

MAY 2 1986

A PROGRAM EVALUATION OF THE
KANE COUNTY COURT WATCHING PROGRAM

Laura Sutherland
May 2, 1986
Dr. Esseks
Honor's Capstone

INTRODUCTION

The Past 10 Years: National Averages

A drunk driver kills every 20 minutes.

More than 11 million families are related to someone seriously injured or killed by a drunk driver.

Drinking drivers are responsible for more than 25,000 highway deaths and 1.5 million injuries each year.

Everyday 14 teenagers die and another 360 are injured in alcohol-related highway incidents. Drunk driving crashes are the leading cause of death among 16 to 24 year olds.

The cost of drunk driving collisions has amounted to more than \$24 billion a year in wages, productivity, purchasing power, medical and legal costs.

* DOT-HS-806-385, March 1984.

Kane County's Response

Kane County is the fifth largest county in the state of Illinois. It is located 38 miles west of Chicago, Illinois, in the Fox River Valley. The population, as of 1985, is nearly 300,000 persons. The county seat is situated along the Fox River, in Geneva, Illinois. It is a county with a drunk driving problem to solve. Between 1980 and 1984 there have been over 200 highway fatalities that were alcohol related. (Kane County Criminal Justice Commission, 1985).

On September 14, 1982, the Kane County Board indicated its deep concern for county residents by passing Resolution 82-122. The resolution commissioned the Kane County Task Force on Drinking and Driving, to reduce the extensive death and injury due to driving under the influence (DUI).

The concept of establishing a county-level task force on drinking and driving first evolved out of the efforts

of the Kane County Criminal Justice Commission, which coordinated two seminars to examine the problem and possible solutions. The seminars put forth a major recommendation: A task force must be created to find appropriate solutions to the problems posed by drunk drivers. Thus, pursuant to the Resolution 82-122, the Task Force members -- approximately 25 members from all segments of the county, representing elected officials, law enforcement, judiciary, treatment agencies, concerned citizens and educators -- were appointed.

The call of the Task Force was to take a "total systems approach to the problem and develop any and all possible solutions that will lead to a reduction of death and injury caused by drunk drivers." In addition to the task of making recommendations to combat the local drinking and driving problem, the Task Force was designated a pilot project for the state of Illinois. The Task Force, therefore has served as a model for the institution and implementation of task forces throughout the state, serving both as a blueprint to create similar task forces and to provide ideas on how to improve local systems dealing with the DUI offender.

In 1985, the law enforcement and judiciary committee of the Task Force recommended that a court watching program be implemented in Kane County. The program was aimed specifically at having community volunteers monitor DUI cases as they progressed through the court system. Volunteers would sit in traffic court daily, taking notes on each DUI case. A total of twelve people participated in the program.

Volunteers were assigned to each of the five different courts in Kane County with some courts being watched more frequently than others. Volunteers collected data on over one thousand DUI cases. The data included factual information (sex and age of the defendant, type of hearing, sentence, etc.) and subjective comments about each case. This information was then presented to the Task Force for review. The program ran from December of 1984 through May of 1985. Its basic goal was to increase the DUI conviction rate by applying pressure on judges through a citizen's presence in the court room.

This program will be evaluated for two reasons. First, there is currently intense pressure by some members of the Kane County Task Force to start the program up again. Other members of the Task Force are reluctant to invest the time commitment necessary to run the program unless they can be assured that the program is having an impact on the judicial process. Second, more generally, court watching programs are a relatively recent phenomenon. The Cook County program, the oldest in the nation, began in 1974. A review of the literature indicates that there has not been any studies done evaluating the impact of such programs on judges. This evaluation will make a modest effort to close that gap in the literature.

Kane County is not alone in its efforts to combat drunk driving. Last year, in Illinois alone, there were over 800 traffic fatalities attributed to drunk driving. (Statistical survey, 1985, Illinois Secretary of State). Review of

reports from the Illinois Secretary of State and the U.S. Department of Transportation show that these agencies are taking wide measures to reduce the DUI problem. Many of these programs are aimed at changing public attitudes and the attitudes of judges and lawyers. In their 1985 report to the Governor, the Illinois DUI Task Force recognized that "citizen court monitoring of DUI cases has become a useful tool for evaluating the effectiveness of recent reforms."

