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STATE OF CALIFORNIA
DMV
DEPARTMENT OF MOTOR VEHICLES

AN EVALUATION OF THE CALIFORNIA DRUNK DRIVING COUNTERMEASURE SYSTEM

AN OVERVIEW OF STUDY FINDINGS AND POLICY IMPLICATIONS

DECEMBER 1987

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This report summarizes the results and policy implications of a seven-part study entitled An Evaluation of the California Drunk Driving Countermeasure System. The study pinpointed numerous deficiencies in California's DUI control system and concluded that license suspension is generally more effective than alcohol rehabilitation programs in reducing the accident risk of DUI offenders. The results suggest that using both sanctions simultaneously would be superior to either alone. An evaluation of pre- and post-1982 rates indicated that the tougher sanctions and illegal per se BAC statutes (0.10%) enacted in 1982 reduced the incidence of alcohol related accidents and DUI recidivism.

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PREFACE

This report summarizes the results of a seven-part study on DUI control which was initiated by the Department of Motor Vehicles. The final volumes of the study were published recently, and the results reinforced my belief that much more needs to be done to reduce the threat posed by DUI offenders.

In addition to providing a summary of what each of the study modules found, I asked my research staff to include a policy overview chapter in which the various findings from this and other studies were integrated into a comprehensive policy prospectus on DUI control. The very nature of a comprehensive systems analysis required consideration of police enforcement and court adjudication elements over which DMV has little or no responsibility. We believe that presentation of a comprehensive array of ideas and countermeasures at this juncture better serves the long-range objective of improved DUI control than would a narrowly focused set of DMV policy recommendations.

Not all of the ideas may be perceived as meritorious, and others may prove infeasible. The task at hand is to initiate the process of using the ideas presented here as a starting point in evolving an improved system of DUI control in California.

A. A. PIERCE
Director

ACKNOWLEDGEMENTS

This summary report represents contributions by numerous past and current members of the Research and Development Section. The authors of the individual volumes are listed in the bibliography section, and the numerous individuals who contributed to each study are acknowledged in the respective report volumes.

I would like to thank four of my staff for their assistance in preparing and editing this report: Dr. Mary Janke, Clifford Helander, Michael Ratz, and Debra Difuntorum. The major typing of the report was done by Fe Arconado-Hignight under the supervision of Seresa Hartwell.

The reports summarized herein were funded by the National Highway Traffic Safety Administration through a grant administered by the California Office of Traffic Safety (Grant #088102). The opinions, findings, and conclusions expressed in the publications are those of the authors and not necessarily those of the State of California or the National Highway Traffic Safety Administration.

EXECUTIVE SUMMARY

This report summarizes the results and policy implications of a seven-part study entitled An Evaluation of the California Drunk Driving Countermeasure System. The study pinpointed numerous deficiencies in California's DUI control system and concluded that license suspension is generally more effective than alcohol rehabilitation programs in reducing the accident risk of DUI offenders. The results suggest that using both sanctions simultaneously would be superior to either alone. An evaluation of pre- and post-1982 rates indicated that the tougher sanctions and illegal per se BAC statutes (0.10%) enacted in 1982 reduced the incidence of alcohol related accidents and DUI recidivism. Key recommendations include enactment of an administrative per se suspension statute and mandatory suspension of both first and repeat offenders.

The complete set of recommendations is summarized on the attached table.

TABLE 2

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
I. Detection of impaired driver	• Insufficient probability of detection & arrest.	• Inadequate number of traffic enforcement personnel. • Difficulty in determining probable cause of impairment from routine observation.	1. More efficient allocation of traffic police in field. Increased personnel. 2. Sobriety checkpoints. 3. Prearrest breath screening devices. 4. Use of optimum Field Sobriety Test battery.	Pages 22-24, 31-33 and 45-46. See references 1, 17, 31, 37, 44 and 47.
II. Adjudication procedures	• Conviction rate too low. • Suboptimal sanctions. • Failure to prosecute for driving with suspended license. • Use of inappropriate and nonstatutorily prescribed sanctions.	• Excessive plea bargaining. • Too many sanction options. • Lack of empirically-anchored sentencing guidelines. • Court unaware of driver's license status. • Lack of proof of service of suspension orders.	1. Decrease number of sanction options and subjective judicial discretion. 2. Require presentence investigation and use of PSI guidelines in determining sanctions. 3. Eliminate court discretion over imposition of license suspensions. 4. Narrow the conditions under which DUI offenses can be reduced to a lesser charge. 5. Prosecute 14601 cases without signed proof if order mailed to address of record (see IV for related recommendation). 6. Determine license status at time of arrest and prior to adjudication. Cite and book for V.C. 14601.	Pages 22-24 and 37-46. See references 1, 17, 32 and 33. Solution #2 embodied in recently enacted law (V.C. 23205) but use is discretionary. Authority for solution #5 exists in statute but is seldom used.

TABLE 2 (Continued)

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
III. License control	• Inadequate and insufficient use of license suspension as a sanction.	• Lengthy delays between DUI arrest and withdrawal of driving privilege. • Virtual non use of license suspension for first offenders. • Insufficient use of license suspension for repeat offenders.	1. Enact an administrative suspension statute triggering suspension upon arrest. 2. Enact legislation requiring all convicted DUI offenders (including first) to be suspended upon conviction. 3. First offenders with BAC's above 0.20% should receive same license control sanctions as repeat offenders. 4. Use alcohol education and treatment programs as supplements to, rather than substitutes for, license suspension; reduce length of suspension for program graduates as an incentive to promote treatment. 5. Impound vehicles of suspended drunk drivers who recidivate while under suspension.	Pages 11-19, 18-20, 22-24 and 37-48. See references 1, 6, 7, 8, 17, 31, 32, 38, 50, 51, 53 and 54. Partial authority for solution #4 resides in V.C. Sections 23206.5 and 23205, and supporting data are contained in reference 8. Discretionary authority for impounding vehicles resides in V.C. Section 23195. The DMV currently receives BAC level on abstracts of conviction but information is incomplete and can only be used for research purposes.
IV. Interagency coordination	• Time delays in inputting and retrieving info between alcohol program providers, DMV and courts. • Program completion status not reliably monitored; dropouts not reported to DMV. • SB 38 readmission standards too lax. • Some DUI cases not reported to DMV. • Public exposed to increased uninsured driver risks. • Law against driving with suspended license not adequately enforced. Drivers license frequently not picked up and signed proof of suspension not obtained.	• Lack of statewide interactive telecommunication network and DUI tracking system. • System of negative reporting does not reliably identify completion status. • Welfare and Institutions Code permits preconviction diversion of juvenile offenders. • Courts frequently do not pick up the driver's license or execute proof in cases where driver is already suspended or will be suspended upon conviction. • Courts can currently readmit program dropouts and non-compliers two times and can shorten license restriction to 6 months. • SB 38 participants can drive without maintaining evidence of insurance (proof).	1. Expand and enhance current statewide court-DMV telecommunication system. 2. Remove all DUI cases from purview of section 1654 of the Welfare and Institutions Code. 3. Have courts execute suspension order in cases where suspension is mandatory upon conviction. (This legislation has been initiated.) 4. Enhance court verbal notice and license pick-up procedures (form DL 310). (This has been done.) 5. Enact legislation to prevent reinstatement of license privilege for SB 38 dropouts who are readmitted into SB 38 programs. 6. Enact legislation to require that SB 38 attendees file insurance proof in order to avoid license suspension. (This legislation has been enacted.)	Pages 18-20, 22-24 and 41-49. See references 17, 50 and 53. Note: An improved telecommunication system is currently in operation and under continual development, through partial support from the Office of Traffic Safety.

TABLE 2 (Continued)

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
V. Management information system	• Absence of measures of system performance. • Absence of data on the operating characteristics, process quality and impact of DUI control agencies, sanctions and countermeasures.	• Lack of a coherent set of explicit system objectives and goals. • Lack of a mechanism for monitoring system performance and for providing feedback to decision makers. • Nonavailibility of data on individual arrests which have not resulted in convictions. • Lack of data on reasons for nonprosecution and nonconviction of DUI offenses.	1. Establish a task force for developing specific system and subsystem objectives and performance measures. 2. Develop a management information system for providing feedback on system process parameters from point of arrest through DMV action (locally and statewide). 3. Develop a system for measuring the impact (locally and statewide) of DUI sanctions on recidivism and accident rates.	Pages 22-24 and 33-37. See references 17, 50 and 53. Note: Two Office of Traffic Safety grants are in progress to implement these solutions.

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INTRODUCTION

In 1980 the Department of Motor Vehicles received a grant from the California Office of Traffic Safety (OTS) to conduct a large scale evaluation of California's DUI control system. The grant, entitled An Evaluation of the California Drunk Driver Countermeasure System, actually entailed eight relatively independent study modules. The reports produced from this effort are listed below:

Volume 1: Analysis of DUI Processing from Arrest Through Post-Conviction Countermeasures. This module was concerned with analyzing the total DUI countermeasure system in California in order to identify gaps and to recommend remedial steps to close those gaps. With the assistance of an interorganizational task force, flow charts were constructed of the DUI process from point of arrest through adjudication, treatment and Department of Motor Vehicles action.

Volume 2: The Long-Term Traffic Safety Impact of a Pilot Alcohol Abuse Treatment as an Alternative to License Suspension. This module consisted of a follow-up evaluation of the long-term (4 1/2 year) traffic safety impact of the drunk driver diversion program originally established in 1975 by SB 330 (Gregorio). The study sample consisted of subjects used in the original four county demonstration project authorized by SB 330.

Volume 3: Evaluation of the Specific Deterrent Effects of Alternative Sanctions for First and Repeat DUI Offenders. This module evaluated the short-term effects of post-AB 541 license control and alcohol rehabilitation actions on first and repeat offenders. In contrast to Module 2, this study utilized a large statewide probability sample and included an evaluation of first offender programs.

Volume 4: An Evaluation of the Process Efficiency and Traffic Safety Impact of the California Implied Consent Program. This module addressed the implied consent system for drivers who refuse the chemical test; more specifically, the study described the implied consent system, identified problems in this

system and modes of circumvention, evaluated the deterrent effect of the implied consent suspension, and proposed system changes.

Volume 5: The California DUI Countermeasure System: An Evaluation of System Processing and Deficiencies. The objectives of this module were twofold: (1) to provide empirical data on the volumes and time frames associated with the DUI System flow, as identified in Module 1, and (2) to identify and provide empirical data on system deficiencies which allow DUI offenders to avoid timely processing or circumvent system countermeasures.

Volume 6: An Evaluation of the Impact of a Warning Letter for First Time DUI Offenders. The objective of this module was to develop and experimentally evaluate the impact of warning letters and educational materials suitable for first DUI offenders. These materials included information on legal, social, and biochemical aspects of alcohol use.

Volume 7: This module was to be an analysis of the total DUI countermeasure system in terms of process efficiency theory and optimum resource allocation principles. It was not implemented due to funding limitations.

Volume 8: Development and Evaluation of a Risk Assessment Strategy for Medically Impaired Drivers. This module developed and evaluated a strategy for assessing the traffic safety risk of drivers who have possible physical and/or mental conditions, including alcohol problems.

By agreement with the funding agency (OTS), Module 7 was deleted as a requirement of the grant. Instead, it was agreed that the Department would subsequently publish a report presenting an overview of each module and assessing the project's policy implications on DUI control and countermeasure development in California. The present report represents that effort and objective.

The following pages present a brief summary of the findings and conclusions of each module, and the final chapter presents a detailed analysis of the policy implications for DUI control in California. A number of recommendations are offered for improvements in both the DUI control process and countermeasure structure.

VOLUME 1: ANALYSIS OF DUI PROCESSING FROM ARREST THROUGH POST-CONVICTION COUNTERMEASURES

This study focused on describing California's drunk driver control system. It is specifically concerned with describing and analyzing all aspects of the system for processing motorists involved in driving under the influence of alcohol (DUI), from the point of arrest through the charging, convicting, sentencing, and treating, to the disposition-recording and action by the Department of Motor Vehicles (DMV).

The specific objectives were:

1. To develop process flow charts for the whole DUI system, depicting all elements and decision points concerning drivers, abstracts, and license actions involved in the reporting system, both before and after new legislation (AB 541) became effective on January 1, 1982.

2. To describe the whole DUI system from the point of arrest to the driver record file, both before and after AB 541 (reporting both successful participation in drinking driver programs and failure, as well as the associated imposition or "staying" of the mandated licensing action for repeat DUI offenders).

3. To identify areas or sources of system inefficiency or modes of circumvention of specified provisions, especially in the post-AB 541 system.

4. To develop alternate solutions and associated recommendations.

An interorganizational task force was formed to accomplish these objectives; it represented all major constituencies in the DUI countermeasure system: law enforcement agencies; prosecutors; municipal, superior, and juvenile courts; program/service providers; state and county alcohol program administrators; probation officers; and the Department of Motor Vehicles.

Since major new DUI legislation (especially AB 541 and AB 7) became effective in January 1982 just as this task force became operational, it was necessary to describe and analyze the older system as well as the new.

The main caveat resulting from the experience of this task force is: "There is no such thing as the DUI countermeasure system, since it differs across both time and space." The official system changes over time as new laws are passed and become effective. But even within any given set of laws at any given time, the differences in DUI processing throughout the state are such that no single, comprehensive description is possible which will accurately portray the actual nuances of processing in every locality. Thus, the resultant flow charts and narrative descriptions in this report can only represent an approximation of the operational system for DUI processing before 1982 and after January 1, 1982.

The resultant flow charts are shown in Figures 1 and 2, and additional process flow analyses are presented in the final chapter of this report.

