly, if a defendant pleads "not guilty," the Recorder's Court will not return a verdict or finding of guilty no matter what the evidence. Further-

FIGURE 1
DISPOSITION IN RECORDER'S COURT



* Cases are no longer continued for pre-sentence investigations in Recorder's Court as was the procedure during the period of ASAP operations. All client investigations now come after sentencing.

more, there is no procedure in Recorder's Court which permits reduction of the DUI charge, that is, there is no procedure for plea-bargaining such that a DUI charge would be reduced to a lesser offense such as drunk. If a defendant pleads "not guilty" there are only two procedures extant in Recorder's Court: (1) to dismiss the DUI charge or (2) to bind the defendant over to State Court.⁸ If the defendant pleads "nolo contendere," the Recorder's Court judge can exercise two options: (1) He can reject the nolo plea and force the accused to enter a second plea of either guilty or not guilty;⁹ if that plea is "not guilty," the procedure is exactly as described above and is as if the defendant had initially entered a plea of not guilty; if the second plea is "guilty," sentencing takes place immediately. (2) He can accept the initial nolo plea, which will result in immediate sentencing. If the defendant pleads "guilty," sentencing will take place immediately, as with a nolo plea. During the period of ASAP operations, if a pre-sentence investigation (PSI) was ordered by a Recorder's judge, sentencing was delayed until completion of the PSI. The extant procedure in Recorder's Court excludes PSI's. If a client investigation is now conducted it will be after sentencing. (Note subsequent sections of this report and Analytic Study Five).

It should be noted that in Recorder's Court there is no prosecutor. Evidence relating to the DUI charge is presented by the arresting officer. Questioning of the defendant and the arresting officer is conducted by the

presiding judge and the defense counsel, if one is present. Should an accused be unable to afford counsel, the city does not usually provide one. A DUI case can usually be disposed of within five or ten minutes in Recorder's Court.

Dispositions

There are three possible dispositions of a DUI charge in Recorder's Court: One is conviction on the DUI charge which results from pleas of either "guilty" or "nolo contendere." Essentially this is self-conviction and is the only means of obtaining a conviction on a DUI charge in Recorder's Court. A second type of disposition is dismissal of the DUI charge. In the three year operational period of ASAP (January, 1972 - December, 1974) there were only 66 dismissals of DUI charges by Recorder's judges of over 10,000 cases arraigned in that Court. Finally, bond forfeiture may be accepted as a final disposition if the Recorder's Court judge so elects. There were 344 bond forfeitures accepted as final disposition during the Columbus ASAP operational period (Note table 1). As previously noted, there is never a final disposition which results in a reduction of the DUI charge.

Table 1

Disposition
of DUI charges from
January, 1972 - December, 1974
in Recorder's Court

Conviction	Dismissed	Bond Forfeiture
3800	66	344

Sanctions

There are a number of sanctions which a Recorder's Court judge can impose. The two which were imposed most frequently over the ASAP operational period were (1) suspended jail term, and (2) fine. The suspended jail term is usually for not less than 30, nor more than 90, days.

Table 2

Sanctions
Imposed From
January, 1972 - December, 1974
in Recorder's Court

Suspended Jail Term	Fine	Jail	License Action	Probation	Other
3576	3639	65	58	109	31

During the time ASAP was operant, the usual fine was \$127.00, but it is presently \$154.00. The increase in fine resulted because a portion of the fine is being used to maintain TIP school since the cessation of ASAP funding.

Sanctions which are also available to Recorder's judges, but which are employed much less frequently, include (1) jail, (2) license action, which usually involves suspension of driving privileges, and (3) probation (Note table 2). Probation is virtually meaningless as there are no probation

officers in Recorder's Court. Essentially, probation is an admonition to the subject that should he be convicted of a subsequent DUI charge during the probational period, the Court will be inclined to impose a harsher sentence than with previous DUI convictions. The "other" category includes a variety of sanctions which the Recorder's judges can impose, and may include picking up beer cans and liquor bottles, or attending church for a given number of Sundays. It should be noted that with the exception of a suspended jail term and jail, none of the sanctions are mutually exclusive. Therefore, in theory if not in practice, all of the sanctions (except suspended jail and jail) could be imposed if the Recorder's judge so decides.

¹There were no differences in handling ASAP patrol DUI arrests as opposed to regular patrol DUI arrests in Recorder's or State Courts.

ASAP patrols used pre-arrest breath-testing devices during the entire ASAP operational period. General force patrols have generally administered pre-arrest breath tests when such devices have been made available to them, but there have been frequent periods when pre-arrest breath test devices have not been available (See Analytic Study Three). The first pre-arrest breath-testing device was the AlcoLyser, which was replaced in July, 1973, with the Alco-Sensor.

It should be noted that a subject can refuse a pre-arrest breath test, but refusal will result in removal of the subject to Police Headquarters where he will be requested to take a Blood Alcohol Content (BAC) test. BAC results can be obtained either by a blood test or Photo Electric Intoximeter. Refusal to consent to a BAC test may, and usually does, result in a six months revocation of the individual's license to drive by the Georgia Department of Public Safety. Results of the BAC test obtained through either blood test or Photo Electric Intoximeter are admissible in any court of law which has jurisdiction to try DUI cases in the State of Georgia. Results of pre-arrest breath tests are not admissible.

²Recorder's Court is a city court. Presently there are four Recorder's Court judges. No jury trials are held in this Court. During the entire period of ASAP operations there were no exceptions to the rule that all dispositions began in Recorder's Court.

³The individual into whose custody the DUI defendant is released signs a waiver acknowledging that he assumes responsibility for the conduct of the accused until such time as the defendant is no longer under the influence of intoxicating liquor.

⁴Some judges will require the defendant to post bond of \$500 if this is the second DUI offense, \$750 for the third, and \$1,000 for the fourth or subsequent offense. The maximum amount that a defendant can be required to post for a DUI offense is \$1,000.

⁵Recorder's Court sessions are held daily, Monday through Saturday. In order to manage the increased number of DUI cases resulting from ASAP patrol activities, Recorder's Court established an additional afternoon docket. This docket is still operated.

⁶The Court may accept the bond forfeiture as final disposition of the DUI charge. This, however, is at the pleasure of the Court. Usually, if there have been no previous DUI charges or there are no additional circumstances accompanying the DUI charge (accident involvement, assault, etc.) bond forfeiture is accepted as final disposition. Should the Court decide not to accept bond forfeiture as final disposition, a bench warrant is issued for the arrest of the DUI defendant. Where a Surety has met the defendant's bond, the Surety is given eight days with a maximum extension of thirty days within which to surrender the Accused. If the Surety cannot produce the Accused within the required period, the bond is forfeited and not returnable, even if the Accused is surrendered at a later date. Note Chapter VI, Table 22 for the distribution of bond forfeitures in Recorder's Court for 1972-1974.

An exception to the appearance requirement in Recorder's Court at the first session subsequent to the arrest is when the defendant is prevented from doing so because of injury, illness or some other pressing circumstance such as death of a member of his immediate family. In these instances, the case is continued, and a hearing is scheduled for a later date. In the vast majority of cases, however, arraignment of the Accused in Recorder's Court takes place within 24 hours of arrest.

⁷The DUI charge is usually dismissed if the BAC is less than .10%. Of 87 cases with BAC's less than .10% during the three-year operational period of ASAP, 30 resulted in dismissal in Recorder's Court, 18 resulted in conviction (because the subject pled either guilty or nolo), and 39 were bound over to State Court. In order to prevent the charge from being dismissed, the arresting officer must persuade the presiding judge that there were corroborative reasons (staggering, disorientation, etc.), in addition to the BAC reading, which resulted in the DUI charge being made. When there is a BAC of less than .10%, the arresting officer must decide whether to press the DUI charge or release the defendant on grounds of insufficient evidence. If the arresting officer decides to drop the DUI charge, then the individual is returned to his car and warned that should he become involved in an auto accident, he can be charged with DUI (the presumptive limit in Georgia is .05% if there is accident involvement, and .10% otherwise). Often the arresting officer will attempt to locate a relative of the accused in order that he might be driven home.

Perhaps the reluctance of Recorder's Court judges to convict a defendant with a BAC of less than .10% is reflective of the former Columbus ordinance regarding the presumptive limit of intoxication of .15% rather than .10%. A new ordi-

nance was adopted into the Columbus Code (see Counter-measure LR-1, Detail Operational Plan) in September, 1971, (before ASAP operations began) which lowered the presumptive limit to .10%. The ordinance lowering the presumptive level of intoxication reads in part:

If there was at that time in excess of five one-hundredths per cent but less than ten one-hundredths per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in the guilt or innocence of the defendant;

If there was at that time ten one-hundredths per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

This ordinance is still retained.

⁸There seem to be no statutes which would prevent the Recorder's Court from finding a defendant guilty if the evidence were such that the presiding judge thought that guilt was proven beyond a reasonable doubt. Rather than there being any other basis for its employment, the extant procedure would seem to have evolved. Of course, any finding of guilty, if this were the procedure, would in no way obviate the right of appeal of the accused.

⁹Usually the Court will accept a nolo plea except in those instances where there have been previous DUI charges (especially where nolo pleas have been previously entered), or in instances where there are accompanying charges or circumstances (accidents, etc.).

