

WASHTENAW COUNTY ATTORNEY 1971
SURVEY ON DRINKING AND DRIVING

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16. Abstract This report summarizes the results of a self-administered questionnaire completed by 200 members of the Washtenaw County Bar Association (out of 298 members to whom the questionnaire was mailed). Content areas included the role of alcohol in traffic accidents; alcohol consumption quantities and accident risk; attitudes toward implied consent laws and other types of drunk driving countermeasures; the alcohol problem in general and sources of alcohol help; and own experience in handling drunk driving cases and the disposition of these cases, including suggestions for improving the legal aspects of the drunk driving problem. The survey was carried out in order to obtain baseline data for the development and evaluation of the public information program for attorneys being carried out by the Washtenaw Alcohol Safety Action Program. Almost half of the defense attorneys reported defending a drunk driving case in the previous two years, although only 15% had had 10 or more such cases. A majority of the respondents approved of the implied consent laws and of the proposed lowering of the presumptive illegal BAC, and most also supported the use of Antabuse as a condition of probation for convicted problem drinkers. Appended to the report is the complete survey codebook showing percentage results on each question for the total sample, and separately for the prosecutors and judges, the frequent defenders, the infrequent defenders, and the non-defenders.					
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NOTICES

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SUMMARY

A self-administered questionnaire was mailed to 298 attorneys in Washtenaw County, 200 of whom completed the questionnaire, for a response rate of 67%. For the purpose of analysis, defense attorneys who had handled ten or more drunk driving cases in the previous two years were designated as frequent defenders (N=29), those who had handled one to nine drunk driving cases were designated infrequent defenders (N=49), and those who had handled no such cases became non-defenders (N=101). Prosecutors and judges (N=21) were treated as a separate group.

The defense of drunk driving cases in the total sample tended to be concentrated among a few attorneys. Five percent of the respondents (not including prosecutors and judges) had handled 25 or more drunk driving cases in the previous two years, and one attorney reported having defended more than 100 such cases in the two-year period. Frequent defenders of drunk driving cases tended also to specialize more in criminal law work and to have spent fewer than five years in practice in Washtenaw County.

Approximately one-third of the respondents estimated correctly that about 50% of fatal traffic crashes are alcohol-related, and an additional 36% of the sample over-estimated alcohol-involvement in fatal crashes. But the majority of respondents under-estimated the contribution of problem drinkers to the toll of alcohol-related fatal crashes.

The respondents tended to over-estimate the number of drinks which a 150 pound person can consume in one hour and still be able to drive safely, and to under-estimate the number of drinks he can consume in one hour before reaching a .10% BAC. Only about half of the respondents felt correctly that the number of "safe" drinks was less than the number of "legal" drinks. Prosecutors and judges alone tended to make more accurate assessments of the relationship between alcohol consumption, BAC, and accident risk.

A majority of the sample (59%) favored the reduction of the minimum presumptive limit for DWL from .15% to .10% BAC. But only 31% of the frequent defenders approved the reduction and

close to half (41%) of the frequent defenders were opposed to the use of breath testing under the implied consent laws. The further finding that the majority of respondents felt that breath test evidence has increased the drunk driving conviction rate is thought to be a factor in the negative attitudes of frequent defenders toward implied consent laws and the use of breath tests.

The respondents were generally moderate in their feelings about strick enforcement of and penalties for drunk driving. Prosecutors and judges tended more often to endorse strongly such measures as greater police enforcement and the use of videotapes as evidence in drunk driving cases. But only 25% of the total sample agreed strongly with any of the measures such as increased police patrols near bars or private parties, the inclusion of all alcohol-related convictions in a driver's records, and the issuance of special license plates to drivers convicted of alcohol-related traffic offenses.

Estimates of the size of the alcoholic population in Washtenaw County varied from 1% to 50%, with a median estimate of 7%. While more than three-fourths (80%) of the sample gave persons with a serious drinking problem no more than a 50% chance of recovery, various alcoholism treatment countermeasures were thought to be worth emphasizing in an expanded alcohol safety program. In particular, 70% of the sample favored the use of Antabuse with convicted drunk drivers and endorsed its inclusion as a condition of probation. A full 86% of the prosecutors and judges felt that Antabuse was a valuable aid in reducing the likelihood of recidivism among convicted drunk drivers.

Favorable attitudes toward government intervention in the drunk driver problem were expressed, together with a general optimism toward the likelihood of ameliorating the problem. The majority of respondents felt that driving a car was not an inalienable right and, further, that the government's role appropriately extended beyond enforcement of drunk driver laws.

The majority of defense attorneys (70%) were not involved in drunk driving cases in which a guilty plea was submitted by the defendent prior to trial. However, regarding DUIL cases in which

a plea to a lesser offense was made, 50% of the defense attorneys estimated that such cases represented more than two-thirds of their total drunk driving caseload.

Court trial DUIL cases in which the defendant was convicted of the original charge were handled by less than 20% of the defense attorneys and less than 5% of the attorneys reported that such cases represented more than half their drunk driving caseload. Similar findings were made with regard to court trial DUIL cases resulting in a conviction of a lesser offense. Experience was even more limited in court trial DUIL cases in which the defendant was acquitted.

More defense attorneys had handled DUIL cases in jury trials, but the estimates of the proportion of such cases to their total drunk driving caseload were low. The median estimates by frequent defenders of DUIL jury trial cases resulting in conviction of DUIL and those resulting in conviction of a lesser offense were both 3% of their drunk driving caseload. Four percent of the frequent defenders reported that 11% to 24% of their drunk driving caseload consisted in DUIL jury trial cases which resulted in an acquittal.

The majority of respondents felt that a person arrested for drunk driving should obtain legal service and that refusing the breath test decreased the likelihood of conviction of DUIL. They generally felt that DUIL charges are reduced in the right proportion, and that reductions which are obtained are most often the result of evidentiary problems for the prosecution and the severity of mandatory penalties for a DUIL conviction.

Suggestions for improving the legal system as it relates to drunk driving most often involved a reduction of the severity of mandatory penalties, i.e., automatic suspension of drivers license and high financial responsibility insurance rates. Although many prosecutors and judges expressed concern about the severity of such penalties, many others felt that enforcement and punishment of drunk drivers should be increased in severity.

LEGAL BACKGROUND AND EXPERIENCE WITH DRUNK DRIVING CASES

A self-administered questionnaire was mailed to the 298 attorneys listed as members of the Washtenaw County Bar Association. A total of 200 attorneys had responded at the end of the third follow-up mailing, for a response rate of 67%. These respondents consisted of 144 defense attorneys, 22 faculty members of The University of Michigan Law School, five judges, 16 prosecutors and city attorneys, and 13 individuals whose position was not ascertained. Of the total sample, these groups comprise respectively 72%, 11%, 3%, 8%, and 7%.

Forty percent of the total sample, or slightly over half of the defense attorneys, reported having defended at least one drunk driving case within the previous two years. Fifteen percent had defended ten or more cases during this time period, and 5% had defended 25 or more cases. One attorney reported defending over 100 cases during the two year period.*

Attorneys who had defended drunk driving cases were also more likely to have declined to defend such cases than attorneys who had not defended any drunk driving cases in the past two years. Twenty percent of the frequent defenders and 28% of the infrequent defenders declined drunk driving cases compared with only 12% of the non-defenders. The reason most frequently given by non-defenders for declining drunk driving cases was that their legal work was unrelated to DUIL cases or that they lacked the knowledge and experience they felt necessary for the defense of those cases. Defenders also cited unrelated legal work as a reason, but just as frequently responded that they felt that they could not obtain an acquittal for the cases they declined. Four percent of the infrequent defenders and 3% of the frequent defenders said that they declined cases because the defendant could not afford the legal fee.

*Throughout the report, attorneys who defended 10 or more drunk driving cases are referred to as frequent defenders, attorneys who defended one to nine cases are referred to as infrequent defenders, and those who defended no cases are called non-defenders. Prosecutors and judges are treated as a fourth distinct subgroup.

The percent of a respondent's legal practice which is spent in criminal law is strongly related to the number of drunk driving cases he has handled in the past two years. Seventy-four percent of the non-defenders had had no work in criminal law in the past two years and even at the 90th percentile, non-defenders had spent only 5% of their legal activity in criminal law. In contrast, 45% of the frequent defenders had spent 21-50% of their time in criminal law. Even in the case of frequent defenders, however, only 3% attributed more than half of their work to criminal law, compared with 53% of the prosecutors and judges who said that 50% or more of their work was in the area of criminal law.

In terms of the number of years spent in legal work in Washtenaw County, 16% of the respondents, with 20 years or more, can be said to be extremely experienced. Yet, of those attorneys who frequently defend drunk driving cases, only 10% have had 20 or more years experience. Conversely, 45% of the respondents have had fewer than five years experience in the County, and yet 55% of the attorneys who frequently defend drunk driving cases come from this less experienced group. Thus there seems to be a small trend for drunk driving cases to be handled by less experienced attorneys, but clearly some quite experienced attorneys do at least occasionally handle such cases.

ALCOHOL AND ACCIDENTS

Approximately one-third (34%) of the respondents estimated correctly that about 50% of fatal traffic crashes are alcohol-related. There was a slight tendency to over-estimate, rather than to under-estimate alcohol-involvement; 36% made estimates above 50% whereas 24% thought that fewer than 50% of fatal crashes are alcohol-related. Infrequent defenders were most likely to under-estimate, and prosecutors and judges were most likely to over-estimate alcohol-involvement. However the differences among subgroups were not great enough to be significant.

The majority of respondents under-estimated the contribution of problem drinkers to the toll of alcohol-related fatal

crashes. The U.S. Department of Transportation has released statistical reports which state that roughly two-thirds of those crashes involve problem drinkers, rather than social drinkers. All but 18% of the respondents, however, made estimates below the 66% figure. The median estimate for each subgroup was 50%. The prosecutors and judges were least likely to make very low estimates (below 34%), indicating a greater awareness on their part of the serious drinking problems of many drivers involved in alcohol-related fatal crashes.

When asked to estimate how many drinks a 150 pound man could drink in an hour without becoming too drunk to drive safely, 53% of the respondents made estimates of more than two drinks. Assuming a standard drink of 1 to 1½ oz. shot of liquor, 4-5 oz. wine, or 12 oz. beer, a 150 pound man would, in fact, reach a BAC of approximately .04% upon consuming two drinks in an hour without recent food intake. Since a BAC above .04% has been shown to increase the risk of accident by a factor of at least two, a significant proportion of the respondents over-estimated the boundary of safety with regard to alcohol consumption prior to driving. The subgroup statistics revealed that non-defenders were most likely (51%) to make estimates of from one to two drinks, and prosecutors and judges were most likely (63%) to make estimates higher than two drinks. Ten percent of the respondents felt that after five or more drinks (up to eight drinks) a driver would still be safe operating his car. Only 4% of the infrequent defenders and 5% of the non-defenders, however, made such high estimates, whereas 22% of frequent defenders and 21% of the prosecutors and judges were found in the five drinks and higher categories.

At the time of the survey, a .10% BAC was the minimum presumptive limit for impaired driving in the State of Michigan. The majority of respondents under-estimated the number of drinks a 150 pound man could consume in one hour before reaching a .10% BAC. Assuming the standard amounts of alcohol cited above for each drink, four to five drinks consumed in an hour would result in a .10% BAC. However, 69% of the respondents made estimates

of fewer than four drinks. Less than one-third (29%) of the total sample made correct estimates of four to five drinks, and 9% made high estimates of six to ten drinks. Prosecutors and judges were the only subgroup to differ significantly from the total sample statistics: 68% of that group correctly estimated that four to five drinks would result in a .10% BAC.

Only about half of the respondents (49%) felt (correctly) that the number of "safe" drinks was less than the number of "legal" drinks. Thirty-one percent felt that "safe" and "legal" amounts of alcohol were equivalent, and 16% estimated the number of safe drinks as greater than the number of legal drinks. Again, prosecutors and judges differed noticeably from the sample averages: 68% of that group realized that fewer drinks were safe than were legal and only 16% felt that the two were equivalent.

The estimates made for the number of drinks consumed in one hour which would result in a .15% BAC followed the pattern of responses to the previous question regarding .10% drinks. With the exception of prosecutors and judges, 68% of whom made estimates of six or more drinks, the respondents tended to underestimate the number of drinks needed to reach a .15% BAC.

The median estimates of the increased likelihood of having an accident after consuming three, six, and nine drinks respectively were factors of two, six, and 15. In most cases the estimates were low since studies have shown that average drivers are two, ten, and 25 times more likely to have an accident after consuming the above numbers of drinks. Thirty-six percent of the respondents estimated that a driver would be about twice as likely to have an accident following three drinks, 14% said there would be little or no increased risk, and 46% estimated a higher risk. Only 14% of the respondents estimated an increased risk of 10-25 times following six drinks, and a bare 13% realized that consumption of nine drinks in one hour results in an increased risk of at least 25 times.

ATTITUDES TOWARD IMPLIED CONSENT LAWS AND BREATH TESTS

Attitudes regarding the reduction of the presumptive minimum BAC for DUIL from .15% to .10% varied rather evenly within

the range of "strongly approve" to "strongly disapprove". Although 59% of the total sample were at least somewhat favorable to the change, 35% disapproved and 6% gave no opinion. Frequent defenders were much less likely than non-defenders to approve the reduction (31% vs. 71%). As reasons behind their feelings on this question, approving respondents tended to cite statistical studies regarding the crash risk at .15% BAC, whereas skepticism regarding the crash risk at that level was most often cited by respondents who disapproved the reduction. In the latter instance, many respondents felt that individual differences in the ability to operate a car safely at .15% BAC militated against restricting legal driving to .10% BAC.

When asked in which situations they would approve of the use of mandatory penalties for refusing to take the breath tests, seven out of ten respondents supported the application of the implied consent principle "when a driver is arrested for drunk driving". Six out of ten felt this law should be called into effect anytime a person who appears to be drinking is involved in a crash. Three out of ten felt it should apply anytime an apparently drunk driver is seen getting into a driver's seat, and three out of every twenty felt it should apply to random roadside breathtesting by police. Sixteen percent of the total sample felt that the implied consent law should be invoked in none of the above situations, but 41% of the frequent defenders were opposed to any of these uses of breathtesting under the implied consent laws. Clearly a substantial segment of those defense attorneys who have the most experience in handling drunk driving cases are in disagreement with the majority of their legal brethren in regard to the appropriateness of required breathtesting within the implied consent framework.

The sample split almost evenly over the issue of using pre-arrest breath tests of suspected drunk drivers. Even with the stated qualification that such a measure would have to be made legally permissible, 46% of the respondents felt that little or no emphasis should be placed on its use in an expanded alcohol safety program. On this question the infrequent defenders (38%)

as well as the frequent defenders (43%) tended to be less approving than the non-defenders (62%) and the prosecutors and judges (67%).

Insofar as breath test evidence affects a drunk driving case, more than three-fourths of the respondents (76%) agreed that the evidence has served to increase the number of convictions obtained in such cases. This sense of the importance of breath test evidence in determining the outcome of a drunk driving case may go far toward explaining the negative feelings of frequent defenders regarding the use of breath tests and the advisability of taking the test when arrested for drunk driving.

STRICT ENFORCEMENT AND PUNISHMENT

In general, the respondents were moderate in their endorsement of strict enforcement/punishment-oriented countermeasures. With regard to the use of random road checks, fewer than half the respondents (39%) felt that some or a great deal of emphasis should be placed in that area, although in the case of prosecutors and judges, 71% felt that the measure should be emphasized at least somewhat. Defenders of drunk driving arrestees were particularly emphatic in their disapproval: 56% of the frequent defenders, and 51% of the infrequent defenders felt that no emphasis at all should be extended to random road checks. Pre-arrest breath tests, as mentioned above, were also more coolly received in that only 26% of the sample would place a great deal of emphasis on the measure and only an additional 27% would support some emphasis.

More than half the respondents felt that greater police enforcement, more severe penalties for convicted drunk drivers, and videotaping of accused drunk drivers as part of sobriety testing procedures should receive at least some emphasis in an expanded alcohol safety program. Although in no case did a majority of the total sample feel that a measure should receive a great deal of emphasis, there were two such instances within the subgroup breakdown: 50% of the non-defenders felt that a great deal of emphasis should be placed on greater police enforce-

ment, and 76% of the prosecutors and judges endorsed strongly the use of videotapes.