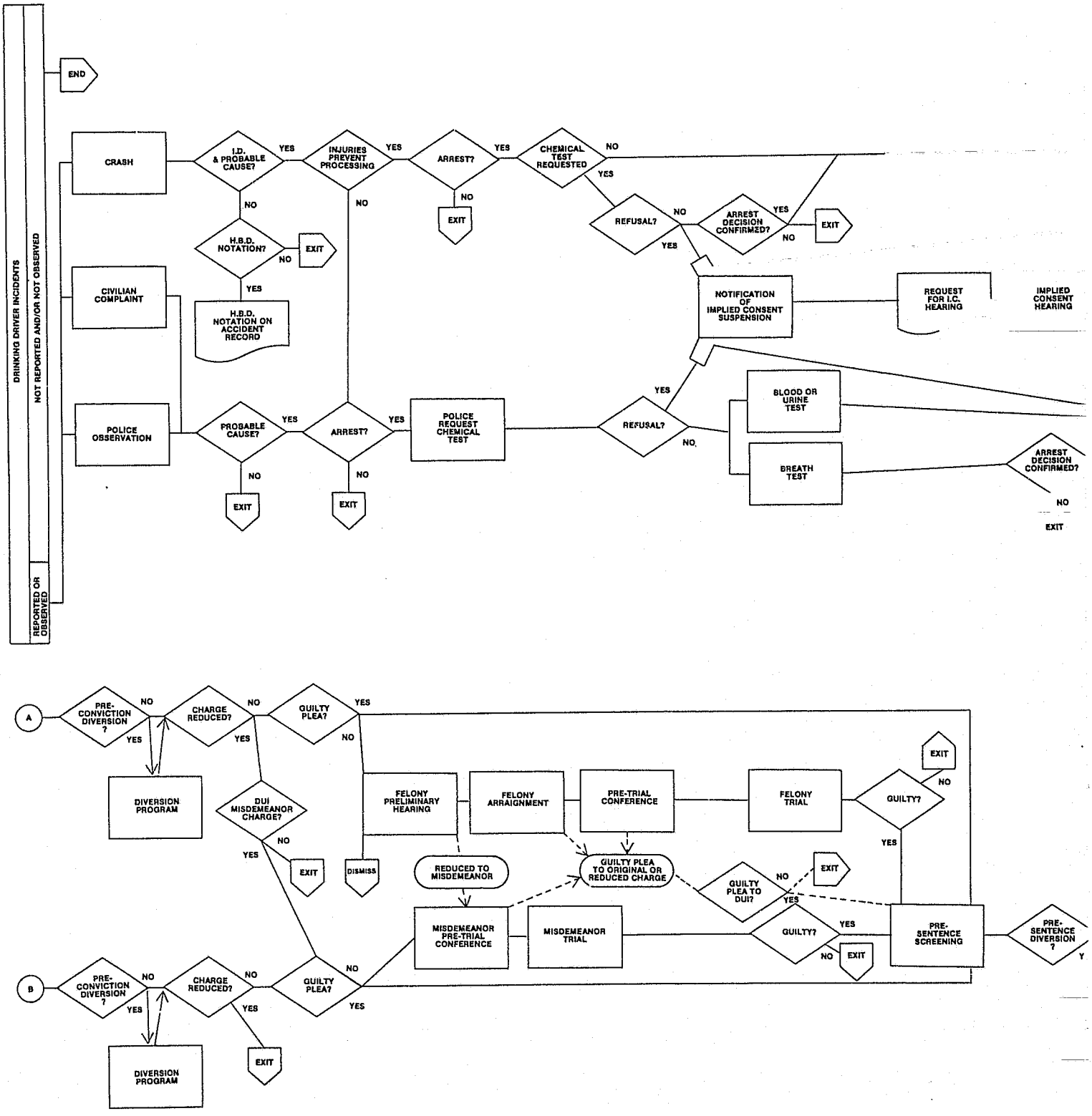
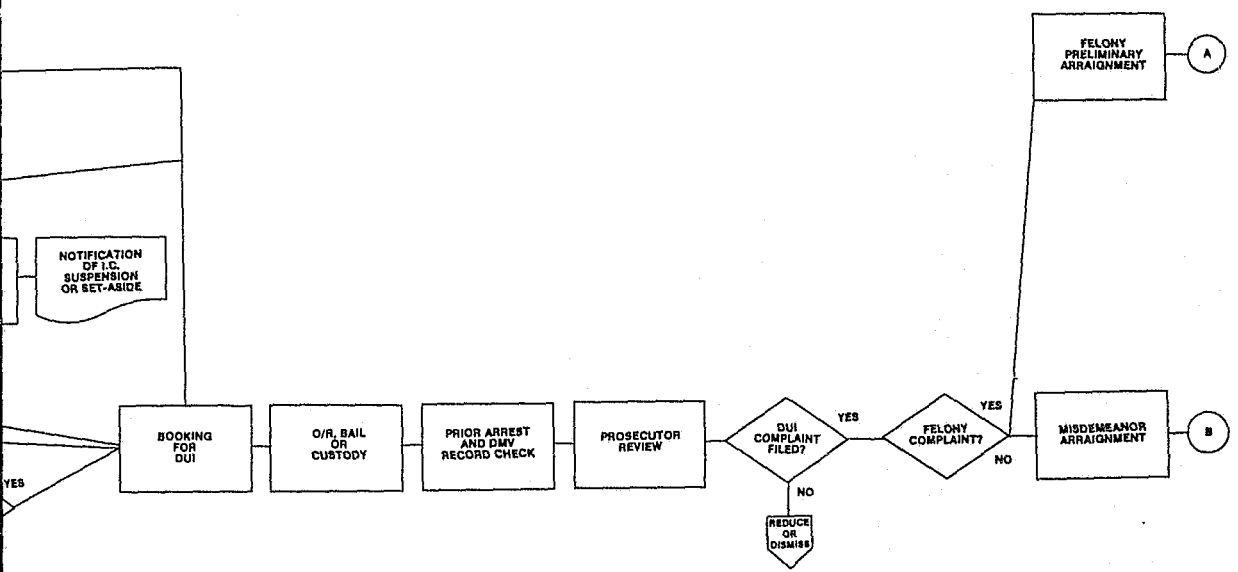
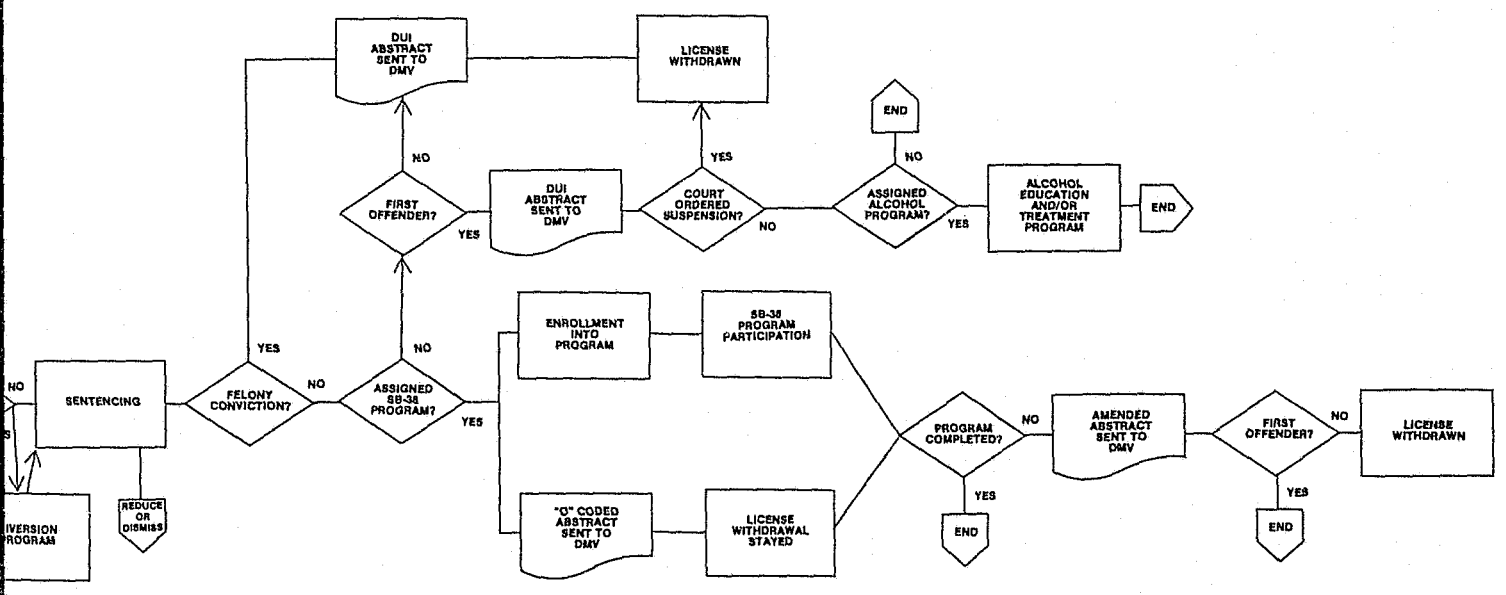


FIGURE 1. PRE-AB 541 DUI SYSTEM FLOW


FELONY PRELIMINARY ARRAIGNMENT
A
NOTIFICATION OF I.C. SUSPENSION OR SET-ASIDE
BOOKING FOR DUI
O/R, BAIL OR CUSTODY
PRIOR ARREST AND DMV RECORD CHECK
PROSECUTOR REVIEW
DUI COMPLAINT FILED?
YES
NO
FELONY COMPLAINT?
YES
NO
MISDEMEANOR ARRAIGNMENT
B
REDUCE OR DISMISS


DUI ABSTRACT SENT TO DMV
LICENSE WITHDRAWN
END
NO
YES
FIRST OFFENDER?
DUI ABSTRACT SENT TO DMV
COURT ORDERED SUSPENSION?
ASSIGNED ALCOHOL PROGRAM?
ALCOHOL EDUCATION AND/OR TREATMENT PROGRAM
END
ENROLLMENT INTO PROGRAM
SB-38 PROGRAM PARTICIPATION
SENTENCING
FELONY CONVICTION?
ASSIGNED SB-38 PROGRAM?
PROGRAM COMPLETED?
AMENDED ABSTRACT SENT TO DMV
FIRST OFFENDER?
LICENSE WITHDRAWN
"0" CODED ABSTRACT SENT TO DMV
LICENSE WITHDRAWAL STAYED
REDUCE OR DISMISS

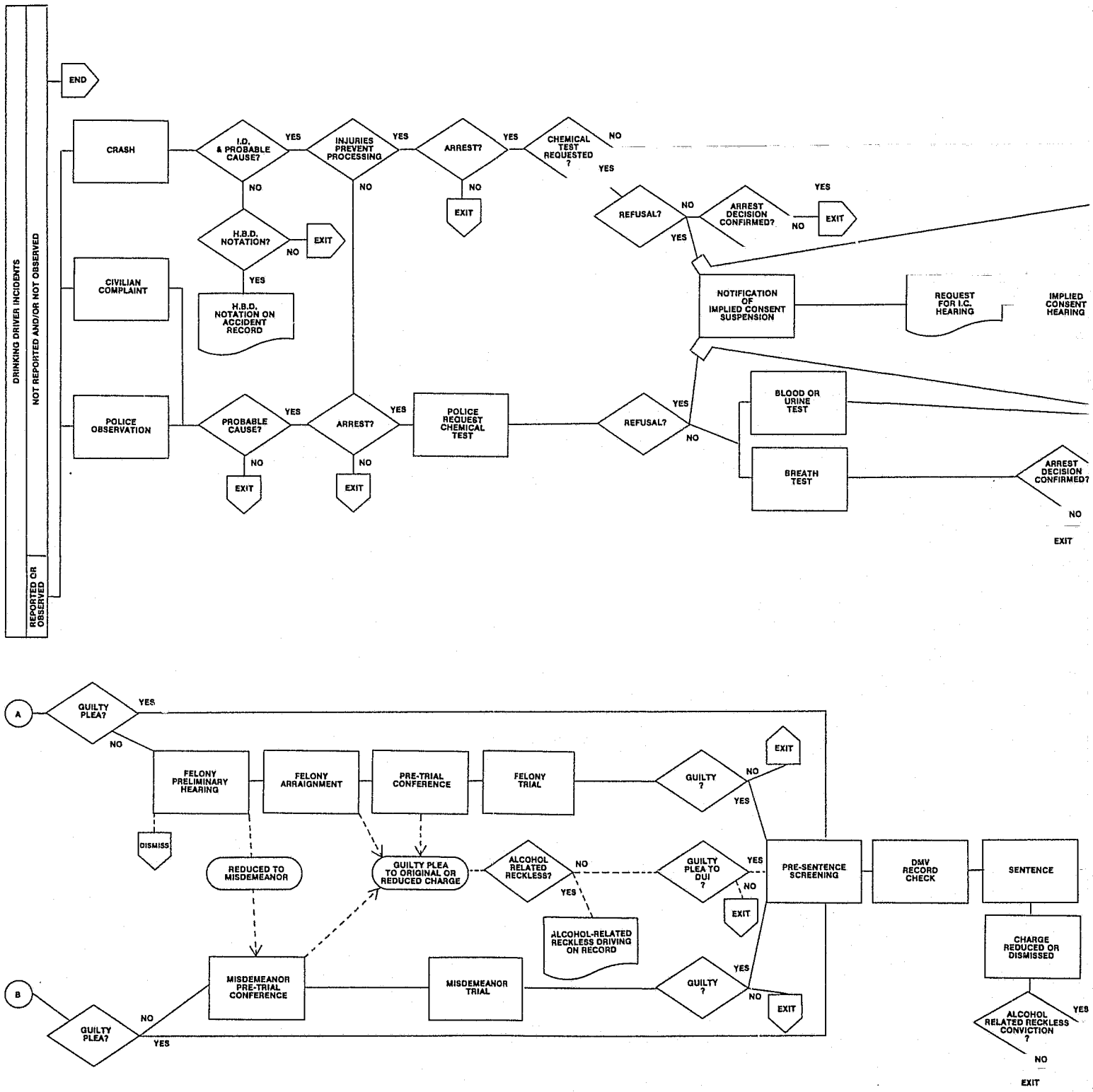
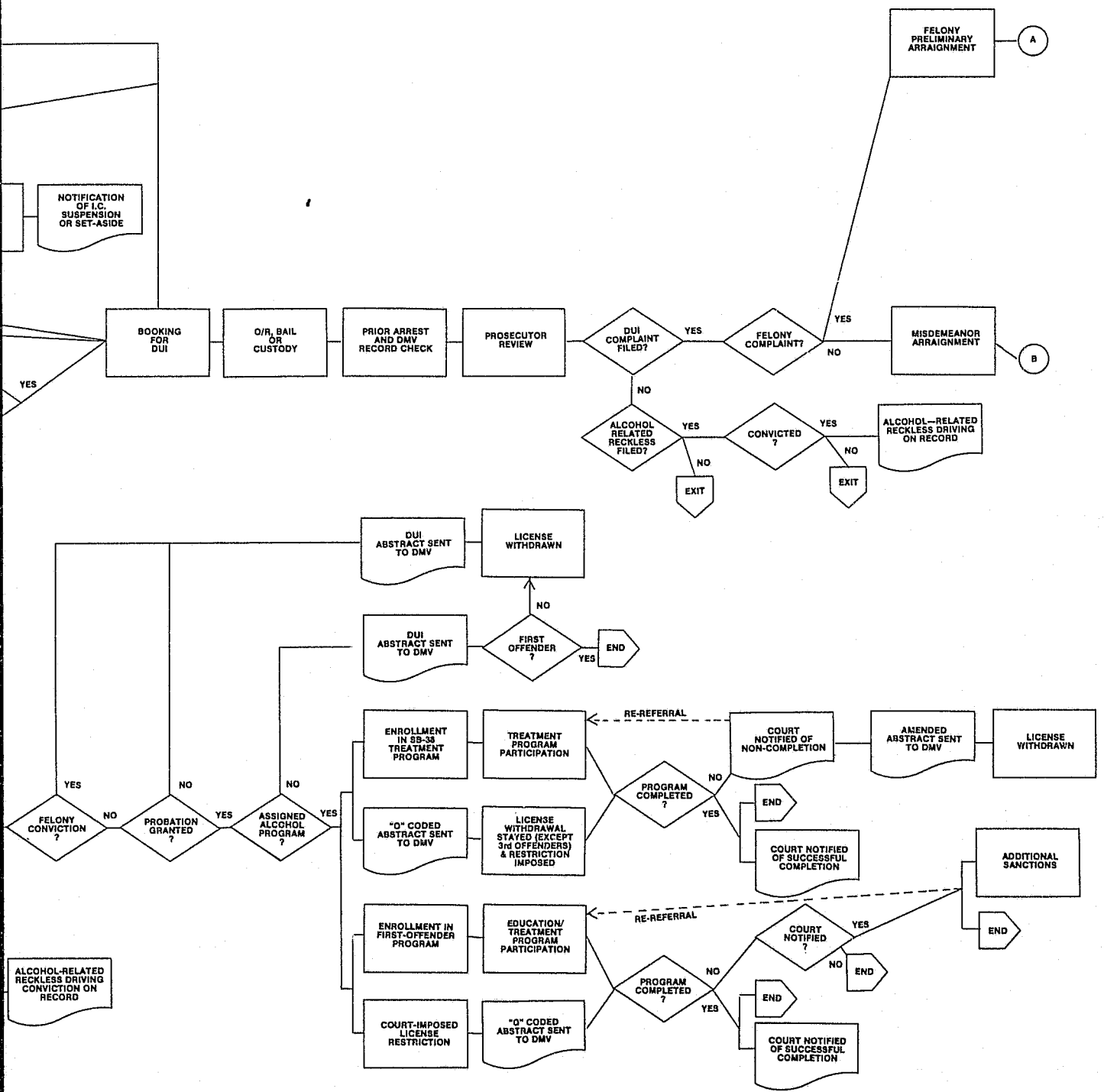


FIGURE 2. POST-AB 541 DUI SYSTEM FLOW


FELONY PRELIMINARY ARRAIGNMENT
A
NOTIFICATION OF I.C. SUSPENSION OR SET-ASIDE
BOOKING FOR DUI
O/R, BAIL OR CUSTODY
PRIOR ARREST AND DMV RECORD CHECK
PROSECUTOR REVIEW
DUI COMPLAINT FILED?
YES
FELONY COMPLAINT?
YES
NO
MISDEMEANOR ARRAIGNMENT
B
NO
ALCOHOL RELATED RECKLESS FILED?
YES
NO
EXIT
CONVICTED ?
YES
NO
EXIT
ALCOHOL—RELATED RECKLESS DRIVING ON RECORD
YES
DUI ABSTRACT SENT TO DMV
LICENSE WITHDRAWN
NO
DUI ABSTRACT SENT TO DMV
FIRST OFFENDER ?
YES
END
RE-REFERRAL
ENROLLMENT IN 89-38 TREATMENT PROGRAM
TREATMENT PROGRAM PARTICIPATION
COURT NOTIFIED OF NON-COMPLETION
AMENDED ABSTRACT SENT TO DMV
LICENSE WITHDRAWN
PROGRAM COMPLETED ?
NO
YES
END
COURT NOTIFIED OF SUCCESSFUL COMPLETION
"0" CODED ABSTRACT SENT TO DMV
LICENSE WITHDRAWAL STAYED (EXCEPT 3rd OFFENDERS) & RESTRICTION IMPOSED
YES
NO
NO
YES
FELONY CONVICTION ?
NO
PROBATION GRANTED ?
YES
ASSIGNED ALCOHOL PROGRAM ?
YES
ADDITIONAL SANCTIONS
END
RE-REFERRAL
ENROLLMENT IN FIRST-OFFENDER PROGRAM
EDUCATION/ TREATMENT PROGRAM PARTICIPATION
COURT NOTIFIED ?
YES
NO
END
PROGRAM COMPLETED ?
NO
YES
END
COURT NOTIFIED OF SUCCESSFUL COMPLETION
COURT-IMPOSED LICENSE RESTRICTION
"0" CODED ABSTRACT SENT TO DMV
ALCOHOL-RELATED RECKLESS DRIVING CONVICTION ON RECORD

VOLUME 2: THE LONG-TERM TRAFFIC SAFETY IMPACT OF A PILOT ALCOHOL ABUSE TREATMENT AS AN ALTERNATIVE TO LICENSE SUSPENSION

In 1975, new legislation (SB 330, Gregorio) permitted motorists arrested for a repeat DUI offense to participate in a 12-month pilot treatment program in lieu of the usual license action (12-month suspension or 3-year revocation). In an earlier study, the first-year effectiveness of the pilot SB 330 programs versus license actions was assessed (Hagen, Williams, McConnell, & Fleming, 1978). This study was a replication, using the same subjects and a longer (four-year) follow-up period.

The evaluation design involved four demonstration counties and four comparison counties. In the demonstration counties, 2,534 repeat DUI offenders entered SB 330 programs, and thus avoided mandatory license actions. The remaining 2,420 offenders in the demonstration counties received license actions. In the comparison counties, 2,866 repeat DUI offenders all received license actions.

Using selected traffic accident and conviction variables, the subsequent 4-year driving records of drivers in each of the three groups mentioned above were compared to assess the relative impact of alcohol rehabilitation and license action on traffic safety. In terms of nonalcohol-related accidents and convictions, the recipients of license actions did far better than participants in SB 330 programs; the rates for the SB 330 participants were about 70% higher than for the license-action recipients. The major cause of this difference appears to be reduced driving exposure and more cautious driving on the part of the license-action recipients during the period of their suspension or revocation.