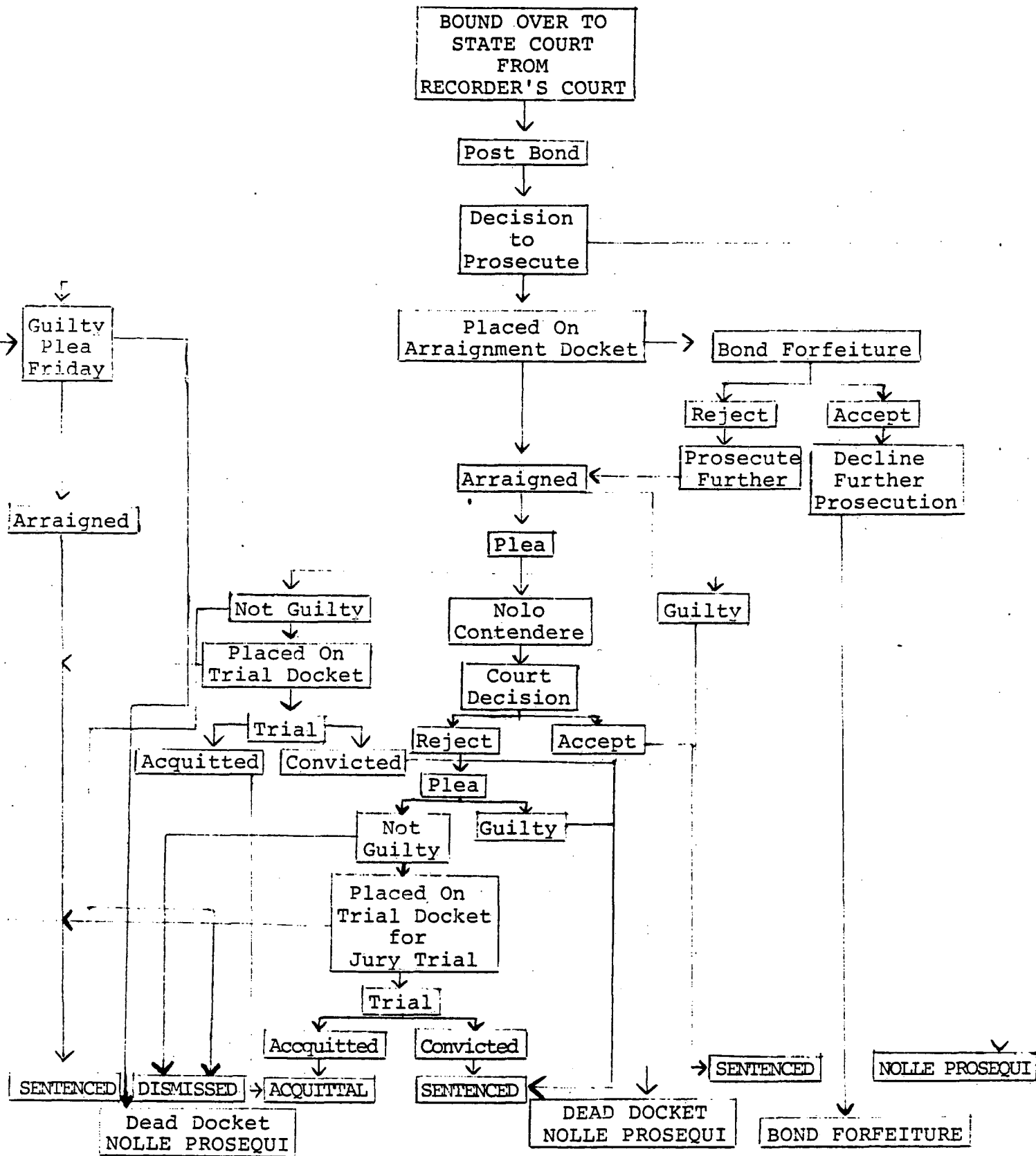
II. STATE COURT

Once a defendant has pled "not guilty" and been bound over to State Court, the Solicitor of the State Court must decide whether to prosecute the case. If he elects to prosecute, the defendant is placed on the arraignment docket for a specific State Court session. These sessions, unlike Recorder's Court, are held only six months of the year--January, March, May, July, September and November. Consequently, arraignment may be delayed because the State Court is not in session. Furthermore, when an individual is placed on the arraignment docket depends upon the case load for a given session. Unlike Recorder's Court, there may be a delay of several months before a defendant is arraigned in State Court, and final disposition may take considerable time. (See Figure 2.)

Guilty Plea Friday

Arraignment and disposition in State Court, however, can be resolved rather quickly under certain conditions or circumstances. State Court employs a procedure which, in effect, expedites the arraignment process, making it possible for a defendant to have his case processed before the date specified on the arraignment docket. This is accomplished by the defendant (or his attorney) expressing to the Solicitor's Office that he wishes to be arraigned before State Court at

FIGURE 2
STATE COURT



FINAL DISPOSITION

the earliest possible date. In this instance, arraignment takes place on a Friday. Usually requests for this type of arraignment must be conveyed to the Solicitor's Office not later than Thursday afternoon in order to be included on the Friday docket immediately following. If the docket is crowded, the defendant might have to wait for arraignment on the subsequent Friday. This procedure is known as "Guilty Plea Friday." This, however, is a misnomer, because while a great number of cases do involve pleas of guilty, a large number of pleas also involve pleas of nolo contendere. There are also a number of instances in which no plea is entered and the court makes the decision to nol pros or Dead Docket the case. In those instances when the Court decides to nol pros or Dead Docket, there seemingly has been some communication between the Court and the defendant, or the Court and the defendant's attorney, wherein it is agreed that the DUI charge can be expeditiously disposed of by an appearance at a Guilty Plea Friday court session. Again, however, the great majority of cases heard on Guilty Plea Friday concern pleas of guilty entered by DUI defendants. In most instances the defendant feels he is in a position to meet the penalty for the DUI charge, and finds Guilty Plea Friday an expedient means of resolving the charge. It should be noted that even after a defendant has been arraigned before State Court and has entered a plea of not guilty, he may still elect to enter a plea of guilty on Guilty Plea

Friday before his jury trial date. Guilty Plea Friday, then, is a means by which the often lengthy process to final resolution of a DUI charge in State Court can be avoided. Sentencing takes place at arraignment following the entry of a guilty plea on Guilty Plea Friday. There is only one other instance in actual fact, although not technically, by which a DUI charge may be quickly disposed of in State Court: this is in the case of a bond forfeiture when the State Court declines to further Prosecute.³

In those instances where the defendant does not elect to use the Guilty Plea Friday procedure, he is eventually arraigned in State Court. In the vast majority of cases the defendant will upon arraignment enter a plea of either guilty or nolo contendere. The Court may accept a nolo plea if this is a first or second DUI charge, but this is entirely at the discretion of the State Court judge, and he may force the defendant to enter a plea of guilty or not guilty. If the plea is not guilty a trial date is set, but as noted previously the defendant may then decide to use the Guilty Plea Friday procedure. Where the defendant enters a plea of not guilty and does not subsequently elect to use the Guilty Plea Friday procedure, nor is his case dismissed, dead docketed or nol pros, a jury trial is held. There were fewer than 30 jury trials held during the ASAP operational period.

As indicated previously, sentencing takes place immediately upon conviction in State Court. Moreover, it should

be noted that no pre-sentence investigations are held prior to sentencing. This is the extant procedure and was also the case during the operative period of the Columbus ASAP. Thus, all investigations in State Court regarding DUI clients are (and were) in effect post-sentence investigations. (Note subsequent sections of this report and Analytic Study Five).

Finally, it should be noted that like Recorder's Court, there is no provision for plea bargaining in State Court. Therefore, while a case may be nol pros or dead docketed, it will not be reduced to a lesser drinking offense. Also, rarely will counsel be provided if the accused is unable to afford one. Cases which do not involve a jury trial seldomly require more than 15 minutes for disposition in state court.

Dispositions

Dispositions in State Court include: (1) conviction; (2) dismissal; (3) nol pros; (4) dead docket; (5) acquittal; and (6) bond forfeiture. In the vast number of instances, conviction in State Court results from pleas of guilty or nolo contendere usually entered on a Guilty Plea Friday. There are a few instances of conviction by jury trials, but these represented less than 30 of 3630 convictions in State Court over the Columbus ASAP operative period (Note Table 3).

Table 3

Dispositions
of DUI charges from
January, 1972 - December, 1974
in State Court

Conviction	Dismissed/Nol Pros Dead Docket/Acquitted	Bond Forfeiture
3630	493	150

Dismissals, nol pros, dead dockets, or acquittals all have the same outcome as far as the defendant is concerned--he is in essence absolved from any guilt relating to the DUI charge. Dismissals and dead dockets are a result of the State Court judge's decision while cases which result in nol pros come about through the Solicitor's decision. The Solicitor may, however, on occasion recommend to the State Court judge

that a case be dead docketed. A case which is dead docketed may be revived, but there was never an instance of this during the ASAP operational years.

Acquittals result from a finding of innocence through a jury trial process. Compared to dead dockets and nol pros decisions, DUI cases which result in acquittal or dismissal occur relatively infrequently. There were 77 DUI cases which were acquitted or dismissed of 493 in which the defendant was absolved from guilt relating to the DUI charge.

Bond forfeiture is also a type of final disposition in State Court although the Court does not technically recognize it as such. If this is a first DUI charge, the Court will often decline to further prosecute and the bond is accepted as final disposition. The Court will not usually accept a bond forfeiture as a final disposition on a subsequent DUI conviction.

Sanctions

Sanctions available to the State Court include (1) suspended jail term; (2) fine; (3) jail; (4) license action; and (5) probation (Note Table 4).

Table 4

Sanctions
Imposed From
January 1972, - December, 1974
in State Court

Suspended Jail Term	Fine	Jail	License Action	Probation
2782	2779	381	685	453

The two sanctions that were imposed most frequently over the operational period of the Columbus ASAP (of the cases disposed of) were suspended jail term and fine. A suspended jail term is usually for not less than 30, nor more than 90, days. The fine can vary up to \$250, but usually is \$125 for the first offense. Jail is imposed relatively infrequently and usually is for not more than 30 days (See chapter VI, this report). Sometimes a jail sentence will be imposed if the State Court fine cannot be met. License action and probation are also much less frequently employed than suspended jail term and fine, although there may have been a trend to increase the use of these sanctions over the ASAP operational

period in State Court (See Chapter VI, this report). License action consists of revocation of driving privileges for a specific length of time and can include up to a six months suspension. Probation meant during the period of ASAP operations supervision by ASAP counselors. Presently, Garrard Clinic counselors act as probation officers for DUI offenders convicted in State Court. State Court, however, did not (and still does not) prosecute those subjects who do not fulfill the terms of their probation. Only if there is a subsequent DUI conviction will the Court act and then it is usually to impose a harder sentence than with previous DUI convictions. With the exception of suspended jail term and jail none of the sanctions are mutually exclusive. Therefore, with the exception of suspended jail term and jail all of the sanctions could be imposed. This, however, was never the case during the Columbus ASAP operative period.

¹There is essentially one State Court judge, although occasionally another substitute judge will preside. A jury trial may be held in State Court, but this is relatively infrequent (less than ten times a year).

²There are two provisions by which the State Court indicates it will not prosecute, Nolle Prosequi or Dead Docket. The decision to Nol Pros is generally made by the Solicitor. The State Court judge generally makes the decision to Dead Docket, but will also on occasion make the decision to Nol Pros after the case is arraigned.

³It must be understood that bond forfeiture is never recognized, technically, by the State Court as a final disposition of a DUI charge. However, according to the Assistant Solicitor this is often the case. The State Court, while it will not accept bond forfeiture as final disposition in any DUI case, often will decline to further prosecute (this is not the same thing as Nolle Prosequi). Where a Surety or Bondsman is concerned, the bond forfeiture becomes an absolute (complete, final) upon the expiration of a specified period of time within which the Surety is given to surrender the defendant (Rule or Degree or Order Nisi); that is, when the bond forfeiture becomes an absolute, the Surety must hand over to State Court whatever the option of further prosecution in instances of bond forfeiture. This option, however, seems primarily to be employed when the Court feels there is a deliberate effort to avoid prosecution, especially in instances where there have been previous bond forfeitures or where there are circumstances in addition to the DUI charge (accident, etc.). State Court will often accept a bond forfeiture without further prosecution on first DUI charges. This is rarely the case with subsequent offenses.

III. ASAP INITIATED COURT PROCEDURES

With the initiation of the Columbus ASAP three procedures were established which were relevant to the sentencing process in both Recorder's and State Courts. Each of these were directly related to providing Recorder's and State Court judges with sentencing alternatives which could be used in addition to or rather than the traditional sanctions.¹ The three procedures established by ASAP were: (1) a classification system which makes it possible to quickly and objectively screen DUI offenders in order to gain some perspective of the severity of their drinking problem; (2) development of means which make this information available to the Recorder's or State Court judges at the time of sentencing; and (3) pre-sentence investigations (PSIs).

The establishment of these procedures facilitated the development of alternative sentences for the Court system. Prior to ASAP the only sentencing alternatives available to the courts (other than the traditional sanctions of suspended jail term, fine, etc.) were Garrard Clinic (Phase III) and the State Hospital. ASAP established both Phase I (TIP) and Phase II modalities, and the funding of the Columbus ASAP was a significant factor in the expansion of Garrard Clinic activities through a National Institute of Alcohol Abuse and Alcoholism grant (see Analytic Study Five).

It should be noted, however, that during the years of the Columbus ASAP operations even with alternative sentences

provided if the courts decided to use a sentencing alternative (or alternatives), they usually imposed traditional sanctions as well, such as suspended jail term and fine. This is still the case. In addition, when a subject refused to complete the terms of his alternative sentence(s) (as with probation) the courts would not cite the subject for contempt nor issue a bench warrant for his arrest even though the courts were informed that the subject had refused to complete the alternative sentence. This, too, continues to be the case in both courts.

¹Countermeasure LR-2 concerned adoption of a local ordinance to provide discretionary authority for Recorder's Court judges to use these new sentencing alternatives. This authority was granted in September, 1971 and March, 1972. The first ordinance gave discretionary authority which made it possible to use either the new sentencing alternatives or the traditional sentences (jail, jail suspended, fine, etc.), but not both. The ordinance of March, 1972 gave discretionary authority to use the new sentencing alternatives or the traditional sanctions or both. It should be noted that there never was a state law adopted giving the State Court discretionary authority to use the new sentencing alternatives. The State Court, however, assumed it already had this authority.

