

Technical Report Documentation Page

1. Report No. DOT HS 804 053	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle San Antonio Alcohol Safety Action Project		5. Report Date May 1977	
		6. Performing Organization Code	
7. Author(s) Kenneth F. Langland, Thomas E. Hawkins, and Charles B. Dreyer		8. Performing Organization Report No.	
9. Performing Organization Name and Address San Antonio Alcohol Safety Action Project 303 South Alamo Street San Antonio, Texas 78205		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. DOT-HS-049-1-065	
12. Sponsoring Agency Name and Address U.S. Department of Transportation National Highway Traffic Safety Administration 400 Seventh Street, S. W. Washington, D. C. 20590		13. Type of Report and Period Covered Final Report 1972-1974	
		14. Sponsoring Agency Code	
15. Supplementary Notes Final Report San Antonio ASAP: Section I; Section II, Vol. 1-2, 3, 4, 5,6, and 7 1972-1974			
16. Abstract <p>This document describes the activities undertaken by the San Antonio Safety Action Program during the years 1972 through 1974 and the principal results and findings of the efforts in the major countermeasure areas.</p> <p>These reports represent the objectives established for each countermeasure during the initial 3-year program (1972-1974). Overall objective results are detailed in: Analytic Study No. 1-2, Analysis of Overall Project Impact; Analytic Study No. 3, Analysis of Enforcement; Analytic Study No. 4, Analysis of Adjudication; Analytic Study No. 5-6, Analysis of PDE and Rehabilitation; Analytic Study No. 7, Analysis of Public Information and Education; and the Project Director Report.</p>			
17. Key Words		18. Distribution Statement Document is available to the U.S. public through the National Technical Information Service, Springfield, Virginia 22161	
19. Security Classif. (of this report) Unclassified	20. Security Classif. (of this page) Unclassified	21. No. of Pages	22. Price

NCJRS

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ACQUISITION

METRIC CONVERSION FACTORS

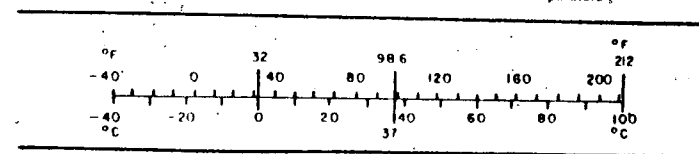
Approximate Conversions to Metric Measures

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

* 1 inch = 2.54 centimeters. For other exact conversions, and more detailed information, see 1985 Metric Handbook, U.S. Dept. of Commerce, Bureau of Standards, Publication No. 100-100-000.

Approximate Conversions from Metric Measures

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



SAN ANTONIO
ALCOHOL SAFETY ACTION PROJECT

ANALYTIC STUDY NO. 4
FINAL ANALYSIS OF THE
JUDICIAL SYSTEM
1972 THROUGH 1974

Kenneth F. Langland
Thomas E. Hawkins
Charles B. Dreyer

San Antonio Alcohol Safety
Action Project
303 South Alamo Street
San Antonio, Texas 78205

Contract No. DOT HS-049-1-065
Contract Amt. \$3,258,683



PRINTED APRIL 1979
FINAL REPORT

This document is available to the U.S. public through the
National Technical Information Service,
Springfield, Virginia 22161

Prepared For
U.S. DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
Washington, D.C. 20590

NCJ # 75347

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page iii

Paragraph 2: The overall flow of DWI arrestees through the Ajudication System underwent a tremendous increase because of ASAP. In 1971 there were 950 case dispositions, however disposition averaged 4461 during the ASAP Years.

There was a Substantial deterioration of court activity in 1974 due to the fact that all three county judges were running for election. Unquestionably the Alco Learn Program was the key elements which kept dispositions even reasonably close to arrests.

Paragrapg 3: Few performance estimates were met, dismissed rates were higher than planned and conviction rates were lower than planned. Backlog to disposition rates were better than planned in 1973 and some close to planned in 1974.

Paragraph 4: The Scientific Evaluation of the overall Traffic Safety System was design to develop the degree of change of disposition from baseline to operational years, determine profiles of disposition groups, develop the Change in Processing times from baselines to operational years, and determine what affects alternative judicial disposition had on subsequent driving behavior.

Paragraph 5: in 1974 there was marked decrease in problems and equal increase in charge disposition.

Jail Sentences were infrequently given and were generally light. License suspensions were rarely used as a sanction.

Refusal by the arrestees to take the BAC test resulted in lesser sanctions and dispositions. Overall approximately 40 percent of the possible cases.

Analysis of disposition group profiles indicated no significant pattern for age or sex. Analysis was made of the importance of prior DWI arrest patterns and prior accident and ^{NEW} DWI offenses, history. None had sttistically significant impact on the type of disposition nor the sanctin imposed by the judges.

The ASAP concept of DWI probation appeared to have met its goal. Probationers had the lowest DWI recidvism rate and one of the lowest subsequent accident rates of any of the disposition groups. Final DWI convictions had the worst subsequent behavior patterns.

At present, the only way to get a good idea of the situation is to look at the numbers. The numbers show that the situation is not as bad as it seems. The numbers show that the situation is not as bad as it seems. The numbers show that the situation is not as bad as it seems.

14

EXECUTIVE SUMMARY

JUDICIAL SYSTEM ANALYTIC STUDY

Analysis of the distribution of dispositions indicated that the planned increase in probation dispositions during the

Overall, it would be easy to conclude that ASAP had no major impact on the Traffic Safety System. However, this Evaluator believes that this would be an erroneous conclusion. Considering the situation before ASAP, the total independence of the judiciary and its reluctance to change, it is concluded that ASAP has made substantial progress in altering the system. Beginning in 1975, new systems, additional personnel, and enlightened attitudes prevail in Bexar County. The three years of the initial ASAP demonstration simply were not enough to provide the degree of change contemplated by the National Highway Traffic Safety Administration in its design of the Alcohol Safety Action Project in San Antonio.

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SAN ANTONIO ALCOHOL SAFETY ACTION PROJECT

INTRODUCTION

This analytic study is one of six final evaluation reports covering the period of program planning (1971) and the initial three years (1972-1974) of operation of the San Antonio Alcohol Safety Action Project (ASAP). Collectively, these six reports contain in-depth descriptions of each of the countermeasures of ASAP. Administrative and scientific evaluations of their effectiveness are also documented. The major areas for each of the six analytic studies and the countermeasure activities included within each are shown in the accompanying table. This analytic study, No. 4, is an evaluation of the judicial system and the impact on the overall traffic safety system.

No.	Analytic Study	Countermeasure Activities
1-2	Overall Impact	Project Management
3	Enforcement	Enforcement Training Selective Enforcement
4	Judicial	Prosecution Court Services
5	Presentence Investigation	Presentence Investigation PSI Control
6	Rehabilitation	AIDE School Alcoholic Treatment Program Diagnosis and Level II
7	Public Information and Education	Mass Media Campaign Citizen Involvement Campaign Driver Education Campaign

In the interests of making each analytic study a "stand-alone" document, the first section, following the Introduction, is an overall system description of ASAP. This section is subdivided to include a detailed description of the countermeasure activities and the system devised for processing clients.

The second section is a detailed description of the countermeasure pertinent to the analytic study. Included in this section is a record of annual countermeasure activity.

The third section of each analytic study is an administrative evaluation of the appropriate countermeasures for each pertinent study. While the type of evaluation varies among countermeasures, the basic analytic techniques utilized are tabular arrays of data on the number of events occurring, comparison of actual activity or performance ratios against planned levels, and the longitudinal trends of the data. This section, therefore, is quasi-analytical and is intended to quantitatively describe the extent to which the system performed as planned.

The fourth section of each analytic study is the scientific evaluation of the countermeasure activities. With two exceptions, the analytical techniques used for the scientific evaluation are unique to the research questions being addressed and are fully documented in the appropriate analytic study. The two exceptions, namely, the Annual Household Surveys and the Annual Voluntary Roadside Surveys, are used in the analysis of several countermeasure activity areas. The Annual Voluntary Roadside Survey is documented fully only in Analytic Study No. 3, while the complete documentation of the Annual Household Survey is contained only in Analytic Study No. 7. The fourth section is entirely analytical and, therefore, is intended to be the major basis for the analysis of effectiveness.

The last section of each analytic study contains the conclusions reached by the Evaluator concerning his appraisal of the overall value and effectiveness of the Driving While Intoxicated (DWI) control system used by the San Antonio ASAP. These conclusions are based primarily on the scientific evaluation of the data developed, and also on the administrative evaluation and descriptive material. Since subjective appraisals are included within this overall assessment, the opinions and conclusions expressed in this section must be viewed as those of the Evaluator.

While every attempt has been made to make this a "stand-alone" document, it should be recognized that an Alcohol Safety Action Project encompasses a wide spectrum of activities and events, not all of which are integrated into a total system. Accordingly, it is the Evaluator's belief that a full and accurate appraisal of countermeasure or overall effectiveness can only be made after a careful review of all of the evaluation reports and the final report of the Project Director.

ASAP DESCRIPTION

ASAP Countermeasure Activities

The primary objective of the San Antonio ASAP was to closely coordinate all countermeasure actions, seeking the most effective, practical, and economical countermeasures to achieve a substantial reduction in number and severity of traffic accidents caused by drinking drivers, which may be established as a permanent traffic safety program for the City of San Antonio.* To aid in the achievement of this goal, countermeasures were established. These countermeasures and their objectives are as follows:

- **Project Management—Objective:** *To coordinate all countermeasure activities, provide staff management and administration, and control efficient and productive expenditures of funds to achieve the project objective.*

The basic functions involved in this countermeasure activity were:

- Internal Administration,
- Countermeasure coordination, and
- Countermeasure operation.

Internal administration is concerned with routine office functions such as fiscal and accounting, correspondence, personnel, planning, and logistics. Countermeasure coordination was accomplished under the supervision of the Project Director primarily by two staff members, the project coordinator and the staff attorney. Coordination in San Antonio consisted of establishing and bringing together activities not directly under ASAP project management, in order to insure the smooth flow of arrested DWIs through the judicial and rehabilitative countermeasure areas. Countermeasure operation was confined solely to Public Information and Education which was restricted to a staff specialist assisted by a subcontract.

Southwest Research Institute had a subcontract to provide total evaluation of all aspects of the project. The scope of their evaluation activities were broad-ranged to: provide management information to the Project Director with respect to all countermeasures; prepare local evaluation studies or the Project Director; prepare studies for NHTSA; and prepare periodic reports. There were no evaluator personnel on the ASAP staff, but the principal evaluator, Southwest Research Institute, worked closely with the ASAP director on all matters.

- **Enforcement Training—Objective:** *To provide additional expertise necessary for a substantial increase in the rate of detection, apprehension, and conviction of drinking drivers through extensive training in the severity of drinking-driver problems and effective enforcement procedure.*

A total of 430 officers of the San Antonio Police Department participated in 12 hours of classroom training concerning the detection and apprehension

of a DWI. Forty detective-investigators were instructed in the operation of the Breathalyzer. Thirty officers were trained as supervisors.

- **Selective Enforcement—Objective:** *To increase the rate of detection, apprehension, and conviction of drinking drivers through effective use of trained officers working overtime during periods of high incidence of drinking drivers.*

Each night of the week ASAP-trained members of the San Antonio Police Department patrolled the city in specially marked patrol cars for a minimum of five hours. These patrols had as their primary role the duty of detecting and apprehending DWIs. As a secondary function, they answered emergency calls until an officer on regular patrol relieved them. Once a DWI was apprehended, he was taken to the Breathalyzer Room next to the San Antonio Police Station. After arriving there, the suspect was offered a chance to take the Breathalyzer test. If the suspect had a BAC of 0.09 percent or less he was allowed to leave. If he refused to take the Breathalyzer test or had a BAC of 0.10 percent or more, he was booked in the county jail and formally charged with the offense of DWI.

- **Prosecution—Objective:** *To improve, through the use of additional assistant District Attorneys, the quality and timeliness of the preparation and prosecution of the increased case load that results from persons being charged with driving while intoxicated or driving with a suspended or revoked license.*

As a result of the increase in enforcement, ASAP funded three assistant District Attorneys as prosecutors and one assistant District Attorney as a supervisor to defray the increase in the DWI case load in the three county courts-at-law that handle DWI cases in Bexar County. These four assistants were required to handle all DWI cases that were filed in the District Attorney's Office and to help in promoting the use of ASAP rehabilitative programs for those found guilty.

- **Court Services—Objective:** *To improve timeliness of the preparation and prosecution of the increased DWI case load through the use of additional court services.*

A DWI Court Coordinator was funded to further aid the courts with their increased work load. It was his function to assist in writing reports; to provide the judges with personal data and rehabilitation recommendations from the Presentence Investigation Office; and to help distribute the work load.

- **Presentence Investigation—Objectives:** *To accurately categorize defendants found guilty of DWI as either problem drinkers or social drinkers, and to provide the courts with rehabilitation options as a condition of possible probation through personal interviews and*

*ASAP Detail Plan, City of San Antonio, Texas.

questionnaires and an examination of arrest and social records of defendants found guilty of DWI.

Once a suspect was found guilty of DWI, he was sent to ASAP's Presentence Investigation. The defendant was given the Mortimer-Filkins questionnaire, an in-depth interview, and a background investigation. Upon review of all this information, a decision was reached by the ASAP psychometrist, psychologist, and doctor as to the proper treatment required by the defendant. This information was then sent to the proper judge so that he could produce an appropriate sentence.

- **PSI Control**—Objective: To validate the accuracy of the personal interview and questionnaire as an effective categorization technique through intensive individual psychosocial examination of a randomly selected sample of defendants found guilty of DWI.