Attitudes toward selected enforcement/punishment statements ("scored" on a 4-point agree-disagree scale) were even more tempered. Although 62% of the total sample agreed at least somewhat that police should patrol more around bars, only 33% of the respondents felt that police should patrol near private parties. Fifty-six percent disagreed that all alcohol-related convictions should be entered on a driver's record, and a full 85% were opposed to the idea of issuing special license plates to drivers convicted of alcohol-related traffic offenses. Attached to the latter question were comments such as "how about armbands for the rich as well?".

Only 25% of the sample strongly agreed with any of the four above items and only 12% felt strongly about more than one of the items. A comparison of the four subgroups shows the infrequent defenders as least likely to agree strongly with any of the statements (8%), while the frequent defenders were the most likely to agree strongly with one or more of these statements (38%).

ALCOHOLISM AND TREATMENT COUNTERMEASURES

The percent of Washtenaw County adults who have a serious drinking problem was estimated by 86% of the respondents as being between 1% and 20%. The median estimate was 7%. Frequent defenders were more likely to make higher estimates of the alcoholic population than were the other subgroups. Whereas only 5% of the total sample and none of the prosecutors and judges made estimates in excess of 20%, 13% of the frequent defenders made estimates of from 21% to 50%.

The respondents were not particularly sanguine with respect to the likelihood of a problem drinker successfully overcoming a serious drinking problem. Nearly half of the total sample (48%) felt that such persons could overcome their problems only occasionally, and an additional 32% felt that there was only about a 50% chance of success. Frequent defenders, who also had made higher than average estimates of the alcoholic population,

were more optimistic about the incidence of recovery from a drinking problem. More than one in five (22%) of the frequent defenders felt that drinking problems could be overcome most of the time, compared with only 11% of the total sample who felt that way. There were no respondents, however, who thought that recovery was likely in almost all cases.

Despite the generally low estimates of recovery possibilities, the respondents gave several indications of support for treatment countermeasures. Nearly three-fourths of the total sample (70%) thought that the use of Antabuse with convicted drunk drivers should receive at least some emphasis in an alcohol safety program, and more than half (52%) of the prosecutors and judges felt that the Antabuse countermeasure should be given a great deal of emphasis. Still, a significant proportion (18%) of the sample felt that no emphasis at all should be placed on the use of Antabuse.

On a similar question, 70% again felt that it was appropriate for a judge to include the use of Antabuse as a condition of probation for convicted drunk drivers who are problem drinkers. Non-defenders were more inclined than the other groups to disapprove the measure and most frequently gave as a reason for their objection the invasion of individual rights which they attributed to the use of Antabuse as a condition of probation. The most common reasons given in support of the use of Antabuse as a countermeasure were actually having witnessed its beneficial effects with their clients or having heard about its results in cases handled by their colleagues.

While more than half (60%) of the total sample felt that the use of Antabuse during the probation of a convicted drunk driver had at least some value in reducing the likelihood of recidivism, non-defenders were the least likely to report a positive attitude on the issue. The difference in opinion was most striking between the non-defenders and the prosecutors and judges; a full 86% of the latter group felt that Antabuse had at least some value, but only 45% of the non-defenders attributed any value to the drug. Since nearly one in three (31%) of the non-defenders

offered "no opinion" on the value of Antabuse, compared with only 5% of the prosecutors and judges, it may be that lack of experience with the countermeasure has influenced the attitudes of the non-defenders, and that they might change their views upon encountering its use in the alcohol safety action program.

As a whole, and as subgroups, the respondents affirmed their own role as potential promoters of the use of Antabuse for convicted drunk drivers. Eighty-seven percent of the total sample, and similar proportions of each subgroup, reported that they would probably encourage a client to accept Antabuse as a condition of probation if the court felt Antabuse would aid the defendant in overcoming his drinking problem.

In a similar vein, 71% of the respondents felt that improved treatment services should receive a great deal of emphasis from an alcohol safety program. Eighty-one percent of the total sample agreed that drivers convicted of drunk driving and found to have a serious drinking problem should be required to obtain medical treatment. On both the above measures, differences among subgroups were not significant.

The respondents indicated a clear tendency to agree that persons convicted of drunk driving would be better served by counseling and treatment than by severe penalties. A majority of both the frequent and infrequent defenders (59% and 50% respectively) strongly agreed to that concept. While only 29% of the non-defenders and 38% of the prosecutors and judges were strongly in favor of counseling instead of penalties as a countermeasure, when one includes the "tend to agree" category three-fourths majorities in each subgroup demonstrated support for the merits of counseling rather than punishment for problem drinking drunk drivers.

In contrast to the high proportion (75%) of respondents who strongly agreed to none of the deterrence countermeasures posed in the questionnaire, 64% of the sample strongly agreed with at least one of the alcohol help countermeasures included in the survey instrument. Non-defenders were most likely to agree with neither of the alcohol help countermeasures, whereas frequent

defenders were most likely to agree strongly with both the need for medical treatment and the advisability of requiring counseling instead of traditional penalties for persons convicted of drunk driving and diagnosed as problem drinkers.

EDUCATIONAL CAMPAIGN COUNTERMEASURES

There was strong agreement that a large public information campaign and special alcohol education courses for convicted drunk drivers should be emphasized by the county alcohol safety program. With little variation among subgroups, more than half the respondents (56%) felt that a public information campaign should receive a great deal of emphasis, and an additional 33% felt that a campaign should receive at least some emphasis in the program. Although only 45% of the sample agreed that special alcohol education courses for drunk drivers should be given a great deal of emphasis, an additional 37% felt that at least some emphasis should be placed on such courses.

GENERAL ATTITUDES TOWARD THE DRUNK DRIVER PROBLEM

The respondents generally disagreed (40% "strongly" and 31% "tend to") with the concept that driving a car is a right rather than a privilege. Only 7% of the total sample strongly agreed that no person should be denied the right to drive if he needs his car to get to work. Frequent defenders, however, split almost evenly over the issue: 45% agreed and 55% disagreed.

A full 95% of the respondents felt that there has not been an excessive amount of public discussion of the dangers of drinking and driving. It was felt by 87% of the respondents that the government's role in counteracting the drunk driver problem extends beyond apprehension and penalization of drunk drivers. Variation among the subgroups on these two questions was small.

The respondents were generally quite optimistic about the likelihood of ameliorating the drunk driver problem through government action. Eighty-three percent of the total sample felt that such action was likely to be effective. The subgroup statistics reveal that the frequent defenders were the most optimistic and the non-defenders were the least optimistic about the effectiveness of government intervention (97% and 76%, respectively).

CHARACTERISTICS OF DRUNK DRIVING CASES

Eighty-six percent of the respondents who had handled DUI or impaired driving cases felt that at least some of those clients had a serious drinking problem. More than one in four (26%) of the respondents estimated that more than half of their clients in such cases were problem drinkers or alcoholics. Close to half (42%) of the respondents had had at least one client whose charge originated from a traffic crash not witnessed by a police officer, and 12% estimated that an unwitnessed crash occurred in more than 45% of their cases. Interestingly, only 3% of the frequent defenders had a majority of their cases involved in unwitnessed crashes (compared with 17% of the infrequent defenders and 15% of the prosecutors and judges).

A further characteristic of the drunk driving cases handled by respondents was the number of breath test refusals. A full 75% of the sample estimated that at least some of their clients had refused to take a breath test when charged with drunk driving and 45% said that more than one in four of their cases refused the test. Again, frequent defenders were least likely (only 3%) to encounter this characteristic in a large proportion of their clients compared with infrequent defenders (23%) and prosecutors and judges (15%).

DISPOSITION OF DRUNK DRIVING CASES

The following discussion relates to dispositions obtained in drunk driving cases, DUI and impaired driving, which were handled by the respondents in the past years. The reader will note that respondents who did not handle any such cases over the two-year period have not been included in the data base and that all statistics represent aspects of the respondent's drunk driving caseload only.

In estimating the proportion of their drunk driving caseload which consisted in guilty pleas to DUI prior to trial, the frequent and infrequent defenders were significantly more likely than prosecutors and judges to place no cases in that category (70%, 64%, and 22% respectively). The finding is not surprising

and suggests that many defense attorneys do not feel that a guilty plea sufficiently warrants their services. In fact, during the baseline year of 1969-70, fewer than half (524 out of 1256) of all persons arrested for DUIL in Washtenaw County obtained a lawyer. Still, 30% of the frequent defenders and 36% of the infrequent defenders did handle such cases to a moderate degree. Compared with 22% of the prosecutors and judges who estimated that more than 45% (but fewer than 65%) of their caseload were DUIL guilty pleas prior to trial, however, only 4% of the frequent defenders and 19% of the infrequent defenders reported that over 45% of their cases were in that category.

A different condition was found to obtain in the handled drunk driving cases in which the defendant chose to plead guilty to a lesser offense rather than to the original charge of DUIL. The median estimate made by prosecutors and judges of their involvement in DUIL "plea down" cases prior to trial was only 30% of their drunk driving caseload. In contrast, the median estimates of frequent and infrequent defenders were 69% and 67%, respectively, of their drunk driving caseload over the past two years.

Fewer than 20% of the defense attorneys had handled DUIL court trial cases in which the defendant had been convicted of the original charge. A maximum of 45% to 64% of their drunk driving caseload was reported by 2% of the infrequent defenders and a maximum of 25% to 44% was reported by 4% of the frequent defenders. In contrast, 78% of the prosecutors and judges had handled such cases. Although the median estimate made by prosecutors and judges regarding DUIL convictions (where DUIL was the original charge) occurring in court trials was only 7% of their drunk driving caseload, 11% of the prosecutors and judges reported that such cases represented 65% to 84% of their drunk driving caseload.

Similar findings were obtained with regard to respondents' experience in handling DUIL court trial cases which resulted in conviction of a lesser offense. Although 21% of the frequent defenders had handled such cases, there were no estimates in

excess of 24% of the respondents' drunk driving caseload. Only 4% of the infrequent defenders had handled such cases, while 67% of the prosecutors and judges reported having handled DUIL court trial cases resulting in conviction of a lesser offense. There were no estimates above 24% of their drunk driving caseload.

There was only limited experience reported in regard to DUIL court trial cases in which the defendant was acquitted. Eight percent of the prosecutors and judges had had such experience, but all estimates were within 5% of the drunk driving caseload. Interestingly, 19% of the frequent defenders reported having handled DUIL acquitted cases in a court trial, but more than half of those 'experienced' respondents estimated that such cases accounted for 5% or fewer of their drunk driving caseload.

There was wider experience reported with regard to handling DUIL cases in jury trials, particularly in the frequent defender subgroup. A full 50% of the frequent defenders had handled DUIL jury trial cases which resulted in a DUIL conviction. Seventy-eight percent of the prosecutors and judges reported having handled such cases, and the median estimates made by the frequent defenders and the prosecutors and judges were 3% and 8%, respectively. Although the prosecutors and judges made no estimates higher than 24% of their drunk driving caseload, 8% of the frequent defenders reported that from 25% to 44% of their drunk driving caseload consisted of DUIL jury trials resulting in conviction on the original charge.

With regard to DUIL cases in a jury trial which resulted in a conviction of a lesser offense, frequent defenders and prosecutors and judges were more nearly parallel in reporting their experience. Fifty percent of the former and 55% of the latter group had handled such cases and the median estimates for each group were 3% and 1%, respectively, of their drunk driving caseload. However, prosecutors and judges made no estimates higher than 10% of their caseload, while 18% of the frequent defenders estimated that from 11% to 24% of their drunk driving caseload consisted in such cases and 5% of that group made estimates of from 24% to 44% of their drunk driving caseload.

Experience in DUIL jury trial cases resulting in an acquittal was more limited. Only 9% of the total sample (23% of the frequent defenders, none of the infrequent defenders, and 15% of the prosecutors and judges) reported having handled such cases. With the exception of frequent defenders, 4% of whom made estimates of from 11% to 24%, there were no estimates from any respondents in excess of 5% of their drunk driving caseload which consisted in handling DUIL jury trial acquittal cases.

THE DRUNK DRIVER AND THE LEGAL SYSTEM

The attorneys generally agreed with the statement that DUIL arrestees have a better chance of not being convicted of the original charge if they refuse to take a breath test (TS 66%). The frequent defenders and the prosecutors and judges particularly agreed with the statement (76% and 86%, respectively). Less than 10% of the total sample and none of the prosecutors and judges strongly disagreed.

More than half of the attorneys (63%) also strongly agreed that it was in the best interests of a DUIL defendant to retain an attorney to contest the charge. Statistical analysis of dispositions of DUIL cases in Washtenaw County has shown that the average DUIL defendant is indeed more likely to obtain a reduced conviction if he retains an attorney to contest the charge. Thus, from a strictly monetary point of view, a person charged with DUIL is well advised to seek the services of an attorney and contest his charge.

A further point which we were trying to address, however, involved the issue of professional vs. social responsibility which an attorney might confront if asked to defend a person charged with DUIL who also appeared to the attorney to have a serious drinking problem. Since 86% of the respondents reported that at least some of their clients, in their view, were problem drinkers, the issue was not merely academic for most of the sample. Although the question depended more on surrounding questions related to problem drinking than on a direct approach to the issue, one respondent appended the following comment: "If 'best interests' is to beat the charge, then I strongly agree. If 'best interests' is to get problem drinking assistance, then I tend to agree".

The attorneys were asked to rank by importance various stated reasons for the reduction of DUIL charges. Evidentiary problems for the prosecution and the belief that the mandatory penalties for DUIL are too severe were cited most frequently as the most important factors. Prosecutors and judges were more likely than defense attorneys to note evidentiary problems (57% vs. 31%), whereas the severity of mandatory penalties for DUIL was most important to the defense attorneys (39% vs. 14%).

"Evidentiary problems for the prosecution" remained as the most frequently cited second-ranked response although "desire to reduce the court load by obtaining a guilty plea" was close behind (TS=32% and 29% respectively for the two responses). Reduction of the court load was clearly the most frequently cited third-ranked response. Thus, the remaining two reasons, favoritism toward certain defendants and a desire to provide more incentive for persons with a drinking problem to accept the use of Antabuse as a condition of probation, were not seen as significant reasons for reduction of DUIL charges.

The majority of respondents (57%) felt that DUIL charges are reduced in about the right proportion. The frequent defenders were least likely (10%) and the prosecutors and judges were most likely (31%) to feel that too many DUIL charges are reduced. Thirty-five percent of the frequent defenders and 19% of the infrequent defenders felt that DUIL charges are reduced less often than they should be.

In assessing the effect of particular judges, prosecutors, and defense attorneys on the outcome of DUIL cases, the respondents in each subgroup expressed quite contrasting views. For example, 29% of the respondents (48% of the frequent defenders) felt differences among particular defense attorneys were "extremely important" to the outcome of a case. But 41% felt that the defense attorney effect was quite important, 24% thought it only somewhat important, 7% felt it was not very important, and 1% felt it was not at all important. Similar variation in the response was found in regard to the importance of differences among judges and among prosecutors, although the numbers thinking these differences important declined somewhat. Even many of the

prosecutors and judges tended to agree to the importance of differences among the individuals involved in these legal roles.

The most striking concern of the respondents with regard to improvements in the legal system was the feeling that mandatory penalties for DUIL conviction are too severe. Twenty-five percent of the total eligible sample and 43% of the frequent defenders volunteered that opinion. Prosecutors and judges, too, were above the sample average (27% vs. 25%) in suggesting the problem. Infrequent defenders were more inclined (19% vs. 16% TS) to say that the legal system should recognize the illness as well as the criminal aspect of DUIL cases and should emphasize treatment and counseling on a more regular basis. As frequently as they noted the harshness of mandatory penalties for DUIL, however, prosecutors and judges felt that penalties should be more severe, particularly for multiple offenders.

INTRODUCTION

The following codebook with marginals is the result of a survey of Washtenaw County lawyers taken by HSRI for the Washtenaw Alcohol Safety Action Program (WASAP). The survey had two purposes: to obtain baseline measures for knowledge and attitudes about alcohol and traffic safety for use in evaluating the WASAP public information and education campaign and to provide useful data for the development of that campaign.

Comparable measures in the broad areas of knowledge and attitudes about the drinking driver problem were sought for the sample of lawyers and for the sample of Washtenaw County residents surveyed earlier in the WASAP baseline period. Hence, Section A of the HSRI questionnaire was developed primarily from questions posed in the earlier general public survey.