IV. COMPARISON OF RECORDER'S AND STATE COURTS AND THE TYPICAL ROUTE TO FINAL DISPOSITION OF A DUI CHARGE

Comparison of Recorder's and State Courts

Recorder's Court is always the Court of initial arraignment on a DUI charge in the Columbus Court system. It will be the Court of final disposition if a plea of guilty is entered and probably will be if the plea is nolo contendere. Not guilty pleas are bound over to State Court which is the Court of final disposition on a DUI charge unless there is an appeal. Both Courts have jurisdiction to dismiss DUI charges and both will on occasion accept bond forfeiture as final disposition if there have been no prior DUI convictions. Only State Court, however, will dead docket or nol pros DUI cases.

All convictions in Recorder's Court arise from pleas of guilty or nolo and are in effect self conviction. The same is true for the most part in State Court where the vast bulk of convictions arise from guilty and nolo pleas usually obtained through the Guilty Plea Friday procedure. There are a few convictions in State Court which result from jury trials, but these were less than 30 over the ASAP operative years. Jury trials are never held in Recorder's Court. Neither Recorder's or State Courts permit reduction of a DUI charge to a lesser drinking offense. There is no prosecutor in Recorder's Court while the Solicitor prosecutes all cases in State Court. In a few instances defendants are represented by counsel although rarely will either court appoint counsel for defendants who cannot afford one.

Both courts have essentially the same types of dispositions and sanctions. Both courts also have discretionary authority to employ the sentencing alternatives developed by ASAP as well as those sentencing alternatives which existed prior to the Columbus ASAP and which were expanded during the ASAP operative period. It is the practice of both courts, however, that if alternative sentences are employed (Phases I, II, or III), they usually will be employed along with traditional sanctions. Moreover, neither court will enforce the terms of the sentencing alternative. Also, neither court now provides for PSIs although Recorder's Court did during the ASAP operative years. All client investigations now come after sentencing.

Swift resolution of the DUI charge is the rule in Recorder's Court (usually at the time of the initial arraignment), while it may be in State Court if the Guilty Plea Friday procedure is used. At the time of this Report there was a substantial State Court backlog of pending DUI cases (1858). There was none in Recorder's Court. Recorder's Court has four judges while State Court has only one. This no doubt is a contributing factor to the State Court backlog along with the increased number of DUI arrests made during the ASAP operational period. In addition, as previously noted, arraignment in State Court (unless the Guilty Plea Friday procedure is used) occurs only every other month. This, too, accounts for some of the State Court backlog. Another possible source of delay of resolution of DUI cases in State Court is request for

postponements by defense counsels. There is some reason to believe that defense counsels have not only requested postponements in order to prepare adequate defense for their clients, but that they have also requested that arraignment be delayed in order that they may be paid before representing their clients in court.

Typical Route to Final Disposition of A DUI Charge

The typical route to final resolution of a DUI charge in the Columbus Court system is through self conviction by a plea of guilty or nolo contendere in either Recorder's or State Courts. In most instances where a plea of not guilty is entered in Recorder's Court the defendant is attempting to delay his case until he has acquired sufficient funds to meet his fine. When a defendant is bound over to State Court his bond is usually \$250. If a bondsman or Surety post for the defendant, the defendant usually has to pay only \$25 to the bondsman (10 per cent of the bond) which is an easier sum to raise in a short period of time (from four to twenty four hours before arraignment in Recorder's Court) than \$154. Some cases are resolved through dismissals, acquittals, bond forfeitures, dead dockets and nol pros, but these are relatively few compared to cases resolved by pleas of guilty or nolo. A very few DUI cases are resolved through the jury trial process.

V. COST ASSOCIATED WITH THE COLUMBUS COURT SYSTEM DURING
THE ASAP OPERATIVE PERIOD

The cost associated with operation of Recorder's Court by the Columbus ASAP was \$9600 per year for a total of \$28,000 over the three year operative period. All expenses incurred were to Recorder's judges with two judges receiving \$300 per month each and two judges receiving \$100 per month each. The judges were compensated because of the increased DUI case load in Recorder's Court with the two full-time judges receiving the highest compensation. No direct cost was involved in modifying or operating the record keeping system in Recorder's Court.

Cost associated with State Court was \$4800 per year for a total cost of \$14,400. All cost incurred in State Court was associated with the Solicitor's Office. The major expense in State Court was for clerical assistance in order to modify and maintain the record keeping system so that it could be adopted to Columbus ASAP needs. No compensation for the State Court judge was permitted as his salary is fixed by State Law.

Using arraignment and convictions over the three year ASAP operative period as a rather crude measure of cost to performance the following results are obtained for each court. There were 9997 arraignments in Recorder's Court over the three year operative period of ASAP. The cost per arraignment incurred by ASAP was \$2.88. There were 3800 convictions over the same period in Recorder's Court at a cost

of \$7.57 per conviction to ASAP.

In State Court there were 5981 arraignments which resulted in a cost to ASAP of \$2.41 per arraignment while there were 3630 convictions at a cost of \$3.97 per conviction.

As indicated, these are extremely crude measures of cost to performance. The number of arraignments was a direct function of the number of arrests made over the three year period. Thus in Recorder's Court had arrest been higher arraignment cost would have decreased; had arrest been lower arraignment cost would have increased. Moreover, convictions, as already indicated, were almost always a result of guilty or nolo pleas (in effect self conviction) which required the minimum effort on the part of the courts to obtain.

VI. ANALYSIS

The analysis provided in Analytic Study Four considers a variety of distributions. For the most part these concern only the operational period of the Columbus ASAP from January, 1972-December, 1974. Some 1971 data, though, generated from client information samples is also considered. It must be kept in mind that because of the substantial number of cases pending in State Court at the time of this report (1858 cases) inferences made with regard to State Court distributions have to be considered only tentatively. Thus, while results of State Court distributions are presented it must be remembered that there may be changes, even substantial changes, in these distributions when all of the DUI cases for the ASAP operational period are finally resolved.

The distributions considered in this report include arrest, plea, disposition, sanction, and referral by year, race, sex, age, BAC, civilian/military occupation, and drinking driver level by quarter.* A total of 122 distributions are considered.

*There were two criterions used to classify drinking drivers over the ASAP operative period. One criterion was used from January, 1972-June, 1973, while the other was used from July, 1973-December, 1974. An explanation of the classification criterion is provided in Analytic Study Five. Drinking drivers were classified into levels I and III from January, 1972-June, 1973, and I, II, and III from July, 1973-December, 1974. While there is some congruency in drinking driver levels from one criterion to the other, the criterions are not felt to be comparable. That is, drinking driver level I using the first criterion is likely not the same as drinking driver level III using the second. Thus, distributions concern only that period of time when criterion was extant. Therefore, results of the distributions involving drinking driver levels I and III using the first criterion consider only the first six quarters

In general, only significant results are presented in table form although reference is made to all of the distributions. All distributions (except client information) are based upon the entire population of DUI cases for the three year operational period of the Columbus ASAP.

The basis for presenting the large and varied number of distributions is to provide a comprehensive discription of the processes of the court system of Columbus-Muscogee county especially as they relate to the ASAP operative years. Thus, the major effort will be directed toward emphasizing the salient factors of the distributions in order that a clear understanding of the distributions is achieved. In some instances, however, in addition to the descriptive effort, an attempt is made to provide an explanation as to why a distribution may have obtained.

All distribution results are generated from computer tapes. There is an approximate 1.5 percent difference between the computer tape and the management information system. There is every indication, however, that this difference is random and, consequently, inferences made with regard to the distribution results are held to be uneffected. Statistical tests used in the analysis are chi-square and the F-test.*

(January, 1972-June, 1973) while results of the distributions involving drinking driver levels I, II, and III using the second criterion consider only quarters 7-12 (July, 1973-December, 1974). No distributions were generated comparing drinking driver levels and arrest.

*Difference in proportion tests were also used in comparing arrest populations with census populations.

As a general rule, because of the large N (except client information samples), only results significant at or beyond .005 are considered.

It should be noted that because race, sex, age, BAC, or civilian/military occupation data is sometimes unknown, the N's reflecting these distributions will usually be less than total N by year. Therefore, the total N for arrest by year will be greater than the total N's for arrest by race, sex, age, etc. because in some instances these are not known. This is especially true with regard to BAC where in about six to ten percent of the cases this information was unobtainable. When BAC and previous arrest data was unknown it was not possible to determine drinking driver level. Thus, drinking driver level distributions will also reflect lower N's than those by year.

Case Flow

Figures 3 and 4 present the flow of DUI cases in the Columbus-Muscogee county court system for 1972, 1973, and 1974. All information regarding the DUI case flow is current through December, 1974. Thus, 1972 cases pending are pending since December, 1974 and not December, 1972. Likewise, with 1973 DUI cases. Figures 3 and 4 clearly indicate that the number of backlogged cases has increased over the years in State Court.

1972

34

3727	DUI arrest
<u>-168</u>	Bond Forfeitures accepted by Recorder's Court
3559	DUI cases arraigned in Recorder's Court
<u>-20</u>	DUI cases dismissed in Recorder's Court
3539	
<u>-1437</u>	DUI cases convicted in Recorder's Court
2102	Cases bound over to State Court
<u>-101</u>	Bond Forfeitures accepted by State Court
2001	
<u>-194</u>	Cases Dead Docket, Nol Pros, Acquitted
1807	
<u>-1539</u>	Cases convicted in State Court
268	Backlogged cases which have either no contact or still pending, 1972

1973

3460	DUI arrest
<u>-106</u>	Bond Forfeitures accepted by Recorder's Court
3354	DUI cases arraigned in Recorder's Court
<u>-34</u>	DUI cases dismissed in Recorder's Court
3320	
<u>-1257</u>	DUI cases convicted in Recorder's Court
2063	Cases bound over to State Court
<u>-34</u>	Bond Forfeitures accepted by State Court
2029	
<u>-222</u>	Cases Dead Docket, Nol Pros, Acquitted
1807	
<u>-1369</u>	Cases convicted in State Court
438	Backlogged cases which have either no contact or still pending, 1973

Figure 3

3154	DUI arrest
<u>-70</u>	Bond Forfeitures accepted by Recorder's Court
3084	DUI cases arraigned in Recorder's Court
<u>-12</u>	DUI cases dismissed in Recorder's Court
3072	
<u>-1106</u>	DUI cases convicted in Recorder's Court
1966	Cases bound over to State Court
<u>-15</u>	Bond Forfeitures accepted by State Court
1951	
<u>-77</u>	Cases Dead Docket, Nol Pros, Acquitted
1874	
<u>-722</u>	Cases convicted in State Court
1152	Backlogged cases which have either no contact or still pending, 1974
1152	
268	
<u>438</u>	
1858	Total Pending for January, 1972 - December, 1974

Arrest

Tables 5-10 present arrest distributions for the operative period of the Columbus ASAP. Table 5 indicates arrest by year by ASAP and general force patrols. The chi-square is significant at the .001 level and is indicative of the important role ASAP patrols played in the apprehension of DUI offenders. While the absolute number of ASAP arrest changed very little over the three year period, the proportion of ASAP arrest increased significantly. With the cessation of ASAP patrol activities, it will be of some interest to examine 1975 arrest statistics.

Tables 6-10 are concerned with determining who was arrested over the three year operational period of ASAP and did this change. Table 6 considers arrest by race by year (not significant, $p > .5$) and indicates that whites are arrested in greater proportion than blacks and that this has not changed significantly over the three years. In proportion to their population, however, blacks are arrested in significantly greater numbers than whites ($p < .001$). That is, according to the 1970 census blacks comprise approximately 35 percent of the Columbus-Muscogee county population while they formed about 41.5 percent of the DUI arrest population. There is some indication that this may have been a result of ASAP and general force patrolling patterns. (See Analytic Study Three).

