

ANALYSIS OF WASHTENAW COUNTY ALCOHOL SAFETY ACTION
PROGRAM JUDICIAL, REFERRAL AND DIAGNOSTIC ACTIVITY

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16. Abstract Judges in the two Washtenaw County District Courts participated in the Washtenaw County Alcohol Safety Action Program by referring persons convicted of alcohol-related offenses to counselors for diagnosis of possible drinking problems. The results of the disposition and sentencing processes, use of the referral system by the courts, and the drinking diagnoses which result from referrals are discussed. Defendants arrested for Driving Under the Influence of Liquor were more likely to receive reductions to the lesser included offense of Impaired driving than in pre-program years. However, only 6% of such offenders were not convicted of one of the alcohol-related traffic charges. Persons whose cases were disposed of without going to trial, persons refusing the blood alcohol concentration test, or those represented by attorneys were most likely to receive reductions to the lesser included offense of Impaired driving. Three quarters of alcohol-related traffic offenders and over one-third of Drunk & Disorderly offenders were referred to alcoholism counselors. Sixty-one percent were diagnosed as alcoholics or problem drinkers, 10% were pre-alcoholic, while 29% did not appear to exhibit problem drinking.			
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TABLE OF CONTENTS

	Page
Notices	ii
Preface	iii
List of Tables	v
1. Summary of Judicial Activity, Referral and Diagnostic Countermeasures	1
2. Introduction	3
3. The Setting	4
4. Data Sources	5
5. Results	6
5.1. Disposition by Charge and Method	6
5.2. Implied Consent Law	6
5.3. BAC and Conviction Charge	9
5.4. Legal Representation	11
5.5. Referral Rates to ASAP	13
5.6. Diagnostic Results	14
5.7. Diagnosis and Demographic Characteristics	16
5.8. Treatments Imposed (Rehabilitative and Legal Sanctions)	18
Appendix A--Data Collection Forms	
Appendix B--Distribution of Baseline and Program Period Cases by Conviction Charge and Treatment	

LIST OF TABLES

Table		Page
1	Distribution of Arrestees by Arrest and Conviction Charge	7
2	Distribution of Cases by Conviction Charge and Type of Disposition	8
3	Distribution of DUIIL Arrestees by Conviction Charge and BAC Test Refusal/Acceptance, 1971-72	9
4	Distribution of DUIIL Arrestees by Conviction Charge and BAC, 1971-72	10
5	Distribution of Impaired Arrestees by Conviction Charge and BAC, 1971-72	10
6	Distribution of DUIIL Arrestees by Conviction Charge and Legal Representation	11
7	Referral Rate by Disposition Status	13
8	Referral Rates by Conviction Charge and Residence	14
9	Drinking Diagnoses of Referred Clients	15
10	Comparison of WCA and Court Counselor Diagnoses (Grand Total Percentages)	16
11	Distribution of Cases by Conviction Charge and Diagnosis	16
12	Demographic Characteristics and Diagnosis for ASAP Referrals	17
13	Distribution of Arrestees by Diagnosis and Treatment Imposed (Row Percentages Given)	20

1. SUMMARY OF JUDICIAL ACTIVITY, REFERRAL AND DIAGNOSTIC COUNTERMEASURES

A review of alcohol-related traffic cases disposed of by the courts during the operational period of the ASAP, indicates that an increased proportion of defendants charged with Driving Under the Influence of Liquor (DUIL) received reductions to the lesser included offense of Impaired driving. Whether this is an ASAP-related change from pre-program years cannot be positively stated, but this is likely to be true given the large increase in the number of cases coming before the court. More importantly for the functioning of the ASAP, is the finding that program period combined conviction rates for DUIL and Impaired (94%) have remained at the very high levels of the baseline period (95%). Although reductions from DUIL to Impaired potentially could have negative effects on police attitudes or operations, the conviction rates for the drunk driving charges provide the setting necessary for the ASAP referral and treatment sub-systems to effectively operate.

Other factors exist, associated with reductions from DUIL to Impaired, which do not appear to be a result of the ASAP. Refusal to take a blood alcohol concentration (BAC) test tends to result in more reductions. Of those DUIL arrestees who take the BAC test (81%), the likelihood increases that a conviction for Impaired will be obtained as BAC decreases. Representation by an attorney remains strongly associated with a conviction for the reduced charge.

Over 90% of 1971 and 1972 alcohol-related traffic offenders have their cases disposed of without going to trial. Defendants who do go to trial have a higher proportion of convictions as charged than those whose cases are disposed of without a trial. This is particularly true for defendants having jury trials as compared to trials by judge.

Approximately three-quarters of the persons convicted of alcohol-related traffic offenses are referred to an ASAP court counselor, or 80% of the county residents convicted of such charges. This referral rate appears to be acceptable, particularly given temporary vacancies in several judgeships during the operational period of the program. Less positive is that only 43% of Washtenaw County D&D offenders are referred for this background interview and drinking diagnosis.

Of the 1966 persons referred to an ASAP court counselor, 25% were diagnosed as alcoholic, 33% were diagnosed as problem drinkers, 9% were diagnosed as pre-alcoholic, and 27% did not appear to exhibit problem drinking. Six percent of the cases received no diagnosis. Drunk & Disorderly offenders had a higher proportion of alcoholics (39%) than did driving-related offenders. DUI offenders also tended to exhibit more serious drinking problems than did persons convicted of Impaired driving.

Although only a small proportion of clients are diagnosed by both a court counselor and a counselor at the Washtenaw Council on Alcoholism, the agreement in diagnoses is high (94%).

In terms of demographic characteristics, whites, who comprise the bulk of referred clients, are slightly less likely to have alcohol problems than others. Amount of education tends to be inversely associated with the severity of the drinking diagnosis. Unemployed persons are over-represented in the population of arrestees and referrals. They are also most likely to have alcohol problems. Persons who are separated, divorced, or widowed are more likely to have alcohol problems than are persons who are married or single.

Defendants who are referred to ASAP appear to be placed in appropriate treatment programs based on their drinking diagnoses. Seventy percent of the alcoholics were placed in the Antabuse program, 80% of the problem drinkers were on either Antabuse or general probation, and the majority of the remainder attended educational classes.

2. INTRODUCTION

The primary objective of the Washtenaw County Alcohol Safety Action Program (WCASAP) has been to reduce the number of alcohol-related crashes and the consequences of such crashes. The program has been fully operational since March 1971, and has several components, termed countermeasure activities, which are directed toward those elements thought to contribute to the occurrence of alcohol-related crashes. Countermeasure activities include public information and education, the apprehension of drunk drivers, and the identification and treatment of persons who misuse alcohol in the driving situation or who have other problems with alcohol use.