In a study authored by the Department of Transportation (DOT HS 802 515, 1980) judges were identified as a target group for any local drunk driving program. The study indicated that judges, by their disposition of drunk-driving cases, have the authority to affirm irresponsible decisions about alcohol and driving or to contribute significantly to a redirection of public behavior toward responsible action. The major concern is judge's reluctance to treat drunk driving as a serious offense requiring rehabilitation of the offender, or to impose a fine or other punitive action. In order to combat this problem, the study suggested recording outcomes of drunk driving arrests over one month periods to show to judges. To assess the impact of public programs on judges the study recommends comparing the dispositions of drunk-driving cases before and after public education campaigns.

For the purpose of evaluating Kane County's court watching program, a comparison of DUI dispositions before and after the program was run will serve as outcome indicators. All the necessary data will be obtained by examining the

relevant court files.

Research Design

This study is designed to measure the extent to which the goals of the Kane County Court Watching Program have been met. The goals of the program were as follows:

1. To increase the actual conviction rate of drunk drivers in Kane County resulting in loss of license.
2. In those cases where a conviction does not result in loss of license, to increase the severity of the penalty, i.e. higher fines. (A person can be convicted and only receive a fine without losing his license.)

The development of the hypotheses used to determine if these goals have been met will be explained under the appropriate sections. However, all hypotheses were reviewed and standards for significance determined by the following five experts in the areas of law and drunk driving.

1. William Diamond - Director of Kane County Criminal Justice Commission. In charge of setting up and implementing the court watching program.
2. William Richards - Chairman of the Kane County Task Force on Drinking and Driving. Attorney in Kane County for the past twenty years, very active in promoting stricter DUI laws.
3. Judge Melvin Peterson - Currently in charge of deciding all DUI cases for Kane County. Member of the Task Force.
4. Shirley Benning - Director of AAIM, The Alliance Against

Intoxicated Motorists, IL. Active in promoting state wide standards for the processing of DUI cases. She was also very active in the court watching program.

5. Robert Morrow - Kane County State's Attorney and member of the Task Force

HYPOTHESES - Primary and Subordinate

In order to determine if the goals of the project have been met, the following primary hypothesis will be tested:

The court watching program was successful in influencing judges to issue more frequently convictions resulting in loss of licenses, or in cases where such a conviction was not given, to increase the severity of the penalty in terms of a higher fine.

The various people I mentioned earlier, in charge of and involved in the program, indicated that a minimum of a ten to fifteen percent increase in the conviction rate of each particular judge would be necessary in order for them to consider the program successful in this area. In cases where a conviction was not issued, these same people and other members on the task force indicated that a minimum of a \$500.00 fine for first offenders and a \$750.00 fine for repeat offenders would have to be imposed by each judge for the program to be viewed as successful.

In order to test this hypothesis, a comprehensive comparison will be made between three judge's conviction rates and penalties for drunk drivers before the program took place and

and during the last three of the six months the program was in effect. A comparison of the conviction rate before and after the program is not possible because many of the judges were transferred to another division shortly after the program was completed. Three of the five judges who were watched were selected for the comparison. In ranking the judges from least watched to most watched, I will be examining the records of judges one, three and five. The time period selected for comparison of the judge's records will be the last three of the six months the program was run - March, April, May of 1984 compared to March, April and May of 1985. Therefore, total convictions and penalties for the three month period of 1984 will be tabulated and compared against the same month's totals for 1985 to determine if the objectives of increasing the conviction rates of each judge by ten to to fifteen percent and establishing certain minimum fines were met.

This hypothesis and the others will be applied to each judge separately to determine the validity of the hypotheses and to notice any differences between the least-watched judge and the most-watched judge. In addition, the hypotheses will be applied to the judge's combined records to determine the validity of the hypotheses overall.

Subordinate Hypotheses

In addition to the primary hypothesis of comparing the judge's overall conviction rates and penalties, four other subordinate hypotheses will also be tested. The outcomes

of these tests will be used as the basis for determining the validity of the primary hypothesis. Each of the people I talked with indicated that if the conviction rates and penalties increased by the standards they set in any of these following categories, then they believed the program would be worth running again.