The Mortimer-Filkins Evaluation (using both the self-administered questionnaire and the interview) was the primary technique used for the drinker categorization of individuals processed through PSI. In order to validate this technique, in-depth psychosocial evaluations (of a random sample of individuals referred to PSI by the courts) were conducted by trained medical personnel from the University of Texas Medical School at San Antonio. The only elements common to both the PSI and PSIC personnel were the BAC levels at time of arrest, and the record of prior arrests of the individual being diagnosed. Analysis of the drinker classifications determined by the PSI and PSIC validated the accuracy of the Mortimer-Filkins Evaluation technique.

- **Aide School**—Objective: To minimize occurrence of alcohol-related driving events through group education of court-referred drinking drivers.

The ASAP, through a subcontract with the Greater San Antonio Safety Council, operated a four-session, ten-hour AIDE school. The classes were two- and one-half hours long and were held once per week for four consecutive weeks. The size of each class ranged from 25 to 50 persons with an average of about 40 persons per class. The criteria for assignment were: a DWI conviction; a written request for probation by the convicted person; and the discretion of the court. The AIDE school was designed for rehabilitation of the social drinker. The referral system included those directed by the County District Attorney to attend the classes. The course topics included: the seriousness of the drinking-driver problem, the effects of alcohol on the body and driving skills; ways to recognize an alcohol problem; where to find help; and the consequence of continued drinking and driving. The class orientation was didactic with the presentation of alcohol education material, then group discussions were conducted to evaluate the social-emotional situations presented by film and tape. The AIDE school was funded by ASAP, but a \$12 tuition was charged to help defray cost. However, payment of the fee was not pressed if the client was indigent.

- **Alcoholic Treatment Program**—Objective: To reduce the recidivism rate of court referred problem drinking drivers through the use of coordinated rehabilitation facilities.

The ASAP and/or the courts refer the most serious problem drinkers to the ATP facility. The ATP is an NIAAA supported facility operated under the management of the Bexar County (Texas) Mental Health and Mental Retardation Center. This (MH&MR) outpatient facility offers three treatment modalities: group therapy; individual therapy; and chemotherapy. Two or more treatment modalities are usually used in combination. The basic objective of the ATP is to instill in the client the awareness that everyone has need of a reason to control his drinking. Through a subcontract arrangement with MH&MR, ASAP can refer clients to the treatment facility at no cost to ASAP. The only cost to ASAP under this subcontract is a charge for data control and reporting within the Alcoholic Treatment Center.

- **Diagnosis and Level II**—Objective: To reduce the DWI recidivism rate of drivers who were developing a drinking problem, and to prevent the regression of problem-developing drinkers into problem drinkers.

The diagnostic phase of this countermeasure consisted primarily of the in-depth psychosocial evaluation provided by the ASAP psychiatrists who operated under a subcontract with the University of Texas Medical School. The psychosocial evaluation typically consisted of: a general psychiatric examination; further specific psychiatric testing as needed; consultation; problem drinker classification; and recommended educational, rehabilitation, and/or therapeutic procedures.

Another phase of this countermeasure was the activity of the social worker, also under the UTMS subcontract. The social worker visited the homes of some of the problem drinkers undergoing rehabilitation and helped their families to deal with the drinker's problem.

The Level II Group Therapy Program began functioning in late 1973. Each group of clients was to meet for 12 consecutive weeks in 1- and 1/2-hr sessions. Level II group therapy was only offered to those problem-developing drinkers on probation whom the psychosocial evaluation suggested would really benefit from preventative therapy before they became confirmed problem drinkers.

- **Mass Media**—Objective: To promote and publicize the ASAP while focusing public attention and action to the hazard of the problem drinker-driver through the comprehensive, multifaceted Mass Media Campaign.

The Mass Media Countermeasure was designed to inform the public of the drunk driving problem and to promote ASAP. This was done through: the preparation, production, and distribution of radio and television public service announcements; the development and distribution of press releases to the news media when events indicated; and arrangement of

staff appearances on radio and TV interview programs. Locally produced materials have been used, as well as adaptations on materials from National Highway Traffic Safety Administration and other ASAP's.

- **Citizen Involvement—Objective:** *To develop interest and support for ASAP, and motivate and activate elected officials, business leaders, clergy, educators, clubs, organizations, and other interested citizens through person-to-person contact, speeches, and other special attention.*

The Citizen Involvement Countermeasure was more multifaceted than any of the other PIE activities, but basically, the countermeasure involved a person-to-person approach. Citizen Involvement Countermeasure included: stimulating, scheduling, and conducting speaking engagements before civic groups; writing, editing, publishing, and distributing a quarterly newsletter, periodic pamphlets, and posters. This countermeasure also involved staging Intoximeter demonstrations and other displays throughout the community.

- **Driver Education—Objective:** *To function as a catalyst to expand factual information provided to students, concerning alcohol and driving, and to assist in the development of good personal philosophy.*

The Driver and Traffic Safety Education involved working directly with administrators, teachers, and students to enrich the schools' curriculum in the area of driver education, health, and safety. Educational materials were provided to individual students and teachers as well as to large groups of students. Also contacts were made at the state level with representatives of the Texas Education Agency.

DWI Client Processing

The DWI system implemented in Bexar County, during 1972 through 1974, is depicted in the flow chart format in Figure 1. This system is described in the following paragraphs by following the progression through the flow chart. The numbers in this section of the text refer to the same circled numbers in the corresponding boxes on the flow chart.

① ASAP Selective Enforcement

The Selective Enforcement Countermeasure was conducted by regular officers of the San Antonio Police Department (SAPD) working on an overtime basis, with duty assignments on a voluntary basis on regular days off. The purpose of the ASAP patrols was to identify the intoxicated driver and remove him from the road.

② & ③ Regular Patrol Enforcement: Patrol and Traffic Divisions

Regular Patrol Enforcement accounted for the remainder of the DWI arrests by the SAPD. These arrests were made both by the Patrol Division and by the Traffic Division.

④ SAPD Arrests Not Booked

Suspects arrested for DWI by the SAPD were asked to take a Breathalyzer test. If the blood alcohol concentration

(BAC) obtained was below 0.10 percent, the suspect was released without being charged for the DWI offense.

⑤ SAPD Booked DWI

If the suspect arrested for DWI by the SAPD refused to take the Breathalyzer test, or if the test yielded a BAC of 0.10 percent or higher, he was booked on the DWI charge.

⑥ Other Agencies' Booked DWI Arrests

The Bexar County Sheriff's Department, the Texas Department of Public Safety, and the police departments of communities in and around San Antonio, were the other agencies in Bexar County that also filed DWI charges on DWI arrestees.

⑦ DWI Filed Bexar County DA

The DWI charges against booked DWI arrestees were filed with the Bexar County District Attorney's Office. The District Attorney (DA) prosecutor assigned to the case examined the charges for sufficiency of evidence; he could reject the case for lack of evidence or he could file the case for subsequent court trial, either on the full charge of DWI or on the reduced charge of Public Intoxication.

⑧ Cases Disposed by the County Courts

Each DWI case was filed on the docket of one of the three Bexar County Courts-at-Law. At, or prior to, the hearing of each case, one of the following situations occurred: a jury trial (which was rare); a court hearing in the presence of the County Court-at-Law Judge; or plea bargaining, with an agreement between prosecution and defense.

⑨ Final Conviction DWI

If the DWI defendant was found or pleaded guilty as charged, he was convicted of DWI. If the defendant convicted of DWI did not apply for probation, or if his probation application was rejected by the County Court Judge, his DWI conviction became final. The sentence, usually a fine and jail, was imposed and the DWI conviction was entered on his driving record.

⑩ Probation

Most defendants convicted of DWI made a formal application for probation. If the individual's application for probation was approved, his conviction did not become final. The individual could then enter the ASAP system. A Presentence Investigation could be ordered by the judge.

⑪ Acquitted, Dismissed or Rejected by the District Attorney

A DWI case could be: rejected by the DA prosecutor for insufficient evidence; dismissed by the judge at the court hearing; or found not guilty in a jury trial. In any such case, the DWI defendant was considered not guilty, and the charge was dismissed.

⑫ Reduced Conviction

If the DWI defendant was found or pleaded guilty to a lesser charge as a result of plea bargaining, he was

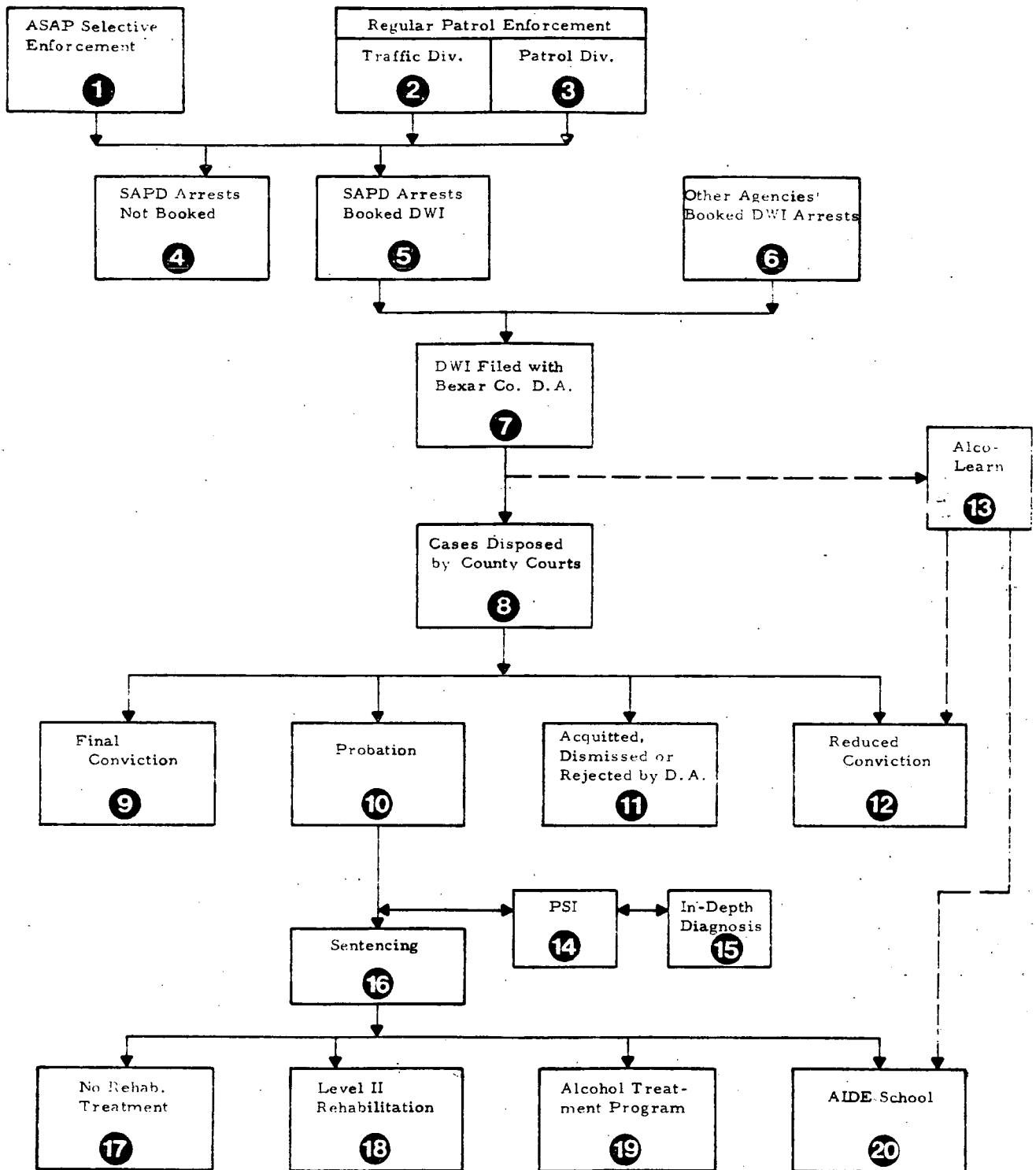


FIGURE 1. OVERALL FLOW THROUGH THE ASAP SYSTEM

convicted of Public Intoxication. A fine was usually the only sentence.

13 Alco-Learn

For those defendants who had a BAC of ≤ 0.14 percent and not more than one prior alcohol-related offense, the District Attorney gave them the option of attending the ASAP Alcohol Instruction and Driver Education (AIDE) School as a precondition of reduction of the charge to "Public Intoxication." Many of these individuals retained counsel who sought to get the DWI charge reduced in return for a plea of guilty. Since there was no probation for a public intoxication conviction, such individuals were ineligible for the school. If the arrestee failed to meet the established criteria for entry into the Alco-Learn program, the DA's Office could still refer him to the PSI Office for examination. Then if PSI recommended AIDE as appropriate treatment, the arrestee could be referred there as an Alco-Learn client.

14 Presentence Investigation

When the DWI probation applicant reported to the ASAP office for a Presentence Investigation (PSI), he was given the Mortimer-Filkins questionnaire and interview, and pertinent information was gathered regarding his background, his DWI arrest, and his prior criminal record. On the basis of this information, the DWI probation applicant was then classified as to the extent of his drinking problem and appropriate rehabilitation was recommended to the court.

15 In-Depth Diagnosis

The in-depth psychosocial evaluation conducted by the ASAP psychiatrist was given to a randomly selected sample of clients undergoing a Presentence Investigation.

16 Sentencing

If the individual's application for probation was approved, he could then enter the ASAP system. Attendance of one or more of the rehabilitation options was usually made a condition of probation. For those probationers who had undergone a Presentence Investigation, the judge could follow the rehabilitation option recommended by the PSI Office.