Table 7 reflects arrest by sex by year. Again there has been no significant change over the three year period and it

TABLE 5
 Arrest By ASAP or Regular Force
 By Year
 January, 1972 - December, 1974

	1972	1973	1974	Total
ASAP	2341 (63.5%)	2315 (70.0%)	2344 (74.3%)	7000 (69.0%)
Regular	1345 (36.5%)	994 (30.0%)	811 (25.7%)	3150 (31.0%)
Total	3686 (100.0%)	3309 (100.0%)	3155 (100.0%)	10,150

Chi-square = 94.639, $p < .001$ with 2 df.

TABLE 6

Arrest By Race
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
White	2109 (58.1%)	1930 (58.4%)	1856 (58.9%)	5895 (58.4%)
Black	1521 (41.9%)	1375 (41.6%)	1297 (41.1%)	4193 (41.6%)
Total	3630 (100.0%)	3305 (100.0%)	3153 (100.0%)	10,088

Chi-square = 0.404, $p > .5$ with 2 df.

TABLE 7

Arrest By Sex
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Male	3412 (93.8%)	3103 (93.7%)	2941 (93.2%)	9456 (93.6%)
Female	225 (6.2%)	208 (6.3%)	214 (6.8%)	647 (6.4%)
Total	3637 (100.0%)	3311 (100.0%)	3155 (100.0%)	10,103

Chi-square = 1.118, $p > .5$ with 2 df.

is obvious from table 7 that males are arrested in very substantially higher numbers than females. Moreover, males are arrested in significantly greater numbers than proportion to their population of Columbus-Muscogee county ($p < .001$).

According to the 1970 census males represented approximately 45 percent of this population.

Table 8 indicates arrest by age by year. Results are significant at the .001 level. Proportionally there has been a slight increase in arrest of teenagers and persons in the 60 plus age group, while there has been a proportionally slight decrease in the arrest of persons in the 30-39 and 50-59 age groups. There was also a small decrease in the arrest of persons in the 20-29 age group for 1973, but this returned to the 1972 figure in the final year. Table 8 indicates that over 50 percent of the DUI arrests by age were in the 20 through 39 age categories, while almost 80 percent were in the 20-49 age categories.

Results of table 9 concerning BAC distributions by year are significant ($p < .002$). Proportionally more people were arrested across the years in the 10-14 BAC category than in any other. Proportionally the second highest BAC category was the 15-19 grouping. As well, there have been small changes in the proportions of the various BAC categories over the years with arrest in the 15-19, 20-24, and 25 plus categories less in 1974 than in 1972, the first year of ASAP operations. In the 10-14 category, just the opposite is the case where there was a proportional small increase in arrest in the final year compared to the first.

TABLE 8

Arrest By Age
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Teens	136 (3.7%)	130 (3.9%)	178 (5.6%)	444 (4.4%)
20-29	1096 (30.1%)	920 (27.8%)	948 (30.1%)	2964 (29.3%)
30-39	956 (26.3%)	841 (25.4%)	771 (24.5%)	2568 (25.4%)
40-49	873 (24.0%)	824 (24.9%)	761 (24.1%)	2458 (24.3%)
50-59	482 (13.2%)	461 (13.9%)	368 (11.7%)	1311 (13.0%)
60 plus	97 (2.7%)	136 (4.1%)	126 (4.0%)	359 (3.6%)
	3640 (100.0%)	3312 (100.0%)	3152 (100.0%)	10,104

Chi-square = 42.629, $p < .001$ with 10 df.

TABLE 9
Arrest By RAC
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
01-09	15 (0.4%)	37 (1.2%)	35 (1.2%)	87 (0.9%)
10-14	1598 (47.1%)	1419 (45.9%)	1440 (49.6%)	4457 (47.5%)
15-19	1168 (34.4%)	1090 (35.2%)	954 (32.9%)	3212 (34.2%)
20-24	470 (13.9%)	403 (13.0%)	355 (12.2%)	1228 (13.1%)
25 plus	142 (4.2%)	145 (4.7%)	117 (4.0%)	404 (4.3%)
Total	3393 (100.0%)	3094 (100.0%)	2901 (99.9%)	9388

Chi-square = 25.373, $p < .002$ with 8 df.

Table 10 provides arrest by civilian/military occupation by year. There was no significant change over the three year period ($p > .04$). Furthermore, in proportion to their percent of the Columbus-Muscogee county population (about 18 percent according to the 1970 census) military persons are not arrested in significantly higher numbers than civilians ($p > .01$).

From the arrest distributions a profile of the individual arrested over the three year period in Columbus-Muscogee county emerges. This person was white, male, from 20-49 years of age with a BAC of 10-14 and had a civilian occupation.

Plea

Tables 11-21 present pleas in Recorder's and State Courts. Table 11 provides plea by year in Recorder's Court ($p < .001$). It should be noted that the bulk of pleas entered in Recorder's Court are not guilty pleas (61.1 percent), and that there has been a proportional increase in not guilty pleas from 1972 through 1974. There has also been a proportional decline in nolo pleas over the same period. In addition, the proportion of guilty pleas in Recorder's Court was less the final year (1974) than in the previous two.

Results of table 12 are not significant at the .001 level. Table 12 does indicate, however, that of the cases where pleas have been entered in State Court very few result in not guilty pleas. As already noted this is just the reverse of the circumstances in Recorder's Court.

TABLE 10
Arrest By Military/Civilian
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Civilian	2917 (80.4%)	2741 (82.8%)	2572 (81.5%)	8230 (81.5%)
Military	710 (19.6%)	571 (17.2%)	583 (18.5%)	1864 (18.5%)
Total	3627 (100.0%)	3312 (100.0%)	3155 (100%)	10,094

Chi-square = 6.267, $p < .044$ with 2 df.

TABLE 11

Plea
Recorder's Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Guilty	912 (26.2%)	863 (27.1%)	788 (25.8%)	2563 (26.4%)
Nolo	505 (14.5%)	394 (12.4%)	318 (10.4%)	1217 (12.5%)
Not Guilty	2070 (59.4%)	1925 (60.5%)	1945 (63.7%)	5940 (61.1%)
Total	3487 (100.1%)	3182 (100%)	3051 (99.9%)	9720

Chi-square = 27.985, $p < .001$ with 4 df.

TABLE 12

Plea
State Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Guilty	699 (43.3%)	597 (43.4%)	293 (40.4%)	1559 (42.8%)
Nolo	866 (56.2%)	770 (55.9%)	427 (58.9%)	2063 (56.6%)
Not Guilty	8 (0.5%)	10 (0.7%)	5 (0.7%)	23 (0.6%)
Total	1543 (100.0%)	1377 (100.0%)	725 (100.0%)	3645

Chi-square = 1.222, $p > .01$ with 4 df.

Table 13 indicates plea by race in Recorder's Court ($p < .001$). It should be noted that proportionally fewer whites than blacks pled not guilty while proportionally more whites than blacks pled nolo. The former instance may be indicative of socioeconomic factors. That is, the reason that proportionally more blacks than whites pled not guilty may reflect the difficulty of acquiring sufficient funds to meet the Recorder's Court fine by lower income persons. Thus, because of rather swift resolution of the DUI charges in Recorder's Court (usually within 24 hours) it is probably more expedient for lower income persons to plead not guilty, be bound over to State Court, and pay \$25 to a bondsman who post the \$250 bond* than to attempt to acquire the funds to pay the fine in Recorder's Court (presently \$154). Intuitively, then, it is felt that it is socioeconomic factors which are operative here and not race. Unfortunately, socioeconomic data, was not available and it was not possible to control for socioeconomic factors.

It has been indicated that whites were more likely to plead nolo than blacks in Recorder's Court. This is thought to be indicative of more whites being represented by counsel than blacks. In many instances when counsel is present, clients will be advised to enter pleas of nolo as this does not admit to either guilt or innocence.

*Usually the bondsman is not required to post an actual amount of \$250 rather he guarantees either that the defendant will appear in court or \$250 will be forfeited to the court should the defendant fail to show.

TABLE 13

Plea
Recorder's Court
By Race
January, 1972 } December, 1974

	White	Black	Total
Guilty	1679 (30.0%)	877 (21.6%)	2556 (26.5%)
Nolo	967 (17.3%)	250 (6.2%)	1217 (12.6%)
Not Guilty	2954 (52.8%)	2931 (72.2%)	5885 (60.9%)
Total	5600 (100.1%)	4058 (100.0%)	9658

Chi-square = 439.151, $p < .001$ with 2 df.

TABLE 14

Plea
State Court
By Race
January, 1972 - December, 1974

	White	Black	Total
Guilty	593 (34.6%)	947 (49.1%)	1540 (42.3%)
Nolo	1114 (65.1%)	963 (49.9%)	2077 (57.0%)
Not Guilty	5 (0.3%)	19 (1.0%)	24 (0.6%)
Total	1712 (100.0%)	1929 (100.0%)	3641

Chi-square = 87.898, $p < .001$ with 2 df.

Table 14 provides plea by race in State Court. While the results are significant ($p < .001$), as indicated before, they must be considered only tentatively because of the State Court backlog. Of the cases in State Court where pleas have been entered, however, more whites than blacks pled nolo. This, as indicated before, may be indicative of whites being represented more often by counsel than blacks. The majority of pleas in State Court, of the cases where pleas were entered, were nolo while there were almost no not guilty pleas.

A comparison of plea by sex was generated, but the results were not significant for either court. That is, there were no significant differences in the proportion of type of plea by sex in either court. Thus, proportionally just as many females were likely to plead guilty, or nolo, or not guilty as males in either court. The plea distribution for both sexes in Recorder's and State Courts is essentially as in tables 11 and 12. No tables are presented.

Table 15 provides plea by age in Recorder's Court ($p < .001$). Table 15 indicates that in general in Recorder's Court the younger the individual the more likely the subject was to plea guilty and conversely less likely to plea not guilty. Subjects in the 60 plus age category, however, were also more likely to plead guilty than those persons in age categories 30-59. The propensity to plea nolo was not very different among the various age categories.

TABLE 15
Plea
Recorder's Court
By Age
January, 1972 - December, 1974

	Teens	20-29	30-39	40-49	50-59	60 +	Total
Guilty	184 (42.9%)	925 (32.3%)	537 (21.8%)	522 (22.3%)	301 (24.3%)	94 (28.1%)	2563 (26.5%)
Nolo	47 (11.0%)	335 (11.7%)	294 (11.9%)	326 (13.9%)	169 (13.6%)	48 (14.4%)	1219 (12.6%)
Not Guilty	198 (46.2%)	1606 (56.0%)	1632 (66.3%)	1489 (63.7%)	771 (62.1%)	192 (57.5%)	5888 (60.9%)
Total	429 (100.1%)	2866 (100.0%)	2463 (100.0%)	2337 (99.9%)	1241 (100.0%)	334 (100.0%)	9670

Chi-square = 168.984, $p < .001$ with 10 df.

Table 16 presents plea by age in State Court ($p < .001$). Of the pleas entered, it is noted again as in Recorder's Court that at the extreme age categories (teens, 60 plus) there is a greater propensity to plea guilty than with other age categories. No teenagers or 60 plus subjects are recorded to have ever entered not guilty pleas in State Court over the ASAP operative period.