The evaluation and description of the various countermeasure areas, as well as the discussion of total program impact measured by alcohol-related crashes and roadside surveys, are discussed in separate reports. The contents of this report include a discussion of judicial activity, that is the disposition and sentencing of alcohol-related offenders, and a discussion of the diagnostic countermeasure. In the Washtenaw ASAP judicial activity is not a funded ASAP countermeasure area in the same sense as are arrest activity and the treatment of alcohol-related offenders. Clearly, however, there is a highly interactive relationship between court activity and the ASAP. A defendant's referral to ASAP is conditional upon a conviction for an alcohol-related charge as well as the willingness of the judge to make the referral. The ASAP can, in turn, assist the court by conducting the pre-sentence interviews and providing treatment recommendations. Therefore judicial activity has been viewed from the perspective of describing the setting under which the ASAP functions, and where possible, identifying those effects on the judicial processes which seem to result from the ASAP.

3. THE SETTING

Once an individual has been charged with an alcohol-related offense (Driving Under the Influence of Liquor (DUIL), Impaired Driving, or Drunk & Disorderly (D&D)) his case comes before one of the five judges in the 14th or 15th District Courts. These courts have jurisdiction over traffic offenses and criminal misdemeanors occurring in Washtenaw County. If the case results in a conviction for an alcohol-related offense, the sentencing is deferred for an average of 40 days. At this time the offender is referred to the ASAP court counselor assigned to the particular District Court. An interview is conducted, pertinent data on the offense and client's background are collected with special emphasis on drinking behavior. Upon completion of the interview the counselor diagnoses the client as alcoholic, problem drinker, pre-alcoholic, or not a problem drinker. Information gathered during the interview is also used to frame recommendations to the court regarding the sentence to be imposed. If the counselor determines that the client is a problem drinker or alcoholic, and believes that the use of disulfiram (Antabuse^R) would be a useful deterrent to further drinking, a second appointment is made for the client at the Washtenaw Council on Alcoholism (WCA). There the Antabuse program is explained, an appointment is made with the client's physician in order to obtain a prescription for the drug, and the client is placed in the program for a trial period prior to sentencing.

4. DATA SOURCES

Data on the disposition and sentencing of offenders were compiled from the court records kept on each case. Diagnostic and background information on referred cases are recorded by court counselors subsequent to their interview. A short summary is also filled out by counselors at the WCA if the client was referred to that agency (see Appendix A for copies of forms).

Included in the study population are the 1321 persons arrested for DUIL or Impaired Driving during the 1969 and 1970 baseline years. The court disposition of these cases is presented for comparative purposes. Program period court activity is based on 4266 cases; 2309 arrested for DUIL or Impaired driving in 1971 and 1972, and 1869 persons arrested for Drunk & Disorderly during the same two years. Also included are 48 persons arrested for drunk driving in 1970 who were convicted and referred to ASAP in 1971, and 40 persons arrested for other charges in 1971-72, many of whom were referred to ASAP. Although persons arrested after December 31, 1972 are not included, disposition, referral and sentencing information on 1972 arrestees was compiled through April 30, 1973. Cases not disposed of by that time are shown as pending.

5. RESULTS

5.1 DISPOSITION BY CHARGE AND METHOD

A comparison of the court disposition of cases arrested during the baseline period and the program period appears in Table 1. The data indicate that a smaller proportion of those arrested for DUIL in 1971-72 are convicted of that charge (40%) than were convicted in the baseline period (58%). However, of those arrested for DUIL, there has been no change in the proportion convicted of either DUIL or the lesser included offense of Impaired driving (94-95%) in spite of the large increase in the number of cases handled. Only 2% of the DUIL arrestees are acquitted or have their cases dismissed.

Persons arrested for Impaired driving are generally convicted of that charge or of DUIL (83%) although there has been a tendency in the past two years for more reductions to occur from Impaired to other charges (2% to 13%). Eighty-six percent of the persons arrested for Drunk & Disorderly are convicted even though the proportion acquitted or dismissed (11%) is somewhat higher than noted for driving-related charges.

With regard to the method of case disposition, the data in Table 2 indicate that 90% of DUIL/Impaired arrestees do not go to trial as compared to 74% during 1969-70. During the baseline period, the method of case disposition appeared to have little effect on the disposition result, with 62% to 65% of the cases receiving a conviction for DUIL, irrespective of the method. In the 1971-72 period, the highest proportion of DUIL convictions were obtained in jury trials. Court trials (trial by judge) as compared to jury trials tended to result in more reductions from DUIL to Impaired. Persons who did not go to trial were most likely to receive a reduction from DUIL to Impaired.

5.2 IMPLIED CONSENT LAW

According to Michigan Law, persons arrested for a drunk driving charge may refuse to take a test measuring their blood alcohol

TABLE 1. DISTRIBUTION OF ARRESTEES BY ARREST AND CONVICTION CHARGE

Arrest Charge	Conviction Charge					Pending*	Total
	DUIL	Impaired	D&D	Other	Acquitted/ Dismissed		
A. 1969-70							
DUIL	680 (58%)	439 (37%)	4 (0%)	36 (3%)	22 (2%)	77	1258 (100%)
Impaired	4 (7%)	51 (89%)	0 (0%)	1 (2%)	1 (2%)	6	63 (100%)
Total							1321
B. 1971-72							
DUIL	732 (40%)	1000 (54%)	18 (1%)	48 (3%)	47 (2%)	376	2221 (100%)
Impaired	5 (4%)	104 (79%)	1 (1%)	16 (12%)	6 (4%)	4	136 (100%)
D&D	3 (<1%)	15 (10%)	1439 (86%)	41 (2%)	186 (11%)	185	1869 (100%)
Other	1 (3%)	1 (3%)	5 (13%)	31 (81%)	0	0	38 (100%)
Missing	0	1 (50%)	0	0	0	1 (50%)	2 (100%)
Total							4266**

*Not counted in percentage distribution.