17 No Rehabilitative Treatment

None of the rehabilitation options were felt to be appropriate treatment for the probationer, or the probationer failed to attend the treatment to which he was referred.

18 Level II Rehabilitation

The probationer was referred to and entered the Level II Rehabilitation program.

19 Alcohol Treatment Program

The probationer was referred to and entered the Alcohol Treatment Program.

20 AIDE School

The probationer was referred to and entered the AIDE School. Referral to AIDE School could be made either by the court or by the District Attorney through the Alco-Learn System.

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To insure against inordinant case loads backlogs, the ASAP Project Director contacts the Bexar County Judge (the administrative head of county operations in Texas counties), and the District Attorney. Federal funds were offered to pay the salaries for one additional prosecutor in each county court for a total of three Assistant District Attorneys, and the ~~government~~ agreement was written into contractual form.

The only Organizational change in the county court at Law instituted by ASAP was the addition of a DWI Court Coordinator/Clerk to the staff of the judge of County Court-at-Law. This individual was employed to assist the court in cooperating with ASAP. ASAP also ~~augmented~~ augmented the judicial salaries for the judges of the County Courts at Law. The Additional funds placed the judges salaries in line with the amount authorized by Texas Law. In turn, the judges agreed to set up special DWI Dockets as an added court function.

Despite the fact that early agreements were reached on participation A problem of cooperation was encountered with the Bexar County Adult Probation Office. The chief Probation Officer answered to the District Judge (as opposed to the county Courts-at-Law Judges) of Bexar County and was primarily concerned with felony offenders. Both he and his assistant took a negative view of the ASAP rehabilitation program. ASAP offered to pay the salaries for two additional probation officers and Attendant Secretarial Assistance but this was refused. ASAP had to work around this group in order to put its rehabilitative countermeasures into effect. Consequently the countermeasure existed in name only.



JUDICIAL

Judicial Countermeasures

Development

When the ASAP program was being developed, the Bexar County Criminal District Attorney's Office had already established a misdemeanor section that provided at least one full-time prosecutor for each County Court-at-Law that had jurisdiction over criminal (i.e. DWI) cases. However, it was apparent that, with the expected increase in DWI arrests, one of two situations would develop; either the District Attorney would have to be provided additional prosecutors, or the case back load would increase to an extremely high level. To insure against this, the District Attorney, Judge (the administrative head of county operations in Texas counties) and the District Attorney's Office, were offered to pay the salaries for one additional prosecutor in each county. This offer was made to the District Attorney and the District Attorney's Office, and the District Attorney's Office was written and contractual form.

Considerable effort was expended in securing cooperation from the courts, with the judges being a vital element in the ASAP process. In 1971, three County Courts-at-Law had jurisdiction over DWI cases in Bexar County, each adjudicating about 300 such cases per year. When approached with the concept of an ASAP program, the three judges responded with differing degrees of acceptance. The youngest judge, who had the more progressive outlook, responded positively toward ASAP and became a key man in the program. The two elderly judges took a conservative "wait and see" position concerning the ASAP innovations. In recognition of the necessity of judicial cooperation, all negotiations with the judiciary were carefully conducted.

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██████████ agreements were reached on ██████████
██████████ opinion was encountered ██████████
██████████ Probation Office. The Chief ██████████
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██████████ County Courts at Law Judges) of DeKalb ██████████
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The Adjudication System

Description

The Bexar County District Attorney is charged by law with the responsibility of prosecuting all crimes "against the peace and dignity of the State of Texas," including DWI cases, which are filed in the county and district courts. The San Antonio Alcohol Safety Action Project contracted the Bexar County District Attorney's Office with the following primary objective in mind: To improve, through the use of additional Assistant District Attorneys, the quality, timeliness of preparation, and prosecution of the increased case load of persons charged with driving while intoxicated and driving while license is suspended or revoked.

Jurisdiction over the misdemeanor offense of DWI lies within the purview of County Courts-at-Law in Texas. When the ASAP program was developed, Bexar County had three County Courts-at-Law which had potential jurisdiction over misdemeanor DWI cases. As the County Courts-at-Law Judges were an integral part of the ASAP client flow, continual effort was made to encourage their participation in the ASAP program. Judges were provided with recommendations made by the Presentence Investigation (PSI) staff for DWI arrestees having undergone a Presentence Investigation. These recommendations stressed *which* rehabilitation program would be most beneficial to the individual. The judge followed this recommendation if he was in agreement. An analysis of the judges' acceptance of PSI recommendations is contained in Analytic Study No. 5, an Analysis of the Drinker Diagnosis and Referral Activity. However, many clients were referred by the courts to rehabilitation programs without recommendations from PSI. The ASAP program generated many additional DWI cases for the courts to dispose. County Courts-at-Law Judges agreed to set up special DWI dockets as an added court function.

Within the San Antonio Police Department, only those persons arrested for DWI who tested 0.10 percent or higher BAC, or who had refused the BAC test, were "booked" for DWI and formal charges were referred to the Bexar County District Attorney's Office for action. Similar procedures were used by the other law enforcement agencies who arrested DWIs and referred formal charges to the D.A.'s Office.

The formal charge included the following material: Charges and Disposition Report, the Offense Report, SAPD-DWI and case report, and record of previous arrests (RAP sheet) along with an affidavit for warrant of arrest, signed by an officer of the police department. These reports were reviewed for sufficiency of evidence by the District Attorney's Office and, if evidence was found to be sufficient, the complaint was taken. If evidence was found to be insufficient, the case was rejected. However, if there were other misdemeanor charges, i.e., traffic violations such as reckless driving, the case was referred back to the Municipal Court for appropriate judicial action at that level.

If the evidence was sufficient to warrant a complaint, the DWI case was filed by the Bexar County District Attorney in one of the three County Courts-at-Law. The penal statutes included provisions for filing a felony DWI in one of the District Courts, but such filings were infrequent. Felony DWI charges were filed only when there was a prior final conviction on a *misdemeanor* DWI charge and there was evidence that the defendant was either represented by counsel or waived that right.

Once a case was established, the charge of DWI was filed in one of the courts, then it was set on the court docket and a trial was held. DWI cases in Bexar County were very seldom tried by jury. The most common procedure was for the prosecutor and the defense attorney, if there was one, to "plea bargain." There were four outcomes which could result from the plea bargaining and subsequent trial:

- The individual could have been found guilty of DWI and any application for probation denied. In this case, his conviction became final and his driver's license could have been suspended under Vernon's Annotated Texas Civil Statutes, Article 6687B, Section 24. In this event, the individual did not enter the ASAP system, as a fine, jail, and/or license suspension are the only legal sentences in Texas.
- The individual could have been found guilty and his application for probation approved. In this case, his conviction did not become final and his driver's license was not suspended. In this event, the individual might or might not enter the ASAP system. The judge might have ordered him to undergo a Presentence Investigation and might or might not have followed the rehabilitation options recommended through the PSI. In either case, attendance at one of the rehabilitation options was a condition of probation. Once an individual had successfully completed his term of probation, the case was dismissed and all data concerning the DWI conviction was removed from the Legal and Driving offense Record System of Texas. In practice, unless there was a final conviction for DWI, the DWI conviction was never entered in the Department of Motor Vehicle's automated driver-record system.
- The charge could have been reduced to Public Intoxication and the individual was sentenced to pay a fine. In this event, unless the individual attended AIDE as a pre-condition of the reduction, he did not enter the ASAP system nor was his driver's license suspended.
- The charge could have been dismissed. In this event the individual did not enter the ASAP system unless he had attended AIDE prior to the dismissal of his case.

In those cases where the judge referred the potential probationer to PSI, he ordered the defendant to report to the ASAP office to obtain a scheduled appointment for a Presentence Investigation. At this time the ASAP-PSI team

began its program of examining the DWI defendant to categorize him as either a social or problem drinker. At the Presentence Investigation, the psychometrist administered the Mortimer-Filkins Evaluation or the Michigan Screening Test and conducted a personal interview. If the defendant was not scheduled for an in-depth psychosocial examination by the University of Texas Medical School personnel, the psychometrist prepared and transmitted the presentence examination results to the Probation Officer and sent a copy to the cognizant judge. To the extent possible, problem drinkers were referred for the in-depth psychosocial examination. As soon as this in-depth examination had been completed, and the results reduced to writing, the report was transmitted to the psychometrist. He then prepared and transmitted the presentence examination results to the Probation Officer with a copy of the doctor's report. When the probationer came back for his probation hearing before the court, the judge had received all the information contained in the reports, which were sent to the Probation Officer by the Presentence Investigation team and usually the defendant was granted probation. The judge, after reviewing the ASAP recommendations, might have ordered the defendant to attend the Alcohol Treatment Program or the AIDE classes, as a condition of his probation.

If the defendant successfully complied with the conditions of probation, either at the Alcoholic Treatment Program or with the AIDE requirement, the Probation Office was notified of the successful completion and ASAP was no longer involved in any of the judicial procedures. To date, there have been very few revocations of probation, even if the probationer failed to comply with the requirements of ATP or AIDE attendance. While the Probation Office cooperates with ASAP, it is not a formal part of the system in San Antonio. Also, numerous instances occurred where the judge had assigned probationers directly to the Alcoholic Treatment Program or the Alcohol Instruction and Driver Education School without processing through the Presentence Investigation procedures.

There were three operational ASAP rehabilitation options to which the probationer might have been referred: the Alcohol Instruction and Driver Education School, funded by ASAP and operated by the Greater San Antonio Safety Council; the Alcoholic Treatment Program (ATP), funded by HEW (ASAP funds pay 50 percent of the salary of a data analyst); and, the experimental Level II Group Therapy Program, operated and funded by ASAP. However, the Level II Group Therapy experiment was terminated after several months of operation because it duplicated an ATP function.

Highlights of 1972 Activity

The overall flow of clients through the Adjudication and Rehabilitation System is shown in three levels of detail in the following figures: Figure 2 indicates the overall flows by major action; Figure 3 shows the degree of activity and dispositions by each of the County Courts-at-Law; and Figure 4 diagrams the flow of clients from the court system into rehabilitation.

