

# **Drunk Driving in Saratoga County, New York**

A Report to the Saratoga County District Attorney

May 3, 2005

David R. Karp, Ph.D.  
Associate Professor of Sociology  
Skidmore College  
Saratoga Springs, NY 12866  
(518)-580-5426  
dkarp@skidmore.edu

With assistance from the following Skidmore College students:

Miriam Popper  
Rebecca Balder  
Jarek Bell  
Kara Canoni  
Mai-leen Colon  
Gillian Connell  
Leslie Cortez  
Taylor de Lench  
Mario Galvan  
Laura Goldberg  
Rebecca Herman  
Tamara McEwan  
Christopher O'Donnell  
Daniel Pratt  
Anna Raup-Kounovsky

## Introduction

In this report, we describe the nature of drunk driving and the criminal justice response to it in Saratoga County. Our analysis is based on data for the years 1994-2002 provided by the New York State Division of Criminal Justice Services.

Prior research on drunk driving interventions indicates that Saratoga County is making use of many, although not all, known effective interventions.

This report seeks answers to the following questions:

1. How many people are arrested for drunk driving?
2. Who is arrested for drunk driving?
3. Have the demographic characteristics of arrestees changed over time?
4. Are the backgrounds of repeat offenders different from first-timers?
5. What sentences do drunk drivers receive?
6. What is the DWI recidivism rate for drunk drivers?
7. How does sentencing affect recidivism?

First, we review the research on DWI interventions, identifying promising practices, and then present data on DWI offenders in Saratoga County, examining sentencing patterns and recidivism.

## Prior Research on DWI Interventions

Drunk drivers kill as many as 22,000 people and injure 350,000 people each year (Sprang, 1997). More DWI offenders enter the criminal justice system than any other type of offender (Voas and DeYoung, 2002). DWI offenders represent 25% of people under correctional supervision (Maruschak, 1999). Despite this widespread criminal justice response, it is estimated that only one in every 2000 drunk drivers is arrested (Polacsek et al., 2001). And when they are, 37% will be arrested again (Sprang, 1997). In 1997, 1.5 million people were arrested for driving under the influence, and 513,200 were under correctional supervision. Of these, 89% were sentenced to probation. These offenders constituted 14% of the total probation population. While most (69%) of these probationers were sentenced to probation only, 31% were given a split sentence serving part of the sentence in jail or prison. Table 1 shows the conditions of their probationary sentences.

**Table 1. Conditions of Sentences of DWI Offenders on Probation, 1997**

<i>Condition of Sentence</i>	<i>Total</i>	<i>Felony</i>	<i>Misdemeanor</i>
	%	%	%
Fine	94	91	95
Alcohol treatment	86	77	88
Employment and training	41	50	41
Mandatory drug testing	28	35	28
Drug treatment	27	31	27
Community Service	24	35	22
Counseling	21	8	22
License Action	13	21	11
Incarceration/monitoring	13	20	10

DWI offenders differ from other probationers in several ways. They tend to be older, better educated, and are more likely to be white. One third of probationers have a history of alcohol abuse or dependence. 71% of the probationers reported having participated in alcohol or drug treatment prior to their arrest. One third of the probationers also reported a prior DWI offense.

#### *License and Vehicle Action*

License actions include suspension or revocation of the driver's license. In a study done by Peck et al. (1985) it was found the license suspension reduced the risk of drinking and driving by 50%. The problem is that up to 75% convicted drunk drivers will continue to drive despite the suspension (Nichols and Ross, 1989). Many states have responded with vehicle action laws, which include vehicle impoundment for one to six months, vehicle forfeiture, and registration cancellation. Research has shown that vehicle impoundment reduces recidivism more than the other actions (Voas and DeYoung, 2002).

#### *Ignition Interlock Devices*

An ignition interlock device prevents the driver from starting the car when the driver has been drinking alcohol. Requiring DWI offenders to install ignition interlock devices has been shown to be very effective at reducing recidivism (Voas et al., 2002) and more effective than license actions (Morse and Elliot, 1992).

#### *Jail*

Research has demonstrated that for all levels of offenders, recidivism rates are lower for offenders who are sentenced to alcohol treatment combined with a license action than for offenders sentenced to jail (DeYoung, 1997; Fradella, 2000). While incarceration has not been shown to be as effective as alternative sanctions, when it is used with repeat offenders, 6 month sentence lengths have a greater effect than either shorter or longer sentences (Weinrath and Gartrell, 2001).

#### *Treatment*

A recent application of the drug court model—which focuses on treatment—for drunk drivers in New Mexico demonstrated that the DWI court obtained lower recidivism rates than traditional court processing (Breckenridge et al., 2000). Wells-Parker et al. (1984), however, has found that treatment that is not coupled with other sanctions, such as license actions, probation, or remedial education does not reduce recidivism. Thus it is beneficial only in combination. Williams et al. (2000) found that treatment coupled with probation is effective. DeYoung (1997) found treatment coupled with license actions to be effective.