Hypothesis #2

The court watchers were successful in influencing the judges to treat repeat offenders more harshly.

Much of the government literature on drunk driving stresses that community action programs should take steps to get the repeat offender off the road (DOT HS 806 542, April 1984). The Kane County Task Force made this one of their main goals, and it was hoped that the court watching program would help to emphasize the community concern over the repeat offender. According to a statement of policy issued by the Kane County State's Attorney Office, their office is more likely to seek a conviction if the person is a repeat offender rather than if it is their first offense. (See Statement of Policy on Drunk Drivers, issued by Kane County State's Attorney, effective 1984, unpublished).

To test for harshness, the same standards and measurements of 10-15% increase in conviction rate and \$500-750 minimum fine will be used as were used to test the primary hypothesis.

Hypothesis #3

The court watching program was successful in influencing

judges to treat offenders with a high blood alcohol content (over .15) more severely.

Government statistics show that the higher a person's BAC is, the more likely they will be involved in an accident. In IL a minimum BAC of .10 is necessary for conviction. Forty-five percent of drivers killed in multi-car crashes had a BAC of .15 or higher (DOT HS 820 200). Therefore, persons with this BAC tend to represent a higher danger to the public; and program officials hoped that judges would take this into account when determining sentences.

The standards and measurements of 10-15% increase in conviction rate and \$500-750 minimum fines will be used to test this hypothesis.

Hypothesis #4

Judges will issue more convictions and higher fines to male defendants than to female defendants.

An informal survey of cases done by the Kane County Task Force indicates that the average person arrested in Kane County for drunk driving is between the ages of twenty-one and twenty-eight and male. (See October 1984 minutes of the Task Force). Considering, then, the large number of defendants who fall into this category, it is possible that a judge might be more biased against males than females. Therefore, a program designed to influence judges to be more harsh in their sentences might only affect them with respect to the particular category of sex.

Male and female sentences will be averaged and compared

for both 1984 and 1985 to see if there is any strong correlation between severity of sentence and sex.

Hypothesis #5

Judges will take into account a defendant's age when determining the severity of the sentence.

Again, because the survey by the Task Force indicated that the average person arrested in Kane County is male and between the ages of twenty-one and twenty-eight, age might well be important consideration for a judge in determining how harsh the sentence should be.

In order to test this hypothesis defendants will be broken down into three groups by age - those below twenty, between twenty and thirty and over thirty. The judge's records will then be compared as explained in the primary hypothesis to determine whether or not there is any significant difference in how a judge treats a particular age group.

Analysis of Data

In the following data tables judge #1 was watched 78% of the time, judge #2 was watched 85% of the time and judge #3 was watched 100% of the time. A comparison was made between 393 cases watched by court watchers in March through May of 1985 to 298 cases in March through May of 1984 when the program was not in operation.

Hypothesis #1

-The court watching program was successful in influencing judges to issue more frequently convictions resulting in loss of licenses, or in cases where such a conviction was not given, to increase the severity of the penalty in terms of a higher fine.

TABLE 1

BREAKDOWN OF CONVICTIONS BY JUDGE

		<u>Number of Convictions</u>	<u>% of Convictions</u>	<u>% Change from 1984-85</u>
<u>JUDGE #1</u>				
Total Cases Watched March-May 1985	77	16	20	+7
Total Cases March-May 1984	61	8	13	
<u>JUDGE #3</u>				
Total Cases Watched March-May 1985	127	32	25	+10
Total Cases March-May 1984	80	12	15	
<u>JUDGE #5</u>				
Total Cases Watched March-May 1985	189	48	25	+11
Total Cases March-May 1984	157	22	14	

TABLE 2

BREAKDOWN OF FINES BY JUDGE

	<u>Average Fine in 1984</u>	<u>Average Fine in 1985</u>	<u>% Change from 1984-85</u>
JUDGE #1	\$530	\$530	0
JUDGE #3	\$419	\$456	+9
JUDGE #5	\$350	\$425	+21

The overall standard of increasing the conviction rate by ten to fifteen percent was not met. The average change in the conviction rate for all three judges between 1984 and 1985 was 9%. However, judges 3 and 5 did increase their conviction rate by 10% and 11% respectively. The changes in conviction rates show a strong correlation between how frequently a judge was watched and how high of an increase

there was in his conviction rate between 1984 and 1985. Judge #1, who was watched 78% of the time, increased his conviction rate by 7%, while judge #5, who was watched 100% of the time increased his conviction rate by 11%. (Refer to Table 1).