Section B of the questionnaire relates specifically to the respondent's professional experience in handling drunk driving cases. For assistance in developing these questions the HSRI staff made use of a similar survey conducted for the Vermont ASAP by Dr. Joseph Little, a trade book for defense attorneys Defense of Drunk Driving Cases, and advice from Washtenaw County Assistant Prosecutor John Hensel.

The eight-page questionnaire was mailed to all members of the Washtenaw County Bar Association, producing a total of 298 eligible respondents. A total of four mailings were made, and 200 completed questionnaires were obtained for a response rate of 67%. Also 18 attorneys returned a form indicating why they chose not to complete the questionnaire. The main reason checked was lack of knowledge or legal experience in the area of drinking and driving. A few expressed concern about the lack of anonymity of the pre-numbered questionnaire or distrust of the way in which the collected data might be used. The 200 questionnaires received included five judges, 16 prosecutors and city attorneys, and 22 law professors at The University of Michigan.

The questionnaire contained 22 numbered questions in Section A and 17 in Section B; the following codebook presents a total of 138 variables. Many of the additional variables are the collapsed form of an original variable, and some are combinations of several variables developed for a composite view of a specific subject area. Section B of the questionnaire contained a series of items concerned with the type of disposition of each respondent's drunk driving cases (QB6). For each type of disposition the actual number of cases was coded as such, and it was also changed to a percentage of the total number of cases reported as having been handled by the respondent. In addition, these percentage distributions were collapsed for easier interpretation.

Distributions of the question responses are shown in the margin next to the codes for each variable. Total sample (TS) percentages and frequencies are presented for the preliminary sample description variables. The marginals for the remaining variables, in addition to the TS, are shown for three subgroups in relation to the number of drunk driving cases that each

respondent reported handling in the past two years in Washtenaw County. Frequent defenders (FD) are those attorneys who handled 10 or more cases, infrequent defenders (ID) are those who handled 1-8 cases, and non-defenders (ND) are those who reported handling no drunk driving cases in the past two years. Also prosecutors and judges (PJ) are presented as a separate group distinguished by the nature of their legal work. The law school respondents, in general, are precluded from maintaining a private legal practice apart from their academic assignments. Hence all but one of the law school respondents are included in the non-defenders group; the exception was a respondent who reported handling drunk driving cases through his activities in the Washtenaw County Legal Aid Society.

Statistics presented in the marginals may be percentages, percentiles, or frequency distributions. For each variable, the statistic used is identified by a heading. An asterisk (*) is used whenever a frequency has been shown instead of the statistic identified by the heading. In general, frequencies are presented when missing data or inapplicable responses have been excluded from the calculation of percentage distributions of responses for a particular variable.

Percentage distributions usually add to one hundred percent for each subgroup; the exception occurs in the case of multiple response variables where the percentages are calculated on the basis of the number of respondents in each subgroup, many of whom have made more than one response. The result thus adds to more than one hundred percent for a particular subgroup.

Some open-type questions received "other" responses which did not fit into any of the established code categories. These responses were grouped together in an "other" category, but the actual content of the answers placed in this category has been indicated in each relevant code. Also additional comments written by the respondents have been appended to the variables to which they refer. In parentheses before each comment will be found the coded value of the response. The "additional comments" have been included in the codebook in an effort to present as comprehensive an account of the data as possible.

Erwin, R.E., Greenberg, L.A. and Minzer, M.K. Defense of Drunk Driving Cases. Criminal-civil, Third Edition, Rutgers Center of Alcohol Studies, New Brunswick, N.J., 1971.

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CODEBOOK FOR WASHTENAW COUNTY LAWYER SURVEY ON ALCOHOL AND TRAFFIC SAFETY
March 1972

V1 R1 Data Set Number (04)

Deck Number (1)

V2 R2 Respondent Number

V3 R3 Group Number

T Freqs.	T%s.
144	72
22	11
5	3
16	8
13	7

1. Defense (001-299)
2. Law School (300-399)
3. Judges (400-499)
4. Prosecutors (500-599)
9. NA (not ascertained)

V4 R3A D/D Cases Experience (combination of R3 & R48)

TS Freqs.	TS%s.
29	15
49	25
101	50
21	11

1. Attorneys who defended 10 or more drunk driving cases in the past 2 yrs.
2. Attorneys who defended 1-9 drunk driving cases in the past 2 yrs.
3. Attorneys who defended no drunk driving cases in the past 2 yrs.
4. Prosecutors and judges.

V5 R4 Community (community of practice based on Bar Association mailing address)

T Freqs.	T%s.
120	60
13	7
4	2
1	1
1	1
0	0
2	1
1	1
13	7
43	21

1. Ann Arbor
2. Ypsilanti
3. Chelsea
4. Dexter
5. Manchester
6. Milan
7. Saline
8. Whitmore Lake
9. NA
0. Inap., law professor, prosecutor, or judge

V6 R5 Alcohol Fatalities % (QA1. In what percent of traffic accidents in which someone is killed would you estimate drinking by a driver was a contributing factor?) MD=98,99

Percentiles	Percentiles				
	TS	FD	ID	ND	PJ
10.	25	25	25	25	20
30.	50	50	47	60	50
50.	50	50	50	50	50
70.	60	60	56	50	70
90.	75	71	71	75	80

97. 97-100%
98. DK
99. NA

*Additional Comments

- (50) I only know what I read since I'm not privy to research in the area. Why are you interested in an informed answer to a stupid question?
- (98) No basis for opinion.
- (98) I do not have enough information to offer a useful set of answers.
- (98) Any answer would be a wild guess. All I can say is that I believe many accidents are related to drinking but have no idea what percentage of total accidents are caused by drunk drivers or how much a person can drink before becoming a menace. I haven't seen any statistics on which to base an opinion as to percentages.
- (50) A guess.

Percentages

TS	FD	ID	ND	PJ
2	4	0	2	5
13	11	17	14	5
9	11	13	7	11
34	25	40	34	32
16	29	13	14	16
18	14	13	20	26
2	0	4	0	5
5	7	0	8	0
*7	*1	*2	*2	*2

- V7 R5A Alcohol Fatal %-7 (R5 Collapsed) MD=9
- 1-19%
 - 20-34%
 - 35-49%
 - 50%
 - 51-65%
 - 66-80%
 - 81-100%
 - DK
 - NA

Percentiles

	TS	FD	ID	ND	PJ
10.	10	13	20	10	21
30.	30	29	31	25	47
50.	50	50	50	50	50
70.	60	66	70	50	60
90.	80	87	85	76	75

- V8 R6 PD % of Alc.Fatals (QA2. Of these drinking-related fatal traffic accidents, in what percent would you estimate that the drinking driver is a person who has a serious drinking problem?) MD=98,99
- 97-100%
 - DK
 - NA

*Additional Comments:

(50) Probably all of them or they wouldn't have killed someone.

Percentages

TS	FD	ID	ND	PJ
14	18	6	19	5
17	11	28	17	5
9	7	6	8	20
22	18	19	23	30
7	11	2	5	25
18	18	28	13	15
6	7	11	4	0
7	11	0	10	0
*9	*1	*2	*5	*1

- V9 R6A PD Alcohol Fatal %-7 (R6 Collapsed) MD=9
- 1-19%
 - 20-34%
 - 35-49%
 - 50%
 - 51-65%
 - 66-80%
 - 81-100%
 - DK
 - NA

Percentages

TS	FD	ID	ND	PJ
0	0	0	1	0
12	11	4	18	0
33	29	36	33	37
31	29	36	27	42
12	11	19	11	0
5	7	4	3	11
3	11	0	2	0
1	4	0	0	5
1	0	0	0	5
3	0	0	5	0
*6	*1	*2	*1	*2

- V10 R7 Number of Safe Drinks (QA3. Suppose that a 150 lb. person drinks for one hour, with no recent food intake. How many drinks do you think he can consume without becoming too drunk to drive safely?) MD=99
- None
 - One
 - Two
 - Three
 - Four
 - Five
 - Six
 - Seven
 - Eight
 - DK
 - NA

*Addition Comments:

(03) Safely (definition?).

(01) These are guesses! By this questionnaire you raise serious doubts in my mind about whether or not money is being spent wisely for your project.

V11 R8 Number of .10% Drinks (QA3a. How many drinks do you think he can consume before reaching a BAC of .10%, the minimum level for presumptive evidence of impaired driving?) MD=99

Percentages

TS	FD	ID	ND	PJ
7	0	6	9	5
25	29	32	26	0
27	29	34	25	21
18	25	11	17	26
11	7	6	9	42
5	0	9	5	0
1	4	0	1	0
2	4	2	0	5
1	4	0	0	0
4	0	0	7	0
*7	*1	*2	*2	*2

1. One
2. Two
3. Three
4. Four
5. Five
6. Six
7. Seven
8. Eight
10. Ten
98. DK
99. NA

V12 R5A Safe/Legal Ratio (R7/R8) MD=9

Percentages

TS	FD	ID	ND	PJ
3	4	2	3	5
46	43	36	48	63
31	29	36	33	16
4	11	6	0	5
8	14	11	6	5
3	0	6	2	5
1	0	2	1	0
4	0	0	7	0
*8	*1	*2	*3	*2

0. 0.0-0.499
1. 0.499-0.999
2. 1.000
3. 1.000-1.499
4. 1.499-1.999
5. 1.999-2.999
6. 2.999-9.999
8. DK
9. NA

V13 R9 Number of .15% Drinks (QA3b. How many drinks do you think he can consume before reaching a BAC of .15%, the minimum level for presumptive evidence of driving under the influence of liquor?) MD=99

Percentages

TS	FD	ID	ND	PJ
2	0	0	4	0
6	0	9	7	0
23	25	30	21	11
21	18	21	22	16
13	18	17	12	5
17	25	9	18	21
6	0	4	5	26
3	4	4	0	11
2	4	0	2	5
2	0	4	1	0
2	4	2	0	5
1	4	0	0	0
4	0	0	7	0
*7	*1	*2	*2	*2

1. One
2. Two
3. Three
4. Four
5. Five
6. Six
7. Seven
8. Eight
9. Nine
10. Ten
12. Twelve
15. Fifteen
98. DK
99. NA

V14 R10 Accident 3 Drinks (QA3c. If he has consumed 3 drinks, how many times more likely do you think he is to contribute to an accident than a person who has not been drinking?) MD=98,99

Percentiles

	TS	FD	ID	ND	PJ
10.	1	2	1	1	1
30.	2	2	2	2	2
50.	2	3	2	2	2
70.	4	5	3	5	4
90.	10	10	10	10	8

01. No increased chance of accident
96. 96-100
97. Over 100
98. DK
99. NA

*Additional Comments:

- (10) Assume this question presumes an accident whether drinking or not.
- (99) Don't understand question.
- (98) Depends on too many variables as to the other driver to give an intelligent answer.
- (99) Can't be that specific but would increase geometrically.

Percentages

	TS	FD	ID	ND	PJ
14	7	16	13	22	
36	37	44	33	33	
25	33	24	21	33	
15	19	13	16	6	
2	4	0	1	6	
1	0	0	1	0	
2	0	0	3	0	
1	0	0	1	0	
6	0	2	10	0	
*12	*2	*4	*3	*3	

- V15 R10A Accident 3 Drinks-8 (R10 Collapsed) MD=0
1. No or small increased chance
 2. 1.50-2.49
 3. 2.50-5.49
 4. 5.50-10.49
 5. 10.50-25.49
 6. 25.50-50.49
 7. 50.50-100.49
 8. Over 100.49
 9. DK
 0. NA

Percentiles

	TS	FD	ID	ND	PJ
10.	2	3	2	3	2
30.	5	4	4	5	3
50.	6	5	5	10	5
70.	10	16	11	10	9
90.	50	24	41	91	24

- V16 R11 Accident 6 Drinks (QA3d. How about if he consumes 6 drinks?) MD=98,99
01. No increased chance of accident
 96. 96-100
 97. Over 100
 98. DK
 99. NA

Percentages

	TS	FD	ID	ND	PJ
1	0	2	0	0	
10	7	12	8	17	
32	44	37	26	33	
27	19	19	31	33	
14	22	19	10	11	
4	7	2	5	0	
6	0	7	7	6	
2	0	0	3	0	
5	0	2	9	0	
*15	*2	*6	*4	*3	

- V17 R11A Accident 6 Drinks-8 (R11 Collapsed) MD=0
1. No or small increased chance
 2. 1.50-2.49
 3. 2.50-5.49
 4. 5.50-10.49
 5. 10.50-24.49
 6. 25.50-50.49
 7. 50.50-100.49
 8. Over 100.49
 9. DK
 0. NA

Percentiles

	TS	FD	ID	ND	PJ
10.	4	5	4	4	4
30.	10	9	8	10	10
50.	15	10	10	20	11
70.	46	26	55	50	28
90.	97	56	97	97	96

- V18 R12 Accident 9 Drinks (QA3e. How about if he consumes 9 drinks?) MD=98,99
01. No increased chance of accident
 96. 96-100
 97. Over 100
 98. DK
 99. NA

*Additional Comments:

- (99) By this time he should be so drunk he can't even find the keyhole.
 (97) He won't be able to walk or crawl to the car.
 (97) If he really drives after 9 drinks.

Percentages

	TS	FD	ID	ND	PJ
0	0	0	0	0	0
2	0	7	0	0	
11	11	14	11	11	
32	44	29	28	39	
16	15	9	18	22	
13	22	9	12	11	
11	7	11	12	11	
10	0	16	11	6	
6	0	5	9	0	
*16	*2	*5	*6	*3	

- V19 R12A Accident 9 Drinks-8 (R12 Collapsed) MD=0
1. No or small increased chance
 2. 1.50-2.49
 3. 2.50-5.49
 4. 5.50-10.49
 5. 10.50-25.49
 6. 25.50-50.49
 7. 50.50-100.49
 8. Over 100.49
 9. DK
 0. NA

V20 R13 DUIL Reduct. Feeling (QA4. The Michigan legislature has been considering a bill to reduce the presumptive minimum BAC from .15% to .10%. How do you feel about this proposed change?) MD=9

Percentages

TS	FD	ID	ND	PJ
34	24	29	40	33
25	7	25	31	24
25	35	31	16	38
10	28	13	5	5
6	7	2	8	0
*2	0	*1	*1	0

1. Strongly approve
2. Tend to approve
3. Tend to disapprove
4. Strongly disapprove
0. No opinion
9. NA

V21 R14 DUIL Reduct. Reason (QA4a. Why do you feel that way?) Responses=2 MD=00,99

Percentages

TS	FD	ID	ND	PJ
11	7	6	12	24

Strongly Approve (QA4) because:

- | | | | | | | | | | |
|--|---|---|---|--|---|--|---|---|---|
| 10. Statistical studies have shown that .15% BAC is higher than the point at which a person is an unsafe driver; .10% BAC is a more reasonable presumptive limit for DUIL. | 11. The risk of accident to the general driving public will be decreased by a reduction in the presumptive limit. | 12. Enforcement efforts will be aided by the reduction; more drinking drivers will lose their licenses; burden of proof will be on the defendant. | 13. Altering the presumptive limits won't improve the situation considering the effect of the SOS attitude regarding license suspension and the court's tendency to put drivers back on the road. | 14. The presumptive limit should be even lower; prohibitions against driving after drinking even stronger. | 15. General feeling that drinking and driving is a serious problem which may be helped by a reduction of the presumptive BAC limit. | 16. Legal changes, by definition, will help. | 17. A .10% BAC does not reflect impairment in every case; automatic DUIL penalties unwarranted. | 18. Other codable response:
To scare drinkers off the road by lowering the necessary alcohol level to convict them.
But feel that if it is too low it opens the way for police to selectively harrass unpopular types.
Present law is not reaching the problem. | 19. NA (QA4a only) |
| 7 | 0 | 8 | 8 | 9 | 2 | 3 | 0 | 4 | 0 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1 | 0 | 0 | 2 | 0 | 7 | 7 | 6 | 10 | 0 |
| 1 | 0 | 0 | 1 | 0 | 1 | 0 | 2 | 0 | 0 |
| 1 | 0 | 0 | 3 | 0 | 10 | 14 | 16 | 8 | 0 |
| 7 | 3 | 8 | 8 | 5 | 5 | 0 | 4 | 7 | 5 |
| 2 | 3 | 2 | 1 | 5 | 1 | 0 | 0 | 2 | 0 |
| 1 | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 4 | 5 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2 | 0 | 0 | 3 | 5 | 1 | 0 | 4 | 1 | 0 |
| 9 | 0 | 12 | 12 | 0 | 20. Statistical studies have shown that .15% BAC is too high. | 21. The risk of accident will be decreased. | 22. Enforcement efforts will be aided. | 23. Reducing the presumptive limit won't help considering the SOS and court attitudes. | 24. The presumptive limit should be even lower. |
| | | | | | 25. General feeling that a reduction will help. | 26. Legal changes, by definition, will help. | 27. A .10% BAC does not reflect impairment in every case. | 28. Other codable response:
No proof either way, including this survey.
Better enforcement to present law would probably be sufficient.
It would tend to alert the citizen to the increased risk of having an accident after drinking improperly and driving afterwards. | 29. NA (QA4a only) |