#### *Probation*

Warchol (2000) explored an Intensive Supervision Probation (ISP) for repeat offenders, who had three or more prior convictions for DWI, and compared them to a control group of incarcerated offenders. The ISP included electronic monitoring, curfews, drug testing, and frequent probation officer visits. The program also included counseling, treatment, and employment assistance. This program produced lower recidivism rates for the ISP offenders than for the incarcerated offenders. House arrest with electronic monitoring is

not more effective than jail, however, unless it is combined with treatment and employment assistance (Courtright et al., 2000).

#### *Community Service*

No studies have examined the effectiveness of community service sanctions on DWI offenders in particular. However, studies with general offender populations have demonstrated that community service produces lower recidivism rates than incarceration for similar offenders (Nirel et al., 1997; Killias et al., 2000).

#### *Victim Impact Panels*

Victim impact panels (VIP) are a one-time presentation by victims of drunk driving and a police officer or emergency medical technician who describes his or her experiences with drunk driving accidents. Wheeler et al. (2004) examined first-time DWI offenders in an intensive 28-day detention and treatment program that covered the physical and psychological effects of alcohol, human suffering and loss due to drunk driving, self assessments of alcohol and driving behavior, and individual action planning. The researchers did not find a difference between those in the program who additionally attended a VIP from those who did not. While prior evidence is mixed, a recent study by Rojek et al. (2003) found that VIP attendees are less likely to recidivate than similar offenders who have not attended a VIP.

#### *Conclusions Based on Prior Research*

Although fines are the most common sanction for DWI offenders, there is no existing research demonstrating its effectiveness. Alcohol treatment is the second most common sanction, and research has demonstrated its effectiveness especially as it is combined with other sanctions. License and vehicle action are less frequent sanctions though they have been shown to be effective, while incarceration is not effective compared to community-based sanctions. Ideally, the DWI offender would be sentenced to treatment, be required to install an ignition interlock, participate in community service, and attend victim impact panel or other educational program that would educate them about the consequences of DWI offending on victims and the community.

## How many people are arrested for drunk driving?

In Saratoga County, people are arrested and initially charged with Driving While Intoxicated (DWI) and Driving With Ability Impaired (DWAI).

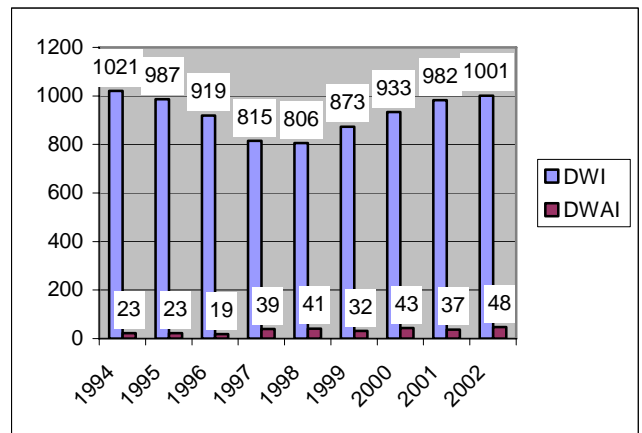
They are primarily arrested for DWI, and a decline and resurgence of arrests occurred in the late 1990's (Figure 1).

Most DWI arrests eventually result in a DWAI conviction (Figure 2).

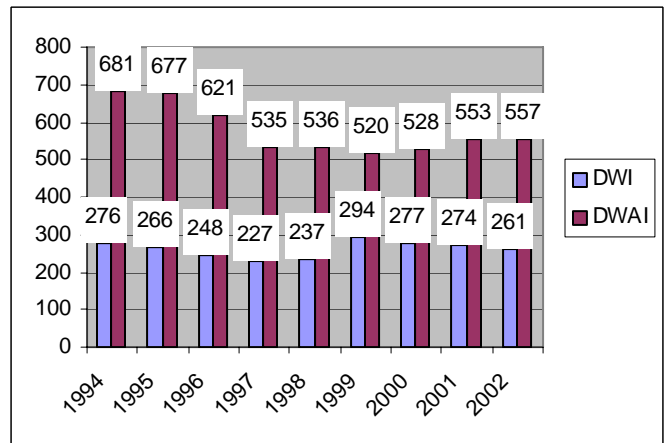
For the nine-year study period, 8,642 arrests were made for drunk driving and 7,568 (88%) of these arrests resulted in a conviction.

In recent years, the conviction rate was lower than average (Figure 3). In 2002, for example, it was 78%.