Among the license-action recipients, those who received 3-year revocations had fewer subsequent nonalcohol-related accidents and convictions than those who received 12-month suspensions. This was especially true among subjects under 36 years old. The lower rates for the revoked drivers were expected since the nonrecidivating subjects who had received suspensions were eligible for license reinstatement 12 months after their DUI conviction. However, although their rates showed some elevation, the recipients of 12-month

suspensions continued to have fewer nonalcohol-related accidents and convictions than the SB 330 participants beyond the period of suspension. This result appears to be attributable to a low rate of license reinstatement (50%) among the eligible subjects with 12-month suspensions. About four out of five of the eligible subjects who were not reinstated did not execute the proof of insurance requirement for license reinstatment at any time during the three years following the termination of their suspension. Among those who were reinstated, about 37% did not have their driving privilege restored for 6 months after the end of their suspension, and 26% had not been reinstated within 12 months. Thus, for many of the recipients of license suspensions, the incentive for reduced driving exposure and more cautious driving continued well beyond the initial period of suspension.

A different pattern of results was obtained for alcohol-related accidents and convictions. The SB 330 participants were found to have 9% fewer alcohol-related convictions than the license-action recipients. Although small, this difference was large enough to consider it unlikely to have occurred by chance. However, pretreatment differences on accidents and convictions suggested that the license action recipients had a greater risk of recidivating at the outset. Although some of this bias was controlled statistically, it is unlikely that all of it was controlled. Thus, a part of the difference on alcohol-related convictions might be attributable not to a positive effect of SB 330 participation relative to license action, but to pretreatment biases instead.

No significant differences were found between SB 330 participants and license-action recipients on alcohol-related accidents. Thus, the results of the analyses of alcohol-related accidents and convictions, as a whole, suggest that alcohol rehabilitation and license action had essentially the same impact on these traffic safety measures. However, neither approach appears to have had a substantial impact on subsequent DUI involvement because over 40% of both the SB 330 participants and the nonparticipants received at least one subsequent conviction for an alcohol-related traffic violation during the 4-year follow-up period. This finding of a high recidivism rate among repeat DUI offenders is consistent with findings from earlier studies (Hagen, 1977; Hagen, McConnell, & Williams, 1980).

As for total accidents (i.e., combined alcohol- and nonalcohol-related accidents), the SB 330 participants were found to have a significantly higher (30%) 4-year rate than the license-action recipients. Thus, in terms of overall traffic safety impact, license action was a more effective countermeasure than its alternative, alcohol rehabilitation.

The DUI offender represents a greater than average traffic safety risk because of his or her involvement in alcohol-related accidents. Although neither license action nor alcohol rehabilitation appear to have much impact on DUI recidivism, license action countermeasures provide some degree of compensation for this greater risk in the form of reductions in nonalcohol-related accidents and convictions. Alcohol rehabilitation in lieu of license action has no such compensatory benefits.

The findings of this study suggest that the original SB 330 sentencing strategy, which waived license action as an incentive to participation in an alcohol rehabilitation program, had a negative impact on traffic safety. The hoped-for reductions in alcohol-related accidents among SB 330 program participants did not occur. These findings indicate that some other alternative besides license-action waivers should be used as an inducement for repeat DUI offenders to participate in treatment.

Although the SB 330 concept was implemented statewide through SB 38 (Gregorio, 1977), some of its weaknesses were corrected through subsequent legislation (AB 541, Moorhead, 1981) which limited participation in lieu of license action to second offenders only. The current sentencing strategy in California also requires that SB 38 participants have their driving privilege restricted (AB 541). This license-restriction approach has been evaluated by the Department of Motor Vehicles, and the findings are presented here. Finally, legislation enacted in 1982 (SB 1601, Sieroty) requires that SB 38 participants conform to the state's proof of insurance requirement in order to have their license restrictions lifted after completion of the program.

The major results pertaining to subsequent accident comparisons and DUI recidivism are shown in Figures 3 and 4.

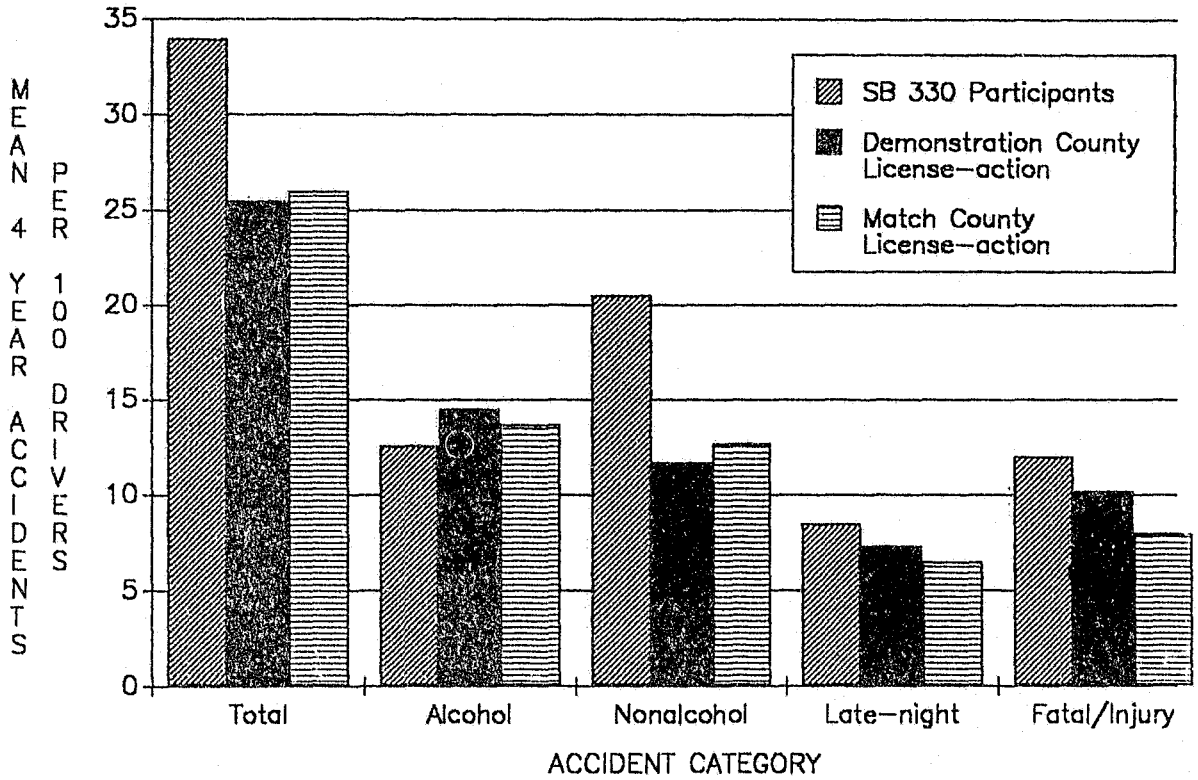


Figure 3. Four–year accident rates for the three study groups by category of accident.

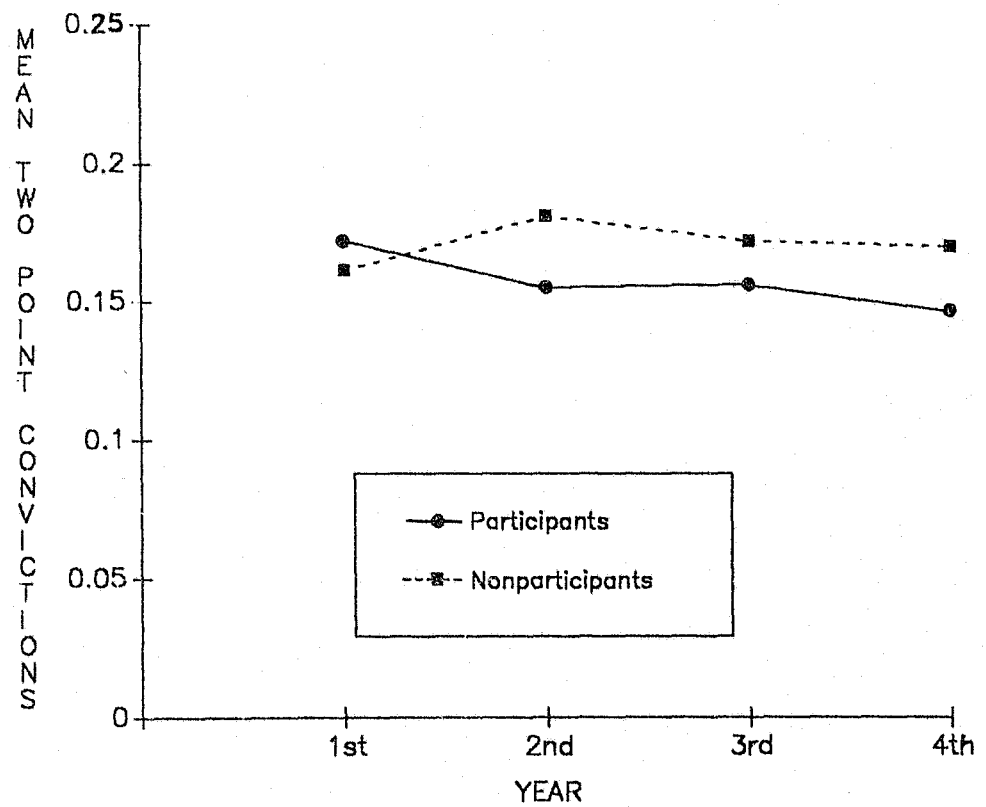


Figure 4. Two–point convictions for participants, nonparticipants, and match counties by follow–up year.

VOLUME 3: AN EVALUATION OF THE SPECIFIC DETERRENT EFFECTS OF ALTERNATIVE SANCTIONS FOR FIRST AND REPEAT DUI OFFENDERS

Effective January 1, 1982, California implemented stricter drunk driving laws (AB 541, AB 7) which made it illegal (per se) to drive with a blood alcohol concentration (BAC) of .10% or higher, and established more stringent sanctions such as license restriction in addition to participation in alcohol-related programs and a mandatory 2-day jail term for repeat offenders. Like the prior laws, license suspensions were imposed upon second offenders who were not referred to programs and upon first offenders who did not receive probation.

This study evaluated both the effectiveness of the AB 541 sanctions upon the subsequent driving records of large statewide samples of first and second DUI offenders (Study A) and the overall impact of AB 541 on the subsequent driving records of DUI drivers convicted before and after AB 541 (Study B). Six-month and 1-year posttreatment driving records were compared among second offenders who received either (1) 1-year license suspension, or (2) 1-year license restriction plus SB 38 program referral. Similar driving records were compared for first offenders who received (1) 6-month license suspension, (2) jail and fine only, (3) program only, (4) 90-day license restriction only, or (5) 90-day license restriction plus program. SB 38 programs for second offenders were one year in length, while the length of the much briefer first-offender programs varied substantially.

Findings from the second offender analysis (N = 7,797) revealed that the suspended group had significantly lower rates compared to the restricted SB 38 group on three posttreatment (1-year) accident measures (nonalcohol, fatal/injury and total accidents). The restricted SB 38 group had 91% more nonalcohol accidents, 39% more fatal/injury accidents, and 35% more total accidents than the suspended group. Results from the regional analysis indicated that the same significant group differences on all three accident measures were present in three regions, but not in Los Angeles (LA) county.

For alcohol (HBD) accidents, the rates between the two groups did not differ significantly, although the rate for the restricted program group was 20% lower than that of the suspended group. A difference of this size or larger would be expected by chance about 13% of the time. The two groups did not differ significantly on late-night accidents, but the direction of the difference was opposite to that for HBD accidents, with the suspended subjects having 16% fewer incidents. Since late-night accidents frequently involve alcohol and are often used as an alcohol-surrogate measure, this latter finding strongly suggests that the SB 38/restriction sanction was not any more effective than license suspension in reducing alcohol-related accidents.

The relationship between type of sanction and subsequent minor traffic conviction frequencies was moderated by the offender's prior rate of minor convictions. Those suspended drivers with 2 or more prior convictions had significantly fewer subsequent convictions than their SB 38 counterparts. However, there were no differences on subsequent conviction frequency between the suspension and SB 38 groups among those with zero prior moving violation convictions.

Quite different results were found for subsequent major or 2-point convictions (including DUI). The restricted program group had a 24% lower rate than that of the suspended group, and this difference was highly significant statistically ($P = .002$).

In general, the results were very similar to those obtained by Sadler and Perrine (1984) using just four pilot counties. Both studies, for example, found that license suspension reduced the accident risk of the offenders to a level that was close to that of the average driver. In contrast, the restricted SB 38 group had an accident rate much higher than that of the average driver.

The first offender analyses ($N = 29,097$) indicated that first offenders who were given stronger license control sanctions (6-month license suspension, or 90-day license restriction plus program) incurred accident and conviction rates that were lower than those of offenders given lesser penalties. The restricted program group had the lowest and second to the lowest rates for

6-month alcohol and total accidents, while the suspended group had the lowest total accident rate but the highest alcohol accident rate. An analysis of the differences by region indicated that the higher alcohol accident rate of the suspended group occurred only in LA County. On 1-year nonalcohol accidents, the suspended group evidenced the lowest rate, and this finding was consistent across different levels of prior minor convictions and different regions.

The suspended and restricted program groups evidenced the lowest, or second to the lowest, rates for 6-month and 1-year minor and total convictions. Although the relative effectiveness of the two sanctions varied as a function of prior minor convictions, age, and ZIP code accident averages, the restricted program group had the lowest subsequent minor and total conviction rates for all categories of these variables combined.

The restricted program group had the lowest rate for major convictions, with a rate that was 11.6% lower than that of the suspended group (adjusted scores). However, those who received only a license restriction (no program) had 10.2% fewer major violations. It is therefore difficult to attribute the lower DUI rate primarily to the impact of the alcohol program. In comparing first offenders with repeat offenders, it was found that the latter had lower subsequent accident rates but slightly higher major violation rates. The higher major violation rate probably reflects a higher proportion of problem drinkers among second offenders. The lower accident rate for second offenders might be attributable to their more intensive treatment and longer suspension (or restriction) period.

Findings from Study B indicated that AB 541 resulted in significantly lower alcohol accident, total accident and major conviction rates among DUI drivers in 1982 than in 1980-81. These lower rates were present despite higher DUI conviction rates in 1982/1983. The present study was limited to evaluating only 1-year short-term effects; a long-range evaluation would be critical in determining if additional legal changes were needed to maintain the positive traffic safety benefits achieved by AB 541.

The following recommendations were presented for consideration: (1) Seek legislation to adopt administrative license suspension ("administrative per

se") upon arrest for DUI, (2) If administrative per se is not adopted, consider suspending all repeat offenders or suspend with a provision that the suspension period would be shortened upon completion of a specified period of participation in an alcohol rehabilitation program (e.g., 6 months), (3) If administrative per se is not adopted, seek legislation requiring that all first offenders receive a short-term license suspension (30-90 days) and, in addition, be required to complete an approved alcohol education/treatment program, and (4) Seek methods of increasing the rate of detection and arrest of drunk drivers.

Figures 5 - 9 present a summary of the major driving record results.

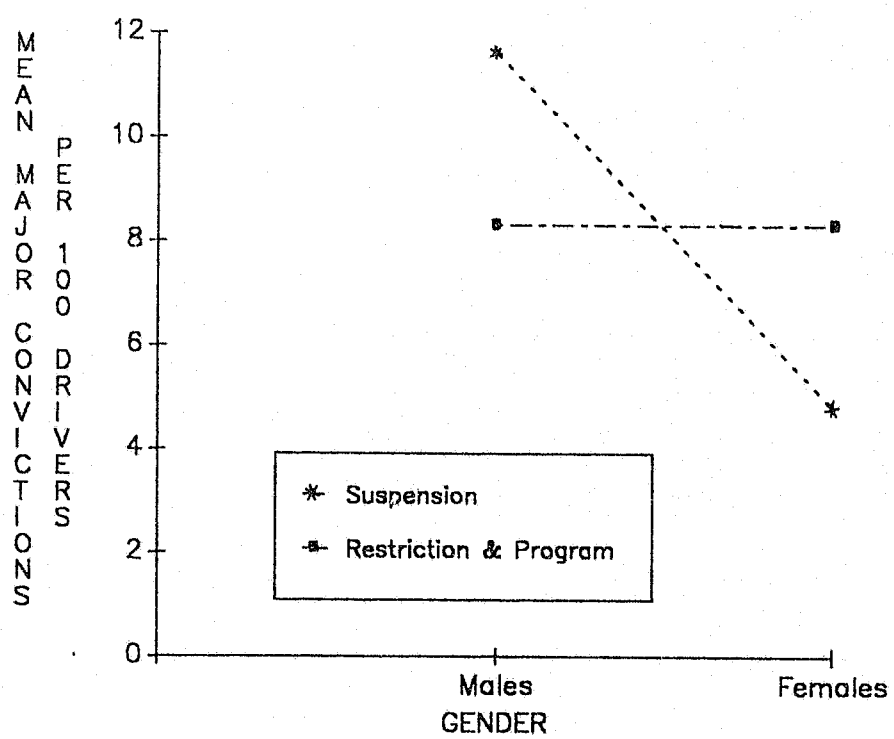


Figure 5. Adjusted major convictions for suspended and restricted second offenders by gender.