**Includes 48 cases arrested in 1970 for DUIL and Impaired but convicted during the program period.

TABLE 2. DISTRIBUTION OF CASES BY CONVICTION CHARGE AND TYPE OF DISPOSITION

A. 1969-70	Conviction Charge			Total
	DUIL	Impaired	Other	
<u>No Trial Held</u>				
Charge at Arraignment:			Acquitted/ Dismissed	
DUIL	290 (62%)	148 (32%)	18 (4%)	464 (100%)
Impaired	1 (2%)	50 (96%)	1 (2%)	52 (100%)
<u>Jury Trial</u>				
Charge at Trial:				
DUIL	41 (63%)	21 (32%)	3 (5%)	65 (100%)
Impaired	0	0	0	
<u>Court Trial</u>				
Charge at Trial:				
DUIL	71 (65%)	29 (27%)	4 (4%)	108 (100%)
Impaired	0	10 (83%)	2 (17%)	12 (100%)
B. 1971-72				
<u>No Trial Held</u>				
Charge at Arraignment:				
DUIL	461 (35%)	786 (60%)	41 (3%)	1316 (100%)
Impaired	6 (3.5%)	142 (85%)	13 (8%)	167 (100%)
<u>Jury Trial</u>				
Charge at Trial:				
DUIL	24 (65%)	8 (22%)	0	37 (100%)
Impaired	1 (14%)	6 (86%)	0	7 (100%)
<u>Court Trial</u>				
Charge at Trial:				
DUIL	47 (51%)	42 (45%)	1 (1%)	93 (100%)
Impaired	0	15 (71%)	4 (19%)	21 (100%)

concentration. Irrespective of the outcome of the case, such a refusal results in the mandatory suspension of the driving privilege for at least three months. Data in Table 3 show the distribution of DUIL arrestees by conviction result and whether or not the BAC test* was given. A BAC test was known to be offered to 1740 program period arrestees and was refused by 19% of them (N=333).

TABLE 3. DISTRIBUTION OF DUIL ARRESTEES BY CONVICTION CHARGE AND BAC TEST REFUSAL/ACCEPTANCE, 1971-72

BAC Test	DUIL	Conviction Charge		Acquitted/ Dismissed	Total
		Impaired	Other		
Tested	585 (42%)	743 (53%)	47 (3%)	32 (2%)	1407
Refused	105 (32%)	201 (60%)	14 (4%)	13 (4%)	333
Missing	42 (40%)	56 (53%)	5 (5%)	2 (2%)	105

The data also indicate that refusal to take the test is associated with a reduction from the original charge to the Impaired offense. Of those who refused the test, 32% were convicted as charged at arrest and 60% were convicted of the lesser included offense of Impaired. However, of those who took the test, 42% were convicted of DUIL and 53% were convicted of the Impaired driving offense. Although very few persons have their arrest charge dismissed or are acquitted, a slightly higher proportion of test refusers fall into this category, 4% as compared to 2% of the persons who took the test.

5.3 BAC AND CONVICTION CHARGE

The distribution of DUIL arrestees by BAC and conviction charge (Table 4) indicates that as BAC increases, the likelihood increases that a conviction will be obtained for DUIL. Presumptive limits for DUIL were at 0.15 until 1 April 1972 when they were

*In nearly all cases where BAC tests are given, results are obtained from breath samples.

TABLE 4. DISTRIBUTION OF DUIL ARRESTEES BY CONVICTION CHARGE AND BAC, 1971-72

Arrested DUIL		Neg	.01-.04	.05-.09	.10-.14	.15-.19	.20-.24	.25-.29	.30-.34	.35+	Missing Data	Total
Convicted DUIL	N	1	0	2	29	188	220	105	33	7	147	732
	%	20	0	2	14	36	56	70	79	64	34	41
Convicted Impaired	N	1	2	11	173	324	166	43	9	3	268	1000
	%	20	33	46	84	61	43	29	21	27	62	55
Convicted Other	N	3	4	11	4	17	5	2	0	1	19	66
	%	60	67	46	2	30	1	1	0	9	4	4
Total	N	5	6	24	206	529	391	150	42	11	434	1798
	%	100	100	100	100	100	100	100	100	100	100	100

TABLE 5. DISTRIBUTION OF IMPAIRED ARRESTEES BY CONVICTION CHARGE AND BAC, 1971-72

Arrested Impaired		Neg	.01-.04	.05-.09	.10-.14	.15-.19	.20-.24	.25-.29	.30-.34	.35+	Missing Data	Total
Convicted DUIL	N	0	0	0	3	1	1	0	0	0	0	5
	%	0	0	0	3	100	100	0	0	0	0	4
Convicted Impaired	N	0	0	25	74	0	0	1	0	0	4	104
	%	0	0	83	85	0	0	100	0	0	80	83
Convicted Other	N	0	1	5	10	0	0	0	0	0	1	17
	%	0	100	17	12	0	0	0	0	0	20	13
Total	N	0	1	30	87	1	1	1	0	0	5	126
	%	0	100	100	100	100	100	100	0	0	100	100

lowered to 0.10. Even so, at BACs in the 0.15 to 0.19 range, 61% of the DUIL arrestees were reduced to Impaired. BAC is a relatively minor factor in the case disposition of Impaired arrestees. Persons arrested on this charge nearly always have BACs less than 0.15 (Table 5).

5.4 LEGAL REPRESENTATION

Representation by a lawyer has remained one of the factors associated with reductions from DUIL to Impaired Driving. Table 6 indicates the conviction charge of DUIL arrestees represented and not represented by an attorney for both the baseline and program periods. The proportion represented has remained approximately the same, with 43% during the baseline period and 48% during 1971 and 1972. Row percentages indicate that in both time periods, persons with lawyers were much more likely to obtain reductions to Impaired (63% and 75%) than were defendants known not to have lawyers (18% and 31%). There is, however, no indication that lawyers have become more successful in obtaining reductions than they were in 1969-70. Reductions increased 12% with attorneys, compared to 13% for defendants without attorneys.

TABLE 6. DISTRIBUTION OF DUIL ARRESTEES BY CONVICTION CHARGE AND LEGAL REPRESENTATION

1969-79	Conviction Charge				N	% of Total
	DUIL	Impaired	Other	Acquitted/ Dismissed		
Had Lawyer	28%	63%	5%	4%	493	(43%)
No Lawyer	79%	18%	2%	1%	667	(57%)
<u>1971-72</u>						
Had Lawyer	18%	75%	4%	3%	644	(48%)
No Lawyer	61%	31%	5%	3%	690	(52%)

The BAC of DUIL arrestees, interacting with legal representation, appears to have an effect on the disposition. Figure 1 indicates that defendants who are convicted of DUIL with lawyers, have higher BACs than those convicted DUIL without lawyers. The plot also indicates similar BAC distributions for defendants with