Table 17 and 18 indicates plea by BAC in Recorder's and State Courts ($p < .001$ both tables). It should be noted that excluding the lowest BAC category, the higher the BAC category the greater the propensity to plead not guilty in Recorder's Court. Just the opposite is the case in State Court. Thus, in State Court the higher the BAC category the more likely the individual is to be a problem drinker, the not guilty plea patterns in tables 17 and 18 may indicated an attempt to delay final disposition of the DUI charge as long as possible in order to: (1) either raise sufficient money to pay the fine or; (2) to delay as long as possible (especially if this is a subsequent charge) confrontation with the court where a more severe sanction may be imposed than with previous convictions. Note also that the higher the BAC categories (excluding the lowest category in Recorder's Court) the less likely to plea nolo in either court. This may reflect the reluctance of the courts to accept nolo pleas where there is substantial evidence that the subject is guilty; or again assuming that the higher the BAC category the more likely the individual is to be a problem drinker with previous DUI offenses, it may rep-

TABLE 16

Plea
State Court
By Age
January, 1972 - December, 1974

	Teens	20-29	30-39	40-49	50-59	60 +	Total
Guilty	47 (48.4%)	411 (43.4%)	471 (45.0%)	330 (37.5%)	225 (42.0%)	65 (51.6%)	1549 (42.6%)
Not Guilty	50 (51.6%)	531 (56.1%)	566 (54.1%)	547 (62.2%)	305 (56.9%)	61 (48.4%)	2060 (56.7%)
Total	97 (100.0%)	947 (100.0%)	1047 (100.0%)	879 (99.9%)	536 (100.0%)	126 (100.0%)	3632

Chi-square = 123.586, $p < .001$ with 10 df.

TABLE 17

Plea
Recorder's Court
By BAC
January, 1972 - December, 1974

	01-09	10-14	15-19	20-24	25 +	Total
Guilty	14 (17.5%)	1209 (28.1%)	795 (25.7%)	294 (25.2%)	88 (23.0%)	2400 (26.6)
Nolo	4 (5.0%)	628 (14.6%)	380 (12.3%)	122 (10.5%)	29 (7.6%)	1163 (12.9)
Not Guilty	62 (77.5%)	2459 (57.2%)	1915 (62.0%)	750 (64.3%)	265 (69.4%)	5451 (60.5)
Total	80 (100.0%)	4296 (99.9%)	3090 (100.0%)	1166 (100.0%)	382 (100.0%)	9014

Chi-square = 58.421, $p < .001$ with 8 df.

TABLE 18

Plea
State Court
By BAC*
January, 1972 - December, 1974

	.10-.14	.15-.19	.20-.24	.25 +	Total
Guilty	571 (38.7%)	572 (41.8%)	225 (47.9%)	107 (67.3%)	1425 (42.4%)
Nolo	895 (60.6%)	789 (57.6%)	243 (51.7%)	50 (31.4%)	1977 (56.9%)
Not Guilty	10 (0.7%)	8 (0.6%)	2 (0.4%)	2 (1.3%)	22 (0.6%)
Total	1476 (100.0%)	1369 (100.0%)	470 (100.0%)	159 (100.0%)	3474

Chi-square = 54.421, $p < .001$ with 6 df.

*There were no guilty, nolo, or not guilty pleas with BAC $< .10\%$ in State Court

resent the courts reluctance to accept nolo pleas with prior DUI convictions.

Table 19 and 20 present plea by civilian/military occupations ($p < .001$, both tables). Table 19 indicates that military subjects are more likely to plead guilty and conversely less likely to plead not guilty than those persons with civilian occupations. Why this is the case is not clear. In State Court just the opposite of Recorder's Court occurred. Of the cases disposed of in State Court those persons with civilian occupations were more likely to plea guilty and less likely to plea nolo than those with military occupations.

Distributions concerning plea by drinking driver level over quarters was made in an effort to discern any change in plea patterns. As previously indicated because of a change in the criterion for classification of drinking driver levels it was necessary to make comparisons over those periods when a given criterion was extant. Thus, a drinking driver level I, first criterion was not considered to be comparable to a drinking driver level I second criterion. The same was true of drinking driver levels III first and second criterion. There was no drinking driver level II first criterion. Of the ten distributions considered for both courts the only one which was significant concerned drinking driver level I first criterion shown in table 21 ($p < .001$). Actually the only change table 21 indicates is that during quarters three and four there was an increase in nolo pleas and a decrease in guilty pleas. Why this occurred is unknown.

TABLE 19

Plea
Recorder's Court
By Occupation
January, 1972 - December, 1974

	Civilian	Military	Total
Guilty	1862 (23.8%)	698 (38.2%)	2560 (26.5%)
Nolo	922 (11.8%)	296 (16.2%)	1218 (12.6%)
Not Guilty	5051 (64.5%)	832 (45.6%)	5883 (60.9%)
Total	7835 (100.1%)	1826 (100.0%)	9661

Chi-square = 226.936, $p < .001$ with 2 df.

TABLE 20

Plea
State Court
By Occupation
January, 1972 - December, 1974

	Civilian	Military	Total
Guilty	1341 (43.8%)	194 (33.8%)	1535 (42.2%)
Nolo	1697 (55.5%)	379 (65.9%)	2076 (57.1%)
Not Guilty	22 (0.7%)	2 (0.3%)	24 (0.7%)
Total	3060 (100.0%)	575 (100.0%)	3635

Chi-square = 19.429, $p < .001$ with 2 df.

TABLE 21
Plea
Recorder's Court
By Driver Level
By Quarter
Level I

	1-2	3-4	5-6	Total
Guilty	285 (33.6%)	304 (27.5%)	205 (34.6%)	794 (31.2%)
Nolo	120 (14.1%)	214 (19.4%)	85 (14.4%)	419 (16.5%)
Not Guilty	444 (52.3%)	586 (53.1%)	302 (51.0%)	1332 (52.3%)
Total	849 (100.0%)	1104 (100.0%)	592 (100.0%)	2545

Chi-square = 18.931, $p < .001$ with 4 df.

Thus, the plea distributions over the ASAP operative years indicates that there has been a significant increase in the number of not guilty pleas in Recorder's Court while the plea distributions in State Court has remained unchanged. Furthermore, whites are more likely than blacks to plead nolo in both courts while blacks tend more than whites to plead not guilty in Recorder's. There was no significant difference in plea distributions by sex in either court over the ASAP operative years. Teenagers tended in Recorder's Court to plead guilty more often than other age groups while in State Court both teenagers and persons in the 60 plus age group tended to plead guilty more often than persons in the other age categories. Distributions by BAC indicated that in Recorder's Court the higher the BAC the more likely a plea of not guilty would be entered while just the reverse was true in State Court. In both courts the lower the BAC the more likely a nolo plea would be entered. Plea distributions by occupation indicated that military persons were more likely to enter pleas of guilty in Recorder's Court than persons with civilian occupations, but this was reversed in State Court. Also in both Recorder's and State Courts military persons were more likely to enter nolo pleas than civilians. There was essentially no pattern to the plea distribution with regard to drinking driver levels. Finally very few not guilty pleas were ever entered in State Court.

Dispositions

All those distributions considered with regard to plea are also considered for dispositions. However, because conviction in the Columbus-Muscogee county court system is almost always self-conviction, and therefore reflects guilty and nolo pleas, the major emphasis will be placed on the distribution of bond forfeiture and dispositions which result in non-conviction of the DUI subject (i.e. dismissal, nol pros, etc.).

Table 22 shows disposition by year in Recorder's Court ($p < .001$). It should be noted that while the proportion of dismissed cases over the three year ASAP operative period has changed very little, there has been a decline in both the number and proportion of bond forfeiture in Recorder's Court. This may indicate a growing reluctance on the part of Recorder's judges to accept bond forfeiture as final disposition for both first and repeat offenders. Table 22 also indicates that with the decrease in the number of bond forfeiture and essentially no change in the number of dismissed cases, the proportion of convictions (or self-convictions) increased in Recorder's Court over the years.

Table 23 shows dispositions by year in State Court ($p < .001$). Of the cases disposed of in State Court there has been a decline in the proportion of bond forfeiture (as in Recorder's Court) and as well a decline (at least comparing year one with year three) in the proportion of non-convicted cases (dismissal, nol pros, etc.). Because of the large

TABLE 22

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Disposition
Recorder's Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Convicted	1417 (89.0%)	1257 (90.5%)	1106 (92.6%)	3780 (90.5%)
Bond Forfeiture	159 (10.0%)	103 (7.4%)	69 (5.8%)	331 (7.9%)
Dismissed	17 (1.1%)	29 (2.1%)	19 (1.6%)	65 (1.6%)
Total	1593 (100.1%)	1389 (100.0%)	1194 (100.0%)	4176

Chi-square = 21.884, $p < .001$ with 4 df.

TABLE 23

Disposition
State Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Convicted	1539 (83.9%)	1369 (84.2%)	722 (88.7%)	3630 (85.0%)
Bond Forfeiture	101 (5.5%)	34 (2.1%)	15 (1.9%)	150 (3.5%)
Dismissed/Nol Pros/ Dead Docket/ Acquitted	194 (10.6%)	222 (13.7%)	77 (9.4%)	493 (11.5%)
Total	1834 (100.0%)	1625 (100.0%)	814 (100.0%)	4273

Chi-square = 49.123, $p < .001$ with 4 df.

number of pending cases in State Court, however, there is no way to ascertain whether there are fewer bond forfeitures and non-convictions in State Court or whether this distribution will change as further cases are disposed of.

There was no significant differences in disposition with regard to race in either court. Therefore, in either court, it was not any more likely that blacks or whites would receive dispositions which resulted in non-conviction nor any more likely that blacks or whites were discriminated against with regard to bond forfeiture.

Table 24 presents dispositions in Recorder's Court by sex ($p < .005$). From table 24 it is apparent that Recorder's Court is more inclined to accept bond forfeiture as final disposition with regard to females than males. The proportion of dismissals, however, is about the same for both sexes. There was no significant difference in disposition with regard to sex in State Court, and thus in State Court female offenders were no more likely than males to have charges against them dismissed, not pros, dead docketed, etc. nor any more likely than males to have bond forfeiture accepted by the Court as final disposition.

Table 25 indicated disposition in Recorder's Court by age ($p < .001$). Table 25 indicated that the higher the age category the greater the proportion of bond forfeiture. This could be a tendency on the part of Recorder's judges to be more likely to accept bond forfeiture with regard to age, or this could be a function of younger people being more willing

TABLE 24
Disposition
Recorder's Court
By Sex
January, 1972 - December, 1974

	Male	Female	Total
Convicted	3545 (90.8%)	237 (85.9%)	3782 (90.5%)
Bond Forfeiture	296 (7.6%)	36 (13.0%)	332 (7.9%)
Dismissed	62 (1.6%)	3 (1.1%)	65 (1.6%)
Total	3903 (100.0%)	276 (100.0%)	4179

Chi-square = 10.785, $p < .005$ with 2 df.

TABLE 25
Disposition
Recorder's Court
By Age
January, 1972 - December, 1974

	Teens	20-29	30-39	40-49	50-59	60 +	Total
Convicted	231 (92.4%)	1260 (93.7%)	831 (90.4%)	848 (88.4%)	470 (87.2%)	142 (85.5%)	3782 (90.5%)
Bond Forfeiture	7 (2.8%)	67 (5.0%)	75 (8.2%)	97 (10.1%)	63 (11.7%)	22 (13.3%)	331 (7.9%)
Dismissed	12 (4.8%)	18 (1.3%)	13 (1.4%)	14 (1.5%)	6 (1.1%)	2 (1.2%)	65 (1.6%)
Total	250 (100.0%)	1345 (100.0%)	919 (100.0%)	959 (100.0%)	539 (100.0%)	166 (100.0%)	4178

Chi-square = 65.907, $p < .001$ with 10 df.

to be convicted and pay \$154 than forfeit a \$250 bond. With regard to dismissals, there did seem to be a tendency on the part of Recorder's judges to dismiss DUI charges against teenage offenders than with other age groups. There was no significant difference with regard to age and disposition in State Court.