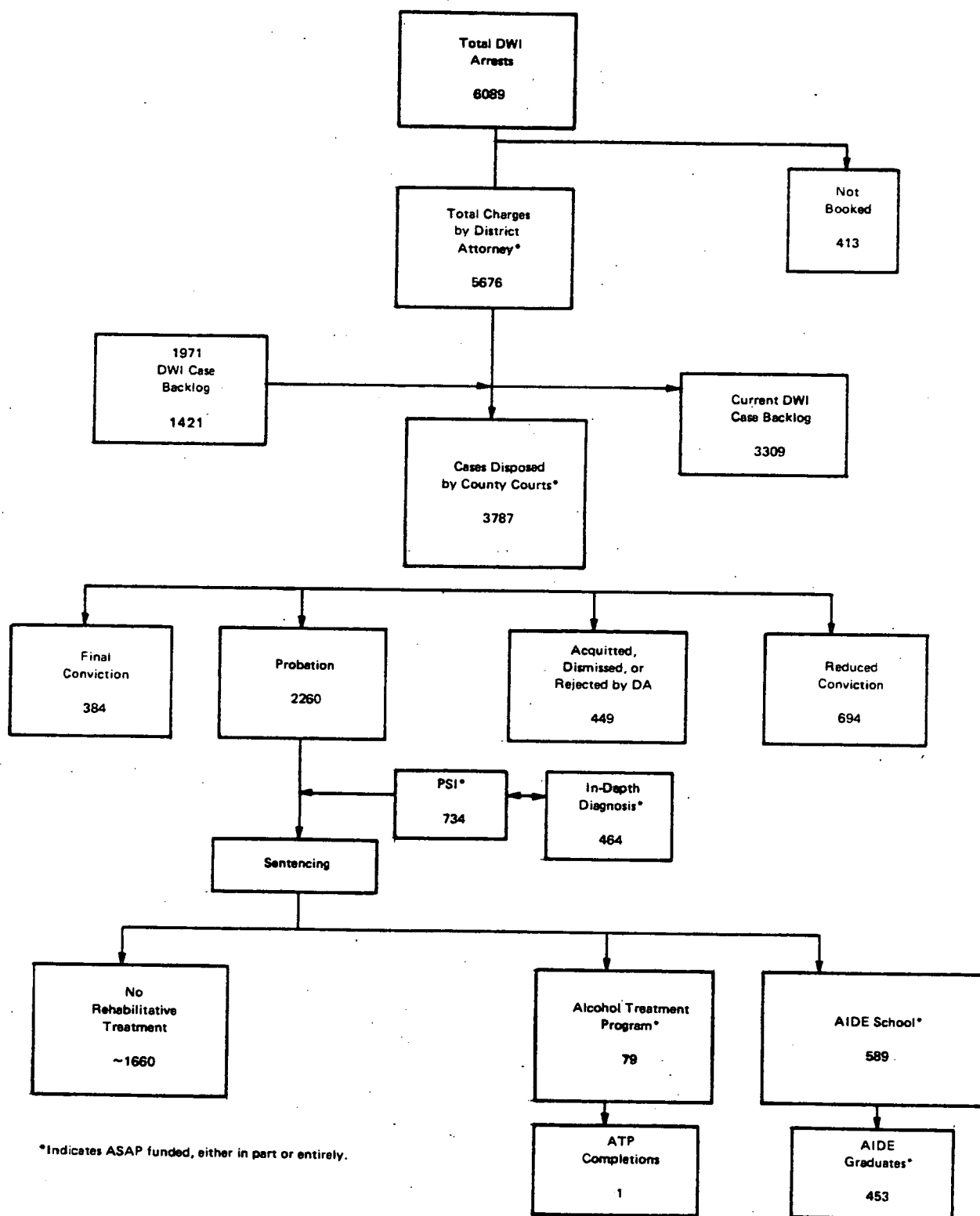


FIGURE 2. OVERALL FLOW THROUGH ADJUDICATION AND REHABILITATION DURING 1972

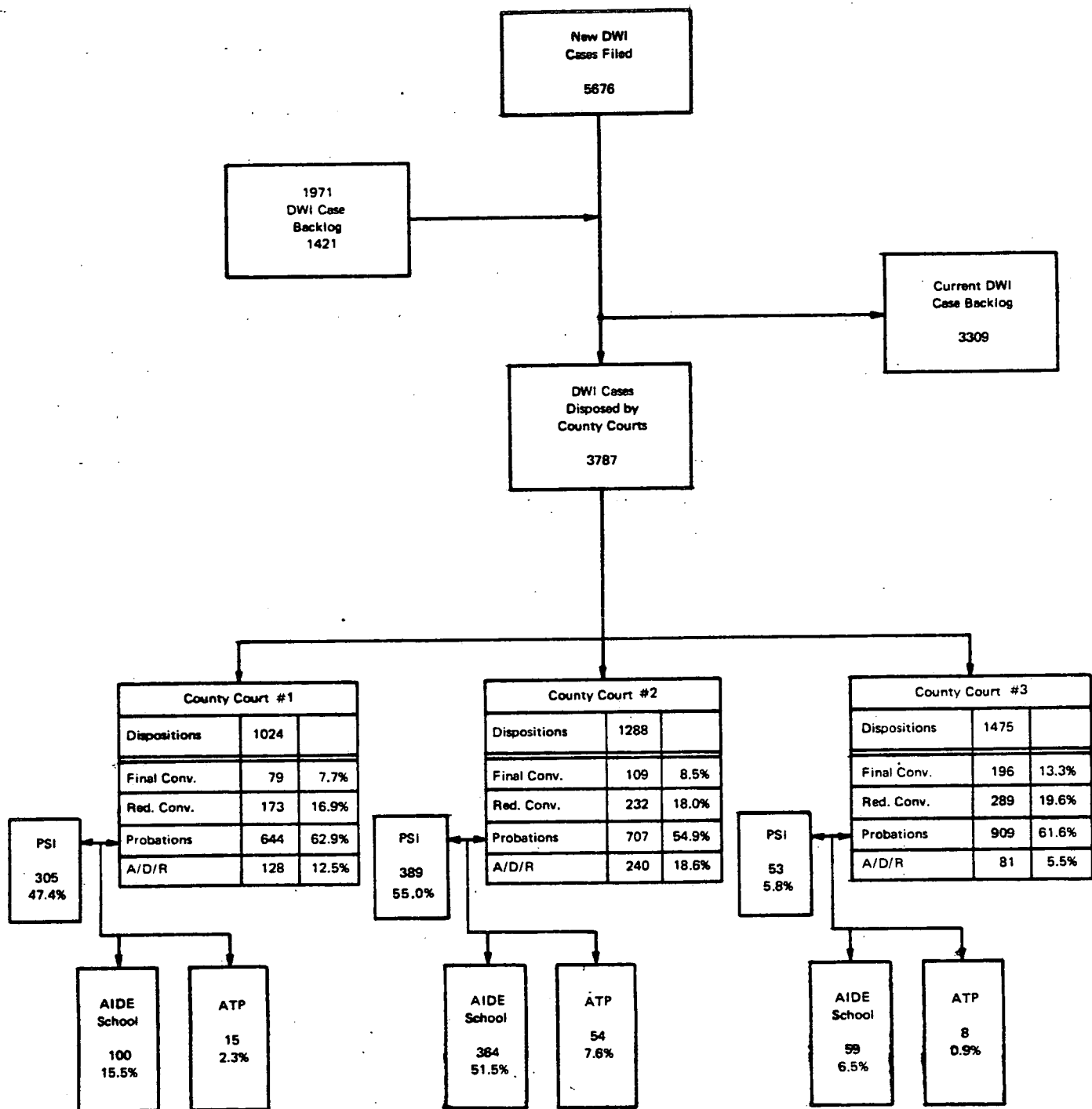
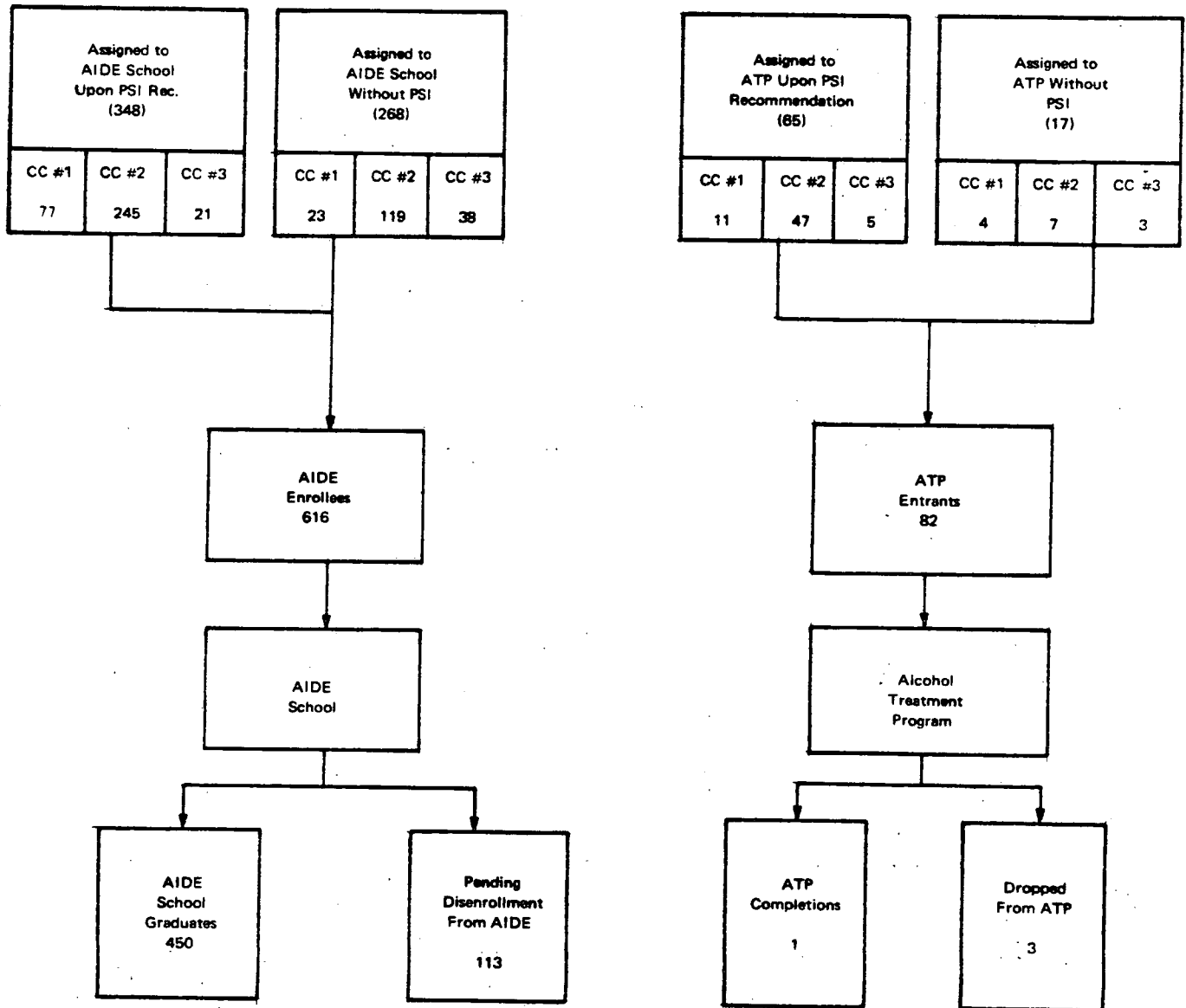


FIGURE 3. DETAILED FLOW THROUGH ADJUDICATION DURING 1972



Note: Numbers do not total those of Figure 3 due to exclusion of courts other than County Courts-at-Law.

FIGURE 4. DETAILED FLOW INTO REHABILITATION DURING 1972

As expected, the DWI case load increased substantially during 1972. Although there were modest increases in the DWI arrests by non-ASAP forces, the vast majority of the increase stemmed from the ASAP Selective Enforcement Patrols. In 1972, the Bexar County Assistant District Attorneys not only disposed of three times the number of DWI cases disposed in 1971, but did so more effectively. (See Table 1.) The dismissal rate dropped over 4 percent and the conviction rate improved by 3 percent. But at the same time, a significant backlog of over 3000 DWI cases developed, with the average length between arrest and final disposition of DWI cases increasing from 4-1/2 months to 7 months. The quality of DWI prosecution improved, but the prosecutor's efforts could not prevent the anticipated DWI case backlog from developing. County Court No. 2 was the only one that cooperated fully with ASAP, although County Court No. 1 referred large numbers of clients to PSI, and accepted a fair percentage of PSI's recommendations for client assignment to the ASAP Alcohol Instruction and Driver Education (AIDE) School.

TABLE 1. 1972 DWI CASE DISPOSITIONS BY COUNTY COURTS AND DA

Dispositions	County Court No. 1	County Court No. 2	County Court No. 3	Total 1972
Total Cases Disposed	1024	1288	1475	3787
DWI-Final Conviction	7.7%	8.5%	13.3%	10.1%
DWI-Probation	62.9%	54.9%	61.6%	59.7%
Reduced Conviction	16.9%	18.0%	19.6%	18.3%
Dismissed/Rejected	12.5%	18.6%	5.5%	11.9%

Highlights of 1973 Activity

Figures 5, 6, and 7 show the overall and detailed flows of clients through the system during 1973. It should be noted that there is an additional path in these figures. For those defendants who had a BAC of ≤ 0.14 percent and not more than one prior alcohol-related offense, the District Attorney gave them the option of attending the ASAP Alcohol Instruction and Driver Education School as a precondition of reduction of the charge to "Public Intoxication." Many of these individuals retained counsel, who might have gotten the DWI charge reduced in return for a plea of guilty. Since there is no probation for a public intoxication conviction, such individuals were ineligible for the school. In 1973, the ASAP Project Director concurred with the District Attorney in instituting this change of procedure, referred to as "Alco-Learn." If the arrestee failed to meet the established criteria for entry into the Alco-Learn program, the District Attorney's Office could still refer him to the Presentence Investigation Office for examination. Then, if PSI recommended AIDE as appropriate treatment, he could have been referred there as an

TABLE 2. 1973 DWI CASE DISPOSITIONS BY COUNTY COURTS AND DA

Dispositions	County Court No. 1	County Court No. 2	County Court No. 3	Total 1973
Total Cases Disposed	1736	1950	1704	5390
DWI-Final Conviction	6.1%	5.8%	11.4%	7.6%
DWI-Probation	58.8%	47.0%	56.8%	53.8%
Reduced Conviction	23.5%	29.6%	24.4%	25.9%
Dismissed/Rejected	11.8%	17.8%	7.6%	12.7%

Alco-Learn client. The same procedure was also followed for clients referred to ATP for treatment.

In 1973, the number of cases disposed by the courts increased nearly 50 percent (5390 as compared to 3787 in 1972). (See Table 2.) This increase can be attributed to the two ways in which ASAP agreed to assist the District Attorney's Office:

- First, ASAP agreed to pay one-third of the salary of an additional Assistant District Attorney, in order to facilitate handling more DWI cases to reduce the large DWI case backlog. This Assistant District Attorney assumed the duty of supervising and coordinating the prosecution of DWI cases.
- Secondly, ASAP instituted the Alco-Learn program. This program allowed the prosecutor to send DWI suspects, who met certain qualifications, directly to the AIDE school before their cases were adjudicated and without a Presentence Investigation; in return for a plea of guilty to be reduced to a charge of "public intoxication." These defendants were to have had a BAC of ≤ 0.14 percent and not more than one prior alcohol-related offense. This procedure may be credited with saving a significant amount of time that might have been devoted to in-court procedures and to plea bargaining.

By early 1973, the average time to process a DWI case through the courts had returned to the 1971 rates. The DWI case disposition rate began to approach the DWI case-filing rate. It appeared that the court system had adjusted to the pressures imposed upon it by ASAP. One additional highlight occurred in the fall of 1973, when prosecutors, judges, and ASAP resource personnel attended a successful seminar that enhanced judicial knowledge of the problems involved with DWI under the ASAP system.