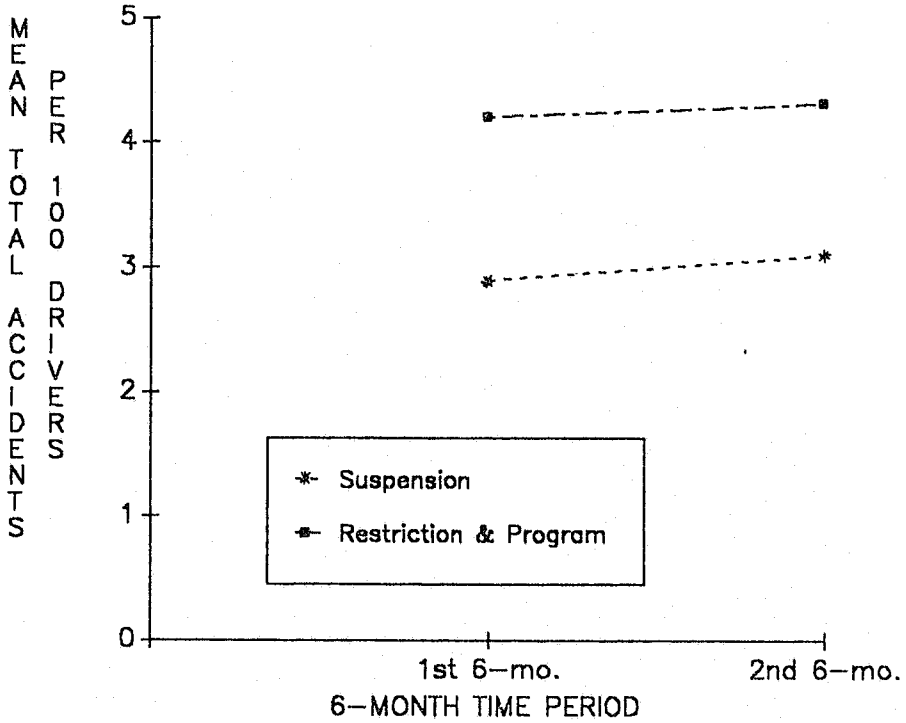


Figure 6. Adjusted total accidents for suspended and restricted second offenders by 6–month time periods.

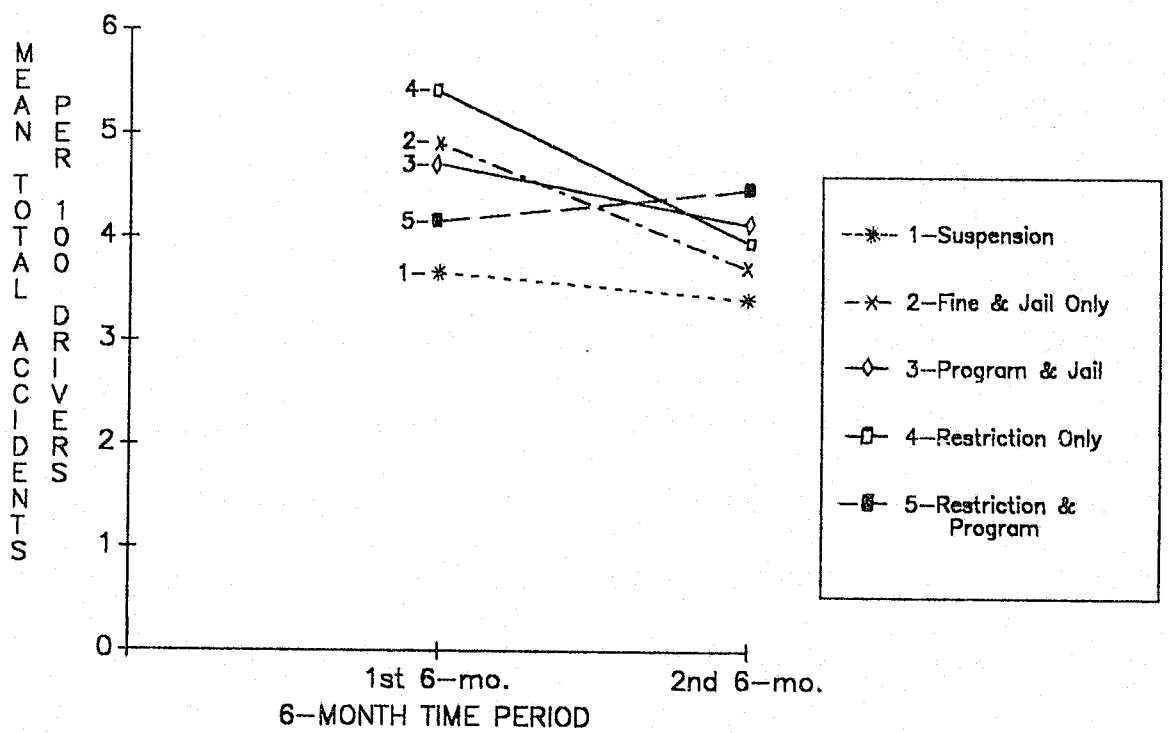


Figure 7. Adjusted total accidents for five first offender groups by two 6–month time periods.

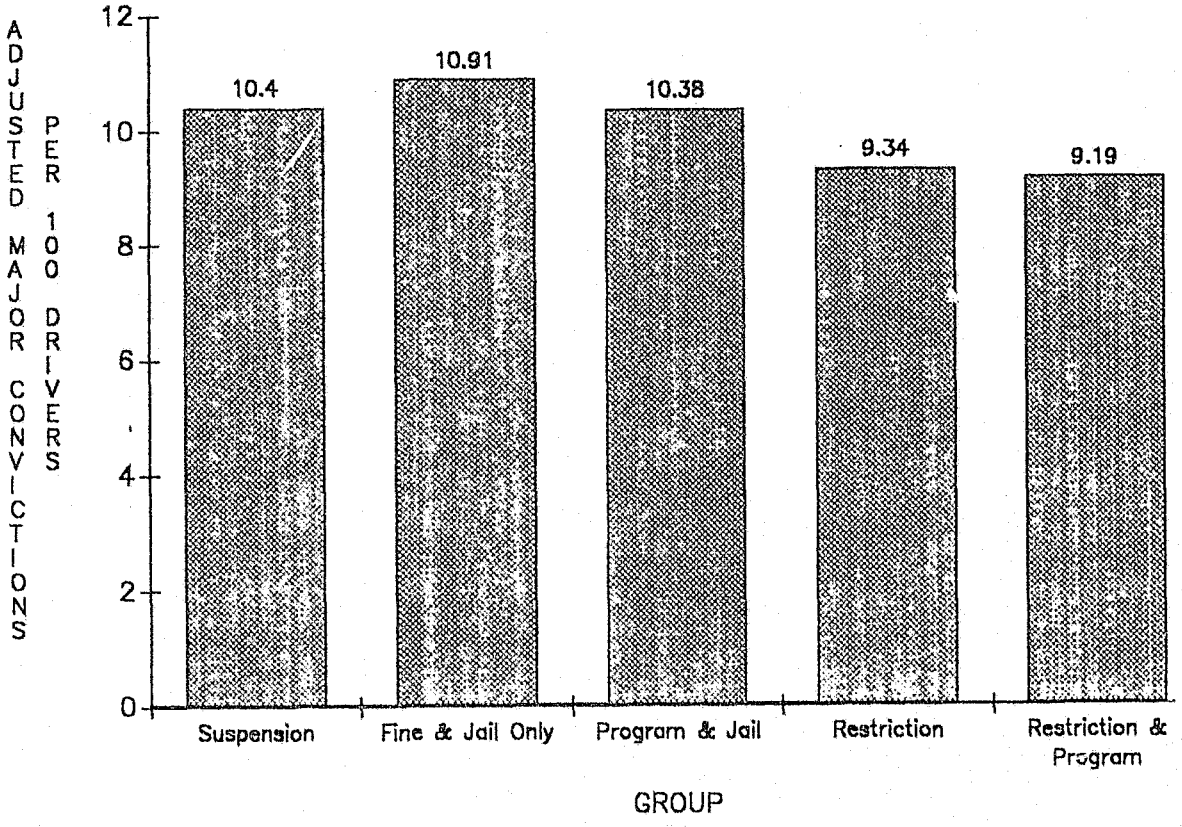


Figure 8. Adjusted major convictions by five first offender groups.

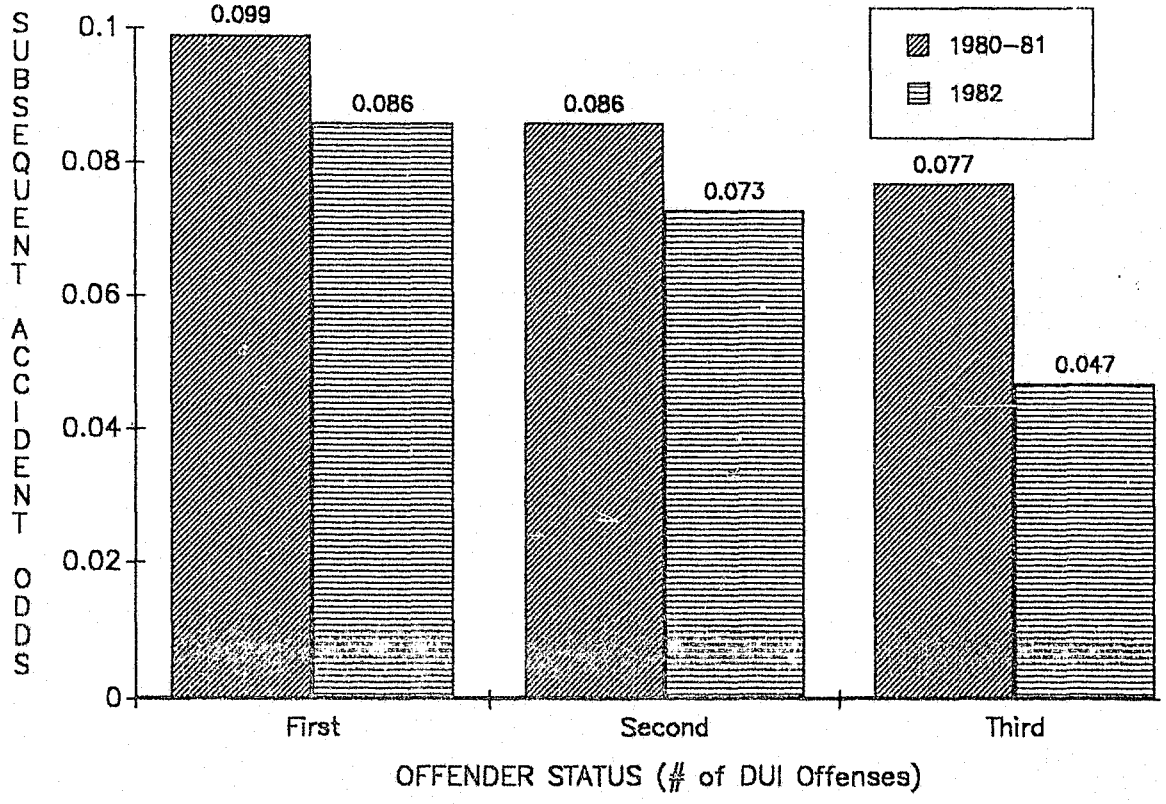


Figure 9a. Odds of a subsequent accident occurring before and after AB 541 by DUI offender status. (Evaluated 1 year subsequent to entry conviction date.)

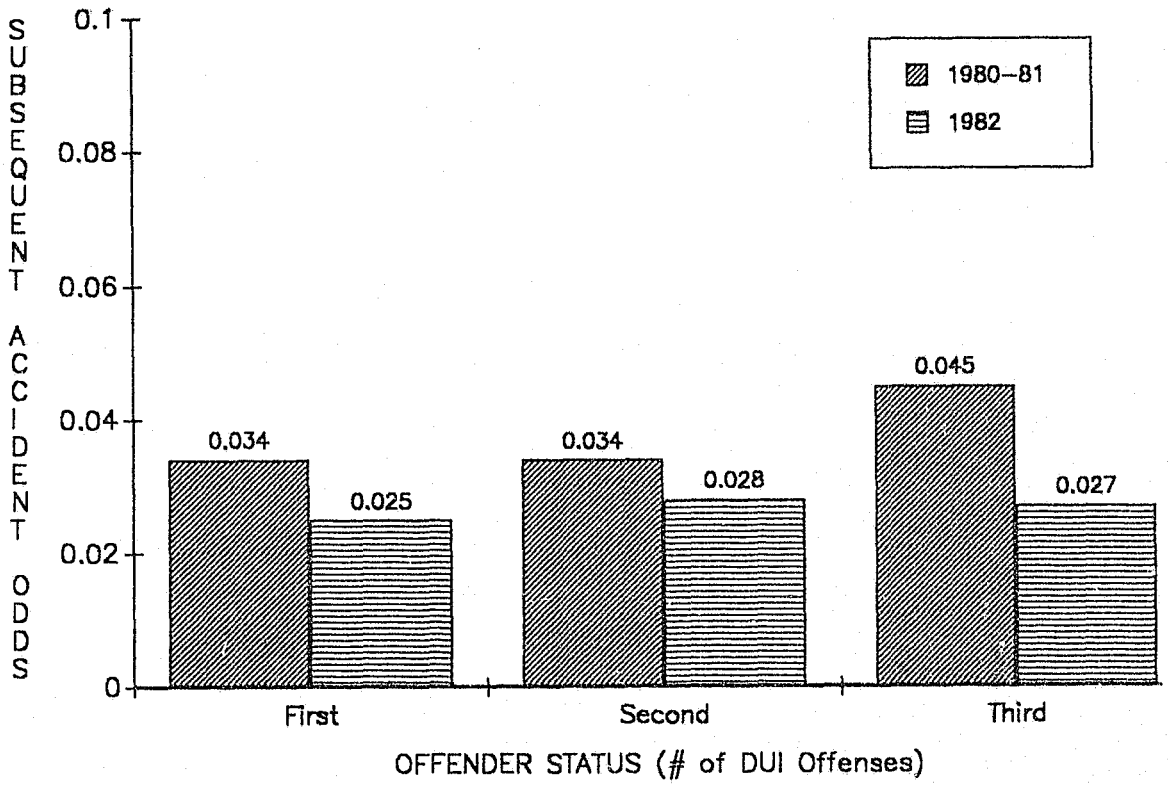


Figure 9b. Odds of a subsequent alcohol accident occurring before and after AB 541 by DUI offender status. (Evaluated 1 year subsequent to entry conviction date.)

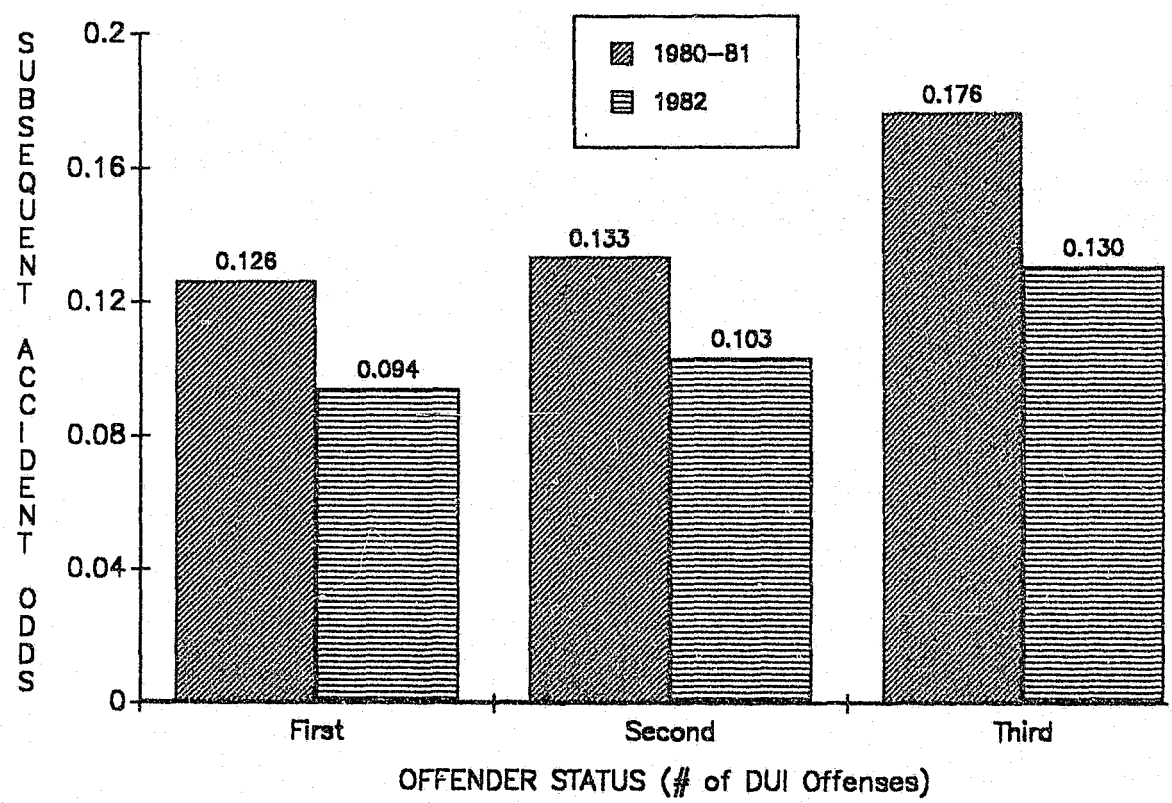


Figure 9c. Odds of a subsequent major conviction occurring before and after AB 541 by DUI offender status. (Evaluated 1 year subsequent to entry conviction date.)

VOLUME 4: AN EVALUATION OF THE PROCESS EFFICIENCY AND TRAFFIC SAFETY IMPACT OF THE CALIFORNIA IMPLIED CONSENT PROGRAM

The California implied consent (IC) law requires that a motorist who has been arrested for driving under the influence of alcohol or drugs submit to a chemical test (blood, breath, or urine) to determine the alcohol or drug content of his or her blood. A test refusal results in the automatic loss of all driving privileges for a period of six months to three years, with the length of the license action dependent on how many convictions for DUI or alcohol-related reckless driving violations the refuser has had prior to the arrest. Due process of law is provided through administrative hearings.

This study was designed to describe the California IC system and to answer a number of questions related to the program's operational efficiency and effectiveness, the characteristics of its target population, and its impact on traffic safety. A narrative and flow chart were developed describing the major components and decision points of the IC system. Time lag and frequency data were obtained from documents in the case files for a sample of 4,464 motorists who refused a test in 1981 or 1982. The driving records for these refusers were also obtained, and the accident and conviction data were used to determine: (1) whether a conviction was obtained for the related DUI charge, (2) traffic safety risk levels, and (3) the traffic safety impact of the IC license suspension. The driving records for a small sample of refusers whose suspensions were reinstated in October 1984 after being upheld in an administrative hearing (n = 392) were used to determine the effects on time lags of changes in the IC system subsequent to 1982.

