



Deferred Prosecution of DUI Cases in Washington State: Evaluating the Impact on Recidivism

Executive Summary

In 1975, the Washington State Legislature established a deferred prosecution option for offenders arrested for driving under the influence of alcohol and/or impairing drugs (DUI).¹ This option was intended to encourage individuals to seek appropriate treatment.

Under this option, defendants with a significant alcohol or drug dependence problem may petition the court to defer disposition of their charge until they have completed intensive substance dependence treatment and met other conditions required by the court. If the defendant successfully completes the terms of the program, the charge is dismissed; for those who fail, the deferred status is revoked and the defendant is prosecuted for the original DUI charge.² In 1998, the legislature modified the DUI statutes. Among other changes, the length of deferred prosecution supervision was increased from two to five years and defendants were restricted to one deferred prosecution per lifetime.

A similar option is prosecutor diversion.³ Here, the prosecutor requests a deferral which must be approved by the court. The defendant may be required to complete chemical dependency assessment and treatment and/or other requirements in order to have the DUI charge dismissed. This option allows the court to maintain supervision over defendants and impose conditions, including treatment and victim restitution.

In 1992, the University of Washington Alcohol and Drug Abuse Institute evaluated DUI deferred prosecution and concluded the program reduced

¹ RCW 10.05

² RCW 10.05.010 and 10.05.020

³ Communication with the Washington State Administrative Office of the Courts indicates there is no explicit statute for prosecutor deferral/diversion programs. Rather, such programs arise from the inherent powers of prosecutorial charging discretion.

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DUI recidivism.⁴ Subsequent to that study, there have been substantial changes to the deferred prosecution statutes and the use of prosecutor diversion.⁵

In 2005, the Washington State Legislature authorized the Washington Traffic Safety Commission (WTSC) to use federal funds to

⁴ B. Baxter, P. Salzberg, and J. Kleyn (1992). *Deferred prosecution of DWI cases in Washington State: An evaluation of offender characteristics and recidivism*. Seattle: University of Washington Alcohol and Drug Abuse Institute.

⁵ See: R. VanWagenen (August 2006). *Washington's impaired driving laws: Complexities and challenges*. Olympia: Traffic Safety Commission; and W. Phillips (2006). *History of Washington DUI statutory and supreme court challenges*, Kitsap County District Court.

contract with the Washington State Institute for Public Policy (Institute) to evaluate the impact on recidivism of deferred prosecution, including prosecutor diversion, for DUI cases.⁶

Recidivism is defined as the filing of a subsequent DUI, criminal traffic, or alcohol-related case within three years of the original DUI case being filed in court.

Summary of Findings

These findings were based on recidivism rates which are adjusted statistically for systematic differences between the groups to provide a clearer picture of any differences in recidivism.

- 1) **DUI Deferred Prosecution (Exhibit 1).** Did participants in a deferred prosecution program have different recidivism rates than defendants with similar characteristics not in the program?

Defendants in DUI cases who received a deferred prosecution during 2000 and 2001 had lower adjusted recidivism rates than defendants with similar characteristics who pled guilty or were convicted of a DUI:

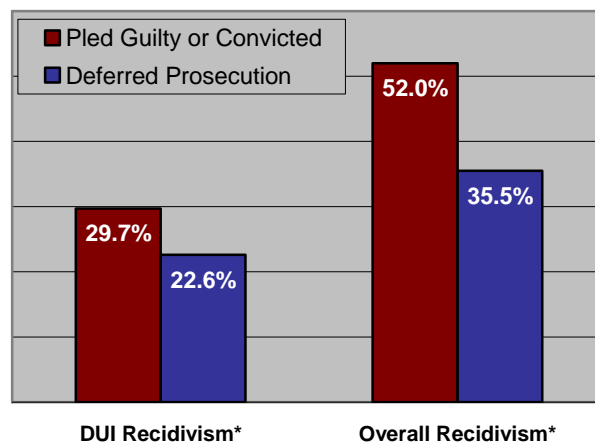
- A 22.6 percent DUI recidivism rate for deferred prosecution cases compared with 29.7 percent for the comparison group—a 7.1 percentage point difference; and
- A 35.5 percent overall recidivism rate for deferred prosecution cases compared with 52.0 percent for the comparison group—a 16.5 percentage point difference.

- 2) **DUI Prosecutor Diversion (Exhibit 2).** Was the prosecutor diversion program effective at reducing DUI recidivism?