Table 26 considers disposition by BAC in Recorder's Court ($p < .001$). Table 26 shows that the bulk of the DUI cases in Recorder's Court in which charges were dismissed occurred in the 01-09 category. This emphasizes what was related in Chapter I of this report that Recorder's Court will usually dismiss DUI charges if the BAC is less than .10 unless there is strong corroborative evidence to the contrary. Had the 18 offenders in the 01-09 category who were convicted not entered a plea, it would have been interesting to see how many cases would have resulted in dismissal. Interestingly, in Recorder's Court, according to table 26, there seems to be a trend that the higher the BAC the more likely the Court was to accept bond forfeiture. Note also that beginning the 10-14 category and moving across the categories in the conviction row, the higher the BAC the less likely that there was a conviction. This is reflective of pleas in Recorder's Court as presented in table 17.

Table 27 provides disposition in State Court by BAC ($p < .001$). According to table 27 every case in the 01-09 category was dismissed, not pros, dead docketed or acquitted in State Court. In the other BAC categories about 11 percent

TABLE 26
Disposition
Recorder's Court
By BAC
January, 1972 - December, 1974

	01-09	10-14	15-19	20-24	25 +	Total
Convicted	18 (37.5%)	1837 (93.0%)	1175 (91.5%)	416 (90.0%)	117 (86.0%)	3563 (91.2%)
Bond Forfeiture		131 (6.6%)	104 (8.1%)	46 (10.0%)	18 (13.2%)	299 (7.7%)
Dismissed	30 (62.5%)	8 (0.4%)	5 (0.4%)		1 (0.7%)	44 (1.1%)
Total	48 (100.0%)	1976 (100.0%)	1284 (100.0%)	462 (100.0%)	136 (99.9%)	3906

Chi-square = 1657.514, $p < .001$ with 8 df.

TABLE 27
Disposition
State Court
By BAC
January, 1972 - December, 1974

	01-09	10-14	15-19	20-24	25 +	Total
Convicted	0	1385 (82.7%)	1284 (87.5%)	437 (86.9%)	146 (83.0%)	3253 (84.9%)
Bond Forfeiture	0	65 (3.9%)	48 (3.3%)	17 (3.4%)	11 (6.2%)	141 (3.7%)
Dismissed/Nol Pros/ Dead Docket/ Acquitted	9 (100%)	225 (13.4%)	135 (9.2%)	49 (9.7%)	19 (10.8%)	436 (11.4%)
Total	9 (100%)	1625 (100.0%)	1467 (100.0%)	503 (100.0%)	176 (100.0%)	3830

Chi-square = 67.591, $p < .001$ with 8 df.

of the cases resulted in non-conviction with variations from category to category. As in Recorder's Court the highest BAC category also had the highest proportion of bond forfeiture. Interestingly, the 10-14 BAC categories and the 25 plus had almost the same proportion of convictions. Perhaps the salient factor of table 27 is that with some qualification and with the exception of the 01-09 category there seems to be no tendency on the part of the court to differentially dispose of cases with regard to BAC categories. Thus, an offender in the highest BAC category was just as likely as an offender in the lowest to have the charges dismissed against him.

Table 28 presents dispositions in Recorder's Court by civilian/military occupation ($p < .001$). Table 28 indicates that there was a greater proportion of bond forfeitures in Recorder's Court by civilian persons than military. This, could be a function of military persons being more willing than civilians to enter pleas of guilty and accept the Recorder's Court fine rather than forfeit a \$250 bond. Dispositions in State Court by civilian/military occupation were not significant.

With regard to disposition of drinking driver levels by quarter, only those in State Court for driver level I and III, first criterion were significant ($p < .001$). These are presented in tables 29 and 30. Of the cases disposed of in State Court there is a decreased proportion across quarters of bond forfeitures by drinking drivers level I. This was

TABLE 28

Disposition
Recorder's Court
By Occupation
January, 1972 - December, 1974

	Civilian	Military	Total
Convicted	2784 (88.5%)	994 (96.7%)	3778 (90.5%)
Bond Forfeiture	307 (9.8%)	23 (2.2%)	330 (7.9%)
Dismissed	54 (1.7%)	11 (1.1%)	65 (1.6%)
Total	3145 (100.0%)	1028 (100.0%)	4173

Chi-square = 63.253, $p < .001$ with 2 df.

TABLE 29
Disposition
State Court
By Driver Level
By Quarter
Level I

	1-2	3-4	5-6	Total
Convicted	404 (83.6%)	513 (85.4%)	288 (85.5%)	1202 (84.8%)
Bond Forfeiture	34 (7.1%)	25 (4.1%)	3 (0.9%)	62 (4.4%)
Dismissed/Nol Pros/ Dead Docket/ Acquitted	45 (9.3%)	63 (10.5%)	46 (13.6%)	154 (10.8%)
Total	483 (100.0%)	601 (100.0%)	337 (100.0%)	1421

Chi-square = 20.977, $p < .001$ with 4 df.

TABLE 30
Disposition
State Court
By Driver Level
By Quarter
Level III

	1-2	3-4	5-6	Total
Convicted	251 (78.5%)	371 (86.3%)	388 (86.0%)	1010 (84.1%)
Bond Forfeiture	27 (8.4%)	15 (3.5%)	7 (1.6%)	49 (4.1%)
Dismissed/Nol Pros/ Dead Docket/ Acquitted	42 (13.1%)	44 (10.2%)	56 (12.4%)	142 (11.8%)
Total	320 (100.0%)	430 (100.0%)	451 (100.0%)	1201

Chi-square = 25.502, $p < .001$ with 4 df.

also the case with drinking drivers level III. At the same time there was an increase across quarters of dispositions which resulted in non-conviction for drivers level I. There was little change over the quarters in the non-conviction pattern of cases involving level III drivers. Ironically tables 29 and 30 indicate that considering both levels I and III drinking drivers there was a slightly greater likelihood that a DUI case would result in non-conviction for level III drivers than level I. This could change, of course when all cases in State Court are finally resolved.

Distributions concerning dispositions have primarily considered bond forfeiture and cases resulting in non-convictions. Convictions were not emphasized as in the Columbus-Muscogee county court system conviction almost inevitably result from self-conviction. It has been noted that the proportion of bond forfeiture in both courts over the years has declined as has the proportion of non-convicted cases in State Court. In Recorder's Court the proportion of bond forfeiture for females was higher than males, while the proportion of bond forfeitures was less for military persons than civilians. With regard to age the only significant findings was in Recorder's Court where it was noted that the teens category had a higher proportion of bond forfeiture than other categories. BAC distributions in Recorder's and State courts indicated that the highest BAC category had the greatest proportion of bond forfeiture. In State Court there seemed to have been no differential pattern with regard to non-convicted cases and BAC category, and

perhaps even a slightly better chance of non-conviction for level III criterion one drinking drivers than level I drivers.

Sanctions

Tables 31 and 32 present sanctions employed in both courts over the ASAP operative period. It is obvious that in the preponderance of cases a suspended jail term and fine are employed in both courts. In Recorder's Court these are given almost to the exclusion of any other sanctions. In State Court, however, of the cases disposed of, license action has also been employed fairly often. It should be noted that in both courts none of the sanctions are mutually exclusive except jail suspended and jail.

As suspended jail term and fine are almost routinely employed in both courts, it was decided to examine the use of the sanction jail in order to determine if any differences or bias existed with regard to its employment.

Tables 33 and 34 indicate the use of jail term by year in Recorder's and State Courts ($p < .001$). In Recorder's Court there was an actual and proportional increase in the use of the jail sanction after the first year. In State Court, of the cases disposed of, there was a drop after the first year in the use of the jail sanction, but this returned to an even higher proportion in the final year. Comparing tables 33 and 34 it is obvious that the sanction jail is used more often in State Court than Recorder's. It is not clear whether there is a greater tendency on the part of State Court to use the sanction jail, or rather whether the use of the jail sanction results from some defendants being unable to meet the State Court fine. Recall that in Recorder's Court should a defendant not

TABLE 31
 Sanctions
 Recorder's Court
 By Year
 January, 1972 - December, 1974

	1972	1973	1974
Jail Suspended	1392 (96.9%)	1146 (91.2%)	1036 (93.7%)
Fine	1333 (92.8%)	1214 (96.6%)	1089 (98.4%)
Jail	6 (0.4%)	34 (2.7%)	25 (2.3%)
License Action	2 (0.1%)	23 (1.8%)	33 (3.0%)
Probation	1 (0.06%)	63 (5.0%)	45 (4.1%)
Other	3 (0.2%)	28 (2.2%)	0 (0%)

NOTE: Sanctions are not mutually exclusive categories except for jail suspended and jail.

TABLE 32
Sanctions
State Court
By Year
January, 1972 - December, 1974

	1972	1973	1974
Jail Suspended	1310 (85.1%)	917 (67.0%)	555 (76.9%)
Fine	1308 (85.0%)	915 (66.8%)	556 (77.0%)
Jail	184 (12.0%)	92 (6.7%)	105 (14.5%)
License Action	155 (10.1%)	296 (21.6%)	234 (32.4%)
Probation	131 (8.5%)	189 (13.8%)	133 (18.4%)

NOTE: Sanctions are not mutually exclusive categories except for jail suspended and jail.

TABLE 33

Jail Term
Recorder's Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Jail	6 (0.4%)	32 (2.6%)	25 (2.3%)	63 (1.7%)
No Jail	1386 (99.6%)	1213 (97.4%)	1077 (97.7%)	3676 (98.3%)
Total	1392 (100.0%)	1245 (100.0%)	1102 (100.0%)	3739

Chi-square = 21.366, $p < .001$ with 2 df.

TABLE 34

Jail Term
State Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Jail	184 (12.0%)	92 (6.7%)	105 (14.5%)	381 (10.5%)
No Jail	1355 (88.0%)	1277 (93.3%)	617 (85.5%)	3249 (89.5%)
Total	1539 (100.0%)	1369 (100.0%)	722 (100.0%)	3630

Chi-square = 36.854, $p < .001$ with 2 df.

be able to pay the Recorder's Court fine he could plead not guilty, pay \$25 to a bondsman who would meet the \$250 bond, and be bound over to the State Court. In State Court the defendant does not have this option. Thus, should the defendant not be able to meet the State Court fine he could be forced to serve a jail term.

There were no significant differences with regard to race and sex and the use of the jail sanction in Recorder's Court. That is, there was no propensity with regard to either whites or blacks or males or females for Recorder's Court to employ the jail sanction.

Tables 35 and 36 present the use of the jail sanction by race and sex in State Court ($p < .001$, both tables). With regard to race, of those cases disposed of in State Court, there does seem to be a bias with regard to the use of the jail sanction as blacks are sent to jail in greater proportion than whites. However, again this may be a result of socio-economic factors rather than a racial bias (i.e. an inability of lower income persons to meet the State Court fine). There is no way to ascertain this, however.

While there may or may not be a racial bias in State Court with regard to the jail sanction there does seem to be one with regard to sex. That is, there seems to be a greater propensity by State Court to send male offenders to jail more often than females. Thus, both in numbers and proportions females are sent to jail much less often than males.

TABLE 35

Jail Term
State Court
By Race
January, 1972 - December, 1974

	White	Black	Total
Jail	143 (8.7%)	238 (12.9%)	381 (10.9%)
No Jail	1506 (91.3%)	1605 (87.1%)	3111 (89.1%)
Total	1649 (100.0%)	1843 (100.0%)	3492

Chi-square = 16.112, $p < .001$ with 1 df.

TABLE 36

Jail Term
State Court
By Sex
January, 1972 - December, 1974

	Male	Female	Total
Jail	371 (9.6%)	8 (3.3%)	379 (9.2%)
No Jail	3504 (90.4%)	235 (96.7%)	3739 (90.8%)
Total	3875 (100.0%)	243 (100.0%)	4118

Chi-square = 19.321, $p < .001$ with 1 df.