The DMV received 31,978 chemical test refusal reports from law enforcement agencies in 1982. Ninety-eight percent (31,285) of these reports resulted in license suspensions. Approximately 31% (9,672) of those suspended requested hearings. On the average, one out of every two hearings was rescheduled. About 27% of those who requested hearings either failed to appear at or cancelled their hearings. About 92% of all hearings resulted in suspensions being upheld.

During 1981 to 1982, the time lag from refusal to the mailing of a suspension order was 27.9 days for refusers who did not request hearings and 29.6 days for refusers who requested hearings. However, in October 1984, this time lag had dropped to 19.9 days (for those requesting hearings). The time lag from refusal to the mailing of a suspension-reinstatement order was 139.9 days and 122.5 days for the 1981-82 and October 1984 periods respectively. The differences in time lags between 1981-82 and October 1984 appear to be too large to be explained by seasonal variation, and are probably attributable to changes in the processing of refusal reports, the decentralization of the hearing review process, and field updating of IC actions following hearings.

Although it has been shortened since 1982, the time lag from refusal to suspension might be reduced further. In the hearing process, a significant source of delay was the high rate of hearing reschedulings. On the average, one out of every two hearings was rescheduled (three out of four when subjects were represented by counsel). Another source of delay in the hearing process was the preparation of hearing reports and mailing them to the DMV headquarters, which took more than five weeks for 50% of the cases. The activities involved in scheduling, reporting, and reviewing hearings should be examined in detail to identify ways to shorten the time lag.

In 1982, about 60.6% of refusers were convicted of the related DUI charge, compared to a 66.1% conviction rate for all DUI arrestees. If the drinking driver population were aware that refusing a test does not substantially increase the probability of avoiding a DUI conviction, and that receiving an IC suspension is virtually a certainty, fewer refusals might result.

The proportion of repeat offenders was much (about 55%) higher for refusers than for nonrefusers. Despite this and other between-group differences, the net total accident risk of refusers and nonrefusers over a 30-month period (combining the 18 months prior and the 12 months subsequent to the beginning of their sanctions) differed by less than 1%. In the subsequent 12 months, both refusers and nonrefusers were found to have higher risks of accident involvement than the general driving population.

The results from an analysis of the traffic safety impact of the IC suspension demonstrated that suspending refusers is an effective counter-

measure for this subgroup of the DUI population. During the 6-month suspension period, refusers whose suspensions were reinstated after an administrative hearing had significantly fewer alcohol-related accidents (63.7%), nonalcohol-related accidents (76.5%), and total accidents (72.2%) than did refusers whose suspensions were set aside.

Given the high costs and lengthy time lags associated with the IC hearing process, the Department should explore alternatives to lower costs and shorten time lags without sacrificing the traffic safety benefits already achieved by the current system. One way to reduce the costs of the IC program would be to discourage hearing requests from those who are likely to cancel or fail to appear. A filing fee (refundable if the subject is upheld) might discourage many of the less resolute hearing requestors.

One promising approach for reducing both time lag and costs is early administrative per se suspension accompanied by postsuspension administrative reviews. Law enforcement officers could seize the driver license of a refuser and issue a form serving both as temporary license (good for, say, 7 days) and a suspension notice. Refusers would be suspended earlier, and there would be fewer hearing requests because the suspension would remain in effect pending the outcome of the hearing, which would discourage dilatory hearing requests. This approach has been successfully used in Minnesota for several years, both for those who refuse tests and those who fail them (by having blood alcohol concentrations of .10% or higher). Motivated to a large extent by the early suspension criterion for qualifying for the Federal Alcohol Incentive Grant Program, 17 states have adopted laws similar to Minnesota's.

Results summarizing selected comparisons between suspended and nonsuspended offenders are summarized in Figures 10 and 11.

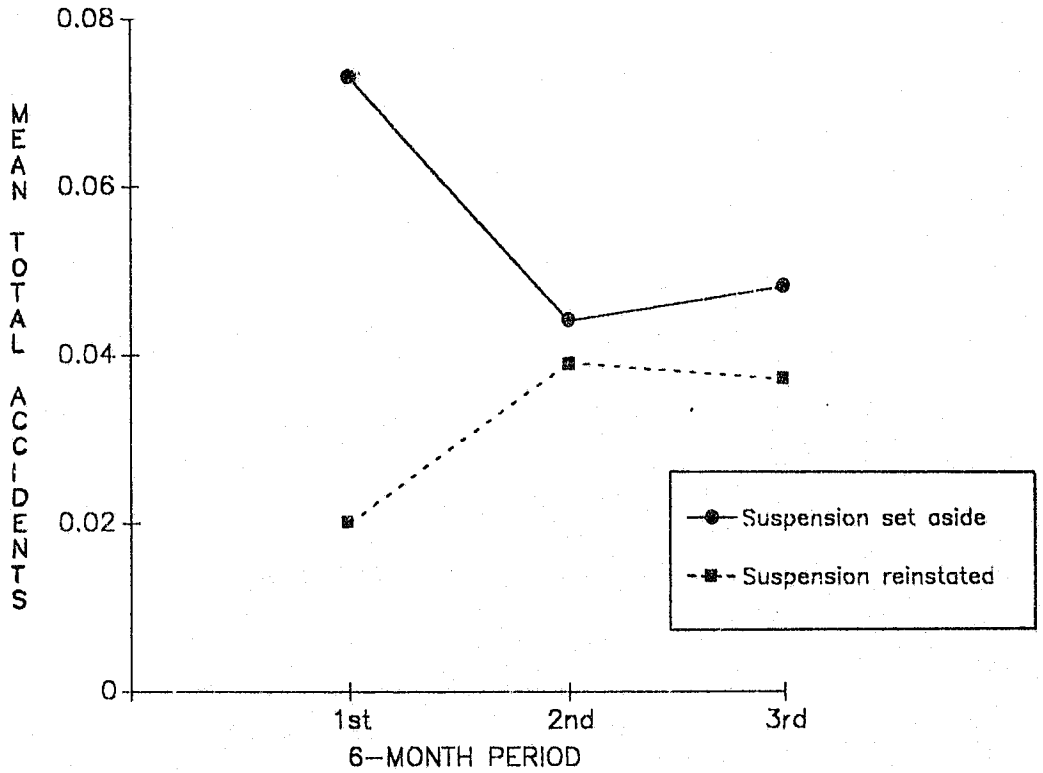


Figure 10. Total accidents for suspension-reinstated and suspension-set-aside subjects by 6-month follow-up period.

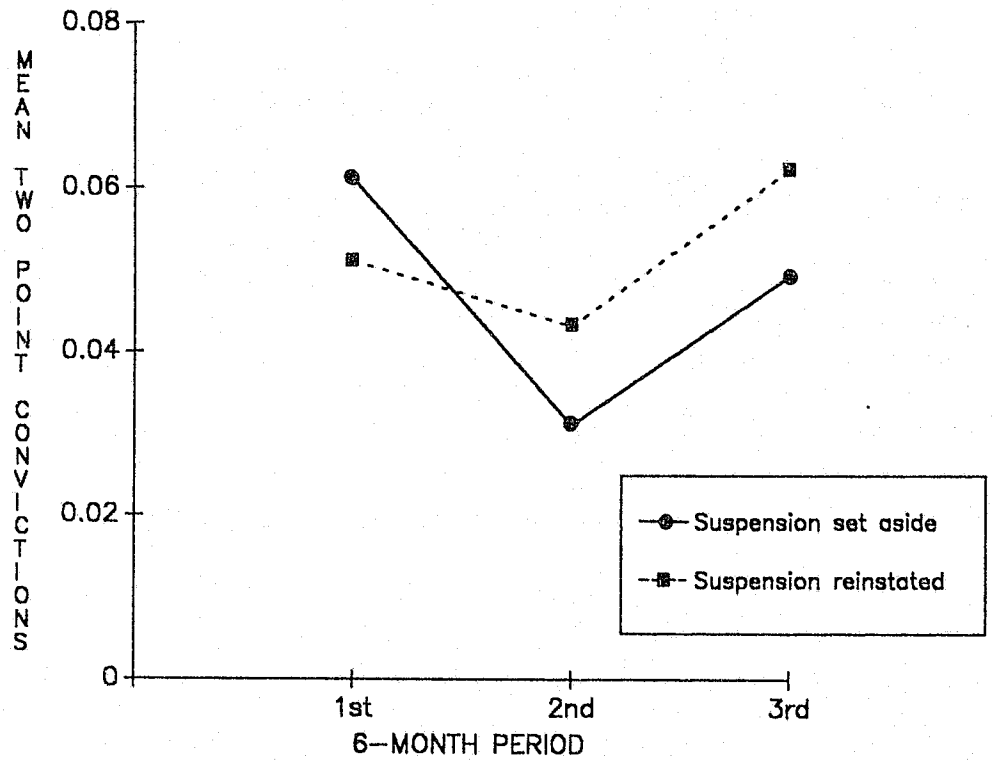


Figure 11. Two-point convictions for suspension-reinstated and suspension-set-aside subjects by 6-month follow-up period.

VOLUME 5: THE CALIFORNIA DUI COUNTERMEASURE SYSTEM: AN EVALUATION OF SYSTEM PROCESSING AND DEFICIENCIES

Among the major objectives of this study were the identification of deficiencies in the California DUI countermeasure system and an empirical evaluation of the frequency with which DUI offenders avoid timely processing or circumvent system countermeasures due to these deficiencies. The methodology proposed to achieve these objectives, that of tracking a sample of DUI offenders through the DUI system, also embodied the general objective of the study: to empirically describe and analyze the flow of DUI offenders through the California DUI countermeasure system.

A total of 3,959 DUI offenders arrested by 44 law enforcement agencies in 7 sample counties were tracked through the DUI system from the point of arrest through postconviction countermeasures. A separate sample of 701 convicted DUI offenders referred to alcohol education/treatment programs in the 7 sample counties was identified from program provider records and tracked through Department of Motor Vehicles, court, and program records. Among the results of the empirical analysis of DUI offender flow through the DUI countermeasure system were the following:

- There was wide variation in the probability of conviction for a DUI offender depending upon the county and court in which the offense was adjudicated; the use of sanctions also varied widely by county and court.

- The majority of alcohol education/treatment program dropouts were not reported to the DMV by the courts, and a substantial proportion of DUI offenders avoided license suspension as a result.

- 9% of drivers arrested for DUI were under license suspension or revocation at the time of arrest; only 20% of these drivers were convicted for the offense of driving while suspended or revoked.

- A surprisingly large proportion of DUI offenders were unlicensed (13%) or had multiple driver records (2.5%).

- The average elapsed time between DUI arrest and DMV action exceeded 6 months. Over 90% of this time was attributable to court processing and reporting.

- The statewide DUI conviction rates in 1981 and 1982 were, respectively, 60 and 66%. Inclusion of reckless conviction pleas in these figures increased the respective rates to 71 and 76%.

- The increase in conviction rate between 1981 (pre-AB 541) and 1982 (post-AB 541) occurred only among first offenders. The conviction rate for second offenders actually decreased.

- 17% of the reckless driving convictions resulting from a 1982 DUI arrest were incorrectly reported as regular (nonalcohol) reckless offenses and could therefore not be used as "priors" for license action purposes.

- Slightly fewer than 20% of the DUI offenses involving an injury or fatality resulted in felony arrests and only 20% of the felony arrests resulted in a felony DUI conviction.

Based on study findings it was concluded that: (1) the probability of punishment for DUI offenses must be increased in order to produce any large scale impact on the problem of drinking and driving, (2) the citation and conviction rates of those who drive while suspended or revoked must be improved in order for license suspension to remain an effective and credible traffic safety countermeasure, (3) in order for the DUI countermeasure system to function as a true system, goals and objectives must be developed along with a management information system to assess the achievement of those goals and objectives, and (4) improvement is needed in the accuracy of records in the DUI countermeasure system. Accordingly, the following recommendations for system improvements were offered: (1) legislation should be enacted to require administrative per se license suspension upon arrest for DUI and for any conviction of DUI, (2) efforts should be undertaken to improve the prosecution and conviction of drivers known to violate the suspension/revocation order, (3) a coordinating committee or centralized agency should be established to set the goals and objectives of the DUI countermeasure system,

and a management information system developed to continuously assess the achievement of those goals and objectives, and (4) the DMV should establish criteria for matching accident reports and court abstracts to driver records which maximize the probability of matching entries to existing driver records without significantly increasing the number of incorrect matches.

Figure 12 describes the volume flows and conditional probabilities through various branches and paths of the DUI control system.

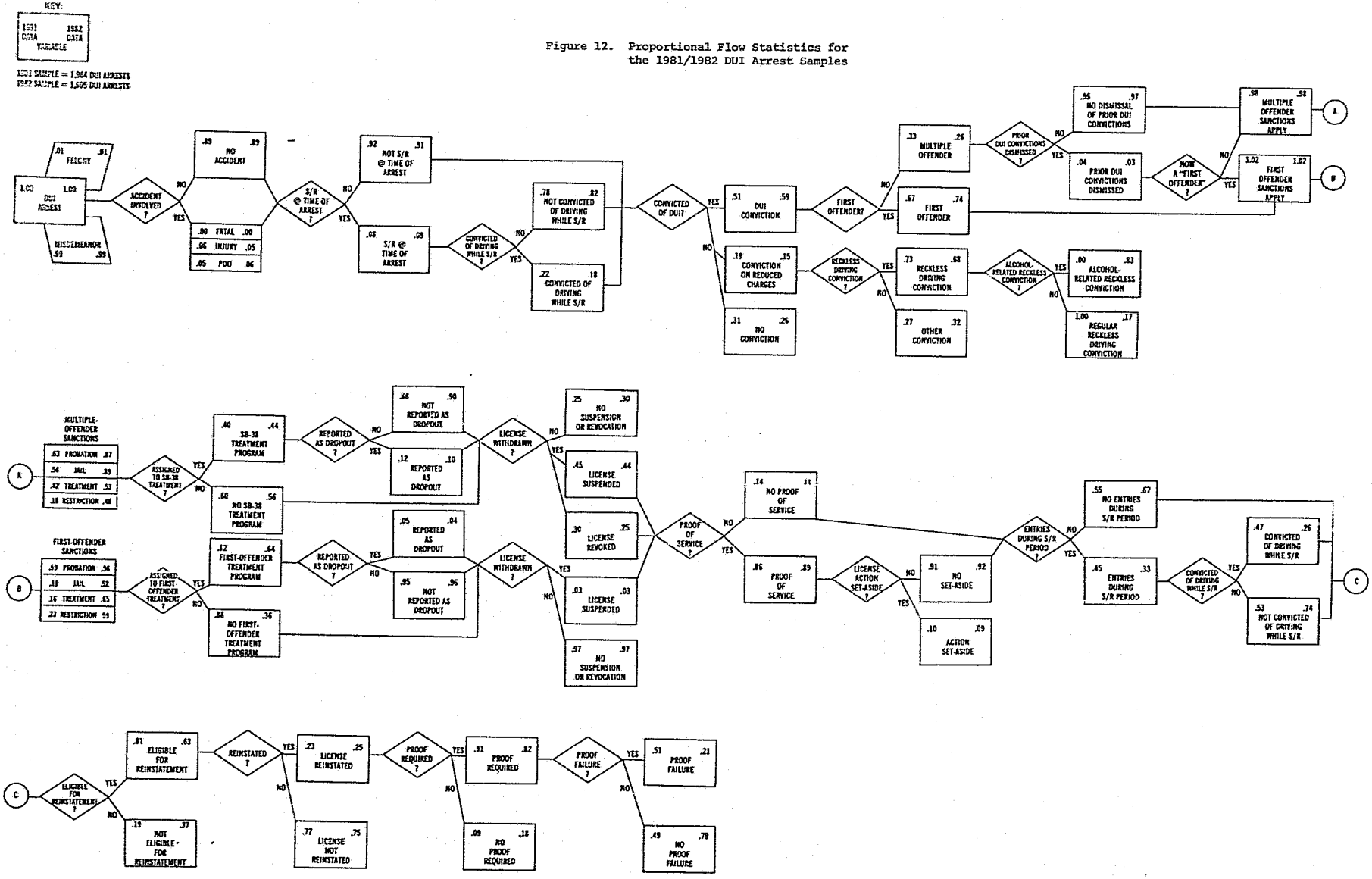


Figure 12. Proportional Flow Statistics for the 1981/1982 DUI Arrest Samples

VOLUME 6: AN EVALUATION OF THE IMPACT OF A WARNING LETTER FOR FIRST TIME DUI OFFENDERS.

The California driver improvement system has historically used a warning letter (W/L) as the first intervention for persons with unsafe driving records. This study was designed to evaluate the effect of warning letters and pamphlets on subsequent accident and conviction rates for first-DUI offenders. The study assessed the effect of two different factors: type of warning letter and frequency of contact. Two warning letters were used; the first was a "standard" warning letter intended for use in future DMV negligent operator programs, and the second was an experimental "personalized" warning letter which described the potential consequences of driving while intoxicated and which outlined alternatives to unsafe drinking-and-driving practices.

Methods

The subject sample was composed of 41,914 California drivers who had been convicted of a "first" DUI offense. Consistent with present law, a DUI conviction was considered a "first" offense if no other DUI offenses (leading to conviction) had occurred within the 5 years preceding the current violation date. Furthermore, only first-DUI offenders who possessed a valid California driver's license and who were over the age of 21 were eligible for this study.

To assess the effect of type of warning letter, drivers were assigned either to a control group or to one of two warning letter treatment groups which received either the "standard" warning letter or the experimental warning letter. To assess the effect of frequency of contact, a third treatment group was designated to receive two mailings of the experimental warning letter, with only minor variations in the content of the first and second letters.