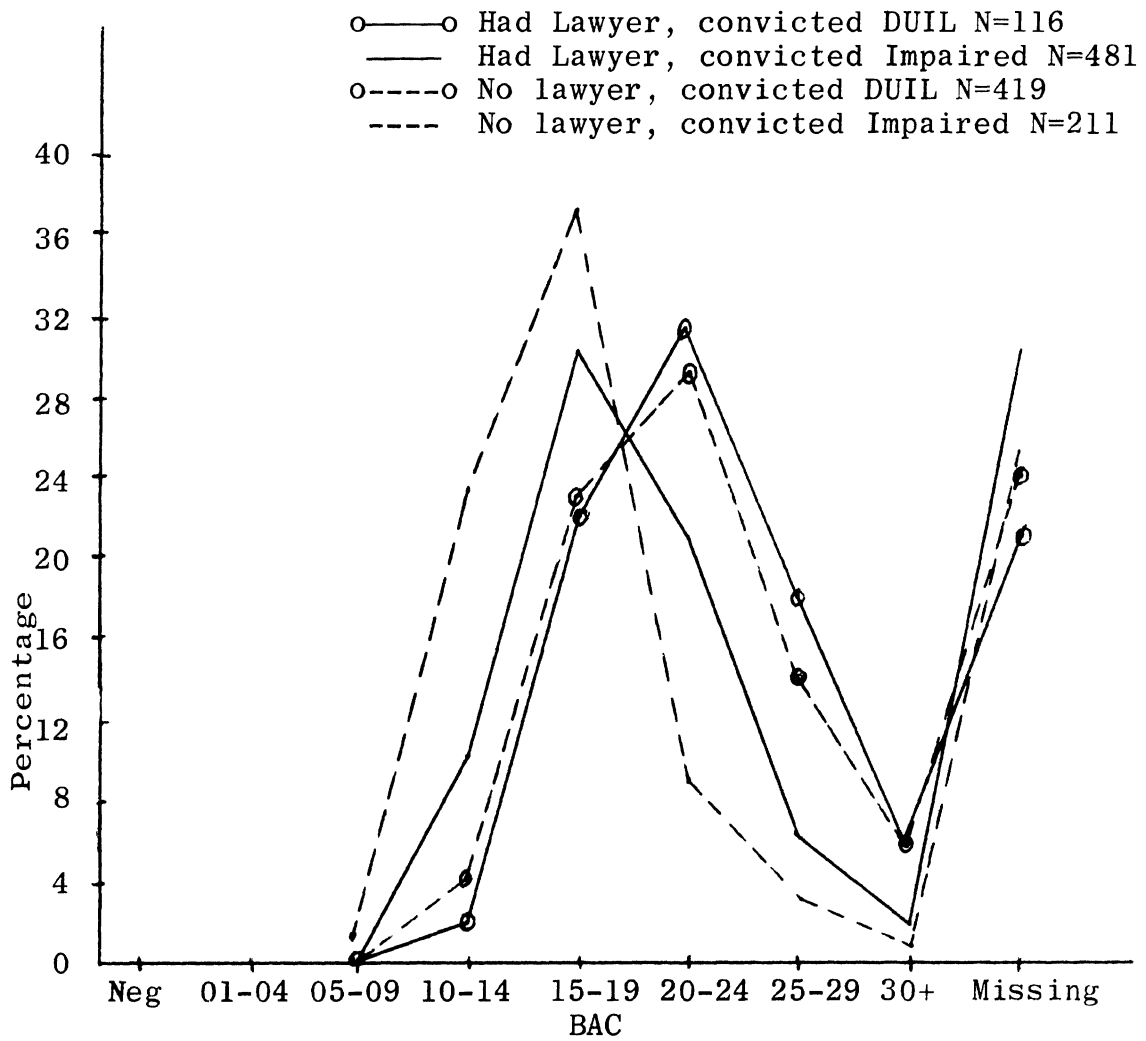


FIGURE 1. DISTRIBUTION OF DUI ARRESTEES (1971-72) BY LEGAL REPRESENTATION, BAC AND CONVICTION CHARGE

lawyers, whether they are convicted of either DUI or Impaired. However, the BAC of those without lawyers differs by conviction charge, being lower for those found guilty or pleading to Impaired.

5.5 REFERRAL RATES TO ASAP

General guidelines for the WCASAP are that Washtenaw County residents convicted of an alcohol-related offense be referred for a pre-sentence investigation with a court counselor prior to their sentencing. Persons convicted of other offenses may also be referred at the discretion of the judge, usually in cases where alcohol is thought to contribute to the offense. The court counselor's responsibilities include determining whether a drinking problem exists and then framing an appropriate treatment recommendation upon which the court can act.

Data on referral rates by disposition status are presented in Table 7. Seventy-four percent of the persons convicted of DUI are referred, as are 73% of those convicted of Impaired driving.* Referral rates are lower for persons convicted of Drunk & Disorderly (36%) or of other charges (41%). A total of 1966 referrals was made in the first 26 months of court counselor availability.

TABLE 7. REFERRAL RATE BY DISPOSITION STATUS

<u>Disposition Status</u>	<u># Cases</u>	<u># Referred</u>	<u>% Referred</u>
DUI Conviction	741	552	74
Impaired Conviction	1121	821	73
D&D Conviction	1463	522	36
Other Conviction	136	56	41
Acquitted	41	0	0
Dismissed	198	5	3
Forfeit Bond	96	4	4
Appealing	5	3	60
Pending	465	3	1
Total Arrested	4266	1966	46

*Referral rates would have been higher if there had not been a large backlog of cases created due to vacancies in several judgeships.

Out of county residents are less likely to be referred than in-county residents (Table 8). Although there is no difference in referral rates for in-county DUIIL and Impaired offenders, referral rates for out of county residents increase with the seriousness of the charge.

TABLE 8. REFERRAL RATES BY CONVICTION CHARGE AND RESIDENCE

	<u>County Resident</u>		<u>Out of County Resident</u>	
DUIL Conviction	513		219	
Referred	411	80%	137	63%
Impaired Conviction	810		304	
Referred	644	80%	171	56%
D&D Conviction	1044		384	
Referred	450	43%	64	17%
Other Conviction	102		32	
Referred	48	47%	7	22%

5.6 DIAGNOSTIC RESULTS

A drinking diagnosis was determined for 1854 clients of the 1966 referred to ASAP during the first 26 months of program operation. These diagnoses are the result of a fairly extensive interview between the defendant and a court counselor. The interviews take place subsequent to the disposition of the arrest charge but prior to sentencing. The four diagnostic categories used are defined below:

(1) Alcoholic - an individual who has lost control over alcohol intake (unable to refrain from drinking or unable to stop drinking before becoming intoxicated) and who uses alcohol repetitively causing physical, psychological, or social harm to himself or others.

(2) Problem Drinker - a person who uses alcohol repetitively causing physical, psychological, or social harm to himself or others.

(3) Pre-alcoholic - an individual displaying a developing pattern of drinking which, without therapeutic intervention, will probably lead to future problem drinking.

(4) Non-problem Drinker (NPD) - an individual for whom the above conditions appear to be absent.

The diagnostic results are as follows: 25% of the clients were diagnosed as alcoholic, 33% were problem drinkers, 9% were pre-alcoholic, 27% did not appear to exhibit problem drinking, and 6% did not receive a diagnosis.

TABLE 9. DRINKING DIAGNOSES OF REFERRED CLIENTS

	Court Counselor Diagnosis					Total
	Alcoholic	Problem Drinker	Pre Alcoholic	NPD*	Not Diagnosed	
Number	490	646	185	533	112	1966
% of Total	25%	33%	9%	27%	6%	100%
% Excluding Non-diagnosed	26%	35%	10%	29%	---	100%

*Non-problem drinker.