During March of 1973, a one-month experiment on DWI case dispositions was conducted in County Court No. 2. The District Attorney's Office agreed to try to obtain convictions of all DWI cases (i.e., no reduced to drunk charges would be accepted) with approval of the judge. The results of this experiment were an increase in the

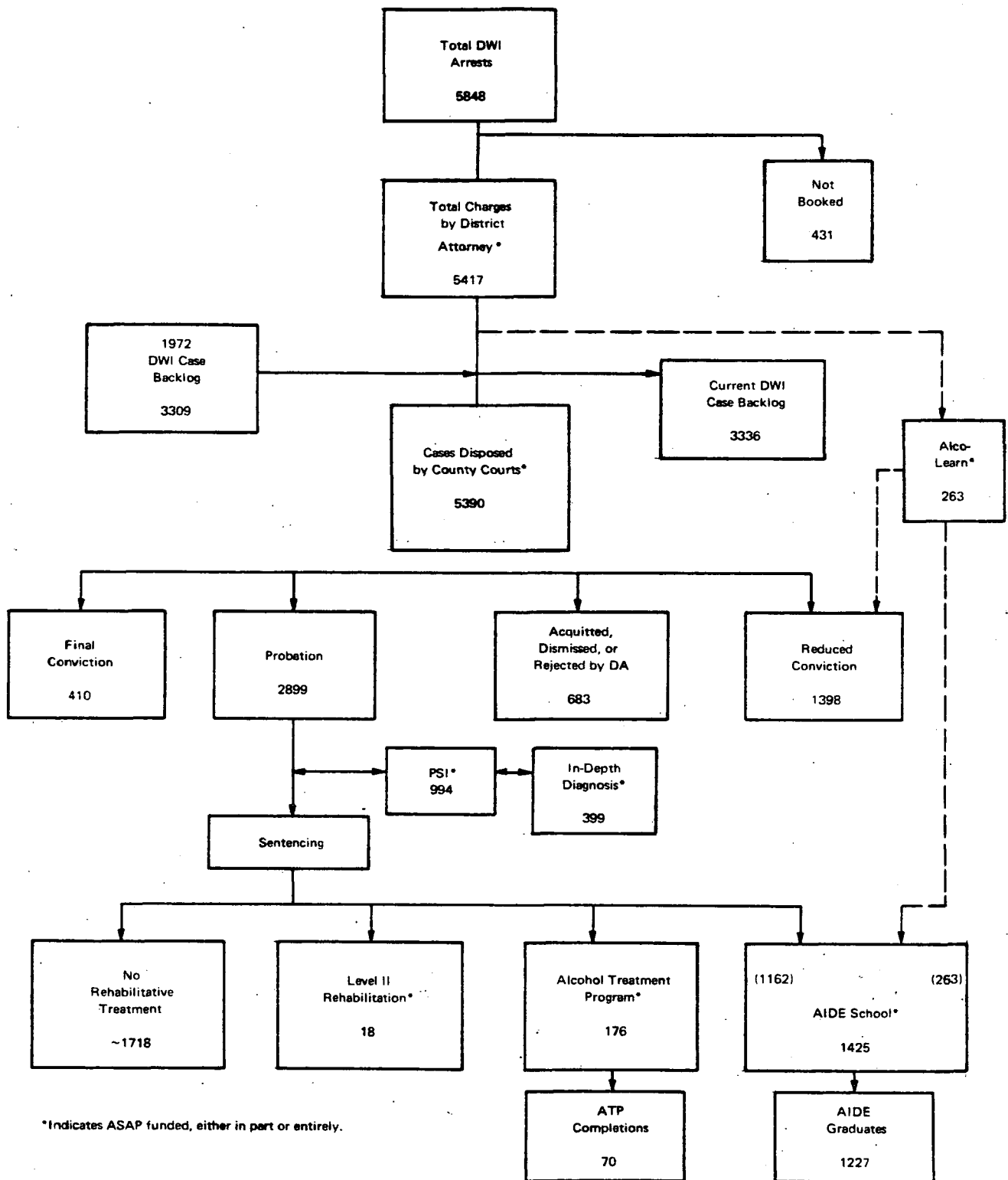


FIGURE-5. OVERALL FLOW THROUGH ADJUDICATION AND REHABILITATION DURING 1973

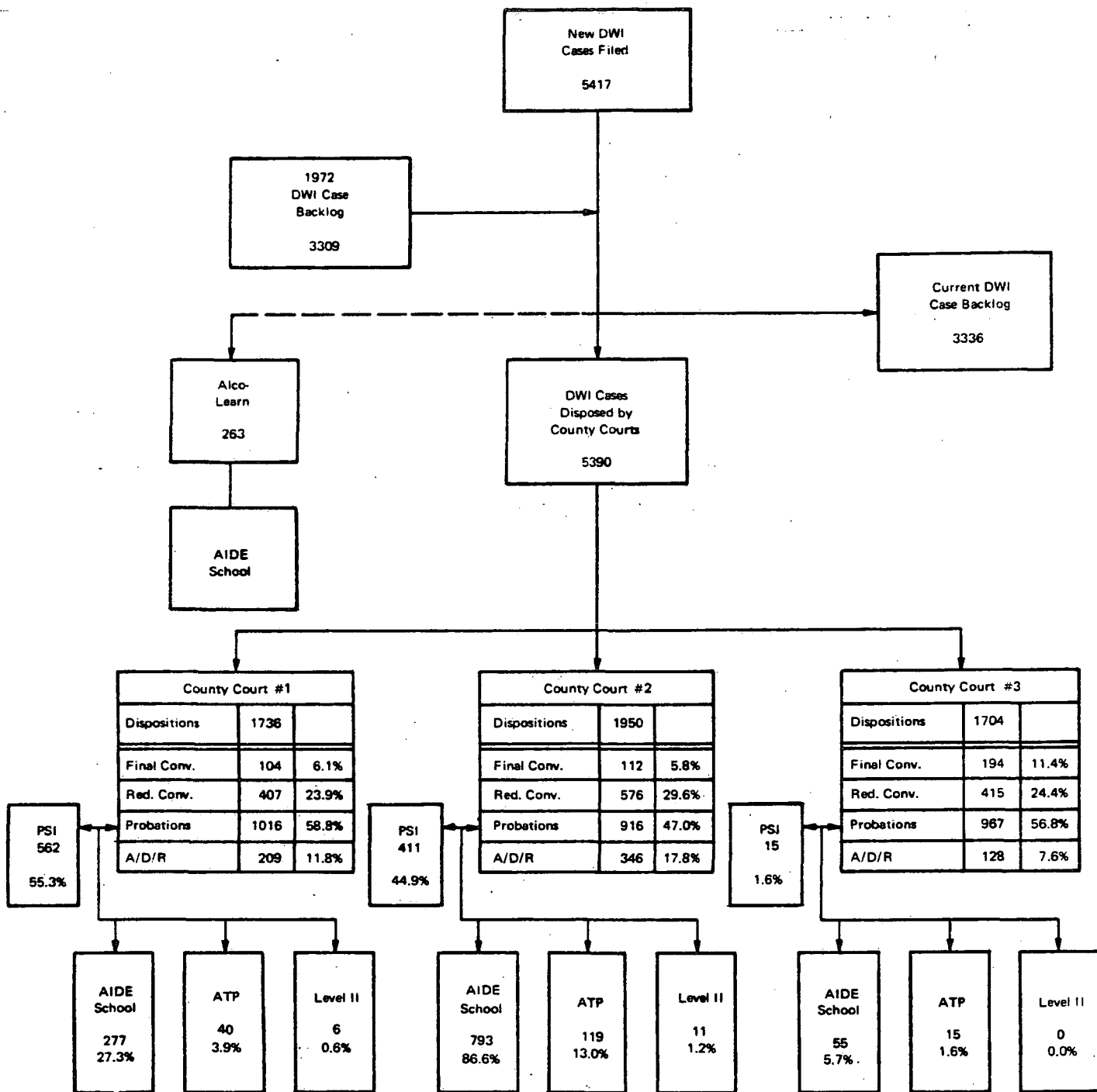
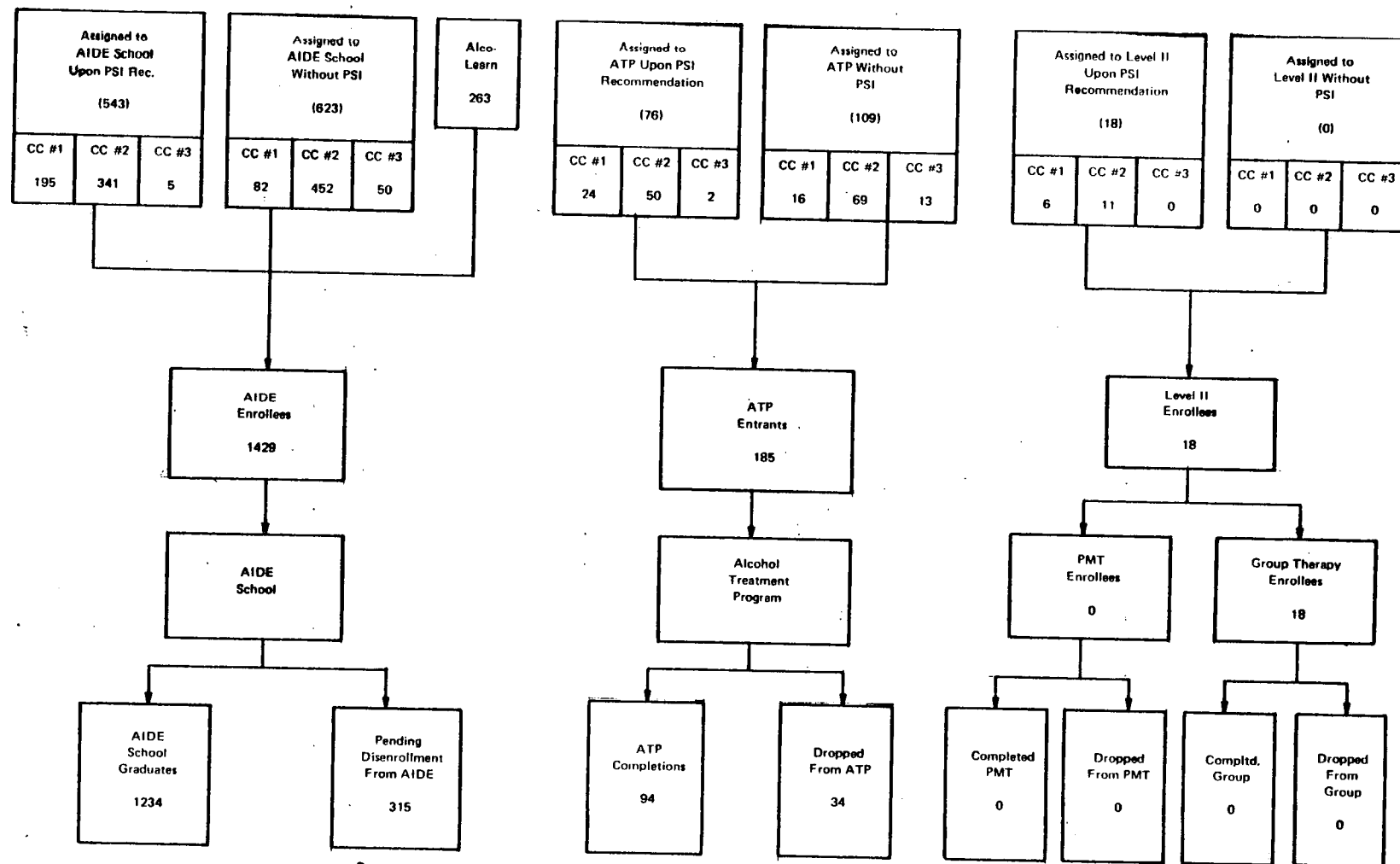


FIGURE 6. DETAILED FLOW THROUGH ADJUDICATION DURING 1973



Note: Numbers do not total those of Figure 6 due to exclusion of courts other than County Courts-at-Law.

FIGURE 7. DETAILED FLOW INTO REHABILITATION DURING 1973

number of DWI cases disposed and marginal improvement in the DWI conviction rate. Analysis showed a drop of 7.8 percent in the dismissal rate (from 19.2 percent in the preceding five months to 11.4 percent in March); this was statistically a *Very Significant* drop. Furthermore, there was a 5.2 percent increase in the conviction rate (from 59.5 percent in the prior five months to 64.7 percent in March); this increase approaches *Significance*. The reduced charge rate increased slightly from 21.3 percent to 23.9 percent in March. Apparently, about 8 percent of the cases, that had previously been dismissed, were being convicted of a reduced charge under the experimental system, and about 5 percent of the cases (those previously receiving reduced charge convictions) were convicted of DWI in March. However, it was learned later that the District Attorney practiced some selectivity in referring cases to the three County Courts-at-Law during the time of the experiment. Since the Alco-Learn concept surfaced shortly after the analysis had been completed, no attempts were made to reinstitute the policies used during the one-month experiment.

Highlights of 1974 Activity

Figures 8, 9, and 10 show the overall and detailed flows of clients through the system during 1974. Figure 8 shows overall flow; Figure 9 shows the flow through adjudication; and Figure 10 shows the flow into the rehabilitation system.

TABLE 3. 1974 DWI CASE DISPOSITIONS BY COUNTY COURTS AND DA

Dispositions	County Court No. 1	County Court No. 2	County Court No. 3	Total 1974
Total Cases Disposed	1035	1956	1221	4212
DWI-Final Conviction	6.5%	7.1%	11.5%	8.2%
DWI-Probation	51.0%	36.4%	44.0%	42.2%
Reduced Conviction	28.2%	33.1%	32.2%	31.6%
Dismissed/Rejected	14.3%	23.4%	12.3%	18.0%

The total number of cases, disposed by the courts, was down in 1974; 4212 cases were disposed in 1974 compared to 5390 cases in 1973. (See Table 3.) This decrease can be attributed primarily to the fact that the judges of all the county courts began campaigning for re-election early in the year. This resulted in numerous cases being re-set until after the elections. Also, there was a high absentee rate at the courthouse while judicial and prosecution personnel and staffs were campaigning. The District Attorney was successful in his bid for re-election; the judges, however, were not.