By looking at Table 2, we can see that the overall minimum fine of \$500.00 was not achieved. The average, overall fine for all three judges was \$470.00 in 1985 as compared to \$433.00 in 1984. Judge #1 met the standard of a minimum \$500.00 fine. His 1985 fine of \$530.00 can not be attributed to court watchers, however, since his fine remained constant for both 1984 and 1985. Judges 3 and 5, while not meeting the \$500.00 standard, do show a marked increase in their fines. For Judge #3 we see an increase of 9% over the fine he gave last year and for Judge #5 we see an increase of 25% over the fines he gave last year. As with the conviction rate, we see a definite correlation between how often a judge was watched and how high of a percentage he increased his fines by. Again, it is significant to note that Judge #5 who always had a court watcher in his court room had the highest percentage change from 1984 to 1985.

Hypothesis #2

The court watchers were successful in influencing the judges to treat repeat offenders more harshly.

Table 3 indicates that the standard of increasing the conviction rate by ten to fifteen percent was met overall

TABLE 3

BREAKDOWN OF CONVICTIONS FOR
REPEAT OFFENDERS BY JUDGE

		<u>Number of Repeat Offenders</u>	<u>Convictions of Repeat Offenders</u>	<u>% of Repeat Offenders Convicted</u>	<u>% Change from 1984-85</u>
<u>JUDGE #1</u>					
Total Cases					
Watched	77	24	11	46	
March-May 1985					+13
Total Cases					
March-May 1984	61	12	4	33	
<u>JUDGE #3</u>					
Total Cases					
Watched	127	31	25	81	
March-May 1985					+17
Total Cases					
March-May 1984	80	14	9	64	
<u>JUDGE #5</u>					
Total Cases					
Watched	189	49	37	76	
March-May 1985					+30
Total Cases					
March-May 1984	157	28	13	46	

TABLE 4

BREAKDOWN OF FINES
FOR REPEAT OFFENDERS BY JUDGE

	<u>Average Fine for Repeat Offenders in 1984</u>	<u>Average Fine for Repeat Offenders in 1985</u>	<u>% Change from 1984-85</u>
JUDGE #1	\$530	\$530	0
JUDGE #3	\$500	\$600	+20
JUDGE #5	\$530	\$655	+24

and by each individual judge. The overall conviction rate for all three judges was twenty percent, doubling the minimum standard of ten percent. The increase in the convictions for repeat offenders correlated directly with how frequently the judge was watched. While the difference between Judges 1 and 3 is not that large -4%-, the difference between Judges 1 and 5 is quite significant, a full 17% increase higher. It would be safe to say, then, that the court watchers had a direct impact on how often judges convict repeat offenders, as evidenced by the average of a twenty percent increase over last years conviction rate.

Table 4 shows that the standard of a minimum \$750 fine for repeat offenders was not met. The average fine for all three judges for repeat offenders in 1985 was \$595.00. The average for last year was \$520.00. Again, Judge #1 remained constant in his fines from 1984 to 1985 - therefore we don't see any influence of the court watching program. It is interesting to note, though, that while his fines didn't increase, his overall conviction rate did increase while the program was in operation. Judges 3 and 5, who also didn't make the \$750.00 minimum, did increase their fines by twenty and twenty four percent respectively. Again, there appears to be a slight correlation between how frequently the judge was watched and how high his fines increased.

Hypothesis #3

The court watching program was successful in influencing judges to treat offenders with a high blood alcohol

content (over .15) more severely.