Those persons whom the court counselor believes to be candidates for the Antabuse program are referred to the Washtenaw Council on Alcoholism for further diagnostic work and a complete explanation of the program. This second diagnosis provides a partial check for false positives in diagnoses. Compared in Table 10 are the diagnoses of court counselors and WCA counselors. Only clients receiving both diagnoses are included in the table. Although there is minor difference opinion as to whether a client is a problem drinker versus an alcoholic, the agreement in diagnoses is very high, with 94.5% of the cases being placed in the same general categories.

Because D&D offenders are less likely to be referred than driving-related offenders, the diagnoses of the groups might be expected to differ. In fact, D&D's received more alcoholic diagnoses than did other offenders (Table 11). A difference in the diagnoses of persons convicted of DUIL versus Impaired also

appears, with the former having a higher proportion of alcoholics and problem drinkers. Since Impaired offenders have generally lower BACs than DUIL offenders, this would support the finding of less advanced drinking problems among the Impaired group. It has also been suggested that the decision to reduce a charge from DUIL to Impaired was influenced by prior criminal and driving record, lending further support to differences in problem drinking between DUIL and Impaired offenders.

TABLE 10. COMPARISON OF WCA AND COURT COUNSELOR DIAGNOSES (GRAND TOTAL PERCENTAGES)

WCA Diagnosis	Court Counselor Diagnosis			NPD	Total
	Alcoholic	Problem Drinker	Pre- Alcoholic		
Alcoholic	37.6	11.1	0.0	.5	49.2
Problem Drinker	10.3	34.2	.3	.3	45.1
Non-problem Drinker	1.8	2.6	0.0	1.3	5.7
Total	49.7	47.9	.3	2.1	100%*

*N=380

TABLE 11. DISTRIBUTION OF CASES BY CONVICTION CHARGE AND DIAGNOSIS

Conviction Charge	Alcoholic	Problem Drinker	Pre- Alcoholic	NPD	Number Diagnosed	Not Diagnosed/ Not Referred
DUIL	31%	41%	7%	21%	518	30% of 741
Impaired	15%	32%	12%	41%	792	29% of 1121
D&D	39%	31%	11%	19%	480	67% of 1463

5.7 DIAGNOSIS AND DEMOGRAPHIC CHARACTERISTICS

The demographic characteristics of referred clients are presented in Table 12. Clients are distributed by diagnosis for each of the sub-categories under major demographic headings. If

TABLE 12. DEMOGRAPHIC CHARACTERISTICS AND DIAGNOSIS FOR ASAP REFERRALS

	Alcoholic/ Problem Drinker	Pre- Alcoholic	Non- Problem Drinker	N
SEX				
Male	62%	10%	28%	1719
Female	54	8	38	135
RACE				
White	59	10	31	1506
Black	69	10	21	278
Other	58	25	17	12
MARITAL STATUS				
Single	44	14	42	442
Married	62	9	29	848
Widowed	83	0	17	29
Separated	71	9	20	133
Divorced	70	11	19	298
EDUCATION				
7 yrs. or less	73	10	17	160
8-11	71	8	21	710
12 yrs.	56	11	33	468
Bus/Trade	60	3	37	30
1-3 yrs. college	40	13	47	271
4 yrs. college	30	19	51	64
Post graduate	42	17	40	63
EMPLOYMENT STATUS				
Employed	58	11	31	1333
Unemployed	79	6	15	316
Retired	63	4	33	27
Housewife	56	9	35	23
Student	11	17	72	79
USUAL OCCUAPTION (employed only)				
Prof/Manager.	39	15	46	223
Clerical	45	14	41	66
Sales	57	11	32	63
Craftsman	59	13	28	228
Operative	61	10	29	351
Service	66	10	24	58
Laborer	68	9	23	334
Other	70	10	20	10
INCOME				
Under \$1000	59	9	32	162
\$1000-2999	53	7	40	60
\$3000-4999	58	7	35	91
\$5000-6999	68	8	24	167
\$7000-9999	62	10	28	373
\$10,000-14,999	55	14	31	389
\$15,000-24,999	49	15	36	169
\$25,000 & over	62	13	25	52

either demographic data or diagnosis were missing, the person was excluded from the particular section of the table.

The data indicate that males comprise 93% of the referred cases and are more likely than females to exhibit alcohol problems. Whites make up 84% of the clients and are slightly less likely to have alcohol problems than other racial groups.

Persons who are married at the time of their referral to ASAP account for 48% of the cases. Single persons comprise one-quarter of the clients, as do separated/divorced persons. Single clients are least likely to have alcohol problems, probably because of age factors. Persons who are widowed, separated or divorced are most likely to have alcohol problems.

The distribution of clients by educational level and diagnosis indicates that amount of education tends to be inversely associated with the severity of the drinking diagnosis. Seventeen percent of the referrals with seven or fewer years of education had no alcohol problems. Conversely, 51% of the clients with four years of college had no alcohol problems.

Unemployed persons are over-represented among the ASAP clients who would ordinarily be employed (19.1% as compared to 5.5% of the county labor force in 1972) and have a very large proportion of alcoholics and problem drinkers (79%). Diagnoses differ among occupational groups, with the professional/managerial category having the lowest proportion of alcoholics (39%) and laborers the highest (68%). The differences are less pronounced in the context of yearly income.

5.8 TREATMENTS IMPOSED (REHABILITATIVE AND LEGAL SANCTIONS)

Within the context of the ASAP program, there was no intent to change the types of legal sanctions (fine and/or jail) which would be imposed on persons convicted of various offenses. Appendix Tables B.1-B.2 (baseline) and B.3-B.5 (program period) indicate that the distribution of offenders by legal sanctions, in fact, did not change. Most DUI offenders received fine only (86% in the baseline and 89% during the program) as did most Impaired offenders (96% and 97%).

Rehabilitative treatments* were, however, added or expanded as part of the ASAP. These included the Antabuse program,** general probation, educational classes, or classes in combination with one of the types of probation. The setting for the imposition of the rehabilitative sanctions is discussed in other reports, however, the drinking diagnosis is the primary criterion for entry into one of these treatments. The concurrence of the judge instituting the treatment is also necessary, based upon the recommendation of the court counselor, and in the case of Antabuse probation, the agreement of the offender is needed before probation can be instituted.