It was intended to randomly assign first-DUI offenders to the control and treatment conditions throughout the duration of the subject selection process. Unfortunately, computer program modifications required for persons assigned to receive the experimental warning letter were not completed until

eight weeks after the start of the warning letter program. Due to this constraint, some assignments had to be nested with respect to time. This confounded the design for assessing the effect of type of warning letter, making it impossible to test for the interaction between time period and treatment effects.

Criterion Measures

The factors of frequency of contact and type of warning letter were measured by their effect on five accident and conviction criterion measures collected from the subsequent 12-month driver record (i.e., major convictions, total convictions, alcohol-related accidents, total accidents, and number of days to first major conviction). Bias analyses were conducted to identify relevant predictor variables on which the treatment groups differed significantly. There also existed variability in the criterion measures due to characteristics (i.e., covariates) not significantly related to treatment group assignment which could serve to decrease the ability to detect legitimate treatment effects. Covariance analysis was used to statistically adjust for the effects of such variables.

Results

Separate analyses were performed for the frequency-effect groups and "type of warning letter"-effect groups.

Stepwise regression analysis was used to identify potential covariates. Age showed a consistent negative relationship with all the dependent measures, indicative of the greater incidence of accidents and convictions among more youthful drivers. Measures of prior accidents and convictions showed their expected positive relationship with measures of subsequent (12-month) accidents and convictions. Subsequent convictions were significantly related to gender, with greater incidence among male drivers.

Effects of Frequency of Mailing

Separate tests of significance were performed for each of the dependent measures using the factors frequency of mailing and sampling time period. There were no significant effects of frequency of mailing (one experimental W/L vs. two experimental W/Ls), with the exception of a significant increase

in total accidents for persons who received two mailings of the experimental W/L. The expectation would be that a second mailing of the W/L would have either no effect or a slight positive effect. It is conjectured that this significant increase in total accidents is probably not meaningful and that there is, in general, no difference between one or two mailings of the experimental warning letter.

Effects of Type of Warning Letter

Tests of statistical significance were performed on each of the dependent measures using the factors "type of warning letter" (control, standard, or experimental) and sampling time period. Without exception, there were no treatment effects associated with type of W/L. Furthermore, the direction of the nonsignificant mean differences was neither consistent nor suggestive of meaningful interpretation. In general, the groups who received a W/L, either standard or experimental, tended to have an increased incidence of alcohol-related accidents and (major) convictions and a decreased incidence of total accidents and convictions relative to the control group. These directional differences are precisely the opposite of those expected, based upon the hypothesized effect of W/Ls.

Conclusions

Based on the results of these analyses, it was concluded that warning letters are not an effective treatment for first-DUI offenders, as measured by subsequent accident and conviction criteria, since neither the content (personalized or standard) nor the frequency of warning letter mailings yielded significant differences. It is recommended that none of the warning letters be implemented as countermeasures for use on the first-offense drunk driving population targeted in this study.

VOLUME 8: DEVELOPMENT AND EVALUATION OF A RISK ASSESSMENT STRATEGY FOR MEDICALLY IMPAIRED DRIVERS

The primary objectives of this project were the development and evaluation of a strategy for assessing the traffic safety risk of medically impaired drivers. The risk assessment strategy developed for this project involved consideration of an explicit set of objective and subjective risk factors in medical condition cases, and was implemented through the use of a "probable risk checklist." The probable risk checklist was pilot tested on 3,722 medical cases in one of four driver improvement regions in California from February 22, 1982 through June 25, 1982. Analysis of the pilot study data showed that:

- The best predictor of departmental estimates of risk and licensing actions in medical cases was the risk factor "lack of insight," which is a subjective measure of the Driver Safety Referee's (DSR) clinical impression of the driver. This implies that current departmental evaluations and actions with respect to medically impaired drivers are more a function of subjective, clinical assessments than they are of objective criteria known to be associated with risk (prior accidents, convictions, etc.).

- While generally there appears to be an appropriate and rational relationship between prior driver record, estimated risk, and licensing actions, this does not appear to be the case for drivers with alcohol-related conditions. Although drivers receiving alcohol probation had extremely high prior mean accidents and convictions, their estimated risk was judged to be only slightly higher than average, while their one-year subsequent driver records were the worst of any licensing action group. These data suggest that the DSRs are underestimating the risk of medically impaired drivers with alcohol-related conditions.

- The reactions of DSRs to the probable risk checklist were generally negative, although they do not appear to be opposed, in principle, to the concept of a systematic strategy for assessing the risk of medically impaired drivers.

The planned analyses on the impact of the probable risk checklist on DSR licensing actions and the predictive validity of objective versus clinical indices were not completed because of funding limitations. Due to the criticality of these analyses for making departmental policy and procedural recommendations, it was recommended that the analyses be completed through future grant funds or as part of the department's ongoing research and development program. The recommended additional analyses, if successful, should lead to implementation of a more reliable and valid method of assessing traffic safety risk in medical condition cases.

It was also recommended that, as an interim measure, steps should be taken to improve risk assessment of drivers with alcohol-related medical conditions.

POLICY ANALYSIS AND RECOMMENDATIONS

It is evident, from the preceding summaries and the numerous studies reviewed in the full technical volumes, that California's current DUI control system contains considerable room for improvement. In this section we will discuss DUI control in the context of modern deterrence theory and systems analysis, followed by a review of two recent national policy studies on DUI control. Having established the necessary conceptual foundation and policy perspective, we will proceed to outline the parameters of an optimum, or at least improved, process for the control of California's DUI problem.

Deterrence Theory

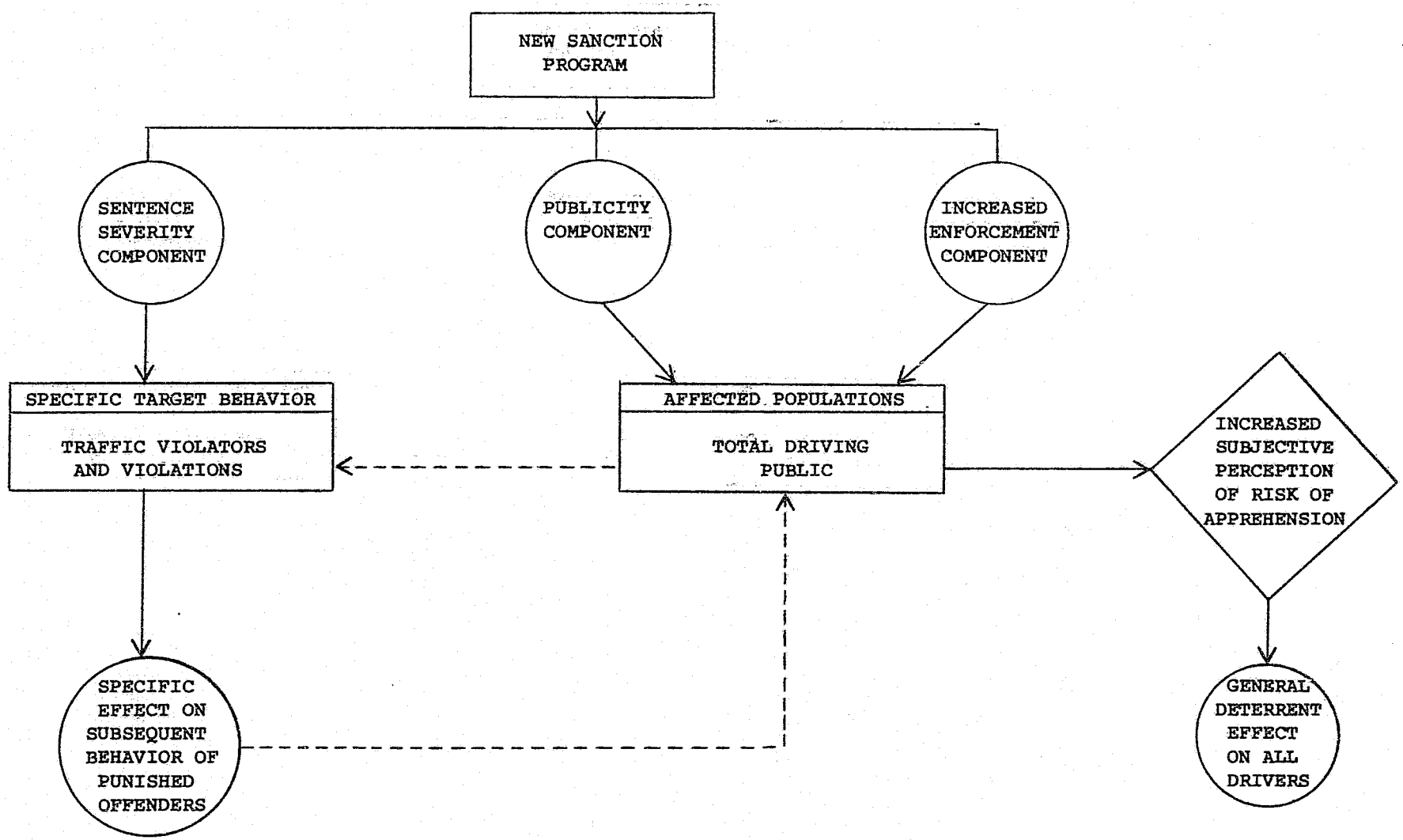
The extent to which laws and criminal sanctions reduce the probability of (deter) deviant and unlawful behavior is the central province of deterrence theory. Deterrence theorists distinguish between two major types of deterrence--specific and general. The former refers to the effect of a law or sanction policy on the subsequent behavior of those who are detected and sanctioned for a given offense. The effect of jail or fine on the recidivism rate of convicted drunk drivers is a classical example of specific deterrence. General deterrence, on the other hand, refers to a law's impact in deterring the general population from engaging in the undesirable behavior. In the case of DUI behavior, the effects of sobriety checkpoints, illegal per se BAC laws and mandatory jail sentences on a population's tendency to engage in that behavior are examples of general deterrence. These different channels of effects are diagrammed in Figure 13.

It is important to recognize that there may be little relationship between the two types of effects. A law may be very effective in deterring large segments of the population from engaging in deviant behavior, but have no effect on the subsequent recidivism rate of those who are arrested and convicted of the offense. Conversely, it is possible for a sanction to affect its recipients, but have no impact on the larger population's propensity to engage in that behavior.

There is considerable evidence and rationale to support the contention that emphasis on general deterrence offers more potential than does specific

Figure 13

POTENTIAL "EFFECT" CHANNELS OF AN INCREASED SANCTION PROGRAM



deterrence. General deterrence applies to the entire population at risk for a given deviant behavior/sanction policy, whereas specific deterrence applies only to the deviant individuals who are detected and sanctioned for the behavior. In the case of drunk driving, such individuals represent only a very small proportion of the drinking/driving population and these "self-selected" individuals tend to be resistant to modification. To be effective, both deterrence mechanisms are dependent on the presence of a sufficient subjective perception of detection which, in turn, is a partial function of the objective probability that a given incident of impaired driving will result in arrest and punishment. Deterrence theorists have frequently emphasized that increasing the severity of punishment, in the absence of sufficient subjective probability of detection, has little deterrent value and may even have undesirable system consequences.

California's adoption of a .10% per se BAC law primarily operates to increase general deterrence, and there is evidence (Volume 3) that it has had both general and specific deterrent effects.

Perhaps the single most important policy recommendation to emerge from this study (Volumes 3 and 5) was for adoption of an administrative per se license suspension statute. The deterrence potential of such a statute stems from its multiple effects on all facets of deterrence - probability of detection, swiftness, probability of receiving the appropriate sanction, reduced exposure, and increased severity.

System Analysis and Program Management

Although most would agree that deterrence (of impaired driving) and traffic safety are the primary terminal objectives of laws against impaired driving, there are constraints and subobjectives which must also be satisfied. A number of investigators have commented that the DUI control process is not really a system since the involved agencies operate relatively independently and pursue, in some cases, conflicting objectives (Finkelstein & McGuire, 1971). Although the existence of multiple objectives and constraints is a reality that must be accepted, this should not militate against moving toward a more systems-oriented approach to DUI control.

It may be informative to consider the formal requirements of any social control process if it is to function as a true "system."

1. The process must have some ultimate purpose and set of goals.

2. The actions of the operators must have some causal influence in promoting progress toward the terminal goals.

3. There must be accepted measures of "system performance" for gauging the system's effectiveness in achieving its central purpose and objectives.

4. The system managers must share a common set of assumptions and underlying axioms regarding the nature of the problems, causes and methods of control.

5. There must be a management information system for providing feedback on the system's effectiveness in achieving its purpose and goals.

6. Where a multiplicity of objectives and constraints exist, there must be some method of assigning priorities and allocating resources which contribute toward achieving the system's ultimate purpose.

A macro-illustration of the interrelation of the functions of the major organizational entities involved in drunk driver control is shown in Figure 14. To illustrate some of the attributes listed above, it is necessary to superimpose on this diagram a variety of management functions designed to execute, monitor and control the entire process. To the extent that public safety is accepted as the ultimate objective of DUI control, this management process can be viewed as a form of risk management. Figure 15 shows a very simplified diagram of a risk management process for driver control.

The existence of quantifiable measures of system performance and a management information system for providing "feedback" to various levels of managers and policy makers are crucial elements to any risk management process. The absence of a feedback system makes it impossible to monitor system performance, impossible to assure quality control, and difficult to implement

Figure 14

OBJECTIVE OF CALIFORNIA ENFORCEMENT/DRIVER CONTROL PROCESS AS A SYSTEM

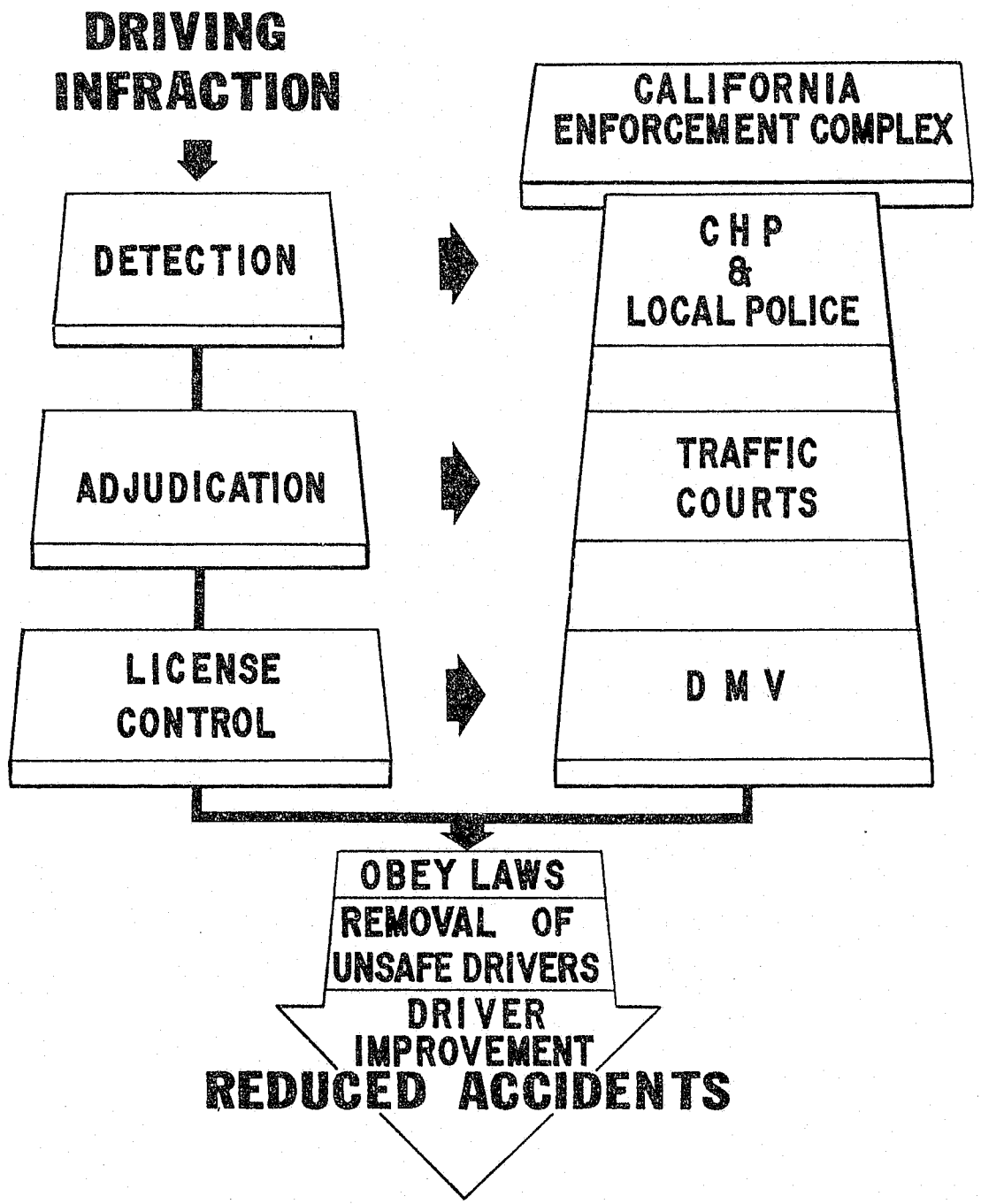
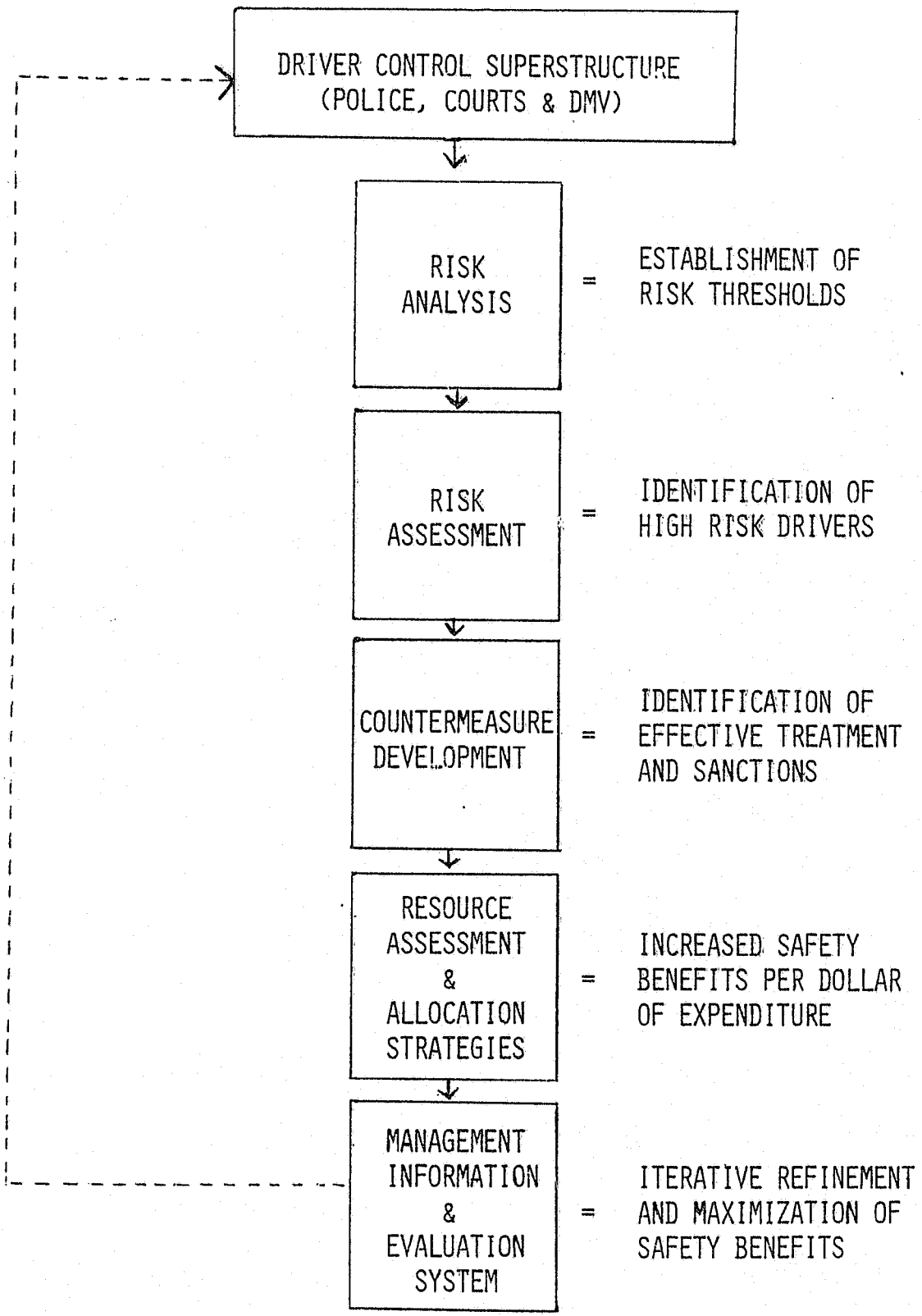