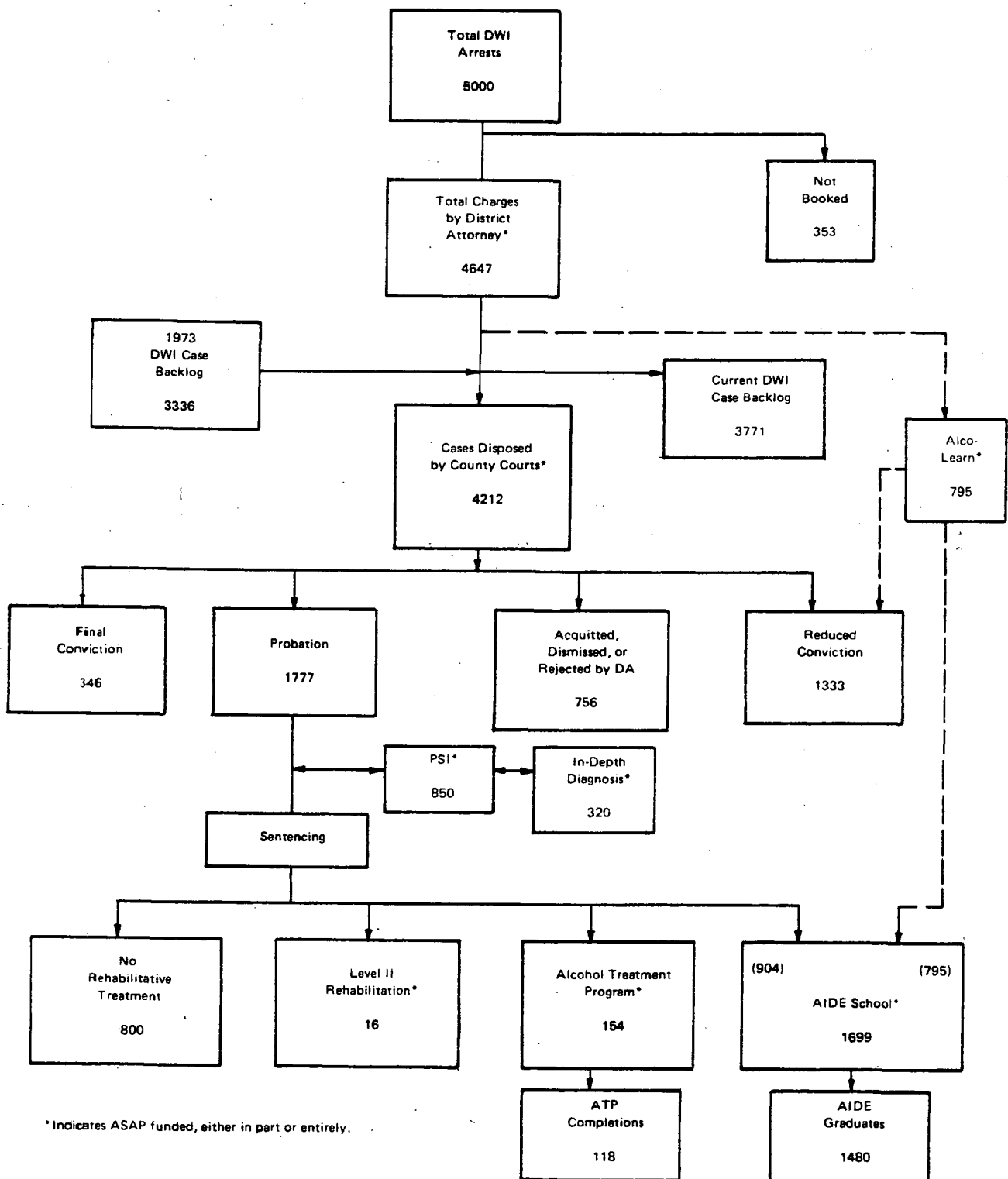


FIGURE 8. OVERALL FLOW THROUGH ADJUDICATION
AND REHABILITATION DURING 1974

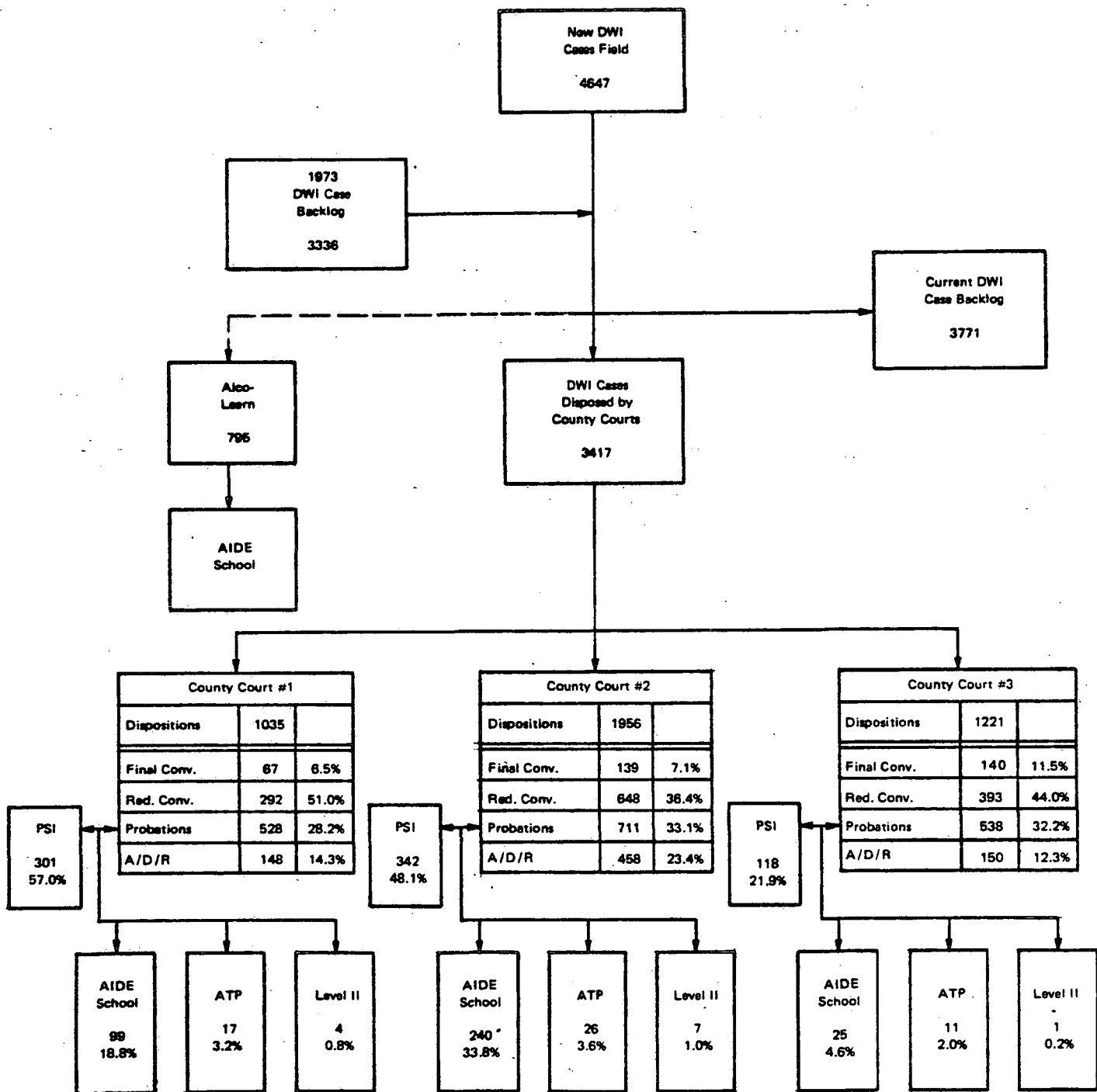
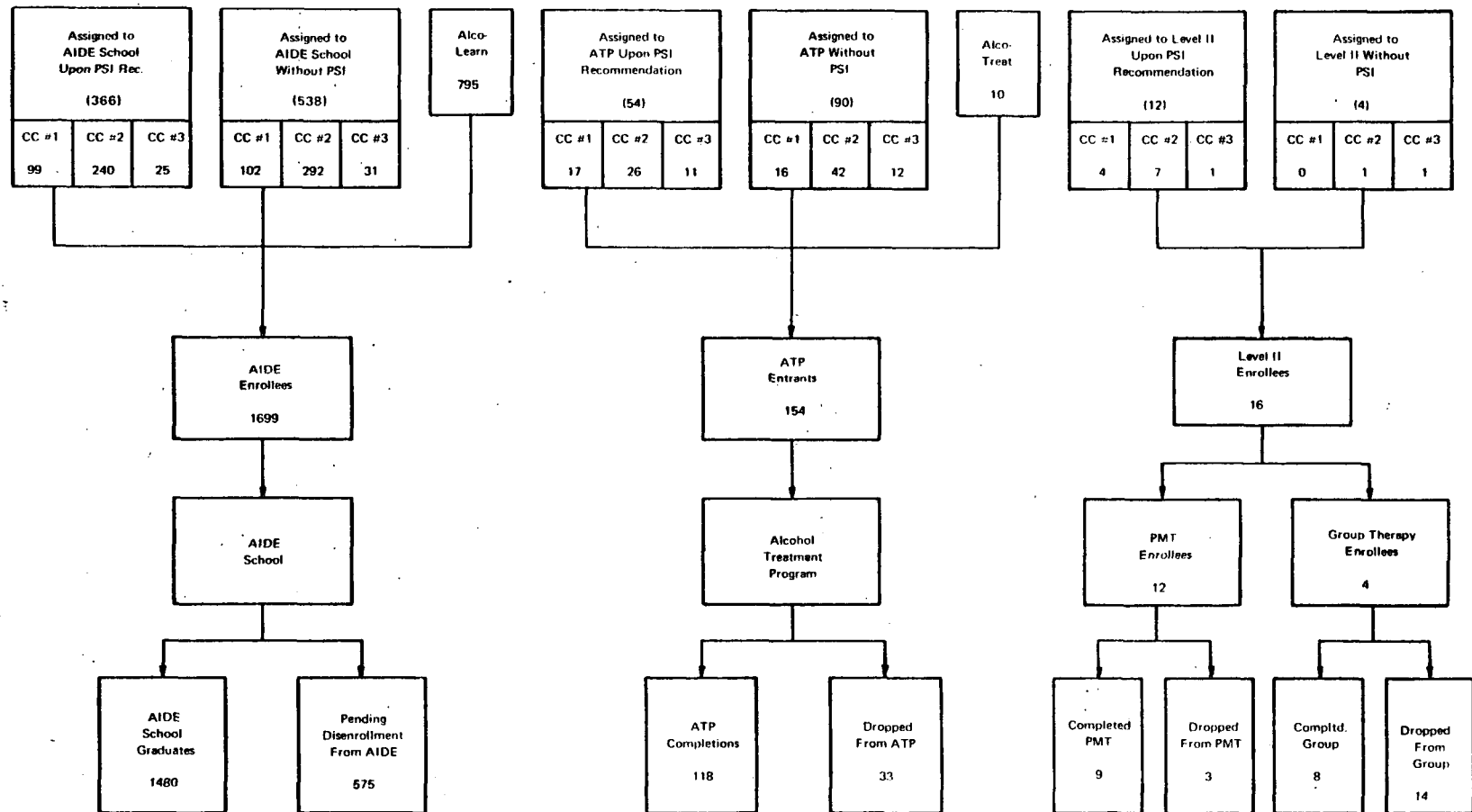


FIGURE 9. DETAILED FLOW THROUGH ADJUDICATION DURING 1974



Note: Numbers do not total those of Figure 9 due to exclusion of courts other than County Courts-at-Law.

FIGURE 10. DETAILED FLOW INTO REHABILITATION DURING 1974

ADMINISTRATIVE EVALUATION

Key Performance Measures

The judicial disposition of all DWI cases prosecuted by the District Attorney is shown in Table 4. The total number of cases disposed increased in 1973 and then decreased in 1974. The 1973 increase has been attributed to the addition of an Assistant District Attorney to supervise and coordinate the prosecution of DWI cases, and to the introduction of the Alco-Learn program. The decrease in court activity during 1974 was primarily due to county judicial elections.

TABLE 4. JUDICIAL DISPOSITIONS

Disposition	Measure	1972	1973	1974
Total Dispositions		3787	5384	4212
DWI-Final Conviction	No.	384	410	346
	%	10.1	7.6	8.2
DWI-Probation	No.	2260	2899	1777
	%	59.7	53.8	42.2
Reduced Charge Conviction	No.	694	1398	1333
	%	18.3	26.0	31.6
Rejected/Dismissed	No.	449	677	756
	%	11.9	12.6	18.0
Alco-Learn to AIDE	No.	0	263	812
Alco-Learn/Red. Charge	%	N/A	18.8	60.9

The number of clients being referred to AIDE school through the Alco-Learn program increased substantially during 1974. The steady increase of Reduced Charge Convictions can be primarily attributed to the Alco-Learn program. In 1973, 19 percent of the Reduced Charge Convictions were due to Alco-Learn; 61 percent of the persons receiving a Reduced Charge Conviction in 1974 were Alco-Learn clients.

The judicial disposition performance is shown in Tables 5 and 6. Table 5 shows judicial disposition performance for all Bexar County DWI arrests. Judicial disposition performance for all SAPD DWI arrests is shown in Table 6. Prosecution performance failed to achieve the performance goals primarily due to the unanticipated introduction and acceptance of the Alco-Learn program in 1973.