TABLE 5

BREAKDOWN OF CONVICTIONS AND FINES FOR
DEFENDANTS WITH A BAC OF .15 OR HIGHER

	1st time offenders with BAC of .15 or higher	<u>Convictions</u>	<u>% change from 1984-1985</u>	<u>average fine</u>	<u>% change from 1984-1985</u>
Judge #1					
March-May '85	21	5 or 23%	+9	\$530	0
March-May '84	27	4 or 14%		\$530	
Judge #3					
March-May '85	39	7 or 17%	+2	\$530	+17
March-May '84	19	3 or 15%		\$450	
Judge #5					
March-May '85	57	11 or 19%	-1	\$500	+25
March-May '84	44	9 or 20%		\$450	

Repeat offenders with a BAC of .15 or higher were excluded so as not to provide a rival theory for any changes in the conviction rate or level of fines. We can see that the standard of a ten percent increase in conviction rate was not met by any of the judges. Unlike the comparison of repeat offenders, there doesn't appear to be any correlation between how often a judge was watched and any increase in the conviction rate. As a matter of fact, just the opposite occurred. The judge who was watched least had the highest increase in convictions, 9%, while the judge who was watched most, actually experienced a decrease in his conviction rate of 1%.

Looking at Table 5 shows us that all of the judges met the minimum fine of \$500. The average fine for a defendant with a BAC of .15 or higher was \$520 in 1985 as compared to \$476 in 1984. As always, Judge #1's fine remained at a constant \$530. Again there appeared a correlation between Judge #3 and Judge #5 in how frequently they were watched and how high they raised their fines. Judge #3 raised his by 17% and Judge #5 raised his by 25%.

It is interesting to note that even though Judge #1 did not raise his fine, he did increase his conviction rate by 9%. Judge #3 only raised his conviction rate by 2%, but he increased his fine by 17%. Judge #5 actually decreased his conviction rate by 1% but increased his fine by a large 25%. This would indicate for Judges #3 and #5 that they are willing to increase their fines to defendants who have a BAC of .15 or higher, but they are not willing to issue convictions more frequently.

Hypothesis #4

Judges will issue more convictions and higher fines to male defendants than female defendants.

Table 6 shows that each judge increased his conviction rate of males from 1984 to 1985 by over the minimum standard of ten percent. The same table shows, however, that no judge increased his conviction rate for females by more than 8%. The discrepancy between the conviction rate for males and females is most noticeable in Judge #1. His conviction rate for men increased by 14%, while his conviction rate

TABLE 6

BREAKDOWN OF CONVICTIONS
BY GENDER AND BY JUDGE

			<u>Number of Cases</u>	<u>Number of Convictions</u>	<u>% Convicted</u>	<u>% Change from 1984-85</u>
<u>JUDGE #1</u>	Males	1985	54	13	24	+14
		1984	49	5	10	
	Females	1985	23	3	13	-12
		1984	12	3	25	
<u>JUDGE #3</u>	Males	1985	96	24	25	+13
		1984	62	8	12	
	Females	1985	31	8	25	+3
		1984	18	4	22	
<u>JUDGE #5</u>	Males	1985	151	39	26	+13
		1984	114	15	13	
	Females	1985	38	9	24	+8
		1984	43	7	16	

TABLE 7

BREAKDOWN OF FINES
BY GENDER AND BY JUDGE

		<u>Average Fine for 1984</u>	<u>Average Fine for 1985</u>	<u>% Change from 1984-85</u>
<u>JUDGE #1</u>	Males	\$530	\$530	0
	Females	\$530	\$530	0
<u>JUDGE #3</u>	Males	\$420	\$460	+10
	Females	\$415	\$444	+7
<u>JUDGE #5</u>	Males	\$375	\$436	+16
	Females	\$284	\$381	+34

for women decreased a full 20%. Judge #3 increased his conviction rate for women by 3%, while increasing the conviction rate for men by 13%. Judge #5 increased his conviction rate for women by 8%, while increasing the male conviction rate by 13%. There is a detectable bias against males by the judges. Also, there is no apparent correlation between how frequently a judge was watched and any change in his conviction rate for either males or females.

The patterns in Table 6, where convictions are broken down by gender, conflict with the patterns in Table 7 where fines are broken down by gender. Excluding Judge #1 whose fine remained constant, the average fine for males increased by 13%, while the average fine for females increased by 21%. We don't see the bias here against males that we saw in Table 6. It is worthwhile to notice that Judge #5, who only increased the conviction rate for women by 8%, increased the amount of the fine for women by 34%. It would appear, then, that he is willing to substantially increase the fines for women but only marginally increase their conviction rate.