The data in Table 13 indicate a proper relationship between the drinking diagnosis and treatment, if one accepts the program assumption that the desirable treatment for persons with the more serious drinking diagnoses would be, in most cases, the Antabuse program. As the seriousness of the drinking problem decreased, the treatments which were instituted also decreased both in intensity of supervision or contact (general probationers have less contact than Antabuse probationers) and in the time necessary for the completion of the treatment (educational classes take place over a period of 4-7 weeks as compared to 18-24 months for persons on probation). Seventy percent of the persons diagnosed as alcoholic were placed in the Antabuse program, 80% of the problem drinkers were either in the Antabuse program or general probation, and the majority of the remaining referrals participated in at least one of the ASAP treatment activities.

*Although all types of court sanctions may have rehabilitation as an objective, this label has been used to more easily distinguish ASAP sponsored sanctions from normally used court sanctions.

**Antabuse^R (disulfiram) is a drug, the ingestion of which acts as a deterrent to drinking for most persons by blocking the metabolism of alcohol.

TABLE 13. DISTRIBUTION OF ARRESTEES BY DIAGNOSIS AND TREATMENT IMPOSED (ROW PERCENTAGES GIVEN)

Diagnosis	Antabuse/			General			None	N
	Classes	Classes	Classes	Probation/	Probation	Classes		
		Antabuse	General	Probation	Only	Only		
Alcoholic	55%	15%	7%	9%	3%	11%	490	
Problem Drinker	34%	15%	22%	9%	8%	12%	646	
Pre-Alcoholic	0	0	36%	10%	45%	9%	185	
Not a Problem Drinker	0	0	14%	5%	48%	32%	533	
Not Referred/ Not Diagnosed	1%	2%	2%	5%	2%	88%	2412*	
Total	503	210	365	276	456	2456	4266	

*Includes persons not convicted or not sentenced.

APPENDIX A
DATA COLLECTION FORMS

COURT CONVICTION DATA SHEET - Deck #06

Court _____ Police _____ DOB _____

Name _____
 First Middle Last

<p>1-6 ASAP # _____</p> <p>7-19 Driver License # _____</p> <p>20-24</p> <p>25 Card #1</p> <p>26-27 Deck #06</p> <p>28 Charge at Arrest 1. DUIL 2. Driving While Impaired 3. Drunk & Disorderly 4. Other 9. Missing Data</p> <p>29 Court 1. Fourteenth 2. Fifteenth 9. Missing Data</p> <p>30 Judge 1. Elden 5. Arkison 2. Thommassen 6. Other 3. Conlin 9. Missing Data 4. Deake</p> <p>31-36 Arrest Date(CODE LAST DATE- BE CAREFUL AS THIS IS OFTEN POSTPONED) _____ Mo. Day Year 999999. Missing Data</p> <p>37 Rep. by Lawyer Prior to Trial 1. Yes 2. No 9. Missing Data</p> <p>38 Charge at Arraignment 1. DUIL 5. Other 2. Impaired 8. Not Applicable 3. D&D 9. Missing Data 4. Reckless</p> <p>39 Plea at Arraignment 1. Guilty 5. Nolo 2. Not Guilty Contendre 6. No Plea 8. Not 4. Stood Mute, Applicable Not Guilty 9. Missing Data Plea Entered Court</p> <p>40 Was Trial Held 1. Yes 2. No 9. Missing Data</p> <p>41-46 Trial Date _____ Mo. Day Year 888888. Not Applicable 999999. Missing Data</p>	<p>47 Rep. by Lawyer at Trial 1. Yes 8. Not Applicable 2. No 9. Missing Data</p> <p>48 Charge at Trial 1. DUIL 5. Other 2. Impaired 3. D&D 8. Not Applicable 4. Reckless 9. Missing Data</p> <p>49 Plea at Trial 2. Not Guilty 4. Stood Mute 8. Not Applicable 9. Missing Data</p> <p>50 Trial Method 1. Jury Trial 8. Not Applicable 2. Court Trial 9. Missing Data</p> <p>51 Disposition 1. Convicted as Charged at Arrest 2. Pled Guilty to Charge at Arrest 3. Acquitted 4. Convicted of Reduced Charge 5. Pled Guilty to Reduced Charge 6. Case Dismissed 7. Forfeit Bond 8. Appealing 9. Missing Data</p> <p>52-57 Disposition Date _____ Mo. Day Year 999999. Missing Data</p> <p>58 Final Charge 1. DUIL 2. Impaired 3. D&D 4. Driving After Drinking 5. Reckless 7. Other 9. Missing Data</p> <p>59-64 Sentence Date _____ Mo. Day Year 888888. Not Applicable 999999. Missing Data</p> <p>65 Sentence 1. Fine 5. Forfeit Bond 2. Jail 6. Deferred 3. Fine OR Sentence Jail 8. Not 4. Fine AND Applicable Jail 9. Missing Data</p>
---	---

66 Sentencing Options Chosen
 1. Fine
 2. Jail
 8. Not Applicable - No Options Offered
 9. Missing Data

67-69 Jail Sentence (days)
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

70-72 Days Suspended
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

73-75 Fine (\$)
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

76-79 Serial # _____
 80 Recidivism # _____

1-6 ASAP # _____
 7-19 Driver License # _____
 20-24 _____
 25 Card #2
 26-27 Deck #06
 28-30 Fine Suspended
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

31-33 Total Dollars Assessed
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

34-36 Total Days Given
 — — —
 000. None
 888. Not Applicable
 999. Missing Data

37-42

43 Non-Antabuse Probation
 1. Yes
 2. No
 9. Missing Data

44-45 Months on Non-Antabuse Probation
 — — —
 88. Not Applicable
 99. Missing Data

46-51 Expire Date of Probation - Non-Antabuse & Antabuse
 — — — — —
 888888. Not Applicable
 999999. Missing Data

52 WCCA (Antabuse)
 1. Yes
 2. No
 9. Missing Data

53-54 Weekly Reporting
 — — Months
 88. Not Applicable
 99. Missing Data

55-56 Biweekly Reporting
 — — Months
 88. Not Applicable
 99. Missing Data

57 AES
 1. Yes
 2. No
 9. Missing Data

58 EPP
 1. Yes
 2. No
 9. Missing Data

59 Other Terms
 1. Yes
 2. No
 9. Missing Data

76-79 Serial # _____
 80 Recidivism # _____

ASAP INTAKE INTERVIEW

Interview completed by _____ ASAP No. _____
Interview date _____ DOB _____
Charge _____ WCCA No. _____
Referred by judge _____ Court No. _____
Sentencing date _____ Police No. _____

SECTION I

- 1) Name _____
(First) (Middle or maiden) (Last)
- 2) Address _____
- 3) Home phone No. _____ Business phone No. _____
- 4) Social Security No. _____
- 5) Driver's license No. _____
- 6) Do you drive? Yes _____ No _____
- 7) How old were you when you first got a driver's license? _____
- 8) About how many miles have you driven in the past year? _____
- 9) Date of birth _____
(Month) (Date) (Year)
- 10) Place of birth _____
(City) (State) (Country)
- 11) Sex: Male _____ Female _____
- 12) Race: White _____ Black _____ Other _____
- 13) Education _____ Highest grade completed _____
Special training _____
- 14) Religion: None _____ Protestant _____ Catholic _____
Jewish _____ Other _____
(Specify)