Percentages

TS	FD	ID	ND	PJ
1	7	0	0	5
9	10	8	9	14
3	10	6	0	0
1	0	0	0	5
1	0	6	0	0
1	0	0	1	0
2	3	6	0	0
1	7	0	0	0
7	7	8	5	19

Tend to Disapprove (QA4) because:

30. A .10% presumptive limit is too serious an invasion of individual rights.
31. A .10% presumptive limit is too low (too restrictive) for many persons who are able to operate a vehicle safely at that limit.
32. The penalties (license suspension and financial responsibility insurance) are too severe to be applied at the .10% limit.
33. DUI convictions will be more difficult to obtain from juries or judges because .15% BAC is already generally felt to be too low for DUI.
34. Enforcement of the present laws is a more appropriate strategy.
35. Presumptive limits themselves are inappropriate; a prescribed limit would be more appropriate.
36. Reduction of the presumptive limit won't affect the rate of DUI arrests or convictions; won't accomplish anything.
37. Courts are too burdened to handle extra caseload generated by a reduction of the presumptive limit.
38. Other codable response:
 - The punitive approach disregards the true solution to DUI which is voluntary abstinence by the problem drinker. This goal can be achieved but we have ignored it looking for a gadget to cure DUI.
 - Need more information as to driving ability, reaction time, etc. at .10% BAC.
 - The compulsory license suspension generates too much pressure for plea bargaining.
 - Insufficient practical evidence to support such a change, inasmuch as background supporting statistics must also be examined in order for me to give any weight to statistical conclusions.
 - Legal philosophical grounds-I question whether "impaired" driving should be a criminal offense, though I believe it might be proper ground for temporary revocation of driving privilege.
 - Also I believe BAC is a compulsory self-incrimination device, current appellate opinions to the contrary notwithstanding and unjustified except where an accident has occurred.
 - Second response. The Washtenaw County program is a much better approach. DUI should be eliminated but the courts given more discretion and higher maximums for "impaired".
 - I have no confidence in the standard test for measuring BAC.
 - When the state sells liquor and allows 18 year olds to drink and drive a certain measure of responsibility is assumed by the state which cannot morally, be passed on to its citizens.
 - Second response. Also there is little likelihood of any good results until the state gets out of the liquor business.
 - Not sufficient knowledge of results of drunk driving, communications to public weak.
 - I don't believe the presumption should be so heavily weighted since I honestly believe that juries already carry a presumption of guilt rather than innocence.
 - I'm not sure this is really getting at the main factor, or even a main factor in auto accidents. I'm more concerned about removing persons who are driving unlawfully, or persons with a long series of violations, from the road.

TS=total sample; FD=frequent defenders; ID=infrequent defenders; ND=non-defenders; PJ=prosecutors, judges

38. Other codable response (cont'd).

Second response. And legislation of this sort tends to obscure the need for more fundamental approaches to the problem.

The problem is not solved by taking a person's license away fine and/or jail. The problem is social and educational, not legal.

Percentages
 TS FD ID ND PJ
 5 10 4 4 0

39. NA (QA4a only)

Strongly Disapprove (QA4) because: (see full categories above)

1 3 2 0 0
 7 21 13 2 0
 1 0 0 1 9
 1 0 0 0 5
 0 0 0 0 0
 1 0 0 0 5
 0 0 0 0 0

 1 0 0 0 0
 3 10 6 2 0

40. Invasion of rights.
 41. Person can drive safely at .10% BAC.
 42. Penalties too severe.
 43. DUIL convictions more difficult at .10% BAC.
 44. Enforcement more appropriate.
 45. Presumptive limits inappropriate.
 46. Reduction of limit won't help DUIL arrests and convictions.
 47. Courts too burdened already.
 48. Other codable response:
 Do not feel that more DUIL convictions solve any problems; under the present system DUIL conviction causes more problems than it solves. BAC not sufficiently reliable or competently administered.
 I am not convinced of the reliability of the machine and even more so of the operators.
 Second response. Penalties are totally unrelated to the problem.
 Leaves more drunk drivers on the road.
 Moves in the wrong direction.

1 0 0 1 0

49. NA (QA4a only)

No Opinion (QA4) because:

3 3 2 3 0
 1 3 0 0 0
 1 0 0 1 0
 2 7 0 2 0

01. No knowledge of conclusive evidence about either limit.
 02. Balancing problem between social risk and individual rights.
 03. Changes in the legal system will not affect the incidence of drunk driving.
 08. Other codable response:

It would be better for the legislature to make it no longer mandatory for the judge to instruct on the lesser included offense of DWAI. DWAI should be legislated out of existence. Also, the emphasis of the legislation above is misplaced; the plan will not increase the rate of DUIL convictions or solve anything.

I wonder if it would make any practical difference in reducing accidents.

3 0 0 6 0
 *2 0 *1 *1 0

09. NA (QA4a only)
 99. NA (Q4 & Q4a)

*Additional Comments:

- (40,41) The penalties are too severe for DUIL
 (15) Driving is hazardous enough when everybody is stone cold sober-why add to the risks? The Swedish approach is even better.
 (32) While I recognize the problem I wonder if anyone could go out to dinner without running the risk of losing his license.
 (01) P.S.-I do not drink nor do I believe in prohibition.
 (25,21) Homicides get the newspaper headlines, but drinking drivers do a good deal more killing than the man with the gun.

V22 R15 Breath Tests-4 (QA5. As you know, implied consent laws have been in effect in Michigan since 1967. In which of the situations below do you think there should be a mandatory penalty for refusing to take a breath test under the implied consent law?) MD=99

- a. When a driver is arrested for drunk driving.
- b. When a driver is stopped in a random road check.
- c. When an apparently drunk person is seen getting into a driver's seat.
- d. When a person who appears to have been drinking is involved in a highway crash.
- e. Other
- f. In none of the above situations.

Percentages

TS FD ID ND PJ

14 7 21 10 24

1 0 0 2 0

0 0 0 0 0

1 3 0 0 0

2 0 4 2 0

0 0 0 0 0

0 0 0 0 0

10 7 10 11 5

23 28 23 19 33

0 0 0 0 0

6 3 6 5 14

2 0 4 1 0

18 7 17 23 9

0 0 0 0 0

8 3 2 12 9

16 41 13 12 5

*1 0 0 *1 0

*4 0 *1 *3 0

01. Drunk driving arrest only (a).
02. Random road check only (b).
03. Drunk driving arrest and random road check (a & b).
04. Drunk in driver's seat only (c).
05. Drunk driving arrest and drunk in driver's seat (b & c).
06. Random road check and drunk in driver's seat (b & c).
07. Drunk driving arrest, random road check, and drunk in driver's seat (a & b & c).
08. Drinking in crash only (d).
09. Drunk driving arrest and drinking in crash (a & d).
10. Random road check and drinking in crash (b & d).
11. Drunk driving arrest, random road check and drinking in crash (a & b & d).
12. Drunk in driver's seat and drinking in crash (c & d).
13. Drunk driving arrest, drunk in driver's seat and drinking in crash (a & c & d).
14. Random road check, drunk in driver's seat and drinking in crash (b & c & d).
15. Drunk driving arrest, random road check, drunk in driver's seat and drinking in crash (a & b & c & d).
00. In none of the above situations (f only or e only).
98. DK
99. NA (on whole question)

*Additional comments:

- (00) Again, the reliability of the operators of the machine is doubtful. If this were corrected then all cases.
- (00) These questions present civil liberties questions that require more detailed analysis.
- (09) If have proof, right to trial and conviction-same test as (a) above.
- (09) (Note concerning category b) No! Search and seizure laws are good and worth preserving.
- (00) I wonder what percentage of tests given in a particular locality reveal a .10% BAC or over.
- (00) I don't believe in mandatory compulsion of any form.
- (00) However, facts surrounding should be admissible in testimony.
- (98) I have no knowledge on this subject.
- (00) Mandatory penalties foolish and unjust.
- (01) And there are no extenuating circumstances such as lead injury or illness.
- (00) The term "penalty" implies criminal sanctions which can't be imposed for refusing the test. The privilege of driving can be taken away as a "penalty" in the civil sense and should be when there's unrefuted evidence of intoxication.
- (15) How do you know I know? (regarding QA5. As you know...).
- (15) If he is or might have been a driver.

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
ND=non-defenders; PJ=prosecutors, judges

Percentages				
TS	FD	ID	ND	PJ
91	86	90	93	91
2	3	0	3	0
1	0	2	2	0
3	3	4	2	0
1	0	2	0	0
1	0	0	0	5
2	7	2	0	5

V23 R16 Breath Tests-Other (QA5)

MD=9

*4 *0 *1 *3 *0

0. Other not checked.
1. Whenever a driver is stopped for a moving violation without reference to suspicion of drinking.
2. Whenever an apparently drunk driver is stopped for a moving violation.
3. Whenever a driver is suspected to have been drinking, without reference to the reason for the stop.
5. Whenever a driver is arrested for drunk driving and has previously been convicted of a drunk driving offense.
6. Whenever a person is arrested for any drinking offense without reference to driving.
7. Other codable response:
 - When a person pleads guilty or is convicted of DUI.
 - When there is a personal injury crash and each driver is capable physically of performing the test.
 - In random check if no arrest will follow-i.e. if drunk taken home.
 - After conviction of "impaired" at least.
9. NA (whole question)

Percentages				
TS	FD	ID	ND	PJ
44	42	37	50	33
42	31	39	42	62
11	15	20	6	5
4	11	4	2	0
0	0	0	0	0
*11	*3	*3	*5	0

V24 R17 Enforcement Emphasis (QA6. In developing an expanded program to reduce alcohol-related crashes in Washtenaw County, how much emphasis do you think it would be desirable to place on each of the following approaches? QA6a. Greater police enforcement?) MD=9

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:
 (2) No greater emphasis.
 (2) Don't think problem will be solved by legislation.

Percentages				
TS	FD	ID	ND	PJ
56	64	55	53	57
33	29	32	33	43
8	7	11	9	0
3	0	2	4	0
0	0	0	0	0
*1	*1	*2	*5	0

V25 R18 Campaign Emphasis (QA6b. Large-scale public information campaigns.) MD=9

1. A great deal of emphasis
2. Some emphasis.
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:
 (3) Doesn't reach those who need it.

Percentages				
TS	FD	ID	ND	PJ
71	75	76	63	86
26	21	22	33	14
2	0	2	3	0
1	4	0	1	0
0	0	0	0	0
*10	*1	*3	*6	0

V26 R19 Treatment Emphasis (QA6c. Improved treatment services for problem drinkers.) MD=9

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

TS=total sample; FD=frequent defenders; ID=infrequent defenders; ND=non-defenders; PJ prosecutors, judges

V27 R20 Punishment Emphasis (QA6d. More severe penalties for convicted drunk drivers.) MD=9

P Percentages

TS	FD	ID	ND	PJ
31	18	20	41	24
33	14	30	39	33
18	21	20	14	29
18	46	30	5	14
1	0	0	1	0
*10	*1	*3	*6	0

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:

- (1) If the type and extent of punishment were discretionary with the judge.
- (1) But only if he is a problem drinker who refuses to help himself through the program-2nd offense rule.
- (1) Take away driving privileges, not put in jail unless drivers without valid license.
- (9) I tend to look upon persons with "drinking problems" as having a social disease and not as being criminals, and accordingly prefer "treatment" over "penalties", so long as the interest of the public is also protected.
- (1) Minimum 30 days jail; no excuses, family man, 1st timer or not, use the Denmark approach; treat them like potential killers, make examples of them.
- (3) Because penalties do not cure problem.
- (2) Excluding the mandatory financial responsibility insurance this should be changed.
- (1) Loss of license should be enforced.
- (1) The courts should generally be making more severe penalties, including removing from the road by jail if necessary. However, it should not be an unbending policy. There are always exceptions and the law must be flexible to allow for such exceptions.

V28 R21 Antabuse Emphasis (QA6e. Having convicted drunk drivers use the drug, Antabuse, which causes nausea when alcohol is consumed (if medically appropriate.) MD=9

Percentages

TS	FD	ID	ND	PJ
39	41	44	32	52
31	31	29	29	48
11	7	13	13	0
18	17	15	24	0
1	3	0	2	0
*5	0	*1	*4	0

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:

- (2) Have some reservations here, but believe it is very good so far.
- (1) I fear drug therapy by the state; but I fear drunk drivers more.
- (1) Only 2nd or 3rd offenders.
- (1) If a drinking "problem" exists, could make it a condition of probation.

V29 R22 Education Emphasis (QA6f. Special alcohol education courses for convicted drunk drivers.) MD=9

Percentages

TS	FD	ID	ND	PJ
45	48	41	41	70
37	41	43	37	20
12	10	9	16	5
6	0	7	7	5
0	0	0	0	0
*9	0	*3	*5	*1

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

G30 R23 Random Check Emphasis (QA6g. Random road checks by police to find drunk drivers (if made legally permissible).) MD=9

Percentages

TS	FD	ID	ND	PJ
16	22	11	17	19
23	7	21	21	52
16	15	17	18	5
45	56	51	43	24
1	0	0	1	0
*10	*2	*2	*6	0

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:

(3,4,4)(h) and (i), in my opinion, would be unconstitutional; (g) borders on being unconstitutional.

(4) Q6g. I do not approve of random "checks" or searches of any kind! It permits police possibly to abuse their discretion, and it invades fundamental rights. Same comment applies to A6h, A6i. No objection if under arrest.

(1) If not abused. For instance, as an excuse to "shake down" a vehicle.

V31 R24 Pre-arrest Test Emphasis (QA6h. Pre-arrest breath tests of suspected drunk drivers (if made legally permissible).) MD=9

Percentages

TS	FD	ID	ND	PJ
26	18	17	34	24
27	25	21	28	43
10	11	17	6	9
36	46	45	31	24
1	0	0	1	0
*10	*1	*2	*7	0

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments: (V31 cont'd.)

(4) Probably not legal.

(4) Unconstitutional.

V32 R25 Videotape Emphasis (QA6i. Videotaping of accused drunk drivers as part of sobriety testing procedures.) MD=9

Percentages

TS	FD	ID	ND	PJ
43	31	40	41	76
26	38	28	23	19
9	0	4	17	0
21	31	28	19	5
0	0	0	0	0
*8	0	*2	*6	0

1. A great deal of emphasis
2. Some emphasis
3. Little emphasis
4. No emphasis
8. DK
9. NA

*Additional Comments:

(1) XXXX-excellent.

(1) Excellent-but should require production of trial in every case.

(4) Absurd, naive, dumb.

(1) Makes prosecutor's job easier; less likely for jury-months later when defendant is sober-to feel sorry for him.