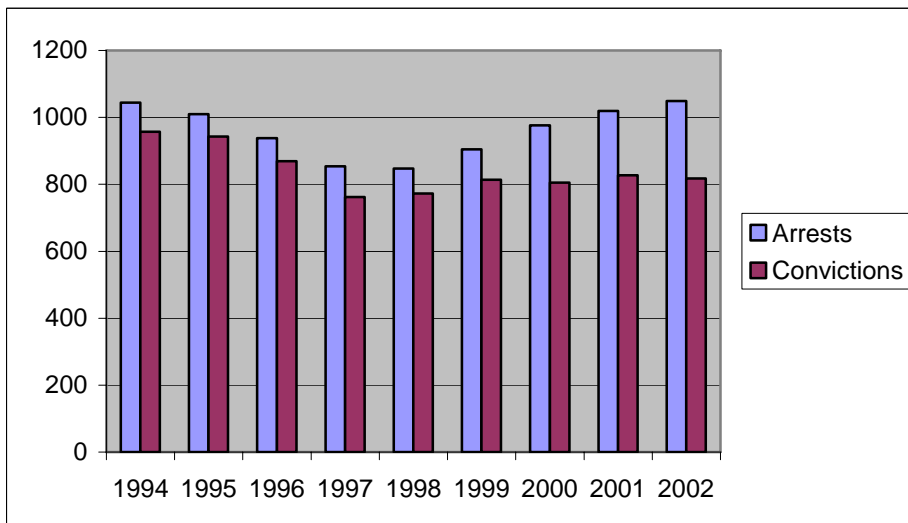
**Figure 1. Drunk Driving Arrests.**



**Figure 2. Drunk Driving Convictions.**



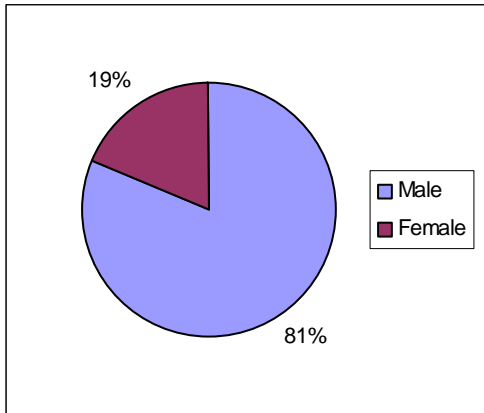
**Figure 3. Drunk Driving (DWI/DWAI) Arrests and Convictions.**



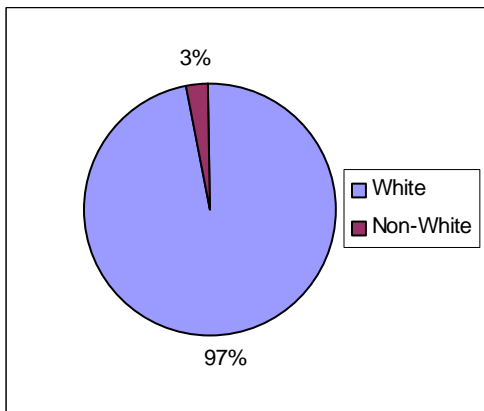
## Who is arrested for drunk driving?

Eighty-one percent are male (Figure 4) and 97% are white (Figure 5). Arrests are made across age groups, with 9% of arrests made for drivers under the legal drinking age (Figure 6). 30% of the offenders arrested for drunk driving have a prior DWI conviction (Figure 7).