There were no significant differences in either court with regard to the propensity to employ the jail sanction and age. Thus, with regard to age it was just as likely (or just as unlikely depending upon the perspective) of the courts to employ the jail sanction for younger offenders as with older.

Table 37 provides the employment of the jail sanction by BAC in State Court ($p < .001$). There was no significant difference with regard to the use of the sanction jail and BAC in Recorder's Court. Table 37 indicates that in State Court the higher the BAC the greater the tendency for the court to send the offender to jail. If BAC is taken as a measure to the severity of the offenders drinking problem, State Court would seem to be little impressed by the medical model of the treatment of alcoholism.

The only instance in which the sanction jail by driver level by quarter was significant was in State Court with regard to drinking driver level II second criterion. Table 38 indicates that across the quarters there was a substantial increase in the use of the jail sanction in State Court for this level drinking driver. Why this is the case is not understood, and perhaps this will change as pending DUI cases in State Court are resolved.

With regard to the use of the sanction jail, then, the use seems most prevalent in State Court. The two major instances of its use were with regard to sex and offenders in the higher BAC categories. It may also be used more with regard to black offenders than white.

TABLE 37

Jail Term
State Court
By BAC
January, 1972 - December, 1974

	10-14	15-19	20-24	25 +	Total
Jail	97 (5.8%)	126 (8.6%)	72 (14.3%)	31 (17.6%)	326 (8.5%)
No Jail	1578 (94.2%)	1341 (91.4%)	431 (85.7%)	145 (82.4%)	3495 (91.5%)
Total	1675 (100.0%)	1467 (100.0%)	503 (100.0%)	176 (100.0%)	3821

Chi-square = 56.282, $p < .001$ with 3 df.

TABLE 38
 Jail Term
 State Court
 By Driver Level
 By Quarter
 Level II

	7-8	9-10	11-12	Total
Jail	14 (5.5%)	33 (11.0%)	21 (26.3%)	68 (10.7%)
No Jail	242 (94.5%)	267 (89.0%)	59 (73.8%)	568 (89.3%)
Total	256 (100.0%)	300 (100.0%)	80 (100.1%)	636

Chi-square = 27.623, $p < .001$ with 2 df.

Referrals

Table 39 presents referral by year in Recorder's Court ($p < .001$). As indicated in table 39 referral activity for the last ASAP operational year declined from the first. In addition, table 39 indicates that 1973 was the year of greatest referral activity with a sharp decline in referrals in the final year. Table 40 indicates much the same in State Court. Thus, comparing the first with the last year there was a decided lack of referrals the final year. It should be noted, however, that as opposed to Recorder's Court 1973 was the year of lowest referral activity in State Court. Overall comparing Recorder's with State Court, Recorder's Court referred about 63 percent of the cases disposed of in that court while State Court referred about 40 percent of the cases it disposed of.

With regard to race, sex, and age, there were no statistically significant differences in either court concerning referral activity. Therefore, in both courts, whites were no more likely to be referred than blacks, nor males than females, nor younger offenders than older.

Table 41 shows referral by BAC in Recorder's Court ($p < .001$). With the exception of the 01-09 category, these persons in the higher two BAC categories were less likely to be referred than those in the lower. Table 42 indicates referral by BAC in State Court ($p < .001$). The referral pattern fluctuates with regard to the various categories with the greatest proportion of referrals in the 20-24 category and

TABLE 39

Referral
Recorder's Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Referred	890 (62.5%)	916 (72.1%)	578 (52.1%)	2384 (62.7%)
Not Referred	535 (37.5%)	355 (27.9%)	531 (47.9%)	1421 (37.3%)
Total	1425 (100.0%)	1271 (100.0%)	1109 (100.0%)	3805

Chi-square = 100.777, $p < .001$ with 2 df.

TABLE 40

Referral
State Court
By Year
January, 1972 - December, 1974

	1972	1973	1974	Total
Referred	927 (60.2%)	280 (20.5%)	237 (32.9%)	1444 (39.8%)
Not Referred	612 (39.8%)	1089 (79.5%)	483 (67.1%)	2184 (60.2%)
Total	1539 (100.0%)	1369 (100.0%)	720 (100.0%)	3628

Chi-square = 496.306, $p < .001$ with 2 df.

TABLE 41
 Referral
 Recorder's Court
 By BAC
 January, 1972 - December, 1974

	01-09	10-14	15-19	20-24	25 +	Total
Referred	7 (38.9%)	1134 (61.3%)	792 (67.2%)	252 (60.0%)	65 (54.6%)	2250 (62.7%)
Not Referred	11 (61.1%)	716 (38.7%)	387 (32.8%)	168 (40.0%)	54 (45.4%)	1336 (37.3%)
Total	18 (100.0%)	1850 (100.0%)	1179 (100.0%)	420 (100.0%)	119 (100.0%)	3586

Chi-square = 20.653, $p < .001$ with 4 df.

TABLE 42
Referral
State Court
By BAC
January, 1972 - December, 1974

	.10-.14	.15-.19	.20-.24	.25 +	Total
Referred	581 (41.9%)	469 (36.5%)	230 (52.6%)	70 (47.9%)	1350 (41.5%)
Not Referred	804 (58.1%)	815 (63.5%)	207 (47.4%)	76 (52.1%)	1902 (58.5%)
Total	1385 (100.0%)	1284 (100.0%)	437 (100.0%)	146 (100.0%)	3252

Chi-square = 37.999, $p < .001$ with 3 df.

the lowest in the 15-19. However, table 42 does indicate that there was a propensity to refer in greater proportion those offenders in the higher two BAC categories than those in the lower two.

There was no significant differences with regard to referral by civilian/military occupation in either court. Thus, those with civilian occupations were no more likely to be referred than those with military.

Tables 43 and 44 present referrals in Recorder's Court and State Courts for drinking driver level I first criterion ($p < .001$, both tables). In Recorder's Court referral activity was greater the last two quarters than the first two. The highest referral activity, however, occurred in quarters three and four. It should be remembered that ASAP referral options were not available to the Courts until late February, 1972 so this could account for the lower referral level during quarters one and two.

Table 44 indicates that quarters one and two were the quarters of greatest referral activity in State Court which is just the opposite of Recorder's Court. However, there was a sharp decline in referral activity in quarters five and six following quarters one through four. From table 44 (and table 40) it is obvious that the first ASAP operational year was the year of maximum referral activity by State Court. If the trend continues with regard to those cases unresolved in State Court there will have been a decided decrease in referral activity in State Court the last two ASAP operational years.

TABLE 43

Referral
Recorder's Court
By Driver Level
By Quarter
Level I

	1-2	3-4	5-6	Total
Referred	203 (50.0%)	391 (75.0%)	210 (71.4%)	804 (65.8%)
Not Referred	203 (50.0%)	130 (25.0%)	84 (28.6%)	417 (34.2%)
Total	406 (100.0%)	521 (100.0%)	294 (100.0%)	1221

Chi-square = 69.023, $p < .001$ with 2 df.

TABLE 44

Referral
State Court
By Driver Level
By Quarter
Level I

	1-2	3-4	5-6	Total
Referred	217 (53.7%)	275 (53.6%)	95 (33.0%)	587 (48.7%)
Not Referred	187 (46.3%)	238 (46.4%)	193 (67.0%)	618 (51.3%)
Total	404 (100.0%)	513 (100.0%)	288 (100.0%)	1205

Chi-square = 37.471, $p < .001$ with 2 df.

Table 45 provides referral by drinking driver level III first criterion in Recorder's Court. Referrals increased over the quarters almost exactly as with drinking driver level I (note table 43). That is, referrals increased substantially in the third and fourth quarters but declined in the fifth and sixth. Again it should be noted that the ASAP referral options did not become available to the court until the latter part of February, 1972. Referral activity by drinking driver level III first criterion was not significant in State Court.

Table 46 presents referral by drinking driver level I second criterion in Recorder's Court ($p < .001$). From table 46 it is obvious that there has been a steady erosion of the referral process in Recorder's Court over the quarters. From quarters seven and eight through quarters eleven and twelve, representing July, 1973-December, 1974, the proportion of referrals has decreased almost 18 percent.

Table 47 presents referral activity in State Court for drinking driver level I second criterion ($p < .001$). While the overall referral rate is low there has been an increase in referral activity from quarters seven and eight through quarters eleven and twelve. This is just the opposite of Recorder's Court, yet even with the increase in referral activity in State Court the overall referral rate is still substantially lower than in Recorder's Court for drinking driver level I second criterion.

Table 48 provides referral in Recorder's Court for drinking driver level II second criterion ($p < .001$). Again

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Table 47 presents referral activity in State Court for drinking driver level I second criterion ($p < .001$). While the overall referral rate is low there has been an increase in referral activity from quarters seven and eight through quarters eleven and twelve. This is just the opposite of Recorder's Court, yet even with the increase in referral activity in State Court the overall referral rate is still substantially lower than in Recorder's Court for drinking driver level I second criterion.

Table 48 provides referral in Recorder's Court for drinking driver level II second criterion ($p < .001$). Again

TABLE 45

Referral
Recorder's Court
By Driver Level
By Quarter
Level III

	1-2	3-4	5-6	Total
Referred	64 (44.8%)	155 (67.7%)	123 (61.8%)	342 (59.9%)
Not Referred	79 (55.2%)	74 (32.3%)	76 (38.2%)	229 (40.1%)
Total	143 (100.0%)	229 (100.0%)	199 (100.0%)	571

Chi-square = 19.734, $p < .001$ with 2 df.

TABLE 46

Referral
Recorder's Court
By Driver Level
By Quarter
Level I

	7-8	9-10	11-12	Total
Referred	135 (68.9%)	139 (54.9%)	119 (51.1%)	393 (57.6%)
Not Referred	61 (31.1%)	114 (45.1%)	114 (48.9%)	289 (42.4%)
Total	196 (100.0%)	253 (100.0%)	233 (100.0%)	682

Chi-square = 15.006, $p < .001$ with 2 df.

TABLE 47

Referral
State Court
By Driver Level
By Quarter
Level I

	7-8	9-10	11-12	Total
Referred	7 (5.9%)	30 (19.1%)	20 (35.7%)	57 (17.2%)
Not Referred	112 (94.1%)	127 (80.9%)	36 (64.3%)	275 (82.8%)
Total	119 (100.0%)	157 (100.0%)	56 (100.0%)	332

Chi-square = 24.619, $p < .001$ with 2 df.

TABLE 48

Referral
Recorder's Court
By Driver Level
By Quarter
Level II

	7-8	9-10	11-12	Total
Referred	226 (76.1%)	179 (57.9%)	79 (47.0%)	484 (62.5%)
Not Referred	71 (23.9%)	130 (42.1%)	89 (53.0%)	290 (37.5%)
Total	297 (100.0%)	309 (100.0%)	168 (100.0%)	774

Chi-square = 43.356, $p < .001$ with 2 df.

TABLE 49

Referral
State Court
By Driver Level
By Quarter
Level II

	7-8	9-10	11-12	Total
Referred	36 (11.7%)	81 (23.8%)	41 (48.2%)	158 (21.6%)
Not Referred	271 (88.3%)	260 (76.2%)	44 (51.8%)	575 (78.4%)
Total	307 (100.0%)	341 (100.0%)	85 (100.0%)	733

Chi-square = 54.298, $p < .001$ with 2 df.

there is a steady, unmistakable decline in referral activity over the quarters. Here, however, the difference is even more pronounced than with drinking driver level I second criterion. There is a proportional decline of almost 30 percent from quarter seven and eight through quarters eleven and twelve.