V33 R17A No. CM Emphasized (Number of countermeasures rated "a great deal of emphasis" in R17-R25.) MD=9

Percentages

TS	FD	ID	ND	PJ
3	7	4	1	0
8	11	6	10	5
18	14	19	18	19
22	14	30	25	5
22	32	19	20	24
11	4	11	12	14
8	11	9	5	19
6	4	0	7	14
2	4	2	2	0
*10	*1	*2	*7	0

0. None
1. One
2. Two
3. Three
4. Four
5. Five
6. Six
7. Seven
8. Eight
9. NA on 3 or more items

V34 R26 Antabuse Use Feeling (QA7. How do you feel about the appropriateness of a judge including the use of Antabuse as a condition of probation for convicted drunk drivers who are problem drinkers?) MD=9

Percentages

TS	FD	ID	ND	PJ
41	52	39	33	67
29	28	39	27	19
14	7	6	20	9
14	14	16	15	5
3	0	0	5	0
*1	0	0	*1	0

1. Strongly approve
2. Tend to approve
3. Tend to disapprove
4. Strongly disapprove
8. DK
9. NA

V35 R27 Antabuse Use Reason (QA7a. Why do you feel that way?) Responses=2 MD=00,99

Percentages

TS	FD	ID	ND	PJ
7	17	8	2	14

Strongly Approve (QA7) because:

- | | |
|-----|--|
| 10. | Experience with the Antabuse program has been positive. |
| 11. | Concern about ambiguous distinction between problem and social drinkers with regard to inclusion of a person in the program. |
| 12. | Social needs outweigh individual rights in the drunk driving problem. |
| 13. | Rehabilitative efforts thought to be a desirable approach to drunk driving problem; treatment better than punishment. |
| 14. | The judge has the power and authority of the court behind his decisions. |
| 15. | The use of Antabuse is an acceptable alternative to license suspension in many cases. |
| 16. | The Antabuse program is experimental and cannot be endorsed conclusively until results show success. |
| 17. | General feeling that Antabuse may be useful in solving the drunk driving problem; recidivism will decrease. |
| 18. | Other codeable response:
Presently in use.
Problem drinkers should not have drivers licenses.
If based upon a medical opinion that a "problem" exists.
Would want review by impartial medical panel and recommendation as to use of Antabuse. Antabuse is graphic.
Second response: yet I don't think a judge is necessarily qualified to prescribe medical treatment.
...but believe true professionals should administer together with present staff, i.e. MD's who are actively involved full-time.
O.K. with sound discretion of judge as modifier.
I trust the judgment of the judge.
...but should be voluntary perhaps encourage with time-off jail sentence.
It would make them ill and therefore aware of the tragedy they might cause if their drinking habit is mixed with driving.
Second response: psychologically will let drinker know he is definitely under court care.
Most problem drinkers will not admit to a "problem" |
| 19. | NA (QA7a only) |
| 20. | Tend to Approve (QA7) because: (see full categories above) |
| 21. | Positive experience |
| 22. | Problem/social drinker distinction unclear. |
| 23. | Social vs. individual rights. |
| 24. | Rehabilitative efforts desirable. |
| 25. | Judge has power of the court. |
| 26. | Antabuse instead of license suspension. |
| 27. | Antabuse still experimental. |
| 28. | Antabuse may help. |

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
ND=non-defenders; PJ=prosecutors, judges

Percentages
 TS FD ID ND PJ
 7 10 4 8 5

Tend to Approve (cont'd)

					28. Other codable response: But may be civil rights violation unless voluntary. If not used in a coercive manner. But not sure it is the cure-all claimed to be. But would wish to know more about medical hazards, if any. But the program should continue after any sus- pension of driving privileges has been removed. Second response: but must be medical approval by MD. Subject to medical approval. Only when merited in individual fact situations. But Antabuse should be coupled with regular counseling program-how much will it cost? But total therapy is needed-enforced use of Antabuse could lead to more severe psycho- logical problems. But would want the possibility of other remedies or alternatives being explored. Second response: but don't really like society getting into mandatory drug control programs. Depends upon alternative. Antabuse or what? Danger of offense must be sufficient to impose restrictive probation terms and Antabuse treat- ment not so inconvenient (as other terms may be). But some problems related to use. The idea is basically good; but I visualize some difficulties in enforcing it.
17	14	21	18	9	29. NA (QA7a. only)
					<u>Tend to disapprove (QA7) because:</u>
1	0	0	2	5	30. Antabuse is too superficial a form of treatment; won't solve problem of individual motivation.
4	0	0	8	0	31. The use of Antabuse as a condition of probation is unacceptable as an invasion of individual rights; should not be forced.
1	0	0	1	0	32. The use of Antabuse is acceptable only as an al- ternative to license suspension.
3	3	2	3	5	33. Judicial competence doesnot include knowledge of medicine or psychology which are needed in determining whether or not an individual is a problem drinker and if Antabuse is appropriate.
0	0	0	0	0	34. Treatment is not the answer to drinking driver problem.
1	0	0	3	0	35. Problem drinkers should not drive at all; should have their licenses suspended.
1	0	2	0	0	36. Antabuse must be accepted voluntarily to do any good.
1	0	0	3	0	37. General doubts as to the effectiveness of Antabuse in preventing driving after drinking.
1	3	0	2	0	38. Other codable response: Lack of information about the drug. Insufficient information. No serious objection.
3	0	4	2	9	39. NA (QA7a only)
					<u>Strongly Disapprove (QA7) because:(see full categories above)</u>
1	0	6	0	0	40. Antabuse is too superficial a form of treatment.
5	0	4	9	0	41. Antabuse unacceptable as an invasion of individual rights.
1	0	0	1	0	42. Antabuse acceptable only as alternative to license suspension.
3	10	2	2	5	43. Antabuse not within judicial competence.
0	0	0	0	0	44. Treatment not the answer.
0	0	0	0	0	45. Problem drinkers should not drive.
1	0	2	0	0	46. Antabuse must be accepted voluntarily to do any good.

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
 ND=non-defenders; PJ=prosecutors, judges

Percentages					
TS	FD	ID	ND	PJ	
1	0	2	0	0	
2	3	2	2	0	
4	7	4	4	0	
*1	0	0	*1	0	

Strongly Disapprove (cont'd)

- 47. General doubts as the effectiveness of Antabuse.
- 48. Other codable response:
 Not sure it's legal.
 Suspicious of drugs.
 Second response: too much latitude in sentencing now.
 Second response: the problem is the correction of drinking and driving, not drinking per se.
- 49. NA (QA7a only)
- 99. NA (QA7 & A7a)

*Additional Comments

- (23) ...if second conviction.
- (27) ...and if enforced.
- (31) I don't know enough about Antabuse.
- (33) Query: Are there any side effects to the drug other than the desired one?? Can it be dangerous for some people to take it??
- (33) I really don't know anything about this, so am negative.
- (49) Problem drinkers-too subjective.
- (88) I don't know the side effects of Antabuse and how or frequency it must be taken.
- (88) I really don't know enough about Antabuse to have a valid opinion.
- (88) I am uninformed concerning the drug Antabuse.

V36 R28 Value of Antabuse (QA8. In general, how much value do you think the use of Antabuse during probation is likely to have in helping problem drinkers to gain control of their drinking and thus to avoid repeating their offense after the probationary period?) MD=9

Percentages					
TS	FD	ID	ND	PJ	
23	41	23	13	48	
37	28	54	32	38	
19	17	13	25	9	
21	14	11	31	5	
*1	0	*1	0	0	

- 1. Quite a lot of value
- 2. Some value
- 3. Not much value
- 0. No opinion
- 9. NA

*Additional Comments

- (1) Quite a lot of value in some cases, but probably no value to the "incurables", if they exist. I believe threat of loss of driver's license is of equal value in many cases.
- (1) Quite a lot of value in some cases I would suspect; probably no value in others. It at least forces a sobering up period during which a person can reflect on his problem--some will solve it, some won't.
- (1) Hearsay only--concede that I am not medically qualified to answer this question--MD's should answer this question.
- (2) If they can accept the fact that they are problem drinkers.
- (2) Does not cure the basic problem which involves the drinking in the first place.
- (2) Must have other follow-up.
- (3) If made a condition of probation, but more if on a voluntary bases.
- (0) Depends upon the reason behind the drinking.
- (0) This is a medical question.
- (0) Not enough experience.
- (0) I have no facts on this.
- (0) How do I know? Give us some research results on which to base an opinion.
- (0) I have no knowledge on this subject.

TS=total sample; FD=frequent defenders; ID=infrequent defenders; ND=non-defenders; PJ=probators, judges

V37 R29 Alcoholic Percentage (QA9. What percent of the adults of Washtenaw County would you guess are alcoholics or have serious drinking problems?) MD=98,99

Percentiles

	TS	FD	ID	ND	PJ
10.	3	4	2	3	3
30.	5	5	5	5	5
50.	7	9	10	5	7
70.	10	15	10	10	10
90.	20	29	20	20	20

97. 97-100

98. DK

99. NA

*Additional Comments

(10) Pure guess.

(20) Real, guess! Why ask this question?

(98) No opinion-definitional problem with "loaded" questions!

(98) No basis for guess.

Percentages

	TS	FD	ID	ND	PJ
1	0	0	1	0	
12	7	17	12	10	
30	28	21	36	25	
28	28	34	23	40	
16	17	19	13	25	
4	10	4	3	0	
1	3	2	1	0	
0	0	0	0	0	
7	7	2	10	0	
*5	0	*2	*2	*1	

V38 R29A Alcoholic %-7 (R29 Collapsed)

MD=9

0. None

1. 1-3%

2. 4-5%

3. 6-10%

4. 11-20%

5. 21-30%

6. 31-50%

7. 51-100%

8. DK

9. NA

V39 R30 Alcoholism Success (QA10. How often do you think persons with serious drinking problems are able to overcome these problems?) MD=9

Percentages

	TS	FD	ID	ND	PJ
0	0	0	0	0	
11	22	19	6	5	
32	41	27	33	25	
48	22	54	52	50	
6	7	0	6	15	
3	7	0	3	5	
*5	*2	*1	*1	*1	

1. Almost always

2. Most of the time

3. About half the time

4. Only occasionally

5. Almost never

8. DK

9. NA

*Additional Comments

(2) If they are ready (mentally) for help.

(2) With intensive psycho-therapy.

(2) With intense therapy.

(2) With proper approach.

(2) Would guess if have adequate help and support, but I have no idea what the actual statistics are.

(2) With proper motivation and treatment.

(3) Over a long period of time.

(3) Now-rate could be better.

(3) I don't really have an informed opinion.

(4) Without the Antabuse program and other professional aids.

(4) Under current programs and available medical and rehabilitative help.

(4) As conditions stand now.

(5) Pure guess. My god-what are you trying to prove by this questionnaire?

(5) Alone.

(8) None of the below-too individual to generalize.

(8) No opinions; presume that MD's who work in area should have answers.

V40 R31 Helpful Organization (QAll. Do you know the names of any agencies or organizations in Washtenaw County which offer help for drinking problems? QAlla. Which organizations do you know about?) Response=3 MD=9

Percentages

TS	FD	ID	ND	PJ
29	45	33	14	70
59	72	62	55	50
0	0	0	0	0
8	17	15	3	0
2	0	7	0	5
4	7	7	3	0
4	7	4	4	0
13	24	11	11	15

1. WCCA
2. AA
3. Ozone House; Drug Help; Free Clinic
4. Social service agencies
5. Mental health agencies
6. Crisis Clinic
7. Hospitals
8. Other codable response:
 - Private psychiatric agencies. All depending on nature of problem.
 - Alcoholism Information Center, the Social Service Agencies.
 - Alcohol Information Center.
 - Tesmar House; Alcohol Rehab. Center (Mr. Henderson).
 - Summit Street, Medical Center.
 - Voluntary or probate proceedings.
 - Washtenaw County Council of Churches.
 - Churches.
 - Any Bible Believing Church.
 - Recovery.
 - WASAP.
 - WASAP.
 - Individual churches, Bethlehem United Church of Christ and the courts.
 - WASAP.
 - District courts.
 - WASAP.
 - Court related programs.
 - District court, Alcohol Counselor-Ralph uper.
 - County Antabuse Program.
 - ASAP.
 - WASAP.
 - Washtenaw County.
 - University of Michigan, Washtenaw County.
 - Dr. Selzer's NPI program; Episcopal Church on N. Division, Ann Arbor.
 - Washtenaw County Antabuse Program.
 - Alcoholic Treatment Center.
9. NA
0. No, knows no helpful organization; no second or third response

*7 0 *4 *2 *1
26 17 22 33 15

V41 R32 Agencies Suggested (QAllb. Which of these organizations (if any) have you recommended to persons who appeared to you to need alcohol help?) Responses=3 MD=9

Percentages

TS	FD	ID	ND	PJ
15	34	18	5	35
22	38	27	15	30
0	0	0	0	0
3	3	7	1	0
1	0	4	0	5
1	3	2	0	0
3	3	2	3	0
6	10	7	5	5
*8	0	*4	*3	*1
66	38	60	78	60

1. WCCA
2. AA
3. Ozone House; Drug Help; Free Clinic
4. Social service agencies
5. Mental health agencies
6. Crisis Clinic
7. Hospitals
8. Other
9. NA
0. None; inap., knows no helpful organizations; no second or third response

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
ND=non-defenders; PJ=prosecutors, judges

V42 R33 Not Deny Right (QA12. No person should be denied the right to drive if he needs his car to get to work.) MD=9

Percentages

TS	FD	ID	ND	PJ
7	17	12	3	5
22	28	27	20	9
31	24	33	32	29
40	31	29	45	57
0	0	0	0	0
*1	0	0	*1	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

- (3) Problem drinkers are a social "public" problem. As long as society permits or encourages drinking; then there also exists a public duty to attempt to eliminate the accompanying problems.
- (2) Question is one of alternatives in each situation and a "second chance".
- (1) ...and demonstrates he can drive with sobriety.

V43 R34 Too Much Fuss (QA13. Far to much fuss is made about the dangers of drinking and driving.) MD=9

Percentages

TS	FD	ID	ND	PJ
1	3	0	1	0
5	0	4	7	0
23	31	33	16	20
72	65	63	76	80
0	0	0	0	0
*2	0	0	*1	*1

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

V44 R35 Police Patrol Bars (QA14. The police should patrol more around bars and taverns at night.) MD=9

Percentages

TS	FD	ID	ND	PJ
15	24	6	17	14
47	24	51	49	62
27	38	29	25	24
9	14	14	7	0
1	0	0	2	0
*3	0	0	*3	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

- (8) I believe they already do! ("5" written on line before statement).

V45 R36 Police Patrol Parties (QA15. The police should patrol more around places where people are having parties at night.) MD=9

Percentages

TS	FD	ID	ND	PJ
8	14	2	9	5
25	21	25	26	29
44	41	49	39	62
22	24	25	24	5
1	0	0	1	0
*2	0	0	*2	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

- (3) In theory concept is valid, but it is impractical (even with identification and manpower problems precluded).
- (2) I don't believe in a "police state" plus respect for search and seizure and trespass rules.

V46 R37 Record All Alcohol (QA16. All alcohol-related convictions should be entered on a driver's record whether or not they are related to driving (e.g. "drunk and disorderly").) MD=9

Percentages

TS	FD	ID	ND	PJ
15	17	4	18	24
28	31	27	25	48
25	17	25	28	24
31	35	45	30	5
0	0	0	0	0
*3	0	0	*3	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments (R37 cont'd.)

(2) Just for reference to courts or prosecutors or city attorneys only-not to others.

(4) Some are negotiated pleas, and if person is smart enough to walk when drunk-benefit.

V47 R38 Special Plates (QA17. Drivers convicted of alcohol related traffic offenses should have special license plates on their cars so they can be easily identified.) MD=9

Percentages				
TS	FD	ID	ND	PJ
5	0	4	8	0
10	0	10	9	24
29	28	25	31	29
56	72	60	51	48
1	0	0	1	0
*4	0	*1	*3	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

(1) I have urged this for years. It would be the most effective I believe.

(4) How about armbands for the rich as well?

(4) The scarlet letter? (Surely you've read Hawthorne.) Come on now...how about a dunking stool.

(4) How about armbands.

V48 R39 Medical Treatment (QA18. Drivers convicted of drunk driving and found to be problem drinkers should be required to obtain medical treatment.) MD=9

Percentages				
TS	FD	ID	ND	PJ
47	41	47	47	57
34	35	39	33	29
12	17	10	11	9
7	7	4	8	5
0	0	0	0	0
*2	0	0	*2	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

(1) As a condition of continuing to drive.

(1) Substitute "strongly encouraged" for "required."

(2) I don't think it can be done.

(9) Meaningless.

V49 R40 Counsel Not Punish (QA19. It is better to place problem drinkers who are convicted of drunk driving on probation and into a counseling or treatment program, than it is to impose severe penalties.) MD=9

Percentages				
TS	FD	ID	ND	PJ
39	59	50	29	38
39	24	37	45	38
15	14	8	19	14
6	3	4	7	9
0	0	0	0	0
*2	0	*1	*1	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments

(1) Sickness not crime!

(3) If sufficient facilities were clearly available I would say "two" but it appears this is not the case.