Figure 15

A RISK MANAGEMENT MODEL OF DRIVER CONTROL



the corrective actions and innovations required for improvement and coherent planning. As a first step toward promoting a "systems orientation" toward DUI control in California, this Department has received a grant from the Office of Traffic Safety (OTS) entitled Development of An Improved Management Control System for DUI Drivers. It is believed that implementation of the system developed from this grant will do much to improve and maintain system performance and process quality within acceptable thresholds. It is important to recognize that the above grant will focus on administrative and process measures, rather than on the system's effectiveness in reducing drunk driving and DUI-related crashes. This latter objective is the subject of another OTS grant entitled DUI Data Base and Recidivism Tracking System. Neither of these grants, however, will provide a basis for identifying the innovations and policy changes needed for achieving major reductions in drunk driving and DUI-related crashes. Fortunately, there already exists a body of empirical evidence and theory to provide the necessary policy guidance. Some of this evidence was provided in the previous sections of this monograph and in the detailed literature reviews presented in the technical reports for each study volume. Additional support can be found in the recommendations of two recent national policy monographs on drunk driving--one by the President's National Commission Against Drunk Driving and the other by the American Bar Association. The recommendations of these studies are presented below.

Report of the National Commission Against Drunk Driving

Based on expert testimony and a review of the pertinent literature, this presidential-appointed commission offered 19 "high priority" recommendations for combating the DUI problem. The results of a survey of each state's status on the recommendations were presented in the Commission's 1986 progress report. A "scorecard" of the survey results reproduced from the Commission's report is shown in Table 1. California is shown as conforming to 13 of the 19 recommendations. It would be more accurate, however, to reduce this number to 12, since it is known that suspended violators are frequently not prosecuted for driving with a suspended license and, even when convicted, they frequently avoid the mandatory jail sentences authorized under California statutes (Recommendation 16). Several of the areas of

Table 1

NATIONAL COMMISSION AGAINST DRUNK DRIVING
Checklist of Selected DUI Countermeasures
November 10, 1986

	ALABAMA*	ALASKA*	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE*	D.C.	FLORIDA	GEORGIA	HAWAII	IDAHO	ILLINOIS	INDIANA*	IOWA	KANSAS	KENTUCKY	LOUISIANA*	MAINE*	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI*	MISSOURI	MONTANA*	NEBRASKA	NEVADA*	NEW HAMPSHIRE*	NEW JERSEY*	NEW MEXICO*	NEW YORK	N. CAROLINA	N. DAKOTA*	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	PUERTO RICO	RHODE ISLAND*	S. CAROLINA	S. DAKOTA	TENNESSEE	TEXAS	UTAH*	VERMONT	VIRGINIA	WASHINGTON*	W. VIRGINIA	WISCONSIN	WYOMING	Summary YES	Summary NO
† 1. age 21	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●	●		●	●	●	●	●	●	●		●	●	●	●	●	●	●	●		●	●	●		●	●		●	●	●	●	●	●	●	●		44	8
2. seat belt law					●		●		●	●		●	●	●	●	●	●		●		●		●	●		●					●	●	●	●		●	●			●				●	●	●			●				26	26
† 3. administrative license pickup		●				●		●	●					●	●	●			●	●				●	●	●			●			●		●	●		●	●								●				●	●	●	22	30
† 4. .10 or lower per se level	●	●	●	●	●		●	●	●	●		●	●	●	●	●	●		●	●			●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		●		●		●	●	●	●	●	●	●		43	9
† 5. open container law					●							●	●	●		●	●						●	●			●								●		●	●				●	●			●			●		●		17	35
† 6. dram shop statute	●	●	●		●	●	●			●			●	●	●	●				●			●	●		●	●			●		●	●	●	●	●		●	●		●			●		●	●						28	24
† 7. victim restitution	●	●	●	●	●	●		●		●		●	●	●		●			●	●	●		●		●	●	●	●			●		●		●	●	●	●	●	●	●	●		●	●	●			●	●	●	●	37	15
† 8. user funded programs	●		●	●	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●	●	●	●	●		●	●		●	●	●	●	●	●			●	●		●			●	●	●	●	●	●	●	●	●	42	10
† 9. sobriety checkpoints	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●	●	●	50	2
† 10. preliminary breath test by law		●				●		●		●					●	●	●	●			●		●	●	●			●	●	●			●	●	●				●	●	●		●				●	●		●	●		26	26
† 11. test refusal admitted in court	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●			●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●		●	●	●	●	●		●	●	45	7
† 12. DUI plea bargaining excluded		●	●	●		●				●							●	●							●				●			●	●					●														●	13	39
13. felony, vehicle homicide, for causing death while DUI	●				●	●	●	●	●	●	●	●	●	●		●			●	●		●		●	●	●		●	●	●	●	●	●	●			●		●	●	●	●	●	●	●	●	●		●	●	●	●	39	13
† 14. at least 90 days mandatory license S/R, first offense	●						●	●	●																					●	●	●					●		●		●					●	●			●			13	39
15. withdraw youth license, DUI conviction and test refusal			●		●	●				●	●	●	●			●		●		●	●		●	●							●		●	●			●				●		●		●	●			●			●	23	29
16. mandatory jail, driving on suspended/revoked license		●	●	●	●	●	●	●				●	●	●	●		●		●	●		●				●			●	●					●						●		●	●				●	●	●			25	27
† 17. mandate DUI pre-/post-sentence investigation		●		●		●	●	●					●			●	●			●		●	●	●			●				●	●			●			●	●	●	●		●		●			●	●				24	28
18. ongoing DUI training for police	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●	●	●	●	51	1
19. ongoing DUI training for prosecutors and judges	●	●		●		●	●	●		●	●	●					●			●	●		●	●	●	●	●	●		●	●		●		●	●	●	●	●			●		●	●		●	●	●		●		33	19

● = legislative or administrative measure approved; includes future effective dates.

† = denotes Alcohol Traffic Safety Incentive Grant Funds 23 U.S.C 408. States with names asterisked have qualified for these funds .08 per se level in Oregon, Utah.

Survey work performed for the Commission by Allstate Insurance Company

nonconformance represent countermeasures which have large deterrent potentials. Specifically:

- o Recommendation #3 - administrative per se license suspension
- o Recommendation #12 - exclusion of DUI plea bargaining
- o Recommendation #14 - minimum 90-day license suspension for first offense

With respect to Recommendation 17, the Commission's report shows California as not having mandatory presentence investigation (PSI), which is still true. However, SB 2206 - Watson (1986) was enacted into law on 1/1/87 establishing PSI standards, a funding mechanism and discretionary authority for judicial use. The needs and benefits of a PSI requirement were not evaluated by any of the studies described in previous sections, but were assessed in a 1975 DMV study (Epperson, Harano and Peck, 1975). Although we do not believe that PSIs offer a great deal of deterrent potential, they can result in a more objective and rational sanction decision and are perhaps defensible on these grounds.

ABA Study of Drunk Driving Laws and Enforcement

The American Bar Association conducted a comprehensive review of the legal, enforcement, administrative, and sanctioning considerations relative to DUI control in the United States. The following is a summary of major conclusions and recommendations contained in their 1986 final report.

- Sobriety checkpoints represent a promising deterrent strategy, at least over the short term.
- Blood alcohol "per se" laws at BAC $\geq$ 0.10% should be established in setting the maximum legally permissable alcohol content for driving.
- The minimum drinking age should be 21 in all states.
- Server liability and dram shop laws should be enacted and supported.
- Legislation should be supported allowing relevant evidence of driver impairment from alcohol or drugs to be admitted in civil cases arising from traffic accidents.

- Mandatory minimum jail terms should be supported for multiple offenders, supplemented by other punitive and rehabilitative sanctions.

- Subjective judicial discretion in sanctioning first offenders should be reduced or eliminated. Instead, sanctions (including jail) should be based on objective criteria such as a first-offender's blood alcohol level and past driving record, and "aggravating circumstances," such as an accident involvement. Any additional "individualized" sanctions above mandatory minimums should be based on presentence investigation reports (PSI).

- Charge-reduction negotiations should be reduced or eliminated.

- State implied consent laws should be amended, where necessary, to authorize police to require (force) drivers involved in serious accidents to submit to chemical tests when evidence of probable impairment exists.

- Administrative per se license suspension laws should be supported, subject to certain due process procedures.

- Penalties for driving with a suspended/revoked license should be increased and more strictly enforced. Convictions for drunk driving while under license suspension should be considered an "aggravating factor" in enhancing sanctions for the DUI offense.

A comparison of the recommendations of the above two policy reviews indicates a large degree of concordance between the two groups and, in turn, concurrence with the conclusions and recommendations contained in the preceding sections of this monograph. Having established a reasonably compelling consensus as to the structure of an "ideal" DUI control program, it is appropriate to review California's program in light of this nucleus of optimum characteristics and then proceed to outline desirable alterations in California's statutory and administrative policy.

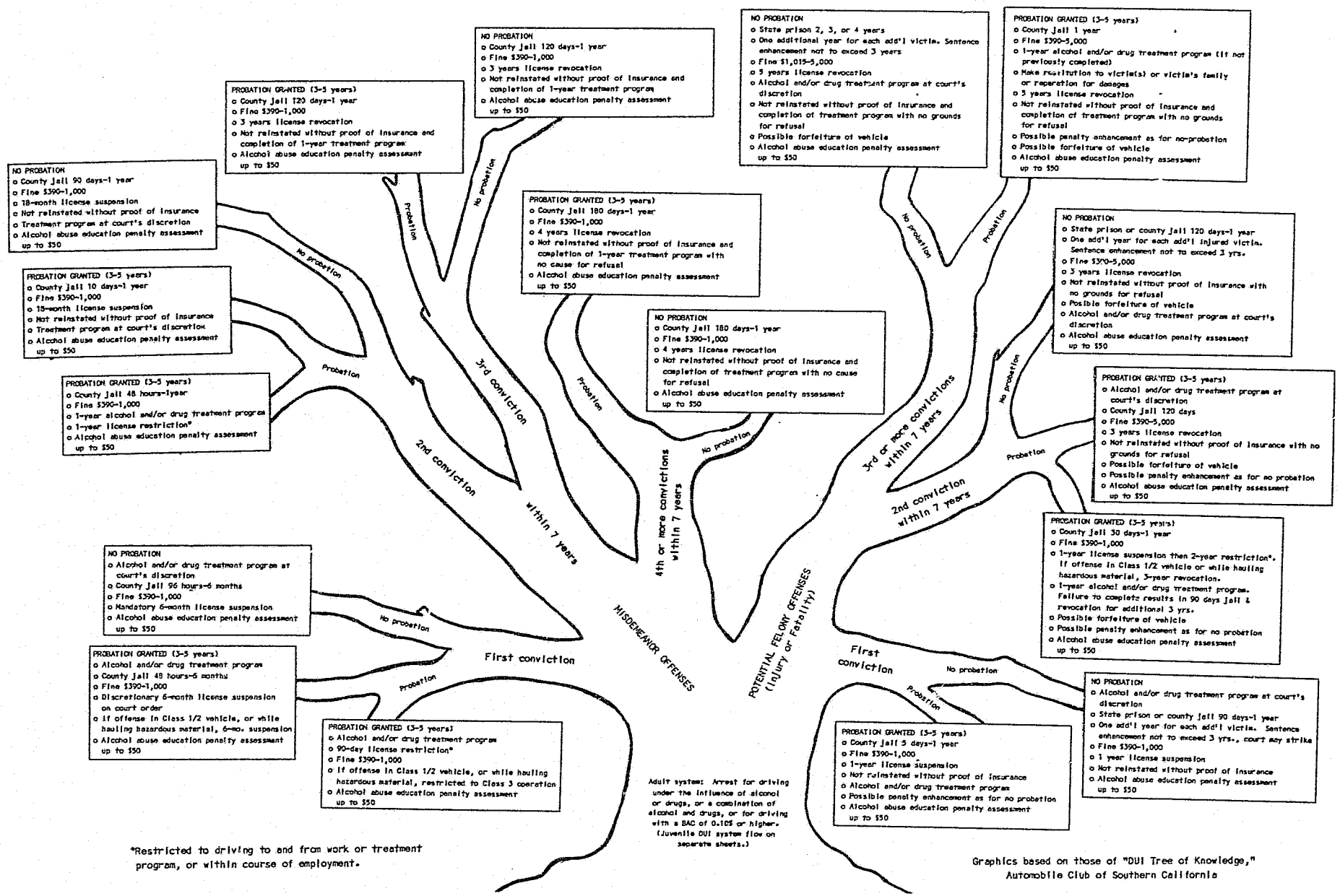
Defects in the Current Adjudication/License Control Process

A detailed flow chart of California's DUI control systems, from the point of arrest to DMV receipt and action, was presented in Volume 1. This description reflects statutory and administrative policy as of 1982. It therefore does not reflect changes which have occurred during subsequent years, and it also provides little detail on the process of reinstating drivers from suspension. We have therefore developed two charts for use in guiding this discussion. The first is a tree diagram whose graphics are based on those of the Automobile Club of Southern California's "DUI Tree of Knowledge." It shows the array of sanctions under current law for convicted DUI offenders having varying numbers of prior convictions (Figure 16). The second chart is a flow diagram showing the postconviction DMV process in considerable detail (Figure 17). Just a cursory glance at Figure 16 is sufficient to allow the conclusion that California's sanction policy is highly complex and provides a great deal of judicial discretion. A more detailed inspection also indicates that the system is not consistent with some of the recommendations from the above two policy studies. Probably the most notable conflict relates to the recommendation for a mandatory license suspension for first offenders.

Although Figure 16 indicates that courts have discretionary authority to suspend first offenders, the results presented in Volume 5 indicate that only 3% of first offenders actually receive a suspension. Perhaps more noteworthy is the fact that California law does not require suspension of second offenders. As indicated by the tree diagram, second offenders who enroll and complete a one-year rehabilitation program receive only a license restriction.

The sanction configuration is further complicated by the fact that the courts use sanctions that are not authorized by statute, at least insofar as this can be inferred from abstracts of conviction reported by the courts. In Volumes 3 and 5 of the DUI systems study, it was found that some first offenders have their licenses restricted without also being required to attend an alcohol education program, and that mandatory jail sentences are not always given. Another questionable sanction, though permissible under current law, is to assign first offenders to an education program without also restricting the offender's driving privilege. This is a very commonly used sanction, as shown in Volumes 3 and 5.

Figure 16. Tree Diagram of Current DUI Sanctions



*Restricted to driving to and from work or treatment program, or within course of employment.