Defendants in DUI cases who received a prosecutor diversion in 2000 and 2001 had the same DUI recidivism rate as a matched comparison group of defendants who pled guilty or were convicted of a DUI:

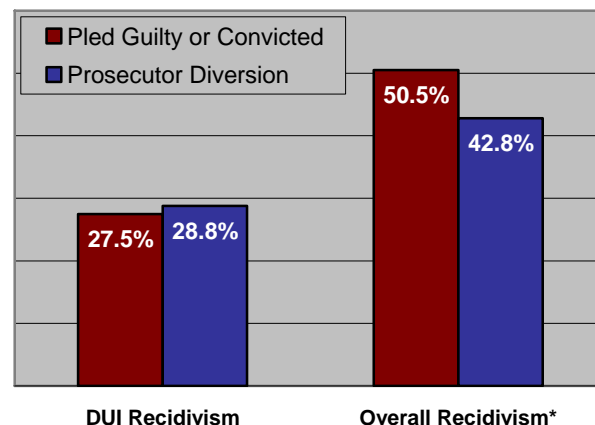
- A 28.8 percent DUI recidivism rate for prosecutor diversion cases compared with 27.5 percent for the comparison group.
- However, prosecutor diversion cases had a lower overall recidivism rate (42.8 compared with 50.5 percent).

Exhibit 1
Deferred Prosecution vs. Comparison Group of Guilty Cases Adjusted 3-Year Recidivism Rates



*Statistically significant at the .001 probability level.
WSIPP, 2007

Exhibit 2
Prosecutor Diversion vs. Matched Comparison Group of Guilty Cases Adjusted 3-Year Recidivism Rates



*Statistically significant at the .001 probability level.
WSIPP, 2007

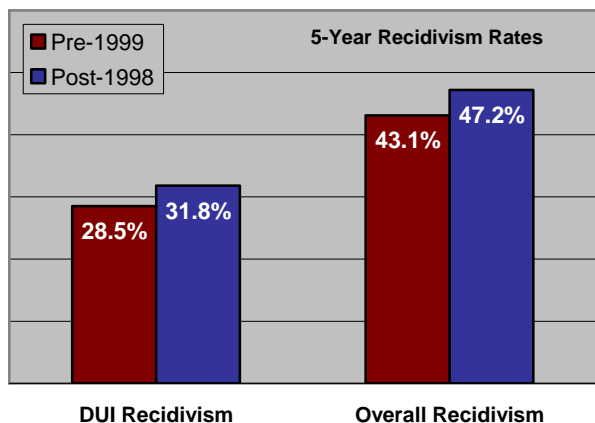
⁶ ESSB 6091, Sec. 201, Chapter 313, Laws of 2005.

- 3) **1998 Legislative Changes (Exhibit 3).** Did recidivism rates change after enactment of the 1998 deferred prosecution legislation?

After adjusting for defendant characteristics and a trend in decreasing recidivism over time, recidivism rates are estimated to have increased by approximately 3 to 4 percentage points subsequent to the law's passage.

Thus, the 1998 statute did not reduce deferred prosecution recidivism. See Section IV for details.

Exhibit 3
Adjusted Recidivism Rates for Deferred Prosecution Cases Before and After 1998 Statute



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Policy Options

The Washington Traffic Safety Commission staff requested that the report include options for policy change. Based on the study findings, three policy options are identified.

- 1) **Substance Assessment/Treatment Report.** The DUI statutes require that defendants who pled guilty or were convicted of a DUI be assessed for substance dependence, yet only 29 percent have a Substance Assessment/Treatment Report (SAT) on file with the Department of Licensing. One option is to require that these reports be sent to the sentencing court, so that the assessment results can be tracked by court case number in the court database, as was the practice in the past.
- 2) **Access to Deferred Prosecution.** To participate in deferred prosecution, the defendant must pay for the diagnosis and treatment of the alleged problem or problems. To ensure greater access to treatment, options to eliminate potential financial barriers might be considered.
- 3) **Length of Deferred Prosecution Supervision.** Increasing supervision from two to five years did not reduce deferred prosecution recidivism. A shorter period of supervision might encourage more defendants to seek treatment under a deferred prosecution.

SECTION I: DUI TRENDS

Washington State citizens and decision-makers continue to be concerned about the impact on public safety of driving under the influence of alcohol or drugs (DUI). This section underscores the extent of the problem by displaying how the rates of DUI cases, accidents, and fatalities have changed over time.

Exhibit 4 displays the number of Washington State DUI cases filed and the filing rate per 1,000 licensed drivers. The trend in the number of cases filed shows sharp increases and decreases. The number of annual cases decreased from above 40,000 to about 35,000 in 1994 and remained at this level until an upswing to over 40,000 cases in 2003.