V50 R41 Gov't Not Help (QA20. The government's job is to catch and punish drunk drivers, anything further that is done for problem drinkers should be by private organizations such as Alcoholics Anonymous.) MD=9

Percentages				
TS	FD	ID	ND	PJ
2	0	0	3	5
12	7	10	16	0
37	31	29	42	38
50	62	61	39	54
0	0	0	0	0
*1	0	0	*1	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

S=total sample; FD=frequent defenders; ID=infrequent defenders; ND=non-defenders; PJ=prosecutors, judges

V51 R42 Effect Not Likely (QA21. No matter how much effort is invested, there is not likely to be much effect on the drunk driver problem.) MD=9

Percentages

TS	FD	ID	ND	PJ
1	0	0	2	0
16	3	12	22	14
43	45	45	40	48
40	52	43	36	38
0	0	0	0	0
*1	0	0	*1	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments
(1) Poorly worded.

V52 R43 Tests Increase Conv. (QA22. On the whole, the availability of breath test evidence in drunk driving cases has served to increase the number of drunk driving convictions.) MD=9

Percentages

TS	FD	ID	ND	PJ
25	41	34	15	29
51	35	49	57	48
16	14	17	15	24
3	10	0	2	0
6	0	0	12	0
*8	0	*2	*6	0

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK
9. NA

*Additional Comments
(1) Helps greatly to secure pleas of guilty to reduced charges...(i.e. impaired driving, speeding, etc.).
(3) My percent of conviction is less than DUIL now; used to 95% with juries.
(8) This is a matter of evidence-not opinion.
(8) I have no idea since I have not studied problem and have not read about this specific matter.

V53 R35A Deterrence CM Score (Number of strong agreements (1) in R35-T38.) MD=9

Percentages

TS	FD	ID	ND	PJ
75	62	92	71	67
14	21	4	13	29
8	17	2	9	0
.2	0	0	3	5
2	0	2	3	0
*3	0	0	*3	0

0. None
1. One
2. Two
3. Three
4. Four
9. NA on 2 or more items

V54 R39A Alc.Help CM Score (Number of strong agreements (1) with R39-R40.) MD=9

Percentages

TS	FD	ID	ND	PJ
36	31	27	43	33
41	38	51	38	38
23	31	22	19	29
*1	0	0	*1	0

0. None
1. One
2. Two
9. NA on 1 or more items

V55 R44 Years in Legal Work (QB1. How many years have you been in legal work in Washtenaw County?) MD=9

Percentages

TS	FD	ID	ND	PJ
45	55	45	41	48
20	7	33	17	19
19	28	14	20	14
16	10	8	21	19
*8	0	0	*1	0

1. 4 or fewer years
2. 5-9 years
3. 10-19 years
4. 20 or more years
9. NA

*Additional Comments
(1) I have not practiced law as yet.
(1) But was former prosecutor in Calhoun County.
(3) Not all in this county.
(3) But not in active practice; teacher.
(4) But mostly in Wayne and Oakland Counties.
(9) No practice experience in Washtenaw County.

Percentiles

	TS	FD	ID	ND	PJ
10.	0	5	1	0	5
30.	0	15	5	0	50
50.	5	20	10	0	65
70.	20	30	23	0	90
90.	50	40	50	5	95

V56 R45 Criminal Law % (QB2. About what percent of your legal work is devoted to criminal law?) MD=98,99

- 97. 97-100
- 98. DK
- 99. NA

*Additional Comments

- (01) None if I can avoid it.
- (02) But our office 20%.
- (99) Hardly any.

Percentages

	TS	FD	ID	ND	PJ
38	0	6	74	0	
7	3	9	8	5	
12	14	21	9	5	
8	10	15	2	11	
10	24	19	2	5	
17	45	23	3	21	
8	3	6	1	48	
1	0	0	0	5	
*15	0	*1	*11	*2	

V57 R45A Criminal Law %-7 (R45 Collapsed) MD=9

- 0. None
- 1. 1-2%
- 2. 3-5%
- 3. 6-10%
- 4. 11-20%
- 5. 21-50%
- 6. 51-96%
- 7. 97-100%
- 9. NA

V58 R46 #DAD Cases Declined (QB3. Have you declined to defend any person charged with drunk driving in the past year? QB3b. How many such cases did you decline?) MD=99

Percentages

	TS	FD	ID	ND	PJ
3	3	6	1	0	
4	0	10	2	0	
2	0	4	2	0	
1	0	2	0	0	
1	0	0	1	0	
2	7	2	0	0	
.1	0	2	0	0	
1	0	2	0	0	
1	0	0	1	0	
1	3	0	0	0	
4	7	0	5	0	
*7	0	*1	*6	0	

- 1. One
- 2. Two
- 3. Three
- 4. Four
- 6. Five
- 10. Six
- 12. Seven
- 20. Eight
- 25. Nine
- 30. Ten
- 98. DK
- 99. NA (including "yes" but NA how many)
- 00. None, no cases declined; or inap., respondent is prosecutor, city attorney, or judge

*Additional Comments

- (10) Mostly in recent months.
- (99) I do not actively engage in legal practice.
- (99) All (drunk driving) cases refused.

V59 R47 Why Decline DD Cases (QB3b. What were your main reasons for declining such cases?) Responses=3 MD=00,99

Percentages

	TS	FD	ID	ND	PJ
3	3	4	3	0	
6	3	6	8	0	
1	3	4	0	0	
3	3	6	1	0	
1	0	0	1	0	
1	3	4	0	0	
4	7	6	2	0	

- 1. Lack of time.
- 2. Legal work unrelated to DUI cases; lack of experience, knowledge
- 3. Defendant could not afford legal fee.
- 4. R felt that defendant could not be acquitted.
- 5. Conflict of interest.
- 6. Unrewarding work, little chance of really help client; no sympathy with drunk drivers.
- 8. Other codable response:
 - Job consists mainly of trying to get a reduction which usually depends on luck-trial of case if necessary depends 90% of jury and little on lawyer's skills.
 - No interest.
 - Defendant was clearly guilty yet wouldn't admit he had a problem or cooperate in its resolution. Personal, but I made referral to another lawyer immediately.
 - Probably because of reluctance to keep a drunk driver on the road and yet feeling of sympathy for his needs.

Percentages

TS FD ID ND PJ

*7 0 *1 *6 0

8. Other codable response: (cont'd).
 To discourage repeating of offense.
 I was contacted just one day before the trial.
9. NA
0. Inap., R has declined no cases, or R is prosecutor, city attorney or judge; no second or third response.
- *Additional Comments
 (2) They are referred to one of my partners who handles that type of work.
 (0) Bad question.

V60 R48 #DD Cases Accepted (QB4. About how many drunk driving cases have you handled in the past 2 years?) MD=98,99

Percentiles

TS FD ID ND PJ

10. 0 10 1 0 0
 30. 0 12 2 0 3
 50. 0 20 3 0 25
 70. 4 25 4 0 96
 90. 23 96 6 0 97

00. None
 96. 96-100
 97. Over 100
 98. DK
 99. NA
- *Additional Comments
 (04) Only one handled in Washtenaw County.
 (97) 100-150.
 (05) Not in Washtenaw County.
 (14) Number of cases handled including petitions for license returns.
 (00) Extensive prosecution experience preceded 1969.
 (03) But about 100 reviewing license revocations based on drinking offenses.
 (97) About 600.
 (97) 200.
 (97) 500.
 (97) 500+.
 (97) 470.

Percentages

TS FD ID ND PJ

51 0 0 100 16
 10 0 35 0 11
 15 0 55 0 11
 6 21 10 0 5
 8 48 0 0 5
 5 21 0 0 16
 2 7 0 0 11
 3 3 0 0 26
 *7 0 *5 0 *2

V61 R48A Cases Accepted - 7 (R48 Collapsed) MD=9

0. None
 1. 1-2
 2. 3-5
 3. 6-10
 4. 11-20
 5. 21-50
 6. 51-100
 7. Over 100
 9. NA

V62 R49 % Alcoholic Cases (QB5. In what percent of these cases would you estimate that the defendant had a serious drinking problem?) MD=98

Percentiles

TS FD ID PJ

10. 0 7 0 9
 30. 20 20 20 38
 50. 40 25 50 50
 70. 50 50 50 70

97. 97-100
 98. DK
 99. NA
 00. Inap., R has accepted no DD cases or NA if accepted any
- *Additional Comments
 (25) I lack the standards being applied for this definition.
 (50) This percentage is of course, in the limited number of cases very misleading.
 (40) I seriously doubt that my limited experience is sufficient to permit a valid response.

TS=total sample; FD=frequent defenders; ID=infrequent defenders; ND=non-defenders; PJ, prosecutors, judges

Percentages V63 R49A Alcoholic Cases %-7 (R49 Collapsed) MD=0,9

	TS	FD	ID	PJ
12	0	23	0	
21	38	10	21	
17	24	15	7	
22	14	25	29	
13	17	10	14	
4	7	0	14	
9	0	15	7	
2	0	2	7	
*3	0	*1	*2	

1. None
2. 1-20%
3. 21-49%
4. 50%
5. 51-79%
6. 80-96%
7. 97-100%
8. DK
9. NA
0. Inap., no DD cases

V65 R50 DUI/Pled Guilty (QB6. Now we would like your assistance in estimating the various dispositions of DUI/L and impaired cases in the Washtenaw County courts. Of the cases which you have handled in the past two years, in about how many would you say: QB6a. The defendant pleaded guilty to the original charge (DUI/L)?)

ACTUAL NUMBER CODED

MD=99

98. DK
99. NA (on whole question)
00. None; inap., R has accepted no DD cases

*Additional Comments

(97) 157.

(99) Impossible to estimate, you have the figures.

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	15
50.	0	0	0	27
70.	19	2	25	37
90.	50	11	53	50

V66 R50A DUI/L Pled Guilty % (R50/Total Disposed Cases)

MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no DD cases
999. NA

Percentages

	TS	FD	ID	PJ
61	70	64	22	
2	7	0	0	
5	15	0	0	
5	4	4	11	
12	0	13	44	
8	0	11	22	
4	4	4	0	
2	0	4	0	
*11	*2	*2	*7	

V67 R50B DUI/L Pled Guilty %-8 (R50A Collapsed) MD=0,9

1. None
2. 1-5%
3. 6-10%
4. 11-24%
5. 25-44%
6. 45-64%
7. 65-84%
8. 85-100%
9. DK, NA
0. Inap., no DD cases

V68 R51 Imp.Pled Guilty (QB6a. The defendant pleaded guilty to the original charge (impaired).) MD=99

ACTUAL NUMBER CODED

98. DK
99. NA
00. None, inap., no DD cases

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	0
50.	0	0	0	0
70.	0	0	0	0
90.	10	8	21	6

V69 R51A Imp.Pled Guilty % (R51/Total Disposed Cases)

MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no D/D cases
999. NA

Percentages				V70	<u>R51B Imp.Pled Guilty %-8 (R51A Collapsed)</u>	MD=0,9
TS	FD	ID	PJ			
86	88	87	78		1. None	
0	0	0	0		2. 1-5%	
5	8	0	22		3. 6-10%	
3	0	4	0		4. 11-24%	
4	4	4	0		5. 25-44%	
1	0	2	0		6. 45-64%	
0	0	0	0		7. 65-84%	
1	0	2	0		8. 85-100%	
*14	*4	*3	*7		9. DK, NA	

0. Inap., no DD cases

V71 R52 DUII Plea Down (QB6b. The defendant pleaded guilty to a lesser offense prior to the trial (from DUII).) MD=99

ACTUAL NUMBER CODED

98. DK
99. NA (on whole question)
00. None; inap., R has accepted no DD cases

Percentiles				V72	<u>R52A DUII Plea Down % (R52/Total Disposed Cases)</u>
TS	FD	ID	PJ		
10.	0	7	0		ACTUAL PERCENTAGED CODED
30.	40	55	50		998. Inap., no DD Cases
50.	63	69	67		999. NA
70.	83	86	100		
90.	100	100	100		

Percentages				V73	<u>R52B DUII Plea Down %-8 (R52A Collapsed)</u>	MD=0,9
TS	FD	ID	PJ			
13	8	11	30		1. None	
0	0	0	0		2. 1-5%	
0	0	0	0		3. 6-10%	
4	8	0	10		4. 11-24%	
16	8	13	50		5. 25-44%	
19	21	20	10		6. 45-64%	
20	25	22	0		7. 65-84%	
29	29	35	0		8. 85-100%	
*14	*5	*3	*6		9. DK, NA	

0. Inap., no DD cases

V74 R53 Imp.Plea Down (QB6b. The defendant pleaded guilty to a lesser offense prior to the trial (from impaired).) MD=99

ACTUAL NUMBER CODED

98. DK
99. NA (on whole question)
00. None; inap., R has accepted no DD cases

Percentiles				V75	<u>R53A Imp.Plea Down % (R53/Total Disposed Cases)</u>	MD=999
TS	FD	ID	PJ			
10.	0	0	0		ACTUAL PERCENTAGE CODED	
30.	0	0	0		998. Inap., no DD cases	
50.	0	0	0		999. NA	
70.	0	0	0			
90.	0	5	0			

Percentages				V76	<u>R53B Imp.Plea Down %-8 (R53A Collapsed)</u>	MD=0,9
TS	FD	ID	PJ			
91	87	96	78		1. None	
3	4	0	11		2. 1-5%	
3	8	0	0		3. 6-10%	
0	0	0	0		4. 11-24%	
3	0	2	11		5. 25-44%	
1	0	2	0		6. 45-64%	
0	0	0	0		7. 65-84%	
0	0	0	0		8. 85-100%	
*15	*5	*3	*7		9. NA	

0. Inap., no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

V77 R54 C.T.DUIL Conv.DUIL (QB6c. The case went to court trial (C.T.) by a judge and the defendant: (1) was convicted of original charge (DUIL).) MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; inap., R has accepted no DD cases

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	3
50.	0	0	0	7
70.	0	0	0	15
90.	12	7	0	26

V78 R54A C.T. DUIL-DUIL % (R54/Total Disposed Cases)

MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no DD cases

999. NA

Percentages

	TS	FD	ID	PJ
	84	88	94	22
	4	4	0	22
	3	4	0	11
	5	0	2	33
	3	4	2	0
	1	0	2	0
	1	0	0	11
	0	0	0	0
*13	*4	*2	*7	

V79 R54B C.T. DUIL-DUIL %-8 (R54A Collapsed)

MD=0,9

1. None

2. 1-5%

3. 6-10%

4. 11-24%

5. 25-44%

6. 45-64%

7. 65-84%

8. 85-100%

9. DK, NA

0. Inap., no DD cases

V80 R55 C.T.Imp.Conv.Imp. (QB6c(1) Was convicted of original charge (impaired).) MD=99

MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; inap., R has accepted no DD cases

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	0
50.	0	0	0	0
70.	0	0	0	0
90.	0	0	0	1

V81 R55A C.T.Imp.-Imp. % (R55/Total Disposed Cases)

MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no DD cases

999. NA

Percentages

	TS	FD	ID	PJ
	98	96	100	90
	3	4	0	10
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
*11	*3	*2	*6	

V82 R55B C.T.Imp.-Imp. %-8 (R55A Collapsed)

MD=0,9

1. None

2. 1-5%

3. 6-10%

4. 11-24%

5. 25-44%

6. 45-64%

7. 65-84%

8. 85-100%

9. DK, NA

0. Inap., no DD cases

V83 R56 C.T.DUIL Conv.Less (QB6c(2) Was convicted of a lesser offense (from DUIL).) MD=99

MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; Inap., R has accepted no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders; PJ=prosecutors, judges

Percentiles					V84	R56A C.T. <u>DUIL Less %</u> (R56/Total Disposed Cases)	MD=999,998
	TS	FD	ID	PJ		ACTUAL PERCENTAGE CODED	
10.	0	0	0	0			
30.	0	0	0	0		998. Inap., no DD cases	
50.	0	0	0	3		999. NA	
70.	0	0	0	8			
90.	10	11	0	10			

Percentages					V85	R56B C.T. <u>DUIL Less %-8</u> (R56A Collapsed)	MD=0,9
	TS	FD	ID	PJ			
83	79	96	33			1. None	
3	0	0	22			2. 1-5%	
8	13	0	33			3. 6-10%	
5	8	2	11			4. 11-24%	
1	0	2	0			5. 25-44%	
0	0	0	0			6. 45-64%	
0	0	0	0			7. 65-84%	
0	0	0	0			8. 85-100%	
*15	*5	*3	*7			9. DK, NA	
						0. Inap., no DD cases	