Looking at Table 7, with the exception of Judge #1, neither of the other two judges met the minimum standard of a \$500 fine for either males or females. We can see, though, a correlation between how frequently a judge was watched and by how much he increased his conviction rate for both men and women. Judge's 3 and five increased the amount in fine for men by ten and sixteen percent respectively.

They increased the amount in fine for women by seven and thirty four percent respectively.

Overall, judges were harsher towards men in issuing convictions. With fines, however, the average fine increased by a greater percentage for women than men.

Hypothesis #5

Judges will take into account a defendant's age when determining the severity of the sentence.

Table 8 indicates that judges showed two different tendencies when relating age group to conviction rate. In the age group of defendants younger than twenty, judges decreased their conviction rate between 1984 and 1985 by 14.6%. In the group between twenty and thirty, though, the conviction rate increased, on the average, by 16%. The large increase in the conviction rate for this age group might indicate the judge's awareness of the high percentage of this age group arrested for drunk driving. There was not a clear pattern of conviction rates for the group over thirty. Also, there was no distinct correlation between how often a judge was watched and a change in the conviction rate for a particular age group.

TABLE 8

BREAKDOWN OF CONVICTIONS
BY AGE GROUP AND BY JUDGE

	<u>Number of Convictions</u>	<u>Number and % Below 20</u>	<u>% Change from 1984-85</u>	<u>Number and % Between 20 and 30</u>	<u>% Change from 1984-85</u>	<u>Number and % Over 30</u>	<u>% Change from 1984-85</u>
<u>JUDGE #1</u>							
1985	16	1 6%	-19	9 56%	+18	6 38%	0
1984	8	2 25%		3 38%		3 38%	
<u>JUDGE #3</u>							
1985	32	5 16%	-17	20 63%	+11	7 21%	+4
1984	12	4 33%		6 50%		2 17%	
<u>JUDGE #5</u>							
1985	48	7 15%	-8	29 60%	+19	12 25%	-11
1984	22	5 23%		9 41%		8 36%	

Conclusion

The results of the statistical analysis indicate that judges, on the average, only increased their conviction rate by 9.3% - this falls short of the ten to fifteen percent standard set up. Similarly, the average fine was \$470.00 - \$30.00 under the minimum \$500 standard. When convictions and fines are broken down by type of defendant, though, we can see more clearly the impact of the court watching program on judges.

For repeat offenders, the judges increased their conviction rate, on the average, by 20% - this well exceeds the ten to fifteen percent standard. In addition, there was a direct correlation between how often a judge was watched and by how much his conviction rate increased. Judge #1 who was watched 78% of the time increased his conviction rate by 13%, while Judge #5 who was watched 100% of the time increased his conviction rate by 30%. The average fine for a repeat offender was \$595.00, significantly short of the \$750.00 standard. Judge #1's fines stayed constant for both years and all types of defendants. For judges 3 and five, though, there was an average increase of 22% in the amount of the fine.

Conviction rates for defendants with a BAC of .15 or higher did not increase by the 10% standard. The average increase was only 3%. There were no correlations between how frequently a judge was watched and any changes in his conviction rate for this category. The average fine for all three judges, though, met the \$500.00 standard.

Judge #5 showed a higher percent increase in his fines than did Judge #3.

Judges showed a definite tendency to issue more convictions to males rather than females. The average conviction rate increased for males between 1984 and 1985 by 13%, exceeding the 10% standard. From 1984 to 1985 there was relatively no change in the conviction rate for females (less than 1% in the negative). The average fines for both male and female fell below the \$500.00 minimum standard. Here, though, judges showed a higher average increase in fines for women than for men. Judge #5 showed the highest increase in fines.

For the age group of defendants younger than twenty, judges decreased their conviction rate between 1984 and 1985 by 14.6%. In the group between twenty and thirty, though, the conviction rate, on the average, increased by 16%.

Overall, then, the judge's conviction rates increased over ten percent in three of the four groups that were particularly important to the Task Force: repeat offenders, males, and persons twenty to thirty years old. To that extent the court watching program was successful.