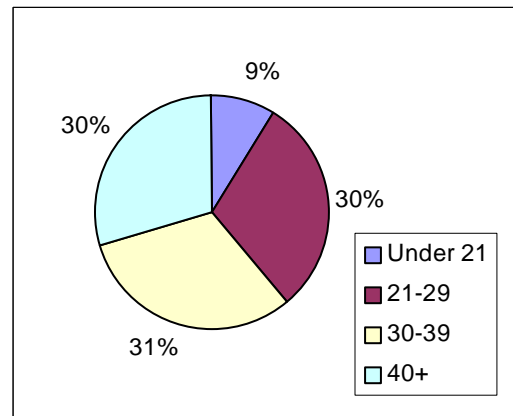
**Figure 4. Sex of offenders.**



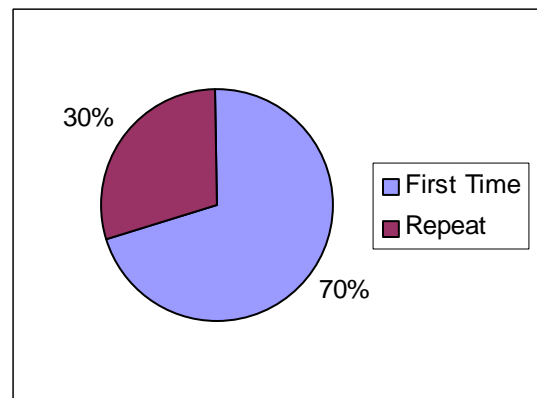
**Figure 5. Race of offenders.**



**Figure 6. Age Groups of Offenders.**



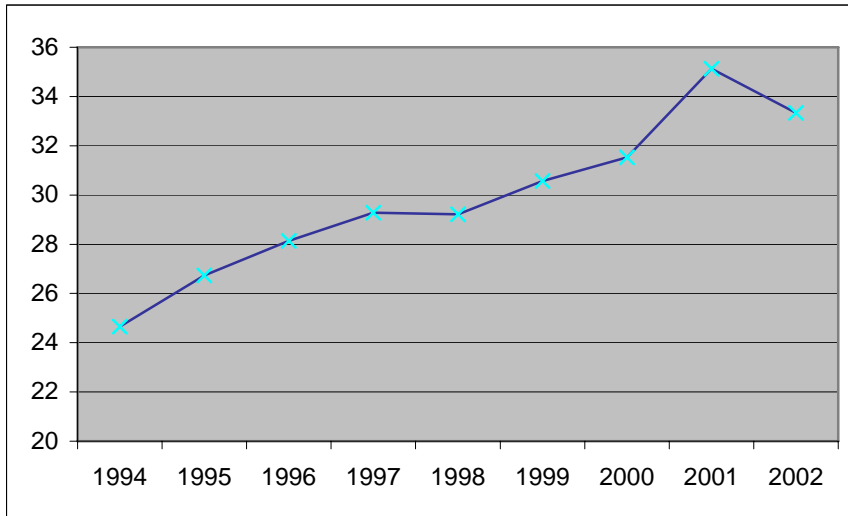
**Figure 7. Repeat Offenders.**



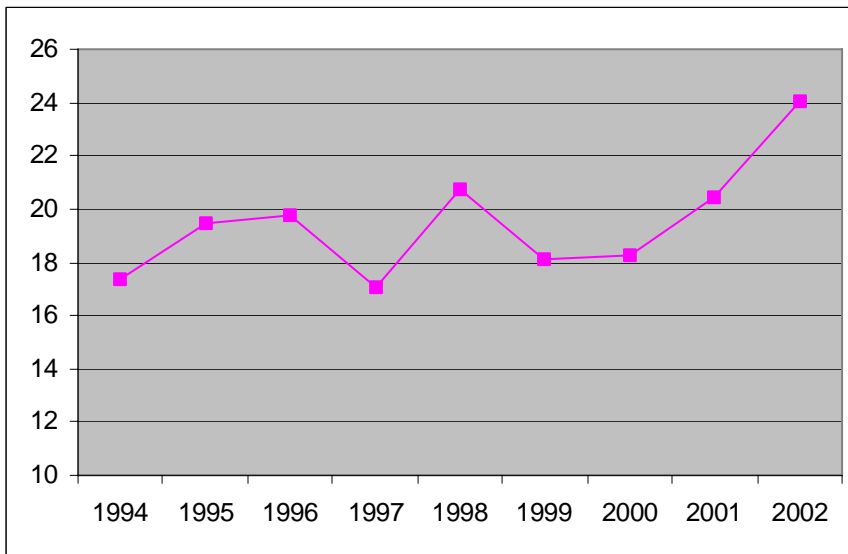
### Have the demographic characteristics of arrestees changed over time?

Over time, the race of offenders has remained stable. Among age groups, older drivers are occupying an increasing share of overall drunk driver arrests (Figure 8). In 1994, 25% of drunk drivers were over age 40, and this increased to 33% in 2002. There is also a slight trend showing an increase in the share of female drunk drivers (Figure 9). In 1994, 17% of drunk drivers were female, and this increased to 24% in 2002.

**Figure 8. Percentage of Arrests Over Age 40.**



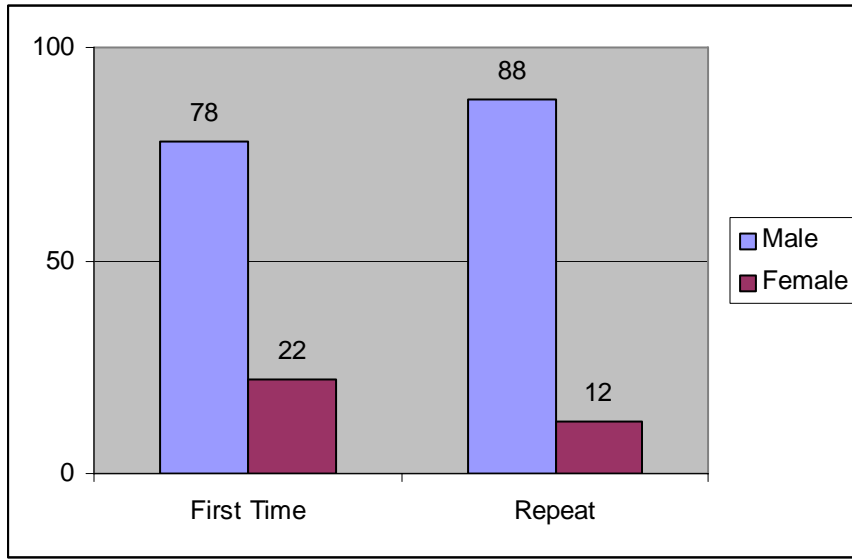
**Figure 9. Percentage of Female Arrests.**