V86	R57 C.T. <u>Imp. Conv. Less</u> (QB6c(2) Was convicted of lesser offense (from impaired).)	MD=99
	ACTUAL NUMBER CODED	
	98. DK	
	99. NA (on whole question)	
	00. None; inap., R has accepted no DD cases	

Percentiles					V87	R57A C.T. <u>Imp. Less %</u> (R57/Total Disposed Cases)	MD=999,998
	TS	FD	ID	PJ		ACTUAL PERCENTAGE CODED	
10.	0	0	0	0			
30.	0	0	0	0		998. Inap., no DD cases	
50.	0	0	0	0		999. NA	
70.	0	0	0	0			
90.	0	0	0	0			

Percentages					V88	R57B C.T. <u>Imp. Less %-8</u> (R57A Collapsed)	MD=0,9
	TS	FD	ID	PJ			
99	100	98	100			1. None	
0	0	0	0			2. 1-5%	
0	0	0	0			3. 6-10%	
1	0	2	0			4. 11-24%	
0	0	0	0			5. 25-44%	
0	0	0	0			6. 45-64%	
0	0	0	0			7. 65-84%	
0	0	0	0			8. 85-100%	
*11	*3	*3	*5			9. DK, NA	
						0. Inap., no DD cases	

V89	R58 C.T. <u>DUIL Acquit.</u> (QB6c(3) Was acquitted (or case dismissed)(DUIL).)	MD=99
	ACTUAL NUMBER CODED	
	98. DK	
	99. NA (on whole question)	
	00. None; inap., R has accepted no DD cases	

Percentiles					V90	R58A C.T. <u>DUIL Acquit. %</u> (R58/Total Disposed Cases)	MD=999,998
	TS	FD	ID	PJ		ACTUAL PERCENTAGE CODED	
10.	0	0	0	0			
30.	0	0	0	0		998. Inap., no DD cases	
50.	0	0	0	0		999. NA	
70.	0	2	0	0			
90.	0	7	0	1			

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

Percentages V91 R58B C.T. DUII Acquit. %-8 (R58A Collapsed) MD=0,9

TS FD ID PJ

91 81 96 92
5 11 0 8
0 0 0 0
5 7 4 0
0 0 0 0
0 0 0 0
0 0 0 0
0 0 0 0
*7 *2 *2 *3

1. None
2. 1-5%
3. 6-10%
4. 11-24%
5. 25-44%
6. 45-64%
7. 65-84%
8. 85-100%
9. DK, NA
0. Inap., no DD cases

V92 R59 C.T. Imp.Acquit. (QB6c(3) Was acquitted (or case dismissed)(impaired).) MD=99

ACTUAL NUMBER CODED

98. DK
99. NA (on whole question)
00. None; inap., R has accepted no DD cases

Percentiles

TS FD ID PJ
10. 0 0 0 0
30. 0 0 0 0
50. 0 0 0 0
70. 0 0 0 0
90. 0 0 0 0

V93 R59A C.T. Imp.Acquit. (R59/Total Disposed Cases)

ACTUAL PERCENTAGE CODED

MD=999,998

998. Inap., no DD cases
999. NA

Percentages

TS FD ID PJ
99 100 98 100
0 0 0 0
0 0 0 0
1 0 2 0
0 0 0 0
0 0 0 0
0 0 0 0
0 0 0 0
*8 *2 *2 *4

V94 R59B C.T. Imp.Acquit. %-8 (R59A Collapsed) MD=0,9

1. None
2. 1-5%
3. 6-10%
4. 11-24%
5. 25-44%
6. 45-64%
7. 65-84%
8. 85-100%
9. DK, NA
0. Inap., no DD cases

V95 R60 J.T. DUII Conv.DUII (QB6d. The case was to be a jury trial and the defendant: (1) Was convicted of original charge (DUII.) MD=99

ACTUAL NUMBER CODED

98. DK
99. NA (on whole question)
00. None; inap., R has accepted no DD cases

Percentiles

TS FD ID PJ
10. 0 0 0 0
30. 0 0 0 1
50. 0 3 0 8
70. 8 9 0 12
90. 13 25 0 23

V96 R60A J.T. DUII-DUII % (R60/Total Disposed Cases)

ACTUAL PERCENTAGE CODED

MD=999,998

998. Inap., no DD cases
999. NA

Percentages

TS FD ID PJ
75 50 98 22
3 4 0 11
10 25 0 22
9 13 2 33
3 8 0 0
1 0 0 11
0 0 0 0
0 0 0 0
*14 *5 *2 *7

V97 R60B J.T. DUII-DUII %-8 (R60A Collapsed) MD=0,9

1. None
2. 1-5%
3. 6-10%
4. 11-24%
5. 25-44%
6. 45-64%
7. 65-84%
8. 85-100%
9. DK, NA
0. Inap., no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

V98 R61 J.T. Imp.Conv.Imp. (QB6d(1) Was convicted of original charge (impaired).) MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; inap, R has accepted no DD cases

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	0
50.	0	0	0	0
70.	0	0	0	0
90.	0	0	0	0

V99 R61A J.T. Imp.-Imp. % (R61/Total Disposed Cases) MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no DD cases

999. NA

Percentages

	TS	FD	ID	PJ
100	100	100	100	100
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	*9	*3	*2	*4

V100 R61B J.T. Imp.=Imp. %-8 (R61A Collapsed) MD=0,9

1. None

2. 1-5%

3. 6-10%

4. 11-24%

5. 25-44%

6. 45-64%

7. 65-84%

8. 85-100%

9. DK, NA

0. Inap., no DD cases

V101 R62 DUIL Conv.Less (QB6d(2) Was convicted of a lesser offense (from DUIL).) MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; inap., R has accepted no DD cases

Percentiles

	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	0
50.	0	3	0	1
70.	0	8	0	3
90.	15	19	0	10

V102 R62A DUIL Less % (R62/Total Disposed Cases) MD=999,998

ACTUAL PERCENTAGE CODED

998. Inap., no DD cases

999. NA

Percentages

	TS	FD	ID	PJ
75	50	93	45	
	6	5	0	36
	9	23	0	18
	8	18	4	0
	3	5	2	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	0	0	0	0
	*15	*7	*3	*5

V103 R62B DUIL Less %-8 (R62A Collapsed) MD=0,9

1. None

2. 1-5%

3. 6-10%

4. 11-24%

5. 25-44%

6. 45-64%

7. 65-84%

8. 85-100%

9. DK, NA

0. Inap., no DD cases

V104 R63 J.T. Imp.Conv.Less (QB6d(2) Was convicted of a lesser offense (from Impaired).) MD=99

ACTUAL NUMBER CODED

98. DK

99. NA (on whole question)

00. None; inap., R has accepted no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders; PJ=prosecutors, judges

<u>Percentiles</u>					V105 <u>R63A J.T. Imp.Less % (R63/Total Disposed Cases)</u>	MD=999,998
	<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>		
10.	0	0	0	0	ACTUAL PERCENTAGE CODED	
30.	0	0	0	0	998. Inap., no DD cases	
50.	0	0	0	0	999. DK, NA	
70.	0	0	0	0		
90.	0	0	0	0		

<u>Percentages</u>					V106 <u>R63B J.T. Imp.Less %-8 (R63A Collapsed)</u>	MD=0,9
<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>			
99	96	100	100		1. None	
1	4	0	0		2. 1-5%	
0	0	0	0		3. 6-10%	
0	0	0	0		4. 11-24%	
0	0	0	0		5. 25-44%	
0	0	0	0		6. 45-64%	
0	0	0	0		7. 65-84%	
0	0	0	0		8. 85-100%	
*9	*2	*3	*4		9. DK, NA	
					0. Inap., no DD cases	

<u>Percentiles</u>					V107 <u>R64 J.T. DUIL Acquit. (QB6d(3) Was acquitted (or case dismissed)(DUIL).)</u>	MD=99
	<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>		
10.	0	0	0	0	ACTUAL NUMBER CODED	
30.	0	0	0	0	98. DK	
50.	0	0	0	0	99. NA (on whole question)	
70.	0	0	0	0	00. None; inap., R has accepted no DD cases	
90.	0	7	0	1		

<u>Percentiles</u>					V108 <u>R64A J.T. DUIL Acquit.% (R64/Total Disposed Cases)</u>	MD=999,998
	<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>		
10.	0	0	0	0	ACTUAL PERCENTAGE CODED	
30.	0	0	0	0	998. Inap., no DD cases	
50.	0	0	0	0	999. NA	
70.	0	0	0	0		
90.	0	7	0	1		

<u>Percentages</u>					V109 <u>R64B J.T. DUIL Acquit.%-8 (R64A Collapsed)</u>	MD=0,9
<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>			
91	77	100	85		1. None	
5	8	0	15		2. 1-5%	
3	11	0	0		3. 6-10%	
1	4	0	0		4. 11-24%	
0	0	0	0		5. 25-44%	
0	0	0	0		6. 45-64%	
0	0	0	0		7. 65-84%	
0	0	0	0		8. 85-100%	
*9	*3	*3	*3		9. DK, NA	
					0. Inap., no DD cases	

<u>Percentiles</u>					V110 <u>R65 J.T. Imp.Acquit. (QB6d(3) Was acquitted (or case dismissed)(impaired).)</u>	MD=99
	<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>		
10.	0	0	0	0	ACTUAL NUMBER CODED	
30.	0	0	0	0	98. DK	
50.	0	0	0	0	99. NA (on whole question)	
70.	0	0	0	0	00. None; inap., R has accepted no DD cases	
90.	0	0	0	0		

<u>Percentiles</u>					V111 <u>R65A J.T. Imp.Acquit.% (R65/Total Disposed Cases)</u>	MD=999,998
	<u>TS</u>	<u>FD</u>	<u>ID</u>	<u>PJ</u>		
10.	0	0	0	0	ACTUAL PERCENTAGE CODED	
30.	0	0	0	0	998. Inap., no DD cases	
50.	0	0	0	0	999. NA	
70.	0	0	0	0		
90.	0	0	0	0		

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

<u>Percentages</u>					V112 R65B J.T. Imp.Acquit.%-8 (R65A Collapsed)	MD=0,9
TS	FD	ID	PJ			
100	100	100	100		1. None	
0	0	0	0		2. 1-5%	
0	0	0	0		3. 6-10%	
0	0	0	0		4. 11-24%	
0	0	0	0		5. 25-44%	
0	0	0	0		6. 45-64%	
0	0	0	0		7. 65-84%	
0	0	0	0		8. 85-100%	
*10	*3	*3	*4		9. NA	
					0. Inap., no DD cases	

V113 R66 DUIL Disposition-OTH (QB6e. There was another dis-
position (DUIL).) MD=99

ACTUAL NUMBER CODED

- 98. DK
- 99. NA
- 00. None; inap., R has accepted no DD cases

*Additional Comments

- (02) Settled in the middle.
- (02) Reduced during people's proofs.
- (02) Dropped no case.
- (02) Witness or police did not appear on trial date and case dismissed.
- (01) Bench warrant for failure to appear.
- (01) Passed breath test.
- (01) Defendant deceased.

<u>Percentiles</u>					V114 R66A DUIL Disposition-OTH % (R66/Total Disposed Cases)	MD=999,998
TS	FD	ID	PJ			
10.	0	0	0	0	ACTUAL PERCENTAGE CODED	
30.	0	0	0	0		
50.	0	0	0	0	998. Inap., no DD cases	
70.	0	0	0	0	999. NA, DK	
90.	0	10	0	1		

V115 R66B DUIL Disposition-OTH %-8 (R66A Collapsed) MD=0,9

<u>Percentages</u>				
TS	FD	ID	PJ	
92	89	93	92	
1	0	0	8	
2	7	0	0	
2	4	2	0	
2	0	4	0	
0	0	0	0	
0	0	0	0	
0	0	0	0	
*7	*1	*3	*3	

- 1. None
- 2. 1-5%
- 3. 6-10%
- 4. 11-24%
- 5. 25-44%
- 6. 45-64%
- 7. 65-84%
- 8. 85-100%
- 9. DK, NA
- 0. Inap., no DD cases

V116 R67 Imp.Disposition-OTH (QB6e. There was another dis-
position (impaired).) MD=99

ACTUAL NUMBER CODED

- 98. DK
- 99. NA
- 00. None; inap., R has accepted no DD cases

<u>Percentiles</u>					V117 R67A Imp.Disposition-OTH % (R67/Total Disposed Cases)	MD=999,998
TS	FD	ID	PJ			
10.	0	0	0	0	ACTUAL PERCENTAGE CODED	
30.	0	0	0	0		
50.	0	0	0	0	998. Inap., no DD cases	
70.	0	0	0	0	999. NA	
90.	0	0	0	0		

V118 R67B Imp.Disposition-OTH %-8 (R67A Collapsed) MD=0,9

<u>Percentages</u>				
TS	FD	ID	PJ	
100	100	100	100	
*7	*1	*3	*3	

- 1. None
- 9. NA
- 0. Inap., no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

V119 R68 Crash Not Seen (QB7. About how many DUIL and impaired cases have you handled in the past two years which derived from a crash in which the driving was not witnessed by the arresting officer?) MD=99

ACTUAL NUMBER CODED

- 96. 96-100
- 97. Over 100
- 98. DK
- 99. NA
- 00. None; inap., R has accepted no DD cases

*Additional Comments
(99) Too numerous to estimate.

Percentiles	TS	FD	ID	PJ
10.	0	0	0	0
30.	0	0	0	7
50.	0	5	0	10
70.	15	14	14	20
90.	50	22	50	56

V120 R68A Crash Not Seen % (R68/Total Disposed Cases) MD=999,998

ACTUAL PERCENTAGE CODED

- 998. Inap., no DD cases
- 999. NA

Percentages	TS	FD	ID	PJ
53	45	69	15	
3	7	0	8	
3	10	0	31	
18	31	8	23	
6	3	6	8	
10	0	15	15	
1	0	2	0	
1	3	0	0	
*4	0	*1	*3	

V121 R68B Crash Not Seen %-8 (R68A Collapsed) MD=0,9

- 1. None
- 2. 1-5%
- 3. 6-10%
- 4. 11-24%
- 5. 25-44%
- 6. 45-64%
- 7. 65-84%
- 8. 85-100%
- 9. DK, NA
- 0. Inap., no DD cases

V122 R69 No.of Test Refusals (QB8. About how many DUIL and impaired cases have you handled in the past two years in which the defendant had refused to take a breath test?) MD=99

ACTUAL NUMBER CODED

- 96. 96-100
- 97. Over 100
- 98. DK
- 99. NA
- 00. None; inap., R has accepted no DD cases

*Additional Comments
(97) 150 (30% of 500).

Percentiles	TS	FD	ID	PJ
10.	0	0	0	0
30.	10	15	0	14
50.	20	20	25	20
70.	33	20	40	40
90.	50	40	69	50

V123 R69A Test Refusal % (R69/Total Disposed Cases) MD=999,998

ACTUAL PERCENTAGE CODED

- 998. Inap., no DD cases
- 999. DK, NA

Percentages	TS	FD	ID	PJ
25	14	36	8	
1	3	0	0	
5	7	0	15	
24	48	6	31	
30	24	34	31	
9	3	11	15	
3	0	6	0	
3	0	6	0	
*5	0	*2	*3	

V124 R69B Test Refusal %-8 (R69A Collapsed) MD=0,9

- 1. None
- 2. 1-5%
- 3. 6-10%
- 4. 11-24%
- 5. 25-44%
- 6. 45-64%
- 7. 65-84%
- 8. 85-100%
- 9. DK, NA
- 0. Inap., no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

V125 R70 DUII Shd Refuse Test (QB9. How do you feel about the following statement? "DUII arrestees who refuse to take the breath test are more likely to be convicted of a lesser offense or to be acquitted than are DUII arrestees for whom breath test evidence is available at the trial".) MD=0,9

Percentages
 TS FD ID PJ
 18 21 11 33
 48 55 43 53
 24 10 36 13
 7 10 6 0
 3 3 4 0
 *3 0 *2 *1

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK, no opinion
9. NA
0. Inap., R has accepted no DD cases

*Additional Comments

- (1) Refusers almost always are permitted to plea to impaired.
- (2) Assuming he would have been over .15%.
- (1) Assuming the test results would have been over the presumptive level. Obviously the reverse is true if test results would have been opposite.
- (2) But no basis.