- 15) Occupation _____
Are you presently employed? Yes _____ No _____
(If yes) Where and how long? _____
(If no) How long have you been unemployed? _____
- 16) Marital status _____
Spouse's name _____
How long have you been married? _____
- 17) Name and age of children _____

- 18) Previous marriages: Number of marriages _____
- 19) Have you served in the armed forces? Yes _____ No _____
(If yes) Branch _____ From _____ to _____
Type of discharge _____
- 20) Name and address of spouse or the nearest relative who will know your whereabouts:
Name _____
Address _____
Phone No. _____ Relationship _____
- 21) What is your total annual income? _____
- 22) Have you any large outstanding debts? Yes _____ No _____
(If yes) Amount _____

SECTION II

- 23) Tell me about your arrest? _____

- 24) Have you ever been arrested for drinking and driving (other than present offense)? Yes _____ No _____
(If yes) A. Where _____ When _____
B. How much did you drink to get arrested? _____

Yes No

- 25) Has your driver's license ever been suspended or revoked? ___ ___
 (If yes) Give date _____
 What was the reason? _____
- 26) Have you ever been arrested for any drinking related offenses? ___ ___
- 27) Have you ever been convicted for other non-traffic offenses? ___ ___
 (If yes) Charge _____ When? _____
- 28) Have you ever been arrested for reckless driving? ___ ___
- 29) Are you currently on probation? ___ ___
 (If yes) Probation terms _____

SECTION III

- 30) Do you feel you are a normal drinker? ___ ___
- 31) Have you ever awakened the morning after some drinking the night before and found that you could not remember a part of the evening before? ___ ___
- 32) Do friends or relatives think you are a normal drinker? ___ ___
- 33) Do you ever try to limit your drinking to certain times of the day or to certain places? ___ ___
- 34) Have you gotten into arguments or fights when drinking? ___ ___
- 35) Have you ever lost a spouse or friends or girlfriends because of drinking? Which? _____ ___ ___
- 36) Have you ever gotten into trouble at work because of drinking? ___ ___
- 37) After drinking the day before, have you ever decided not to go to work next morning? ___ ___
- 38) Do you ever drink before noon? ___ ___
- 39) Do you ever get the feeling that you "Need" or "Want" to drink? ___ ___
- 40) Does drinking help you feel more at ease around people? ___ ___

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 41) Do you ever feel that it is easier to start something after you have had a drink? | ___ | ___ |
| 42) Have you ever felt bad about your drinking? | ___ | ___ |
| 43) While you were operating a vehicle, did you ever feel your driving was impaired or your reflexes were weak? | ___ | ___ |
| (If yes) A. Were you at the time under the influence of alcohol? | ___ | ___ |
| B. Were you physically ill and you did not have any liquor to drink? | ___ | ___ |
| 44) Did you ever lose control of a vehicle you were driving after you had 1 2 3 4 5 6 or more drinks? | ___ | ___ |
| 45) While you were under the influence of alcohol and then you began driving, did you ever think that you may cause a car accident? | ___ | ___ |
| 46) While you were under the influence of alcohol, did you feel that you had: | | |
| a. speech impairment | ___ | ___ |
| b. you were staggering and swaying | ___ | ___ |
| c. you were unable to walk | ___ | ___ |

SECTION IV

- | | | |
|---|-----|-----|
| 47) Does your wife or other members of your family ever worry or complain about your drinking? | ___ | ___ |
| 48) Has drinking ever created problems between you and your wife? | ___ | ___ |
| 49) Has your wife or other family member ever gone to anyone for help about your drinking? | ___ | ___ |
| (If yes) Who _____ | | |
| Where _____ When _____ | | |
| 50) Have you ever been off work or away from home for two or more days because you were drinking? | ___ | ___ |

SECTION V

Yes No

- 51) Have you ever been on "Antabuse"? _____ _____
 (If yes) When _____
- 52) Have you ever attended a meeting of Alcoholics Anonymous (AA)? _____ _____
 (If yes) When _____
- 53) Have you ever been in a hospital because of drinking? _____ _____
 (If yes) Where? _____ When? _____
- 54) Have you ever been a patient in a psychiatric hospital or on a psychiatric ward of a general hospital? _____ _____
 (If yes) Where? _____ When? _____
 Was drinking part of the problem that resulted in hospitalization? _____ _____
- 55) Have you ever been seen at a psychiatric or mental health clinic or gone to any doctor, social worker, or clergyman for help with an emotional problem? _____ _____
 (If yes) Where? _____ When? _____
 Was drinking part of the problem? _____ _____
- 56) Have you ever been hospitalized in the past 5 years? _____ _____
 (If yes) Number of times _____
 Reason(s) _____
- 57) Have you ever been told you have liver trouble? _____ _____
 Cirrhosis? _____ _____
- 58) Have you ever had Delirium Tremens (D.T.'s), severe shaking, heard voices or seen things that weren't there after heavy drinking? _____ _____
- 59) Are you taking any medication? _____ _____
 (If yes) What type? _____
 How much? _____ How long? _____
- 60) Client's general health:

- (30) 6. Is there evidence that the client's drinking contributes to poor mental health?
- 1 ___ Yes
 - 2 ___ No
 - 8 ___ Not Known

Social Adjustment

- (31) 7. What is the client's general social adjustment with reference to family members and relatives, friends and acquaintances, and on-the-job colleagues?
- 1 ___ Excellent, Very Good, Better Than Average
 - 2 ___ Good, Average
 - 3 ___ Poor, Bad, Less Than Average
 - 8 ___ Not Investigated
- (32) 8. Is there evidence that the client's drinking contributes to an inadequate social adjustment?
- 1 ___ Yes
 - 2 ___ No
 - 8 ___ Not Known

Employment Adjustment

- (33) 9. How would you characterize the client's employment history?
- 1 ___ Excellent, Very Good, Better Than Average
 - 2 ___ Average, Adequate
 - 3 ___ Poor, Marginal, Spotty, Sporadic, Unemployed
 - 4 ___ Client is not on labor market, i.e., housewife, student, permanently disabled
 - 8 ___ Not Investigated
- (34) 10. Is there evidence that the client's drinking contributes to poor employment adjustment?
- 1 ___ Yes
 - 2 ___ No
 - 7 ___ Not Applicable
 - 8 ___ Not Known

Drinking Pattern

11. How frequently does client usually drink?
(Fill in the one response which best describes frequency)
- (35-36) _____ # Times/ Week, or _____ (88) Not Known
(37-38) _____ # Times/Month, or _____ (88) Not known
(39-40) _____ # Times/ Year, or _____ (88) Not known

- (41) 12. How much does client usually consume at times when drinking?