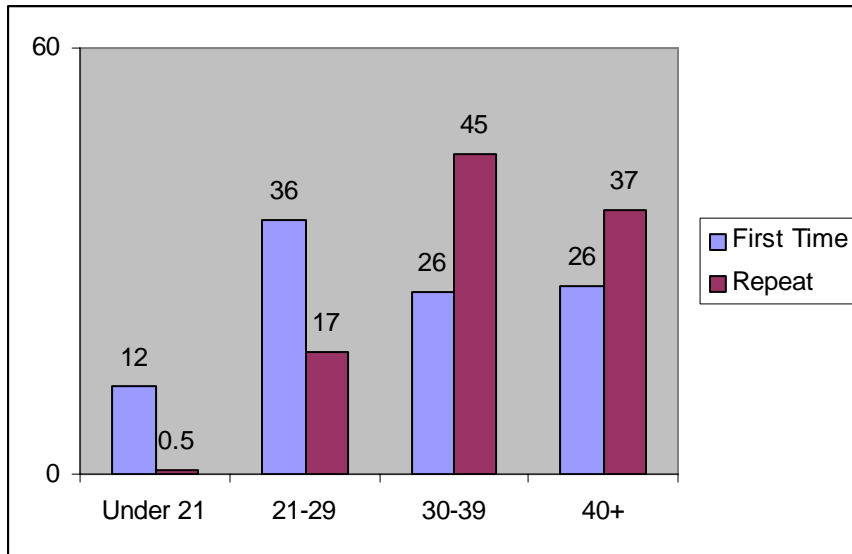
## Are the backgrounds of repeat offenders different from first-timers?

Repeat offenders differ from first time offenders in two important ways. First, males are more likely to re-offend than females (Figure 10). Second, repeat offenders tend to be older than first-time offenders (Figure 11). 48% of first-time offenders are under age 30, but only 17.5% of repeat offenders are under age 30.

**Figure 10. Percentage of Offenders by Sex.**



**Figure 11. Percentage of Offenders by Age.**

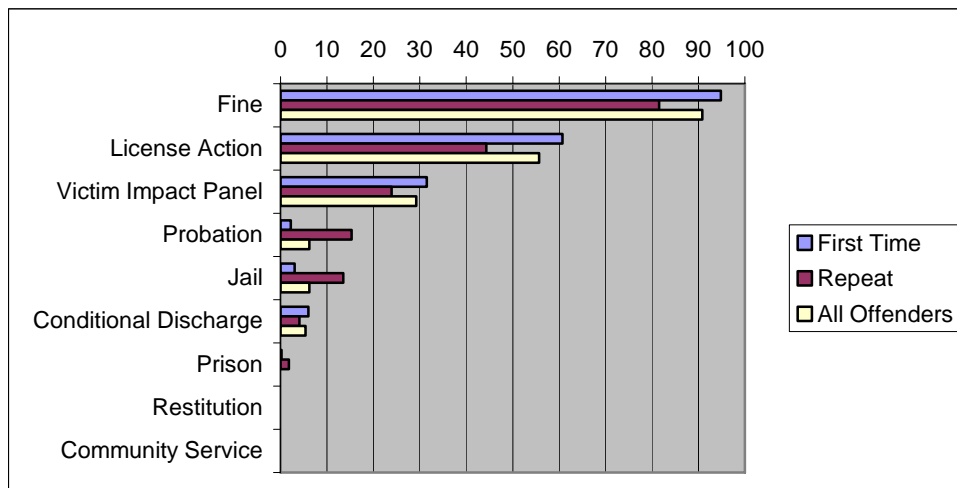


## What sentences do drunk drivers receive?

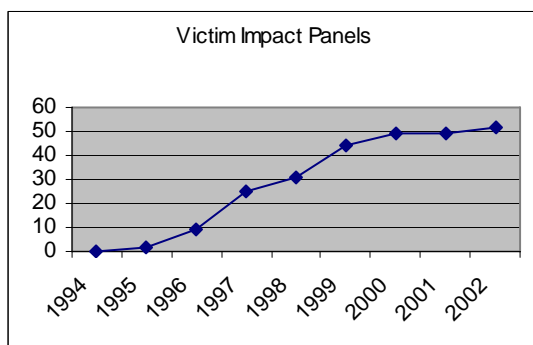
Sentencing of drunk drivers primarily includes fines, license actions (such as suspension or revocation), and a visit to a victim impact panel (Figure 12). Less frequently, offenders are sentenced to probation, jail (less than one year sentence), given a conditional discharge, or sent to prison (more than one year). They are almost never assigned restitution or community service. Fines, license actions, victim impact panels, and conditional discharges are more likely to be given to first time offenders than repeat offenders, while probation, jail, and prison sentences are more likely for repeat offenders than first-timers.