TABLE 5. JUDICIAL DISPOSITION PERFORMANCE
ALL BEXAR COUNTY DWI ARRESTS

Measure	Performance	1972	1973	1974
Dismissal Rate, %	Actual	11.9	12.6	18.0
	Estimate	N/A	11.0	10.0
Conviction Rate, %	Actual	69.8	61.5	50.4
	Estimate	N/A	72.0	74.0

TABLE 6. JUDICIAL DISPOSITION PERFORMANCE
SAPD DWI ARRESTS

Measure	Performance	1972	1973	1974
Dismissal Rate, %	Actual	11.9	12.6	18.0
	Estimate	N/A	9.0	8.0
Conviction Rate, %	Actual	75.0	70.7	63.7
	Estimate	N/A	79.6	81.0
Backlog/Disposition	Actual	0.81	0.69	1.46
	Estimate	N/A	1.80	1.50
Dispositions/Arrests	Actual	0.60	0.89	0.69

Under the Alco-Learn program, participating persons received a Reduced Charge Conviction in return for their attendance of the ASAP-AIDE school. Thus, the conviction rate fell considerably below both performance estimates and historical patterns in 1973 and 1974.

The SAPD arrest backlog/dispositions and dispositions/booked arrests ratios both improved substantially in 1973. It appeared that the court system had adjusted to the pressures of ASAP activity. However, in 1974, both of these ratios reversed their 1973 positive trend. Court adjudication activity slowed during 1974 primarily due to the county judicial elections. The results of this slowed activity were an increase in the DWI case backlog and fewer dispositions per DWI arrest.

Analysis of Expenditures

Expenditures for the Prosecution Countermeasure included payment of the salaries of three Assistant District Attorneys acting as prosecutors and one supervising Assistant District Attorney. Table 7 records both planned and actual cumulative amounts for prosecution expenditures.

TABLE 7. PROSECUTION EXPENDITURES

Planned Expenditures		Actual Expenditures
Initial	Final	
\$121,302	\$129,207	\$126,278

Expenditures for services provided to the courts consisted largely of the salary of the DWI Court Coordinator. Also included is a stipend paid to the County Court Judges in return for the establishment of a special docket for DWI cases. Total expenditures for the Court Services Countermeasure, both planned and actual, are recorded in Table 8.

TABLE 8. COURT SERVICES EXPENDITURES

Planned Expenditures		Actual Expenditures
Initial	Final	
\$70,565	\$45,980	\$45,879

SCIENTIFIC EVALUATION

Evaluation Methodology and Research Questions

The "Guidelines for Key Analytic Studies," revised December 12, 1973, suggested a random sample of 400 drivers (100 each for 1971, 1972, 1973, and 1974) arrested for DWI at the beginning of the base and operational years of the project. These guidelines advocated analyses of: the distribution of dispositions; disposition changes; profiles; and average processing times. The guidelines were followed and, in fact, the depth of analysis was expanded above those that were recommended.

The random sample of DWIs to be analyzed was based on the following criteria:

- Those arrested in January (plus seven in February 1971) with BAC ≥ 0.10 percent (that is, the individual was booked by SAPD and charges were filed with the District Attorney).
- Selections were made at random using a random-number table.
- Selection of 100 DWI arrestees by the regular patrols of SAPD for 1971; selection of 50 DWI arrestees by the regular patrols and 50 DWI arrestees by ASAP patrols for 1972-1974.
- Conduction of pre-arrest tracking (police and license check) for three prior years; and post-arrest tracking to end of calendar year.

The research questions to be answered from the random sample analysis were:

- What is the distribution of dispositions? By patrol division? By sanction? By referral action? By BAC level? Has the distribution of dispositions changed from the baseline to operational years? Has there been a change in referral actions, either to PSI or to the rehabilitation options provided by ASAP?
- What is the profile of disposition groups (by BAC, prior AR arrests, prior accident involvement, age, sex)?
- What is average processing time to judicial disposition? Has it changed from the baseline to operational years?
- What are the rearrest and accident involvement patterns after initial arrest for judicial disposition groups? Does the judicial disposition have an effect on subsequent driving behavior?

Analytic Methodology

The answer to each research question was derived by tabulating the necessary data on the annual random samples of 100 DWI arrestees. Identical data definition, collection, and tabulation procedures were utilized for each annual sample (with the exception of the disposition group classification and processing times of the 1971 and 1972 samples) to permit valid longitudinal and dispositional comparisons.

The statistical procedures employed in answering each research question depended on the nature of the tabulated data. Numerous comparisons were pertinent to the investigation. When visual inspection of the data by an experienced statistician showed no discernible patterns with respect to the question under investigation, hypothesis testing by an appropriate formal statistical method was unnecessary. Formal statistical methodology was utilized only when visual inspection disclosed an apparent pattern.

Choice of statistical method was dependent on the structure of the desired comparison. Most of the questions required the comparison of two or more groups, with respect to the distribution of dispositions. While the dispositions of DWI cases were non-numeric, they were ranked in terms of sanction severity: from not guilty, to rejected/dismissed; to guilty-reduced charge; to guilty DWI-probation; and to guilty DWI-final conviction as the most severe disposition. This ranking was employed to test the significance of differences between two groups' dispositions by the two-sample Wilcoxon Rank Test⁽¹⁾; and its extension, the Kruskal-Wallis H Test⁽²⁾ was used to compare three or more groups. Percentage of frequency comparisons between the two groups of fixed sample sizes were tested for significance by Brownlee's normal approximation procedure⁽³⁾, assuming an underlying binomial model. Unless otherwise stated, two-sided statistical tests of hypothesis were employed. Test results are reported by P-value, which is the probability that the observed result, or one that is more severe, would have occurred by chance alone. If P is less than 0.05, the difference is considered *Significant*; P < 0.01 implies a *Very Significant* difference.

Judicial Dispositions

Analysis of Distribution of Dispositions

Data on dispositions and referrals are contained in Table 9. Statistical analysis of these data, which approached statistical *Significance*, indicated that ASAP caused a shift in the judicial dispositions and increasing percentages of DWIs were referred to ASAP activities. During the ASAP years there was an increased propensity to grant probation in DWI cases. As a result, the proportion of the other dispositions (rejected/dismissed, reduced charge convictions, and final DWI convictions) were down from 1971. Court referrals to PSI for January 1973 arrests were down from 1972. There were two reasons: there were fewer probationers (the only group sent to PSI) in the 1973 sample; and the majority of the 1972 probationer-sample court cases were disposed of in the spring of 1972, just after the PSI Countermeasure had been initiated and all three County Court Judges were making PSI referrals to try it out. AIDE and ATP rehabilitation referrals continued at about the same rate in early 1972 and early 1973. In 1974

(1) Brownlee, K.A., *Statistical Theory and Methodology in Science and Engineering*, 2nd Ed., Wiley, New York, 1965, pp 251-256.

(2) Brownlee, op. cit., pp 256-258.

(3) Brownlee, op. cit., pp 150-153.

TABLE 9. DISPOSITIONS AND REFERRALS

Dispositions and Referrals	1971	1972	1973	1974
Pending disposition	n = 9	n = 6	n = 12	n = 14
Dispositions	n = 91	n = 94	n = 88	n = 86
Not guilty	0	0	1	0
Rejected/dismissed	18	13	13	9
Guilty reduced charge	18	10	12	36
Guilty DWI-probation	46	68	57	36
Guilty DWI-final	9	3	5	5
Referred PSI	0	28	18	16
Referred AIDE only	0	21	21	30
Referred ATP only	0	5	6	1
Referred AIDE & ATP	0	3	6	0
Not ASAP referred	100	66	71	60

there was a marked decrease in the number of probated DWI cases and about an equal increase in the number of reduced charge dispositions. This suggested that the Alco-Learn Program was subverting the traditional system through direct referrals to AIDE. Overall, ASAP referrals occurred in about 40 percent of the possible cases. Clearly, there remains much room for ASAP involvement in the adjudication process.

Table 10 presents the dispositions for 1974 according to the source of arrest for the sample. From this limited sample of an equal number of Selective Enforcement and regular patrol arrestees, the data indicated that a greater number of dispositions to a Reduced Charge resulted from the DWI arrests by the ASAP Selective Enforcement

TABLE 10. DISPOSITION OF ASAP & REGULAR PATROL DWI ARRESTEES

Dispositions	ASAP	Regular
Pending	5	9
Not guilty	0	0
Rejected/dismissed	4	5
Guilty-reduced charge	22	14
Guilty DWI-probation	17	19
Guilty DWI-final	2	3

TABLE 11. SANCTIONS BY DISPOSITION

Sanctions	Dispositions											
	Reduced				Probation				Final DWI			
	1971	1972	1973	1974	1971	1972	1973	1974	1971	1972	1973	1974
Total dispositions	18	10	12	36	46	68	57	36	9	3	5	5
Recorded dispositions	16	8	12	36	44	64	53	36	6	2	5	5
Jail	1	0	0	0	42*	64*	53*	36*	6	2	4	5
Fine	16	8	12	36	44	64	53	36	6	2	5	5
License suspension	0	0	0	0	0	0	0	0	0	0	0	0

*Jail sentence suspended for probationers.

Patrols. However, the degree of difference was statistically *Not Significant*.

The sanctions imposed by disposition are shown in Table 11. These data indicated that there was little or no change in sanctions between 1971 and 1974. Driver licenses were rarely (never for the sample) suspended in Bexar County, even for those DWIs receiving final convictions for DWI. License suspension required an additional court proceeding, which the judges and the prosecution seemed to find impractical. In fact, this was one of the judges' major complaints that was discussed at the Judicial Seminar. The judges felt that the governing Texas law should be written to enable them to take away the DWI's license at the time of his final conviction. While jail sentences were imposed on nearly everyone convicted of DWI, jail was suspended for those granted probation. Everyone guilty, either of DWI or Drunk in a Public Place, was fined. Since jail sentences were generally light when they were given, the fine was the primary DWI sanction in Bexar County.

Table 12 shows the distribution and range of sanctions as a function of disposition. It should be noted that the average jail term for a final DWI conviction, the only disposition in which the term was actually served, was quite light; in fact, it was almost insignificant. From a monetary point of view, there was little difference in the degree of fine levied against the DWI.

Data concerning disposition as a function of BAC level are presented in Table 13. The proportion of DWI arrestees who refused to take the BAC test during the ASAP period was substantially lower than the pre-ASAP baseline data year of 1971. This was important because refusals got lighter sentences than those who took the BAC test. Since this was contrary to the intent of the law in Texas, this finding was examined in more detail. The previous data was reclassified, tabulated, and subjected to statistical analysis. (See Table 14.) Whereas over 70 percent of those who took a BAC test were found guilty of DWI, only about one-half of those who refused the BAC test were found guilty of DWI. The balance were not guilty, rejected/dismissed, or found guilty of a lesser charge. For the most part, this occurred before advent of the Alco-Learn Program, therefore it cannot explain the entire difference. The pattern was tested for significance and was found to be a statistically *Very Significant* difference in outcome.

TABLE 12. DISTRIBUTION OF SANCTIONS
BY DISPOSITION

Sanctions		Dispositions		
		Reduced	Probation	Final DWI
Fine	Range Average	\$25 to \$200 \$72	\$50 to \$500 \$86	\$50 to \$220 \$104
Jail	Range Average	0 0	10 to 90 days 30 days	3 to 21 days 9 days
Probation	Range Average	N/A N/A	6 to 24 months 9 months	N/A N/A

Analysis of Disposition Group Profiles

Age profiles were tabulated against severity of disposition, and there were found to be no significant patterns. There was some indication that DWI arrestees were younger during the ASAP operational years than in 1971. This was tested for statistical significance, but no statistical difference was found. While there were no significant findings, the apparent trends were that the older (> 50 years of age) arrestees received slightly more rejected/dismitted and final DWI dispositions, and fewer probations.

Sex profiles were tabulated against severity of disposition, but there were simply not enough women in the samples to draw any dispositional inferences by sex. The

TABLE 13. DISTRIBUTION OF DISPOSITIONS BY BAC

Dispositions	Refused				0.10 to 0.14				0.15 to 0.19				0.20 to 0.24				> 0.25			
	1971	1972	1973	1974	1971	1972	1973	1974	1971	1972	1973	1974	1971	1972	1973	1974	1971	1972	1973	1974
Disposition pending	4	0	2	2	1	1	3	3	1	2	3	5	2	3	3	4	1	0	1	0
Not guilty	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rejected/dismitted	10	3	4	1	1	3	4	5	6	6	2	3	1	1	1	0	0	0	2	0
Guilty reduced charge	9	7	2	12	3	0	4	11	4	2	4	10	0	1	2	3	2	0	0	0
Guilty DWI-probation	11	8	4	2	5	17	7	1	10	21	31	17	18	20	11	13	2	2	4	3
Guilty DWI-final	4	0	0	3	0	0	1	0	1	2	2	0	3	1	0	2	1	0	2	0

TABLE 14. BAC/REFUSAL DISPOSITION
COMPARISON (%)

Disposition	Refused n = 47	BAC n = 221
Not guilty	2	0
Rejected/dismitted	17	12
Guilty reduced charge	45	17
Guilty DWI-probation	30	66
Guilty DWI-final	6	5

TABLE 15. PERCENTAGE COMPARISON BY BAC
GROUP (1972-1974)

Disposition	0.10-0.14 n = 53	0.15-0.19 n = 100	0.20-0.24 n = 55	> 0.25 n = 13
Rejected/dismitted	23	11	4	15
Guilty reduced charge	28	16	11	0
Guilty DWI-probation	47	69	80	70
Guilty DWI-final	2	4	5	15

Also, the question of correlation between degree of BAC and severity of disposition was subjected to statistical analysis. (See Table 15.) Dispositions tended to be stiffer with increasing BAC, a trend which was statistically *Very Significant*. Thus, the higher the BAC of a booked DWI arrestee, the more severe his disposition was likely to be.

average percent of women arrested over the four years was 4 percent and the maximum for any year was 7 percent.