V126 R71 Lawyer for DUII (QB10. How do you feel about this statement? "It is almost always in the best interests of a DUII defendant to retain a defense attorney and to contest the DUII charge, even though this would increase the legal costs if he were convicted of DUII".) MD=0,9

Percentages
 TS FD ID PJ
 63 76 53 71
 26 17 34 14
 8 3 11 7
 2 3 0 7
 1 0 2 0
 *4 0 *2 *2

1. Strongly agree
2. Tend to agree
3. Tend to disagree
4. Strongly disagree
8. DK, no opinion
9. NA
0. Inap., R has accepted no DD cases

*Additional Comments

- (3) Because of the words "and to contest the DUII charge".
- (1) Based on lack of desire for police to prosecute and attitude of some judges that they do not now convict without one.
- (9) Question implies the challenging of ticket only; there are other aspects to DUII that an attorney can be helpful for.
- (2) Strongly agree to "retain a defense attorney" but only tend to agree to "contest the DUII charge".
- (2) Only because a man should always if he wishes be entitled to legal representation.
- (1) Although costs do not necessarily increase. Often they go down with an attorney on the case.
- (1) Unable to answer question as stated because I don't know what "best interests" of defendant means. If "best interest" is to beat charge then I strongly agree. If "best interest" is to get problem drinking assistance, then I tend to agree.
- (1) Under current system.
- (4) Statement not worthy of an answer on the basis that each attorney takes a different approach.

V127 R72 Why Charges Reduced (QB11. In your opinion what are the most important reasons that DUIL charges are reduced or convictions for lesser offenses are obtained?)
 Responses=6 MD=0,9

Percentages
 TS FD ID PJ
 87 90 81 100
 76 76 76 79
 78 83 79 64
 65 65 66 57
 73 83 65 79
 13 24 4 21

CODE RESPONSE IN THE ORDER IN WHICH THEY ARE RANKED

1. Evidentiary problems for the prosecution.
2. Desire to reduce the court load by obtaining a guilty plea.
3. Belief that the mandatory penalties for a DUIL conviction are too harsh for a given defendant.
4. Favoritism in the handling of certain types of defendants.
5. Desire to provide more incentive for persons with drinking problems to accept the use of Antabuse as a condition of probation.
8. Other codable response:
 First offenders are given a break.
 Defendant's previous driving and drinking record coupled with the type of erratic driving involved and score of breath test.
 The person has already lost his license because he refused the test.
 Creating an effective rehabilitation program for defendant prior to trial.
 DUIL and DWAI statutes themselves are all messed up tremendous overlap between the two offenses-juries rarely understand the differences-judges don't even understand the difference.
 Case "ages" in court until everyone is sick of it. Plea bargaining is an accepted if somewhat intolerable practice here.
 Influence of defense attorney.
 Assumption by prosecution that defendant will get impaired at trial anyway.
 15th District Court.
 Too heavy scheduling of cases for trial on a given day--11 or 12 jury trials etc. Not the same as reason 2. This is due to thoughtless judges.
 It is a combination of certain factors listed above but it would be incorrect to single out one factor.
 Miscellaneous, unusual factors.
9. NA (including "other" ranked but unexplained)
0. Inap., R has accepted no DD cases; no second, third, fourth, fifth or sixth ranked response

*3 0 *1 *2

*Additional Comments

- (3,1,5) Reasons 2 and 4 are not important.
 (5) Coupled with ability to be in threat of jail and loss of license as part of package.
 (1) Really can't rank the rest. Don't feel any of them are legitimate or rationale that are used.
 (1,2,3,4) I think 1 and 2 are controlling-I ranked 3 and 4 only because they were included.

Percentages
 TS FD ID PJ
 35 31 31 57
 20 14 25 14
 35 38 40 14
 0 0 0 0
 4 3 4 7
 5 14 0 7
 *3 0 *1 *2

V128 R73 Why Reduction 1st (R72: First Ranked Response)
 MD=0,9

1. Evidentiary problems for the prosecution.
2. Desire to reduce the court load by obtaining a guilty plea.
3. Belief that the mandatory penalties for DUIL convictions are too harsh for a given defendant.
4. Favoritism in the handling of certain types of defendants.
5. Desire to provide more incentive for persons with drinking problems to accept the use of Antabuse as a condition of probation.
8. DK
9. NA
0. Inap., no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
 PJ=prosecutors, judges.

Percentages				V129 R74 Why Reduction 2nd (R72: Second Ranked Response)
TS	FD	ID	PJ	
32	29	33	33	1. Evidentiary problems for the prosecution.
29	25	28	42	2. Desire to reduce the court load by obtaining a guilty plea.
15	21	13	8	3. Belief that the mandatory penalties for DUIL conviction are too harsh for a given defendant.
8	8	10	0	4. Favoritism in the handling of certain types of defendants.
16	17	15	17	5. Desire to provide more incentive for persons with drinking problems to accept the use of Antabuse as a condition of probation.
0	0	0	0	8. DK
*3	0	*1	*2	9. NA
*16	*5	*9	*2	0. No second ranked response; inap., no DD cases

Percentages				V130 R75 Why Reduction 3rd (R75: Third Ranked Response)
TS	FD	ID	PJ	
13	21	13	0	1. Evidentiary problems for the prosecution.
28	33	25	25	2. Desire to reduce the court load by obtaining a guilty plea.
21	17	22	25	3. Belief that the mandatory penalties for DUIL conviction are too harsh for a given defendant.
12	4	22	0	4. Favoritism in the handling of certain types of defendants.
23	25	16	42	5. Desire to provide more incentive for persons with drinking problems to accept the use of Antabuse as a condition of probation.
3	0	3	8	8. DK
*3	0	*1	*2	9. NA
*23	*5	*16	*2	0. No third ranked response; inap., no DD cases

Percentages				V131 R76 Reduction Frequency (QB12. In your opinion are DUIL charges reduced or lesser offense convictions obtained too often, in about the right proportion, or less often than they should be in Washtenaw County?) MD=0,9
TS	FD	ID	PJ	
19	10	21	31	1. Too often
57	52	57	69	2. About right proportion
21	35	19	0	3. Less often than they should be
2	3	2	0	8. DK
*5	0	*2	*2	9. NA
*106				0. Inap., R has accepted no DD cases

- *Additional Comments
- (9) Depends on the prosecuting agency.
 - (2) Answer is from related experiences or attorneys in Washtenaw and not personal experience plus experience in other counties.
 - (2) Hard to say based on my limited experience.
 - (9) Not a proper question. Each case has to be decided on its own merits.
 - (2) This question is impossible. How does one evaluate cases he knows nothing about.

Percentages				V132 R77 Judge Effect (QB13. A leading book on the defense of drunk driving cases states "...try to get your client before the judge who will give him the best break". In Washtenaw County how important do you think differences among judges are in affecting the disposition of drunk driving cases?) MD=0,9
TS	FD	ID	PJ	
10	14	4	21	1. Extremely important
23	21	23	29	2. Quite important
28	28	23	43	3. Somewhat important
19	10	30	0	4. Not very important
19	28	17	7	5. Not at all important
1	0	2	0	8. DK
*4	0	*2	*2	9. NA
				0. Inap., R has accepted no DD cases

- *Additional Comments
- (5) Since case goes before jury.

TS=total sample; FD=frequent defender; ID=infrequent defenders; PJ=prosecutors, judges

V133 R78 Prosecutor Effect (QB14. How important are differences among the particular prosecutors or city attorneys handing the drunk driving cases?) MD=0,9

Percentages

TS	FD	ID	PJ
24	28	23	23
27	35	17	46
20	14	25	15
20	17	25	8
8	7	8	8
1	0	2	0
*4	0	*1	*3

1. Extremely important
2. Quite important
3. Somewhat important
4. Not very important
5. Not at all important
8. DK
9. NA
0. Inap., R has accepted no DD cases

*Additional Comments

(3) As long as you have people you have differences.

V134 R79 Defense Atty. Effect (QB15. How important are differences among the particular attorneys defending the drunk driving cases?) MD=0,9

Percentages

TS	FD	ID	PJ
29	48	23	7
41	28	48	43
24	14	25	36
7	10	2	14
1	0	2	0
0	0	0	0
*3	0	*1	*2

1. Extremely important
2. Quite important
3. Somewhat important
4. Not very important
5. Not at all important
8. DK
9. NA
0. Inap., R has accepted no DD cases

*Additional Comments

(1) Assuming a case is tried.

V135 R80 Probation Antabuse (QB16. If you had a client charged with DUIL who had a serious drinking problem, would you encourage him to accept the use of Antabuse as a condition of probation?) MD=0,9

Percentages

TS	FD	ID	PJ
87	83	87	93
10	10	10	7
3	7	2	0
0	0	0	0
*2	0	*1	*1

1. Probably yes
3. Maybe
5. Probably not
8. DK
9. NA
0. Inap., R has accepted no DD cases

*Additional Comments

(1) If he definitely had a drinking problem out of his control.

(1) Tempered by facts.

(3) I do not believe in Antabuse or crutches to stop drinking. It is not a true solution. There are other more fundamentally better methods.

(1) I would without question.

Percentages

TS	FD	ID	PJ
50	0	100	0

V136 R81 Why Not Antabuse (QB16a. Why not?) MD=0,9

50	100	0	0
*3	*1	*1	*1

1. Antabuse is not a cure; suppression of drinking may lead to other psychological problems.
2. Alcohol Safety Action Program is operated by insensitive, authoritarian individuals.
9. NA
0. Inap., R would probably or maybe encourage use of Antabuse or R has accepted no DD cases

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
PJ=prosecutors, judges

V137 R82 Non-Prob.Antabuse (QB16b. Would you be likely to inform this client about the availability of Antabuse on a non-probationary basis from the Washtenaw County Council on Alcoholism?) MD=0,9

Percentages
 TS FD ID PJ
 67 50 100 0
 0 0 0 0
 33 50 0 0
 *2 0 *1 *1

1. Probably yes
3. Maybe
5. Probably not
9. NA
0. Inap., R has accepted no DD cases or R would probably or maybe encourage use of Antabuse

*Additional Comments

(0) Probably yes-often do. In addition to above.

V138 R83 Improve Legal System (QB17. Do you have any general suggestions for the improvement of the legal system as it relates to drunk driving (laws, procedures, etc.)?) Responses=2 MD=0,9

Percentages
 TS FD ID PJ
 1 3 0 0

- | | |
|---|--|
| <p>2 3 2 0</p> <p>4 7 4 0</p> <p>25 43 15 27</p> <p>8 7 2 27</p> <p>16 14 19 13</p> <p>3 3 4 0</p> <p>19 11 21 27</p> | <ol style="list-style-type: none"> 1. Police enforce the law too strictly; too many arrests are made for DUIL when they should have been arrests for impaired driving. 2. Breath tests should be more strongly required in DUIL arrests. 3. Videotapes or other evidentiary factors should be introduced in DUIL cases. 4. The mandatory penalties for a DUIL conviction are too severe (license suspension and financial responsibility insurance). 5. Should be more severe penalties (especially for multiple offenders); person with a drinking problem should not be allowed to drive until can demonstrate his problem is solved; strict enforcement of license revocations is essential. 6. The legal system should recognize the illness as well as the criminal aspect of DUIL cases; should emphasize treatment and counseling. 7. The legal system is arbitrary in DUIL cases, many pre-trials are meaningless. 8. Other codable response:
 Use impaired driving for first offender whose test is below .20.
 I believe the distinction between "DUIL" and "impaired" is semantic only and should be abolished, conviction of over .10 BAC should result in automatic suspension of license.
 Repeal DUIL and expand the penalties for "impaired".
 Get DWAI off the books. It's not serving the public. It only serves the attorneys. There should be only one drunk driving offense in Michigan. Make instruction on lesser included offense of DWAI, at least discretionary rather than mandatory, at time of trial. Drunk driving law in Michigan is a monumental error-should be completely rewritten. Mistake is in the drunk driving law itself.
 Not every drunk driver will benefit from prosecution, nor is prosecution justified always. Within context of my limited experience in this area of the law I believe that we will really not be able to evaluate the existing system until the elapsed time between charge and final disposition is significantly reduced. |
|---|--|

TS=total sample; FD=frequent defenders; ID=infrequent defenders;
 PJ=prosecutors, judges

8. Other codable response: (R83 cont'd.)

Make more jury days available for trial. Because the charge has severe penalties with respect to driver's license a great number of defendants request a jury trial. The city of Ypsilanti can try at "most" 2-3 jury trials a month (including all types of offenses) leaving a backlog of adjourned DUIL jury trials in the hundreds. The fact that a case may get adjourned for more than year forces some consideration for reduction. This is a growing problem in view of the increase of DUIL arrests in 1971 because of the program. Arrests are increasing by about 1/3 as well as the pending caseload.

Give us judges who care about their work more funds for _____? fees, more court time, better paid prosecutors, better facilities for treatment. This society will do everything to support law enforcement except pay for it and be willing to apply same rules to themselves as to their neighbors.

Some procedures of cooperation of the S.O.S. his hearing examiners, etc. with the court-with the determination mainly by the court whether he should be allowed to drive or not to drive.

Case of former Ypsilanti hospital patient, drunk driving in Ann Arbor speeding, short in head by police-now driving, despite evidence he should not, due to failure to coordinating records.

Reduce favoritism shown certain attorneys and defendants.

Legalize marijuana do away with any drinking age limit, educate kids.

18 yr. olds will be able to legally drink on 1 January 1972; already Michigan beverage dealers association has taken 1/2 page ads in Michigan Daily. With 1/3 population of Ann Arbor and good percentage of population of county in 18-21 bracket some good hard strong lines need to be drawn and ruthlessly enforced by police, prosecutors and judges.

I had not heard about the idea of requiring problem drinkers to use special license plates-prior to reading this questionnaire. It sounds worth exploring.

I was fascinated in England to see "do it yourself" breathalyzer packages for a small price in the rest rooms in some pubs. If you couldn't pass, you didn't take a chance. I liked the idea.

Percentages
TS FD ID PJ
*3 *1 *1 *1

9. NA

0. No; inap., R has accepted no DD cases; no second response

*Additional Comments

(4,2) Also no plea bargaining, and no license restoration for any reason within suspension period. These changes should (a) make punishment fair fairer (b) remove most legal technicalities (c) in the long run, reduce court load.

(4) What's true for "pot" should be true for "booze" and vice versa.

(6,4) DUIL is always used as a charge-it shouldn't be-the arresting officer should use least possible offense.

(4,7) I do think it's important to adequately define and deal with the "problem drinker" and at the same time provide more information to others who drink.

*Additional Comments (cont'd).

- (5,6) Also a way must be found to keep problem drinkers off the road; revoking the license won't always do it; since they will drive anyway. New campaign of severity coupled with treatment should know-what's happening. Law enforcement officials. ...must know they have backing of courts and prosecutors; they must be encouraged in their efforts (defense attorneys will do their best to protect-the rights of the accused).
- (4) Use of Antabuse and threat of loss of license can be extremely effective tool in the court.
- (8) Rather than taking away licenses-possibly some of these new "code number" devices should be required on their cars, so they can't start car while drinking.
- (0) The basic concept of law is that driving is a privilege, not a right, and deprivation of the driving privilege need not be treated as a criminal sanction. The implied consent law is based on this concept. Frankly I see no reason why a problem drinker should have the privilege of driving, nor why deprivation of the privilege should be tied to criminal convictions, or labeled as a punitive measure, when in legal theory as well as in practice the end to be achieved is prevention of intoxication related accidents.

Thus in response to Q7A my comment is problem drinkers shouldn't drive. A license (permit) to drive is issued on the basis of proven fitness to drive, with the applicant doing the proving. A known problem drinker is a proven menace and until he can objectively demonstrate that he no longer has the problem he is as potentially dangerous as a person who can't see, or knows nothing about traffic laws.

I tend to disagree with the statement in QA-20 because I disagree with the initial premise that the government's job is to catch and punish drunk drivers, and do nothing else. The government should catch drunk drivers, and deprive them of driving privileges as a civil matter. If this doesn't prevent DUI's as a practical matter than heavy criminal sanctions would appear to be in order. (Even that could be avoided by court orders regarding non-driving with contempt of court sanctions.)

This does not mean that the government should not attempt rehabilitation of problem drinkers. I would favor a government program of this sort, but not for free. If a problem drinker really wants to solve his problem he should pay at least part of the cost of doing so.

In short I believe civil and administrative remedies offer more in the prevention of intoxication accidents than punitive measures which do not take the drinker off the road.