Sentencing has remained stable over time for most sanctions. Victim impact panels, which were not available prior to 1995, have steadily increased in use (Figure 13). License actions have fluctuated with peak use in recent years (Figure 14). Compared to the national average (Table 1, p.1), Saratoga County makes similarly high use of fines. It also makes frequent use of alcohol treatment, although we were not able to obtain data on this sanction. It does not make use of employment/job-training programs or community service unlike other jurisdictions nationwide. It makes greater use of both license actions and victim impact panels, and similarly low use of incarceration.

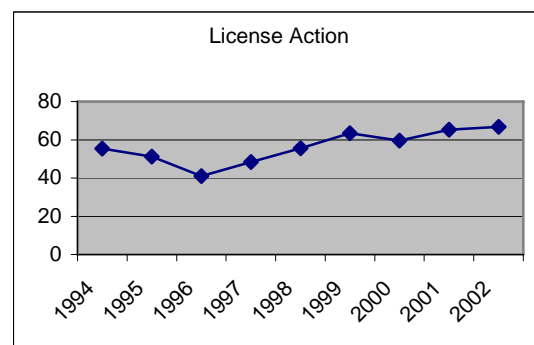
**Figure 12. Percentage of Drunk Drivers With Various Sanctions.**



**Figure 13. Percent of Offenders Assigned to Victim Impact Panels Over Time.**



**Figure 14. Percentage of Offenders With License Actions Over Time.**

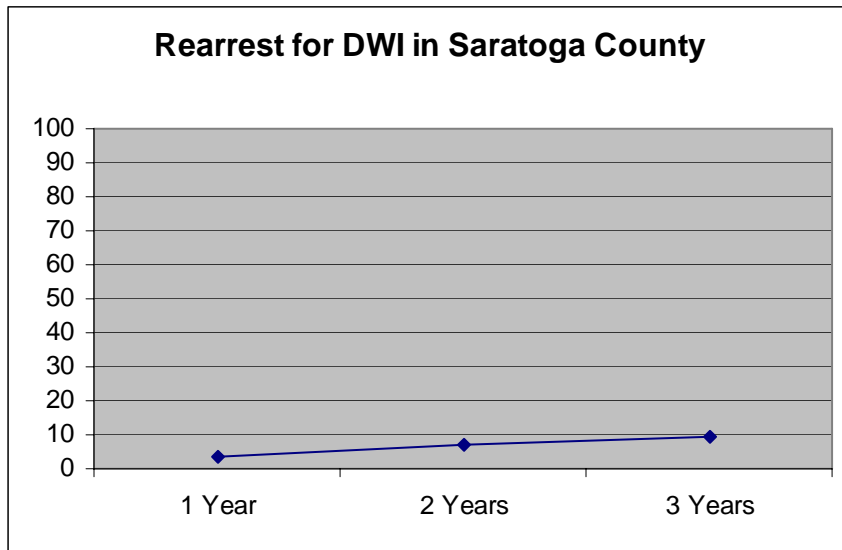


## What is the DWI recidivism rate for drunk drivers?

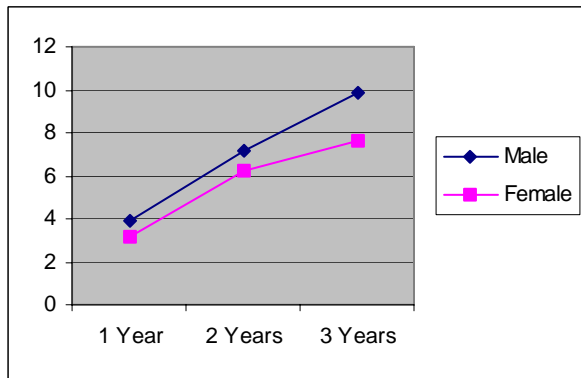
In Saratoga County, 10% of drunk drivers will be re-arrested for another drunk driving offense within three years of their previous conviction (Figure 15). (Note: this does not account for any reoffending outside of the county.) This recidivism rate is comparable between first-time and repeat offenders. It has been stable over time.

Males are slightly more likely to be rearrested than females (Figure 16). Younger people are more likely to be rearrested than older, and this is especially the case for those younger than 21 (Figure 17).

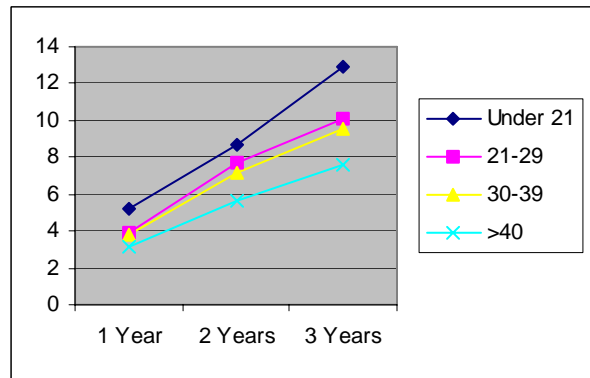
**Figure 15. Percentage of Drunk Drivers Rearrested for another DWI.**