Table 49 presents referral activity in State Court for drinking driver level II second criterion ($p < .001$). Of the cases disposed of in that court there has been a steady increase over the quarters which is opposite the trend in Recorder's Court. From quarters seven and eight through quarters eleven and twelve there has been a 36.5 percent increase in referrals. In addition, by the end of the ASAP operational quarters (quarters eleven and twelve) the proportional overall referral rate in State Court exceeded that of Recorder's Court for drinking driver level II second criterion.

Tables 50 and 51 present referrals by Recorder's and State Courts for driver level III second criterion ($p < .001$, both tables). In Recorder's Court there has been again a decline in the referral activity of that court. From quarters seven and eight through quarters eleven and twelve there has been a substantial reduction in the referral rate with a 52 percent decrease. Again just the opposite is true in State Court where referrals have shown proportional increase. In State Court there has been an almost 40 percent increase in referral activity.

With regard to the distribution concerning referral, there is essentially one important conclusion. It is that referral

TABLE 50
Referral
Recorder's Court
By Driver Level
By Quarter
Level III

	7-8	9-10	11-12	Total
Referred	45 (71.4%)	27 (44.3%)	8 (19.0%)	80 (48.2%)
Not Referred	18 (28.6%)	34 (55.7%)	34 (81.0%)	86 (51.8%)
Total	63 (100.0%)	61 (100.0%)	42 (100.0%)	166

Chi-square = 28.290, $p < .001$ with 2 df.

TABLE 51
Referral
State Court
By Driver Level
By Quarter
Level III

	7-8	9-10	11-12	Total
Referred	20 (20.6%)	44 (41.5%)	21 (60.0%)	85 (35.7%)
Not Referred	77 (79.4%)	62 (58.5%)	14 (40.0%)	153 (64.3%)
Total	97 (100.0%)	106 (100.0%)	35 (100.0%)	238

Chi-square = 20.170, $p < .001$ with 2 df.

activity in Recorder's Court has declined over the years while referrals in State Court have begun to increase after a sharp decline from the first ASAP operational year to the second. It should be noted, however, that even with an increase in the referral rate after the second year, State Court referral activity is still less than Recorder's.

Client Information

Tables 52-55 present client information samples. Table 52 provides sex by year for client information samples. Note the representativeness of the client information sample concerning sex in table 52 compared with table 7 which concerns sex distributions for the ASAP operative years. Table 52 indicates that there has been no change in the sex distribution of persons arrested over the ASAP operative years from the baseline year ($p > .5$).

Table 53 provides BAC distributions of the client information sample. Except for 1972, the client information sample is representative of the population in each of the BAC categories. The categories in which there are differences are the 10-14 and the 15-19 categories for 1972. Table 53 indicates that there has been no change from the baseline year in the BAC distribution of those persons arrested for DUI ($p > .5$). However, had the client information sample for 1972 been more reflective of the population with regard to BAC there could have been a significant change.

TABLE 52
Client Information By Sex

	1971	1972	1973	1974	Total
Male	94 (95.9%)	95 (95.0%)	92 (92.9%)	92 (92.0%)	373 (94.0%)
Female	4 (4.1%)	5 (5.0%)	7 (7.1%)	8 (8.0%)	24 (6.0%)
Total	98 (24.7%)	100 (25.2%)	99 (24.9%)	100 (25.2%)	397

Chi-square = 1.713, $p > .5$ with 3 df.

TABLE 53
Client Information By BAC

	1971	1972	1973	1974	Total
	27 (39.7%)	36 (41.4%)	42 (44.2%)	44 (46.8%)	149 (43.3%)
	31 (45.6%)	39 (44.8%)	37 (38.9%)	31 (33.0%)	138 (40.1%)
	8 (11.8%)	9 (10.3%)	11 (11.6%)	14 (14.9%)	42 (12.2%)
	2 (2.9%)	3 (3.4%)	5 (5.3%)	5 (5.3%)	15 (4.4%)
Total	68 (19.8%)	87 (25.3%)	95 (27.6%)	94 (27.3%)	344

Chi-square = 4.477, $p > .5$ with 9 df.

No distributions with regard to the client information samples concerning race, age, drinking driver level or occupation were generated.

Table 54 presents dispositions for the client information samples. The totals of the distributions are representative of a composite of the distributions found in tables 22 and 23 for Recorder's and State Courts. There has been no significant change since the baseline year with regard to dispositions ($p > .4$).

The final concern is with time to disposition from the baseline through the ASAP operational years. Using the client information samples, result of the F-test is significant at the .04 level. It is seen from table 55 that after a decline in the first ASAP operational year from the baseline year that mean days to disposition have increased in the final year beyond the mean of the baseline. This is not surprising considering the number of pending cases in State Court. It should be noted that client information samples were tracked only one year so the actual mean days to disposition is probably greater. Furthermore, it should be obvious from what has been related in this chapter and previous chapters that it is State Court operations which are the major factor in how much time is required to dispose or resolve a DUI charge. Recorder's Court has always been characterized by swift resolution.

Of the distributions considered, the client information samples indicate that there have been no changes across the ASAP operative years compared to the baseline except in time to

TABLE 54
Client Information By Disposition

	1971	1972	1973	1974	Total
Convicted	81 (87.1%)	87 (93.5%)	80 (87.0%)	66 (89.2%)	314 (89.2%)
BF	4 (4.3%)	4 (4.3%)	6 (6.5%)	2 (2.7%)	16 (4.5%)
Diacnol	8 (8.6%)	2 (2.2%)	6 (6.5%)	6 (8.1%)	22 (6.3%)
Total	93 (26.4%)	93 (26.4%)	92 (26.1%)	74 (21.0%)	352

Chi-square = 5.406, $p > .494$ with 6 df.

TABLE 56
TIME TO DISPOSITION
CLIENT INFORMATION SAMPLE

	Year				Grand Mean	
	1971	1972	1973	1974		
Mean in Days	79.800	65.157	78.438	105.244	82.160	
Source	Sum of Squares	DF	Mean Square	F-test	Significance	Percent of Total Sum of Squares
Year	62443.609	3	20814.535	2.817	0.040	2.79
Unit	2179440.000	295	7387.930	not tested		97.21
Total	2241883.000					100.00

disposition. By the last ASAP operational year the time to disposition had increased from about 80 days to 105.

VII. COUNTERMEASURES

Establishment of a classification system and provision of the requisite data necessary for the classification of DUI subject as well as establishment of the actual sentencing alternatives were the objectives of Judicial Countermeasures J-1, J-2, and J-4. J-1 was concerned with establishing sentencing alternatives for Recorder's Court while J-2 was concerned with establishing sentencing alternatives for State Court. J-1 and J-2 were also directed toward facilitating the use of the sentencing alternatives. The objective of Countermeasure J-4 in addition to proving requisite material for classification of DUI subjects was also directed toward proving pre-sentencing investigations (PSIs) for the Courts. Countermeasure J-5 was to provide psychological examinations for DUI subjects classified as problem drinking drivers. Psychological exams, however, were only rarely ordered by the courts.

In the establishment of sentencing alternatives as well as provision of the requisite material for classification of DUI offenders, J-1, J-2, and J-4 can be considered successful. Prior to ASAP the only sentencing alternatives available to the courts was Garrard Clinic (Treatment Phase III) and the regional hospital. ASAP established both Phase I and educational and treatment modalities and facilitated the expansion of the Garrard Clinic through an NIAAA grant (See Analytic Study Five). All three phases are still available as sentencing alternatives to the courts. Moreover, ASAP established and implemented record keeping procedures in the court system

which insured that BAC and prior DUI conviction data was available for more than 90 percent of those persons arrested for DUI.

With regard to facilitating the use of the sentencing alternatives and the ordering of PSIs by the court system, however, the objectives of J-1, J-2, and J-4 did not achieve the level of success that might have been hoped for. First, the court system both Recorder's and State courts, referred for too few subjects to the treatment modalities (i.e. Phase II and III). Secondly, and very importantly, when an individual was sentenced to an educational treatment modality no means were employed by the courts to insure that the subject completed the educational or treatment regimen. While 2376 subjects completed Phase I only, 108 subjects completed Phase II (which became operational July, 1973) and only 121 completed Phase III. This referral total was out of 7430 DUI convictions in Recorder's and State courts over the three year operational period of ASAP. Furthermore, there were only 417 PSIs ordered by the court system over the three years of ASAP's existence. It has been hoped that about 70 percent of the problem drinking drivers (level II and III) would have PSIs completed on them and that at least this percent would be referred.

Thus the degree of meeting the objectives of the various judicial countermeasures is mixed. It should be noted that the Columbus ASAP was successful in establishing and achieving those objectives which it could achieve without reliance on outside sources (i.e. the court system). The major lack of success was

in persuading the courts to cooperate in the use of the sentencing alternatives and in ordering PSIs and background investigations. Also the courts were never persuaded to develop means to insure that offenders would be required to complete the treatment and educational modalities. The lack of success with the courts, however, does not necessarily represent failure on the part of Columbus ASAP, but may have been the maximum which could be accomplished. Perhaps the best that could be achieved was what was achieved in that at least the courts now have some awareness that there may be other possibilities of dealing with drinking driver offenders other than traditional means.

VIII. CONCLUSION

An attempt has been made to provide a detailed description of the operations and processes of the Columbus-Muscogee county court system. The remaining question concerns the impact of Columbus ASAP operations on the court system over the three year operative period from January, 1972 - December, 1974. Chapter VII has already considered this question to some extent.

There can be little doubt that the Columbus ASAP had had a substantial impact on the Columbus-Muscogee county court system. With the exception of Garrard House there were essentially no sentencing alternatives available to the court system prior to ASAP. Three are available now with Garrard Clinic being greatly expanded as a direct result of ASAP. There was no concerted effort to distinguish between drinking drivers prior to ASAP. There is now, and moreover, the requisite system needed to make these distinctions was operationalized by ASAP resulting in a highly efficient record keeping system. Prior to ASAP there was no procedure for PSIs and background investigations. ASAP established such a procedure; moreover, ASAP provided the personnel to complete these. It is indicative of the impact of ASAP that all of the sentencing alternatives established by ASAP have been continued and remain available for use by the court system. In addition, Phase I education modality is essentially self-sufficient with regard to its operations. The means to achieve this were provided through the Columbus ASAP.

Yet while the Columbus ASAP has had an unquestionable impact on the court system there have also been noticeable areas where less than success was achieved. Thus, while referral activity increased over the baseline years (because there was essentially no referral activity prior to ASAP) referral levels never reached anticipated levels except in one instance. It was hoped that referrals or sentencing alternatives would be used in about 70 percent of the DUI convictions. In 1973 Recorder's Court exceeded the 70 percent referral level while this was approached by State Court in 1972. However, perhaps the most disquieting matter with regard to referral activity is that there has been a steady decline in referrals by Recorder's Court over the years. Moreover, even though referral activity in State Court seems to be on the increase it still is at a very low level. In addition, the courts could never be persuaded to enforce their referral action on those occasions when sentencing alternatives were used. Thus, offenders who were referred could with virtual impunity refuse to complete or attend those educational and treatment modalities they had been referred to.

Another area where less was achieved than was hoped for was with regard to PSIs and background investigations. A total of only 417 were ordered by the courts over the three year ASAP operative period. Combined with the level of referral activity and the reluctance to enforce referral sentences as well as the paucity of PSIs and background investigations ordered, it is indicated that there seems to have been a less of commitment on the part of the court system to ASAP objectives

than would have been hoped for. In addition, the lack of major change in the distributions patterns reflected by dispositions and sanctions seem to indicate that the court system continued to do business about as it always has. Therefore, ASAP provided referral alternatives, when they have been used, have been used in addition to rather than the traditional alternatives.

However, despite those areas where less was achieved than hoped for, ASAP has impacted the court system and has impacted it substantially. Whether the impact that has been achieved will remain will have to be seen.