- 1 ___ 1-3 Bottles, Glasses, Drinks
2 ___ 4-6 Bottles, Glasses, Drinks
3 ___ 7-11 Bottles, Glasses, Drinks
4 ___ 12+ Bottles, Glasses, Drinks
5 ___ Other (describe below)
-
-

8 ___ Not Known

- (42) 13. How many times in the past year has the client gone on binges? (A binge is a continuous period of intoxication lasting more than 24 hours)

_____ # Times
(88) _____ Not Known

14. Based on existing evidence, do you feel that the client is presently:

- (43) a. An alcoholic (see definition below)

1 ___ Yes 2 ___ No

- (44) b. A problem drinker (see definition below)

1 ___ Yes 2 ___ No

- (45) c. In your judgement, does the client exhibit a developing pattern of drinking which, without therapeutic intervention would probably lead to future problem drinking?

1 ___ yes 2 ___ No

Definitions:

Alcoholic - condition in which an individual has lost control over his alcohol intake (unable to refrain from drinking or to stop drinking before becoming intoxicated), and repetitive use of alcohol causing physical, psychological, or social harm to the drinker or others.

Problem Drinker - repetitive use of alcohol causing physical, psychological, or social harm to the drinker or others*.

*Plaut, Thomas, Alcohol Problems, Oxford Univ. Press, 1967, p. 37-39.

Note: Using this definition, the alcoholic is always a problem drinker, although problem drinkers are not necessarily alcoholics. - 3 -

(46) 15. Without therapeutic intervention, do you feel that there are likely to be episodes of drunk-driving in the future?

1 ___ Yes

2 ___ No

8 ___ Not Known

16. Please check the actions below which you would recommend as appropriate for this client. Next to the column indicating your recommendations, check whether or not the client is also willing.

	Recommend	Client Willing (1)	Client Not Willing (2)	Client Not known (8)
Jail	47 ___	48 ___	___	___
Fine	49 ___	50 ___	___	___
License susp/revoc	51 ___	52 ___	___	___
Probation	53 ___	54 ___	___	___
Alcohol/driving education	55 ___	56 ___	___	___
Disulfriam (Antabuse)	57 ___	58 ___	___	___
Group therapy	59 ___	60 ___	___	___
Alcoholics anonymous	61 ___	62 ___	___	___
Individual counseling/ therapy	63 ___	64 ___	___	___
Family counseling	65 ___	66 ___	___	___
Vocational counsel/ retraining	67 ___	68 ___	___	___
Financial assistance	69 ___	70 ___	___	___
Medical assist/ hospital/ detox.	71 ___	72 ___	___	___
Other _____	73 ___	74 ___	___	___

If you have made no decision as to the appropriate recommended action prior to consultation, check the line below.

(75) 1 ___ Joint decision only

APPENDIX B

DISTRIBUTION OF BASELINE AND PROGRAM PERIOD
CASES BY CONVICTION CHARGE AND TREATMENT

TABLE B.1. DISTRIBUTION OF PERSONS CONVICTED OF DUIL BY TREATMENT (GRAND TOTAL %) 1969-70

Rehabilitative Sanctions		Legal Sanctions			Neither	Total
		Jail	Fine	Jail & Fine		
Antabuse	N	0	37	2	3	42
	%	0	5	<1	<1	6
General Probation	N	0	77	4	1	82
	%	0	11	<1	<1	12
Classes Only	N	0	18	0	1	19
	%	0	3	0	<1	3
None	N	57	450	23	7	537
	%	8	66	3	1	79
Total	N	57	582	29	12	680*
	%	8	86	4	2	100

*Four additional persons convicted of DUIL were not Sentenced.

TABLE B.2. DISTRIBUTION OF PERSONS CONVICTED OF IMPAIRED DRIVING BY TREATMENTS (GRAND TOTAL %) 1969-70

Rehabilitative Sanctions		Legal Sanctions			Neither	Total
		Jail	Fine	Jail & Fine		
Antabuse	N	0	23	1	0	24
	%	0	5	<1	0	5
General Probation	N	0	66	4	0	70
	%	0	13	1	0	14
Classes Only	N	0	15	0	1	16
	%	0	3	0	<1	3
None	N	6	365	5	4	380
	%	1	75	1	1	78
Total	N	6	469	10	5	490
	%	1	96	2	1	100

TABLE B.3. DISTRIBUTION OF PERSONS CONVICTED OF DUIL BY TREATMENT (GRAND TOTAL %) 1971-72

Rehabilitative Sanctions		Legal Sanctions			Neither	Total
		Jail	Fine	Jail & Fine		
Antabuse	N	0	225	8	0	233
	%	0	32	1	0	33
General Probation	N	1	155	19	1	176
	%	<1	22	13	<1	25
Classes Only	N	0	75	0	0	75
	%	0	10	0	0	10
None	N	36	180	7	3	226
	%	5	25	1	1	32
Total	N	37	635	34	4	710*
	%	5	89	5	1	100

*Twenty-five additional persons were convicted of DUIL but not sentenced, data were missing on six persons.

TABLE B.4. DISTRIBUTION OF PERSONS CONVICTED OF IMPAIRED DRIVING BY TREATMENTS (GRAND TOTAL %) 1971-72

Rehabilitative Sanctions		Legal Sanctions			Neither	Total
		Jail	Fine	Jail & Fine		
Antabuse	N	2	203	2	2	209
	%	<1	18	<1	<1	19
General Probation	N	0	251	9	2	262
	%	0	23	1	1	24
Classes Only	N	0	281	1	1	283
	%	0	25	<1	<1	25
None	N	5	342	3	4	354
	%	<1	31	<1	<1	32
Total	N	7	1077	15	8	1108*
	%	1	97	1	1	100

*Nine additional persons were not sentenced, data were missing on four persons.

TABLE B.5. DISTRIBUTION OF PERSONS CONVICTED OF DRUNK
& DISORDERLY BY TREATMENTS (GRAND TOTAL %)
1971-72

Rehabilitative Sanctions		Legal Sanctions			Neither	Total
		Jail	Fine	Jail & Fine		
Antabuse	N	5	214	10	7	236
	%	<1	15	1	1	17
General Probation	N	11	143	14	14	182
	%	1	10	1	1	13
Classes Only	N	2	81	0	0	83
	%	<1	6	0	0	6
None	N	202	628	13	30	873
	%	15	46	1	2	64
Total	N	220	1066	37	51	1374*
	%	16	77	3	4	100

*Seventy-four additional persons were not sentenced, data were missing on fifteen persons.