**Figure 16. Percentage of DWI Rearrests by Sex.**



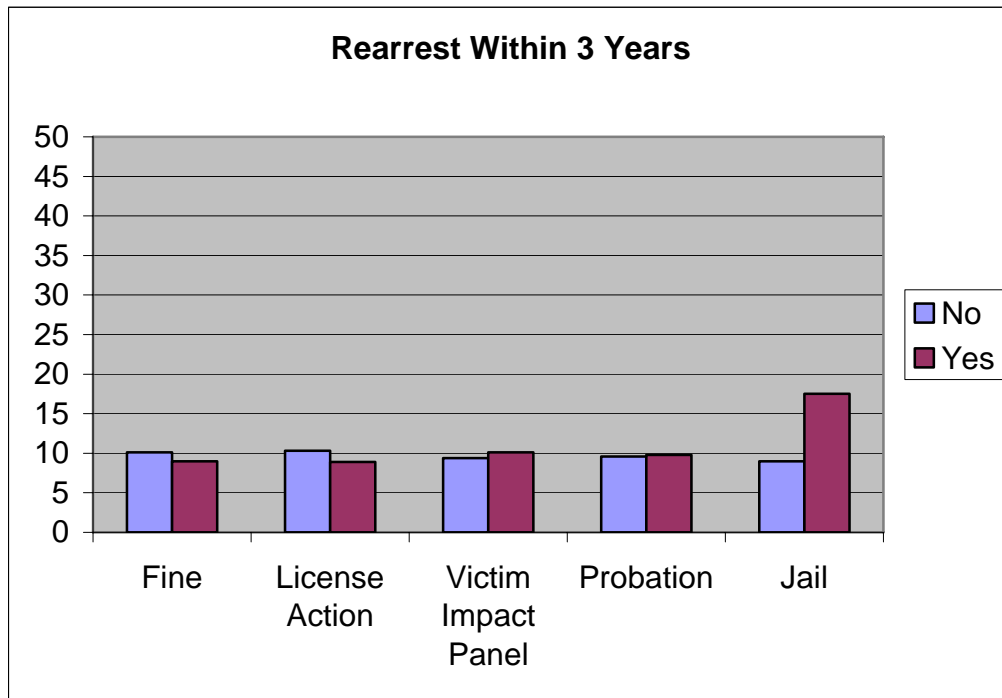
**Figure 17. Percentage of DWI Rearrests by Age.**



## How does sentencing affect recidivism?

Among the five most common sanctions for drunk drivers, none are correlated with lower recidivism rates (Figure 18). No difference is apparent for fines<sup>1</sup>, license action, victim impact panels, and probation. Those sentenced to jail are more likely to recidivate than those not sent to jail. This is true for first time and repeat offenders. Prior research has demonstrated that jail sentences yield higher recidivism rates than alternative sanctions. In our findings, however, it is also possible that offenders who are sent to jail are more serious offenders and, therefore, more likely to recidivate. Incarceration does not, however, appear to be very effective.

**Figure 18. Effect of Various Sanctions on Recidivism**



<sup>1</sup> To calculate the effect of fines, we excluded from the analysis all offenders sentenced to jail, since none of them received fines as part of their sentence.

**Conclusion**

Saratoga County has a relatively low recidivism rate for drunk drivers. Thus, one conclusion may be that its current interventions are effective. However, none of the major sanctions imposed on drunk drivers appear to reduce the likelihood of their reoffending, and one of these—incarceration—may actually make things worse. Some important sanctions are currently used in Saratoga County such as alcohol treatment, but are not included in this analysis. Further research is needed to measure their effectiveness.

Prior research indicates that effective DWI interventions include treatment, probation (with electronic monitoring, testing, and regular supervision contact), educational and occupational programs, license and vehicle actions, and ignition interlocks. Community service has been effective with general offender populations. Victim impact panels may be effective, but evidence is mixed. Incarceration tends not to be effective. The impact of fines is unknown.

A coherent sanctioning strategy would include a balanced focus on risk reduction and offender accountability (Table 2). To reduce risk, offenders would install ignition interlocks, receive treatment and other programs as relevant (such as education or employment training), and be supervised by probation officers. Incarceration would be used as a last resort, and when used, it would be coupled with treatment. To be accountable for their crimes, offenders would attend victim impact panels, pay restitution to victims (rather than a fine), and participate in community service—ideally for alcohol prevention efforts. Such an approach would meet the needs of offenders, victims, and the broader community.