Table 16 provides data on average prior arrests for DWI over the four years. The average number of prior-DWI arrests was 0.37 for the 1971 sample, 0.23 for the 1972 sample, 0.57 for the 1973 sample, and 0.33 for the 1974 sample. The 1973 increase in prior-DWI arrests was most probably caused by ASAP and its 500 percent increase in DWI arrests over the historical pattern. However, this trend was not continued in 1974. The effect of the number of prior-DWI arrests on disposition was assessed for the DWI arrestees found guilty of DWI. (See Table 17.) Those granted probation had fewer prior-DWI arrests than those given final DWI convictions. Statistically, this difference was *Very Significant*. Comparison of the other groups showed no statistically significant differences.

The average number of prior-accidents and non-DWI driving offenses are tabulated in Table 18. Analysis of the data indicated that these factors have little bearing on the disposition. Those receiving final-DWI convictions had lower prior-accident and driving offense rates than any other disposition group.

Analysis of Processing Time

Table 19 shows an increase in average processing time to disposition for all dispositions in 1972, but a general return to the pre-ASAP rates by 1973. The inception of ASAP in January 1972 caused a substantial delay in the court processing of that first operational month's DWI arrestees. Data showed that the processing time deteriorated further for the next several months as the DWI backlog continued

TABLE 16. AVERAGE PRIOR-DWI ARRESTS BY DISPOSITION GROUP

Disposition	1971		1972		1973		1974	
	Total With RAP	DWI	Total With RAP	DWI	Total With RAP	DWI	Total With RAP	DWI
Disposition pending	9	0.33	6	1.33	12	0.25	14	0.36
Not guilty	0		0		1		0	
Rejected/dismissed	17	0.35	12	0.42	13	0.69	9	0.33
Guilty reduced charge	17	0.29	10	0.10	12	1.00	36	0.28
Guilty DWI-probation	45	0.29	62	0.10	56	0.50	36	0.19
Guilty DWI-final	9	1.00	3	0.33	5	0.80	5	1.60

TABLE 17. AVERAGE PRIOR-DWI BY DISPOSITION

Disposition	Average Prior DWI
Rejected/dismissed	0.44
Guilty reduced charge	0.37
Guilty DWI-probation	0.27
Guilty DWI-final	1.00

TABLE 18. AVERAGE PRIOR ACCIDENTS AND DRIVING OFFENSES BY DISPOSITION

Disposition	Average Prior Accidents	Average Prior Driving Offenses
Rejected/dismissed	0.70	2.26
Guilty reduced charge	0.51	2.16
Guilty DWI-probation	0.61	2.24
Guilty DWI-final	0.41	2.00

TABLE 19. AVERAGE PROCESSING TIME OF DISPOSITION GROUPS (DAYS)

Disposition	1971	1972	1973	1974
Rejected/dismissed	158	409	163	189
Guilty reduced charge	113	122	131	150
Guilty DWI-probation	105	115	110	132
Guilty DWI-final	113	181	100	156

to mount. However, by early 1973 when the January 1973 arrestees were processed, the average processing time had returned to the 1971 rates. Early in 1973 the judicial system had made the necessary adjustments to cope with ASAP's deluge of additional DWI arrestees. However, during 1974, the processing time again increased for all disposition groups. This was brought about by election of an entirely new slate of County Court Judges in mid-1974. Also, in early 1974, backlog of DWI cases was caused by the time taken for campaigning by the incumbent judges.

Analysis of Subsequent Arrests and Accident Involvement Within the Same Calendar Year

The pattern of DWI recidivism by disposition group with the arrest year is shown in Table 20. The percentage of DWI probationers rearrested for DWI during the arrest year (9.5 percent) was substantially lower than for any other disposition group. Although statistically *Not Significant*, there were two major possible causes for the low probationer DWI recidivism rate: either DWI probation itself deterred recidivism for the probationary period; or probationers, who had fewer prior-DWI arrests, were a lower recidivism risk because their drinking-driving problem was less severe. The second possibility was assessed by comparing the prior DWI averages against the corresponding group recidivism rate. Table 21 discloses substantially higher recidivists per prior arrest for pending cases (0.53) and for those given a reduced charge conviction (0.43). This finding accentuated the frequently stressed need to dispose of DWI arrestees to reduced charge convictions. The failure to prosecute DWI cases promptly and the reduction of charges in weak cases appeared to encourage earlier recidivism of DWI arrestees.

TABLE 20. DWI RECIDIVISM WITHIN ARREST YEAR BY DISPOSITION GROUP (%)

Disposition	Recidivism
Pending disposition	24.4
Rejected/dismissed	11.5
Guilty reduced charge	16.0
Guilty DWI-probation	9.5
Guilty DWI-final	22.7

TABLE 21. DWI RECIDIVISM-PRIOR ARREST COMPARISON BY DISPOSITION GROUP

Disposition	Recidivists Per Prior Arrest
Pending	0.53
Rejected/dismissed/not guilty	0.26
Guilty reduced charge	0.43
Guilty DWI-probation	0.35
Guilty DWI-final	0.23

Tabulations were made of the number of sampled DWI arrestees who had accidents and/or non-DWI driving offenses in the same year of their DWI arrest. No annual trends were apparent in any of the disposition groups. Table 22 focuses on the disposition group comparison. Arrestees who plea-bargained a Reduced Charge Conviction had the highest subsequent accident frequency and also a very high frequency for subsequent driving offenses.

Table 23 compares subsequent accident involvement in the arrest year with prior-accident rate by disposition

TABLE 22. SUBSEQUENT ACCIDENTS OR DRIVING OFFENSES IN THE ARREST YEAR (%) BY DISPOSITION GROUP

Disposition	Had Subsequent Accident(s)	Had Subsequent Driving Offense(s)
Pending	17	34
Rejected/dismissed/not guilty	15	33
Guilty reduced charge	22	37
Guilty DWI-probation	17	30
Guilty DWI-final	18	55

TABLE 23. SUBSEQUENT ACCIDENT-PRIOR ACCIDENT COMPARISON BY DISPOSITION GROUP

Disposition	Subsequent Acc. Per Prior Acc.
Pending	0.37
Rejected/dismissed/not guilty	0.21
Guilty reduced charge	0.45
Guilty DWI-probation	0.29
Guilty DWI-final	0.44

group. The Reduced Charge Conviction group has the worst subsequent accident frequency. This group had at least half as many subsequent accidents after DWI arrest in the arrest year as they had in their entire recorded prior driving history (about 3 years, on the average). The practice of plea-bargaining to Reduced Charge Convictions appeared to encourage the DWI arrestee to continue to drive while intoxicated, resulting in more DWI arrests and more accidents.

CONCLUSIONS

The Judicial Countermeasure Activity Area consisted of four countermeasures: Prosecution – additional Assistant District Attorneys and a Supervisory District Attorney to process the extraordinary DWI case load; Court Services – a Court Coordinator and additional court dockets to process the extraordinary DWI case load; Presentence Investigation – a psychometrist and a clerical staff for categorization of referrals; and Presentence Investigation Control – professional services by the University of Texas Medical School at San Antonio for conduction of intensive individual psychosocial examinations of a selected sample of defendants found guilty of DWI and referred to the Presentence Investigation. The first two of these judicial countermeasures are discussed in this analytic study while the latter two are covered in Analytic Study No. 5. During the initial three years of operation, the Prosecution Countermeasure expended \$26,278, while the Court Services Countermeasure required \$45,879.

The overall flow of persons arrested for DWI and processed through the Adjudication System is shown in the accompanying table. The enormous increase accommodated

Disposition		1972	1973	1974
Total dispositions		3787	5384	4212
DWI final conviction	No.	384	410	346
	%	10.1	7.6	8.2
DWI-probation	No.	2260	2899	1777
	%	59.7	53.8	42.2
Reduced charge conviction	No.	694	1398	1333
	%	18.3	26.0	31.6
Rejected/dismissed	No.	449	677	756
	%	11.9	12.6	18.0
Alco-Learn to AIDE	No.	0	263	795
Alco-Learn red. charge	%	N/A	38.1	59.6

between 1971 and 1972 (950 dispositions versus 3787 dispositions for DWI) is not reflected in the table. Even though the system reacted reasonably as planned, there was a mounting court backlog in 1972, and it was not until the addition of a Supervisory District Attorney and the introduction of Alco-Learn in 1973, that dispositions approached DWI arrests. There was a substantial deterioration of court activity in 1974 due to the fact that all three County Judges were running for election. Unquestionably, the Alco-Learn program was the key element which kept dispositions even reasonably close to arrests. Under Alco-Learn, participating individuals (BAC \leq 0.14 and not more than one prior alcohol related offense) received a Reduced Charge Conviction in return for successful completion of the ASAP-AIDE school.

The Administrative Evaluation for this study was limited to a comparison of dispositions against preset performance estimates. Few performance estimates were met, dismissal rates were higher than planned, and conviction rates were lower than planned. Backlog to disposition ratios were better than planned in 1973 and came close to planned in

1974. More extensive administrative evaluations of the judicial system are made in Analytic Study No. 5, where analysis was performed for the court referrals to Presentence Investigation and for the court acceptance of PSI recommendations. For both of these elements, the judicial system did not operate as planned. Also, it should be noted that there was no Probation Countermeasure. Despite the fact that early (1971) agreements were reached between the Adult Probation Office and ASAP, it was never possible to convert them into an integrated approach. Consequently, this countermeasure existed in name only.

The Scientific Evaluation of the Overall Traffic Safety System was designed to: develop the degree of change of dispositions from baseline to operational years; determine profiles of disposition groups; develop the changes in processing times from baseline to operational years; and determine what effects alternative judicial dispositions had on subsequent driving behavior. A random sample of 100 DWIs (50 arrested by the SAPD regular patrols and 50 arrested by the ASAP Selective Enforcement Patrols) was selected and pre-arrest tracked for three years and post-arrest tracked for one year.

Analysis of the distribution of dispositions indicated that the planned increase in probation dispositions during the ASAP years was accomplished, although in 1974 there was a marked decrease in probations and equal increases in reduced charge dispositions. This was due to the Alco-Learn program, which was approved and supported by ASAP. Several conclusions can be drawn from the statistical analysis of the distribution of dispositions.

- Sanctions that were imposed underwent little or no change during ASAP. Jail sentences were infrequently given and were generally light. License suspensions were rarely used as a sanction. Fines, amounting to about \$100 on the average, remained the primary sanction for DWI in Bexar County.
- There was a tendency for the judges to award increasingly stiffer dispositions with increasing BAC levels. However, a refusal by the arrestee to take the BAC test resulted in lesser sanctions and dispositions.

Overall, approximately 40 percent of the possible cases were referred to ASAP. Its involvement in the adjudication process, while substantial, clearly had much room for improvement.

Analysis of disposition group profiles indicated *No Significant* patterns for age or sex. There were trends which indicated that older arrestees received slightly more rejected/dismissed and DWI final convictions and slightly less probation dispositions. Men continued to be the primary source of DWI, with women accounting for about 4 percent of the total DWI arrestee population. Analysis was made of the importance of prior-DWI arrest patterns and prior-accident and non-DWI offense history. None had a statistically *Significant* impact on the type of disposition, nor the sanction imposed by the judges.

Analysis of processing time to disposition indicated that the Adjudication System was able to accommodate the

TRANSLATION OF ~~THE~~ MATERIAL HIGHLIGHTED IN BLACK

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. The ASAP concept of DWI probation appeared to have met its goal. Probationers had the lowest DWI recidivism rate and one lowest subsequent accident rates of any of the disposition groups.

. Final DWI convictions had the worst subsequent behavior patterns

. Those cases that were still pending at the end of the year had poor subsequent behavior patterns.

. Reduced charge convictions resulted in high recidivism rates for all categories, DWI, accident and driving offense.



tremendous increase in DWI arrestees. Processing time increased drastically in 1972, but had returned to pre-ASAP averages by 1973. The additional personnel funded and new procedures instituted by ASAP achieved their purpose. In 1974, there was a deterioration in processing time, but this was due exclusively to judicial elections and not to any fault in the ASAP system. In fact, Bexar County has now accepted the ASAP system and funded additional court personnel.

The analysis of the subsequent behavior of the various disposition groups was generally inconclusive and it is the belief of the Evaluator that such an analysis is more adequately accomplished in Analytic Study No. 6, Analysis of Rehabilitation. However, there were trends worthy of report:

- The ASAP concept of DWI probation, as applied to probationers, had the effect of reducing the DWI recidivism rate and one of the lowest subsequent recidivism rates of the disposition groups.
- Final DWI convictions had the effect of reducing subsequent DWI behavior. This seemed to indicate that penalties assessed were not harsh enough to alter their behavior.
- The cases that were still pending at the end of the study period were still pending at the end of the study period.

- Reduced charges resulted in high recidivism rates for DWI, alcohol, and driving off.

The Evaluator concluded that adequate knowledge of success can only be developed by finely drawn research experiments. Considering the attitudes of most (2 of 3) of the judges who tried DWI cases during 1972-1974 ASAP period, such experimentation simply was not possible. Fortunately, the results of the elections in 1974 provide the opportunity for ASAP to conduct adequate research during the continuation period.

Overall, it would be easy to conclude that ASAP had no major impact on the Traffic Safety System. However, this Evaluator believes that this would be an erroneous conclusion. Considering the situation before ASAP, the total independence of the judicial and its reluctance to change, it is concluded that ASAP has made substantial progress in altering the system. Beginning in 1975, new systems, additional personnel, and enlightened attitudes prevail in Bexar County. The three years of the initial ASAP demonstration simply were not enough to provide the degree of change contemplated by the National Highway Traffic Safety Administration in its design of the Alcohol Safety Action Project in San Antonio.