Graphics based on those of "DUI Tree of Knowledge," Automobile Club of Southern California

An analysis of Figure 17 pinpoints some other defects in the system. Note, for example, that second offenders assigned to SB 38 programs maintain their (restricted) license privilege following program completion without having to file and maintain evidence of proof of insurance. Another problem relates to quality control and verification of program completion. In first-offender programs, the courts are theoretically responsible for determining compliance. However, there is no explicit requirement to monitor completion status, to notify DMV of nonattendance, or to impose jail and/or license suspension. The system for monitoring compliance varies from court to court and is generally not reliable. In some cases, offenders assigned to a program never show up and this fact does not become known to the courts.

In the case of second-offender programs, the rehabilitation providers report dropouts directly to DMV, which then issues license suspensions. As in the case of first offenders, reporting has been neither reliable nor timely. The entire process is further complicated by the fact that the court can readmit dropouts and noncompliers back into the program up to two times. Each dropout and readmission results in imposition and then termination of license suspension. If first-offender and repeat-offender programs continue as sanction options, we recommend the following changes:

- Positive reporting of completion status to DMV should be required. Failure to receive completion reports within a specified time period would result in license suspension.

- Offenders who drop out or do not comply with program requirements should not be allowed to have the ensuing license suspension terminated upon readmittance to the program.

Recall that the process flow chart shown in Volume 1 was based on the system as constituted in 1982. A comparison of Figure 17 with that flow chart (Figure 2) reveals several changes worthy of mention.

1. Legislation effective on 7/1/85 requires that four-time offenders and repeat felony offenders who have not completed an approved one-year SB 38

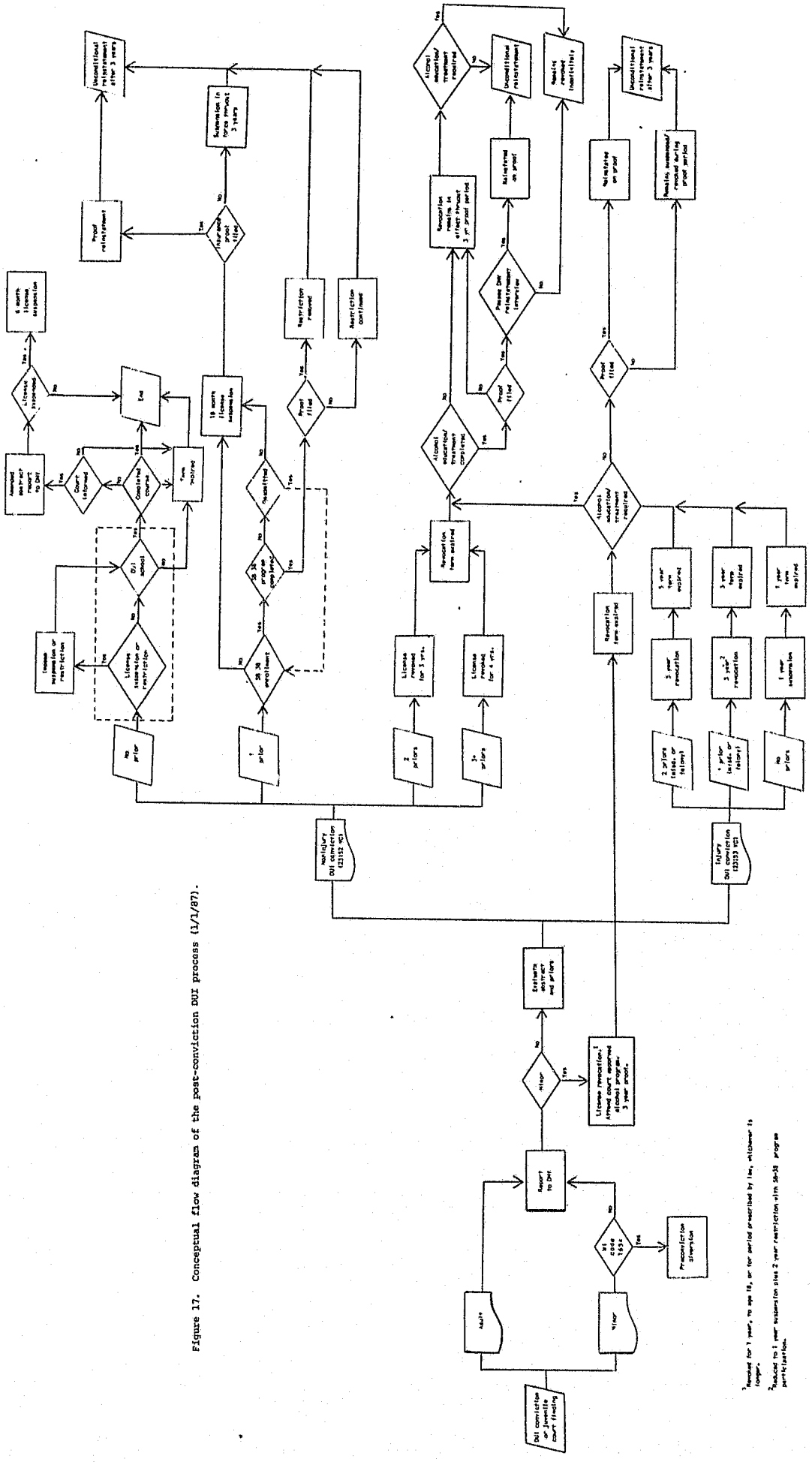


Figure 17. Conceptual flow diagram of the post-conviction DUI process (1/1/87).

[1] Revoked for 1 year, to age 18, or for period prescribed by law, whichever is longer.

[2] Reduced to 1 year suspension plus 2 year restriction with SB-38 program participation.

program are required to complete a program prior to being reinstated. The Department must also conduct reentry interviews to establish the fitness of such offenders to drive before reinstating their license privilege.

2. Legislation effective on 7/1/85 extends to 18 months the license suspension for two-time offenders who do not enroll in, and complete, an SB 38 alcohol-rehabilitation program.

3. Legislation effective on 1/1/87 changes the counting period for DUI priors from 5 to 7 years.

4. Legislation effective on 1/1/87 makes it unlawful for a minor to drive with a BAC of .05% or more. Offenders are required to complete an alcohol education or community service program.

5. Legislation effective on 1/1/85 requires that minors convicted of DUI complete a one-year alcohol treatment program.

6. Legislation effective on 1/1/84 requires that minors convicted of DUI have their licenses revoked for 1 year, to age 18, or for the usual period prescribed by law, whichever is longer.

Some Improved System Alternatives

A number of recommendations for improving California's DUI control system were presented in Volumes 3 and 5 of the DUI systems study (Tashima & Peck, 1987; Helander, 1986). Specific recommendations pertaining to the implied consent law are contained in Volume 4 (Sadler, 1986). These recommendations are summarized in the earlier sections of this report. Based on these results and the considerations presented above, we can outline some recommended policy changes. The recommendations are organized around statements of end purposes, as described below.

I. Steps should be taken to increase the probability of being detected for impaired driving. In addition to the obvious option of increasing the

number of enforcement personnel, three additional measures deserve consideration and/or increased implementation.

A. Use of prearrest breath screening devices when evidence of probable impairment exists in investigating traffic violations and accidents. It has long been known that the routine interaction between officer and driver is not a reliable method of identifying those drivers who should be required to take a field sobriety test (FST). Heavy drinkers can appear very normal and alcohol odor can be concealed or virtually absent in the presence of substantial BAC levels. As a result, the present system of administering chemical tests only to those who take and fail an FST results in a substantial false negative rate (not detecting persons who are truly impaired).

B. Use of sobriety checkpoints. The California Supreme Court has recently upheld the constitutionality of the CHP's system of establishing roadblocks or checkpoints to test random samples of drivers for impairment. Use and expansion of this system should be encouraged.

C. All local and state traffic enforcement personnel should utilize the three-test FST configuration (gaze nystagmus, walk and turn, and one-leg stand) found to have maximum discriminating power (sensitivity and specificity) for detecting alcohol impairment. Any FST should include these three tests (Olson, 1986).

II. Steps should be taken to increase the probability of being convicted of the original DUI charge. The following strategies should be implemented.

A. Place additional constraints on the prosecutor's and court's authority to plea-bargain DUI charges to a lesser charge.

B. Increase prosecution for driving with a DUI-suspended license; utilize the "constructive proof" concept as evidence of receipt of license suspension when signed proof is unavailable. This concept,

which is currently reflected in CVC 14601, allows proof of service to be inferred from certification that the suspension order was mailed to the driver's address of record.

C. Decrease subjective judicial discretion and the number of sanction options available to the courts; eliminate judicial authority to impose or waive license control sanctions; license control sanctions should be mandated by statute.

D. Require presentence investigations and develop sanction options based on the PSI standards developed by OTS pursuant to SB 2206-Watson (1986). High BACs (0.20% and above) and a history of accident involvement and moving violations should be the major factors in requiring enhanced sanctions and referral to education and treatment programs.

III. Steps should be taken to increase the impact of license suspension as a DUI deterrent.

A. A mandatory administrative per se license suspension law should be enacted to assure the prompt suspension of all chemical-test refusers and all offenders with BACs of 0.10% or more.

B. If the above law is not enacted, then the alternative should be to adopt legislation imposing mandatory license suspension upon conviction for any DUI offense.

C. Enrollment in DUI educational or rehabilitation programs should not be used as an alternative to prescribed license control actions. Instead, postconviction treatment programs should be used as an additional countermeasure for offenders who qualify under approved PSI standards. As an incentive to promote treatment, consideration should be given to reducing the length of the license suspension upon entry into, and completion of, a certified alcohol treatment program. In the same way, other promising countermeasures, such as ignition interlock devices, should be used only as additional, not

alternative, actions, until their effectiveness, if any, can be established. A demonstration-project (AB 3939, Farr, 1986) is currently in progress to provide this evaluation for ignition interlock drivers.

D. First offenders with high BAC levels (0.20% and above) should be subject to the same license control sanctions and rehabilitation requirements as second offenders. Legislation should be enacted to accomplish this.

IV. Steps should be taken to improve the communication and coordination linkages between the police, courts, treatment providers and DMV.

Legislation should be enacted to accomplish the following:

A. A system of "positive reporting" of program completion should be established in place of the current negative reporting system (i.e., reporting only noncompliance and inferring completion from the absence of a negative report).

B. A statewide telecommunication system should be established allowing electronic inputting of court abstracts to DMV's driver record data base and direct access to an offender's DMV driver record.

C. The current law, allowing second offenders enrolled in SB 38 programs to have their license restriction removed after 6 months and allowing program dropouts to be readmitted up to two times, should be abolished. The modification and readmitting authority unnecessarily complicates the communication/control process and cannot be justified in view of the present empirical evidence.

D. Courts should be required to serve suspension and revocation orders upon conviction in cases where the suspension is mandated by statute. In addition, offenders who circumvent license suspension by enrolling in an SB 38 treatment program should be required to

file and maintain proof of insurance. Legislation (AB 328, Frazee) has been introduced in the 1987 legislative session to implement these changes.

E. All forms of preconviction diversion of DUI offenses, including juvenile offenses, should be prohibited. Under existing Welfare and Institutions statutes (Section 1654), juvenile offenders can be placed on informal probation and avoid having the offense reported to DMV.

F. The use of vehicle impounding should be greatly expanded. Under current law (CVC 23195), courts have discretion to impound vehicles registered to convicted DUI offenders under very limiting circumstances. The authority is rarely used and the impounding is for only a brief period (30-90 days). Consideration should be given to enacting legislation requiring the DMV to revoke the registration of any three-time DUI offender who is convicted of a traffic violation or involved in a reportable accident while under revocation for a prior DUI offense. Similarly, any drivers convicted of drunk driving while under suspension should have their vehicle registration revoked. Co-registrants would be required to register the vehicle under the stipulation that use by the revoked party would result in impounding of the vehicle.

V. Steps should be taken to develop and implement a management information system for monitoring system performance and providing periodic status reports to the various organizations having responsibility for traffic safety and traffic law enforcement. Two OTS grants currently in progress at DMV are designed to:

A. Establish process and quality objectives and a system for tracking DUI incidents from point of arrest to DMV action. Process measures would be tabulated by county and court for inclusion in an annual "state of the DUI control system" report.

B. Establish a system for measuring the impact of DUI sanctions on recidivism rates and providing counties with periodic state and local recidivism norms.

Table 2 presents an overview of the key elements and rationale for an improved system. Based on the evidence presented in the previous chapters, there is no question that the proposed model would result in a substantial reduction in DUI rates and DUI-related traffic accidents.

TABLE 2

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
I. Detection of impaired driver	• Insufficient probability of detection & arrest.	• Inadequate number of traffic enforcement personnel. • Difficulty in determining probable cause of impairment from routine observation.	1. More efficient allocation of traffic police in field. Increased personnel. 2. Sobriety checkpoints. 3. Prearrest breath screening devices. 4. Use of optimum Field Sobriety Test battery.	Pages 22-24, 31-33 and 45-46. See references 1, 17, 31, 37, 44 and 47.
II. Adjudication procedures	• Conviction rate too low. • Suboptimal sanctions. • Failure to prosecute for driving with suspended license. • Use of inappropriate and nonstatutorily prescribed sanctions.	• Excessive plea bargaining. • Too many sanction options. • Lack of empirically-anchored sentencing guidelines. • Court unaware of driver's license status. • Lack of proof of service of suspension orders.	1. Decrease number of sanction options and subjective judicial discretion. 2. Require presentence investigation and use of PSI guidelines in determining sanctions. 3. Eliminate court discretion over imposition of license suspensions. 4. Narrow the conditions under which DUI offenses can be reduced to a lesser charge. 5. Prosecute 14601 cases without signed proof if order mailed to address of record (see IV for related recommendation). 6. Determine license status at time of arrest and prior to adjudication. Cite and book for V.C. 14601.	Pages 22-24 and 37-46. See references 1, 17, 32 and 33. Solution #2 embodied in recently enacted law (V.C. 23205) but use is discretionary. Authority for solution #5 exists in statute but is seldom used.

TABLE 2 (Continued)

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
III. License control	• Inadequate and insufficient use of license suspension as a sanction.	• Lengthy delays between DUI arrest and withdrawal of driving privilege. • Virtual non use of license suspension for first offenders. • Insufficient use of license suspension for repeat offenders.	1. Enact an administrative suspension statute triggering suspension upon arrest. 2. Enact legislation requiring all convicted DUI offenders (including first) to be suspended upon conviction. 3. First offenders with BAC's above 0.20% should receive same license control sanctions as repeat offenders. 4. Use alcohol education and treatment programs as supplements to, rather than substitutes for, license suspension; reduce length of suspension for program graduates as an incentive to promote treatment. 5. Impound vehicles of suspended drunk drivers who recidivate while under suspension.	Pages 11-19, 18-20, 22-24 and 37-48. See references 1, 6, 7, 8, 17, 31, 32, 38, 50, 51, 53 and 54. Partial authority for solution #4 resides in V.C. Sections 23206.5 and 23205, and supporting data are contained in reference 8. Discretionary authority for impounding vehicles resides in V.C. Section 23195. The DMV currently receives BAC level on abstracts of conviction but information is incomplete and can only be used for research purposes.
IV. Interagency coordination	• Time delays in inputting and retrieving info between alcohol program providers, DMV and courts. • Program completion status not reliably monitored; dropouts not reported to DMV. • SB 38 readmission standards too lax. • Some DUI cases not reported to DMV. • Public exposed to increased uninsured driver risks. • Law against driving with suspended license not adequately enforced. Drivers license frequently not picked up and signed proof of suspension not obtained.	• Lack of statewide interactive telecommunication network and DUI tracking system. • System of negative reporting does not reliably identify completion status. • Welfare and Institutions Code permits preconviction diversion of juvenile offenders. • Courts frequently do not pick up the driver's license or execute proof in cases where driver is already suspended or will be suspended upon conviction. • Courts can currently readmit program dropouts and non-compliers two times and can shorten license restriction to 6 months. • SB 38 participants can drive without maintaining evidence of insurance (proof).	1. Expand and enhance current statewide court-DMV telecommunication system. 2. Remove all DUI cases from purview of section 1654 of the Welfare and Institutions Code. 3. Have courts execute suspension order in cases where suspension is mandatory upon conviction. (This legislation has been initiated.) 4. Enhance court verbal notice and license pick-up procedures (form DL 310). (This has been done.) 5. Enact legislation to prevent reinstatement of license privilege for SB 38 dropouts who are readmitted into SB 38 programs. 6. Enact legislation to require that SB 38 attendees file insurance proof in order to avoid license suspension. (This legislation has been enacted.)	Pages 18-20, 22-24 and 41-49. See references 17, 50 and 53. Note: An improved telecommunication system is currently in operation and under continual development, through partial support from the Office of Traffic Safety.

TABLE 2 (Continued)

ELEMENTS OF AN IMPROVED DUI CONTROL SYSTEM

PROCESS	PROBLEM/DEFICIENCY	CAUSE	SOLUTION	RATIONALE/SUPPORT
V. Management information system	• Absence of measures of system performance. • Absence of data on the operating characteristics, process quality and impact of DUI control agencies, sanctions and countermeasures.	• Lack of a coherent set of explicit system objectives and goals. • Lack of a mechanism for monitoring system performance and for providing feedback to decision makers. • Nonavailibility of data on individual arrests which have not resulted in convictions. • Lack of data on reasons for nonprosecution and nonconviction of DUI offenses.	1. Establish a task force for developing specific system and subsystem objectives and performance measures. 2. Develop a management information system for providing feedback on system process parameters from point of arrest through DMV action (locally and statewide). 3. Develop a system for measuring the impact (locally and statewide) of DUI sanctions on recidivism and accident rates.	Pages 22-24 and 33-37. See references 17, 50 and 53. Note: Two Office of Traffic Safety grants are in progress to implement these solutions.

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