**Table 2. A Balanced Approach to Drunk Driver Sanctioning.**

<i>Risk Reduction</i>	<i>Offender Accountability</i>
Ignition Interlocks	Victim Impact Panel
Alcohol Assessment and Treatment	Restitution to Victims
Education/Employment Programs	Community Service
Probation Supervision	

## References

- Breckenridge, James , L. Thomas Winfree, James Maupin, and Dennis Clason. 2000. "Drunk Drivers, DWI "Drug Court" Treatment, and Recidivism: Who Fails?" *Justice Research and Policy* 2:87-105.
- Courtright, Kevin E., Bruce L. Berg, and Robert J. Mutchnick. 2000. "Rehabilitation in the new machine? Exploring drug and alcohol use and variables related to success among DUI offenders under electronic monitoring." *International Journal of Offender Therapy and Comparative Criminology* 44:293-311.
- DeYoung, David J. 1997. "An Evaluation of the Effectiveness of Alcohol Treatment, Driver License Actions, and Jail Terms in Reducing Drunk Driving Recidivism in California." *Addiction* 92:989-997.
- . 1999. "An Evaluation of the Specific Deterrent Effects of Vehicle Impoundment on Suspended, Revoked, and Unlicensed Drivers in California." *Accident Analysis & Prevention* 31:45-53.
- Fradella, Henry F. 2000. "Mandatory Minimum Sentences: Arizona's Ineffective Tool for the Social Control of Driving Under the Influence." *Criminal Justice Policy Review* 11:113-135.
- Killias, Martin, Marcelo Aebi, and Denis Reibeaud. 2000. "Does Community Service Rehabilitate Better Than Short-Term Imprisonment? Results of a Controlled Experiment." *The Howard Journal* 39:40-57.
- Kunitz, S. J., W. G. Woodall, H. Zhao, D. R. Wheeler, B. Lillis, and E. M. Rogers. 2002. "Re-arrest rates after incarceration for DWI: A comparative study in a Southwestern county." *American Journal of Public Health* 92:1826-1831.
- Maruschak, Laura. 1999. *DWI Offenders Under Correctional Supervision*. Washington, D.C.: Bureau of Justice Statistics.
- Morse, Barbara and Elliott Delbert. 1992. "Effects of Ignition Interlock Devices on DUI Recidivism: Findings From a Longitudinal Study in Hamilton County, Ohio." *Crime & Delinquency* 38:131-157.
- Nichols, James L. and H. Laurence Ross. 1989. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." Pp. 93-112 in *Surgeon General's Workshop on Drunk Driving*. Washington, DC: U.S. Department of Health and Human Services Office of the Surgeon General.
- Nirel, Ronit, Simha F. Landau, Leslie Sebba, and Bilha Sagiv. 1997. "The Effectiveness of Service Work: An Analysis of Recidivism." *Journal of Quantitative Criminology* 13:73-92.
- Peck, R.C., D.D. Sadler, and M.W. Perrine. 1985. "The Comparative Effectiveness of Alcohol Rehabilitation and Licensing Control Actions for Drunk Driving Offenders: A Review of the Literature." *Alcohol, Drugs, and Driving: Abstracts and Reviews* 1:15-40.
- Polacsek, Michele, Everett M. Rogers, W. Gill Woodall, Harold Delaney, Denise Wheeler, and Nagesh Rao. 2001. "MADD Victim Impact Panels and Stages-of-Change in Drunk-Driving Prevention." *Journal of Studies on Alcohol* 62:344-350.
- Rojek, Dean G., James E. Coverdill, and Stuart W. Fors. 2003. "The Effect of Victim Impact Panels on DUI Rearrest Rates: A Five-Year Follow-Up." *Criminology* 41:1319-1340.

- Sprang, Ginny. 1997. "Victim Impact Panels: An Examination of the Effectiveness of This Program on Lowering Recidivism and Changing Offenders' Attitudes About Drinking and Driving." *Journal of Social Service Research* 22:73-84.
- Voas, Robert B. and David J. DeYoung. 2002. "Vehicle action: effective policy for controlling drunk and other high-risk drivers?" *Accident Analysis and Prevention* 34:263-270.
- Voas, Robert B., Kenneth O. Blackman, A. Scott Tippetts, and Paul R. Marques. 2002. "Evaluation of a program to motivate impaired driving offenders to install ignition interlocks." *Accident Analysis and Prevention* 34:449-455.
- Warchol, Greg L. 2000. "Intensive Supervision Probation: An Impact Evaluation." *The Justice Professional* 13:219-232.
- Weinrath, Michael and John Gartrell. 2001. "Specific Deterrence and Sentence Length." *Journal of Contemporary Criminal Justice* 17:105-122.
- Wells-Parker, Elisabeth, Robert Bangert-Drowns, Robert McMillen, and Marsha Williams. 1995. "Final results of a meta-analysis of remedial interventions with drink/drive offenders." *Addiction* 90:907-926.
- Wheeler, Denise R., Everett M. Rogers, J. Scott Tonigan, and W.Gill Woodall. 2004. "Effectiveness of customized victim impact panels on first-time DWI offender inmates." *Accident Analysis & Prevention* 36:19-25.
- Williams, David J., Pamela Simmons, and Adrian Thomas. 2000. "Predicting DUI Recidivism following an Alcohol Safety Action Program." *Journal of Offender Rehabilitation* 32:129-145.