These fluctuations were most likely caused by factors other than drivers' behavior. Such factors may include the filing of Supreme Court cases challenging DUI laws and law enforcement practice.⁷ Members of the Traffic Safety Commission cited two examples of these changes: (1) The complexity in DUI laws has increased since 1993 and 1994, and law enforcement agencies may have been reluctant to enforce DUI laws because of the time and paperwork involved in making a DUI arrest; (2) In 2001, DUI enforcement became one of the four core missions of the Washington State Patrol.

Despite fluctuations in the number of cases filed, the DUI case filing rate per 1,000 drivers has been declining, possibly because of increased numbers of drivers and changes in drivers' behavior.

Exhibit 5 displays Washington's trends in traffic accidents per 100 million vehicle miles traveled since 2001, the first year of reliable data. While the accident rate has fluctuated between 221 to 242 accidents per million miles traveled, the percentage of accidents that involved alcohol has risen from 5.1 to 5.6 percent.

Exhibit 6 displays the state trends in traffic accidents involving a fatality per 100 million vehicle miles traveled. The fatality rate has remained fairly constant—about one fatal accident per 100 million miles traveled. Alcohol-related traffic fatalities account for over 30 percent of all traffic fatalities.

Exhibit 4
Trends in Washington State DUI Cases Filed*

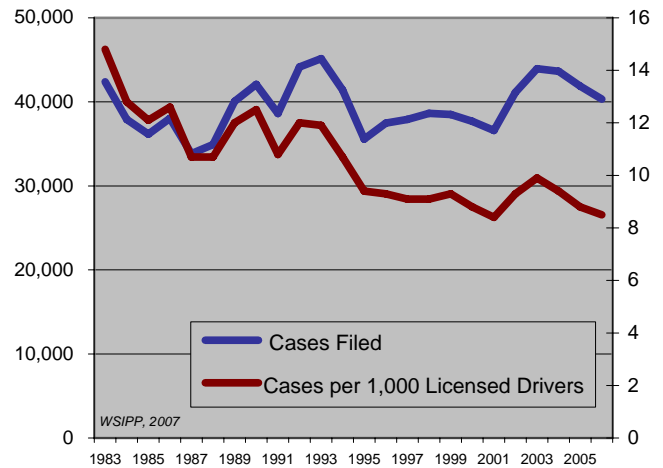


Exhibit 5
Traffic Collisions Per 100 Million
Vehicle Miles Traveled*

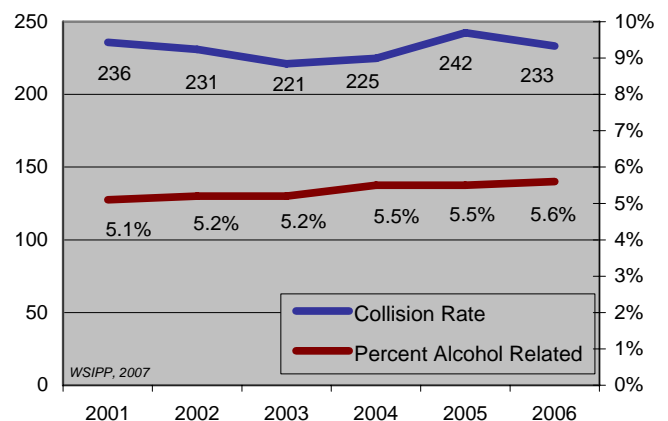
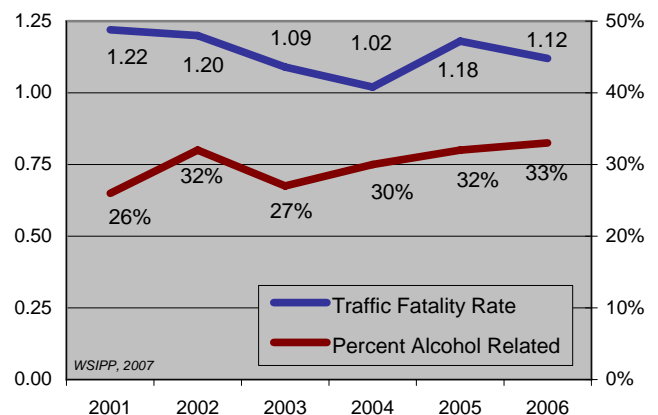


Exhibit 6
Traffic Fatalities Per
100 Million Vehicle Miles Traveled*



* Source: Washington Traffic Safety Commission

⁷ VanWagenen, 2006; Phillips, 2006.

Exhibit 7 displays the number of DUI cases filed, DUI arrests reported by the Washington Association of Sheriffs and Police Chiefs (WASPC)⁸ and the Washington State Patrol (WSP), as well as the number of Blood Alcohol Content (BAC) tests administered.⁹

Data were not available for every year of the study period. However, the number of cases filed, WASPC arrests, and the BAC tests all followed the same trend. The WSP arrests also followed this trend, but represent only arrests made by the State Patrol, not local law enforcement.

Exhibit 7 illustrates that court filings provided the most complete accounting of DUI incidents.

Exhibit 7
Trends in DUI Cases Filed Since 1992

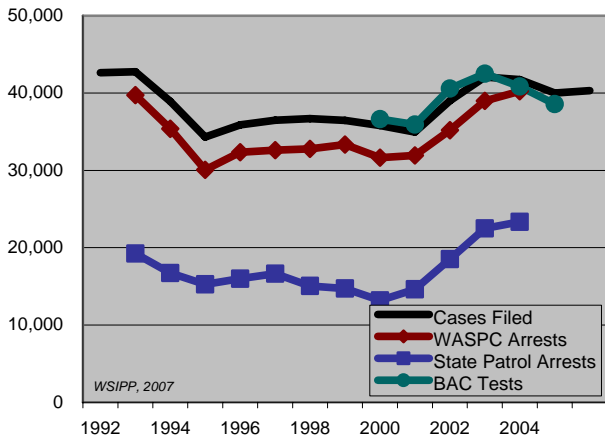


Exhibit 8 displays the percentage of DUI filings that received one of the following outcomes:

- **Not Guilty**—included cases where charges were dismissed as well as those with findings of not guilty.
- **Amended**—included cases where DUI charges were reduced or amended to a guilty plea on a lesser charge (plea bargaining).
- **Guilty**—included cases involving guilty pleas and convictions for a DUI.
- **Deferred Prosecution**—included DUI filings where the defendant was granted a deferred prosecution under RCW 10.05.¹⁰

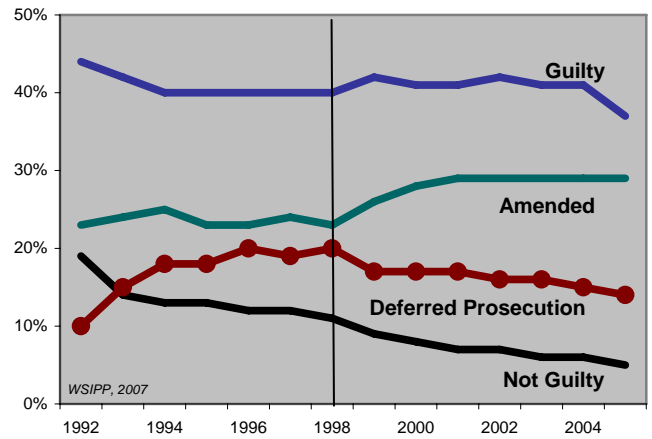
⁸ The WASPC arrests included arrests by the WSP.

⁹ The Blood Alcohol Content data were from the Impaired Driving Section of the Washington State Patrol.

¹⁰ Prosecutor diversion, bail forfeiture, and pending cases are excluded; they accounted for approximately 5 percent of all cases filed.

The exhibit indicates a change in DUI case outcomes after enactment of the 1998 deferred prosecution legislation. Since 1998, there have been proportionally fewer deferred prosecution outcomes and more amended outcomes.

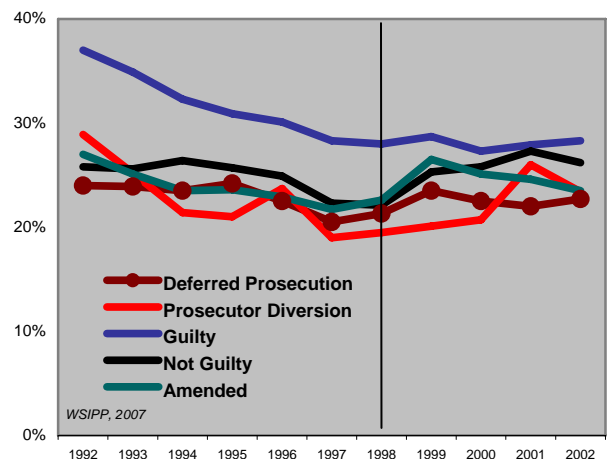
Exhibit 8
Percentage of DUI Cases Receiving Deferred Prosecution or Reduced/Amended Outcomes*



*Prosecutor diversion cases are not shown because the percentage of cases with this outcome is too low.

Exhibit 9 shows declining trends in DUI recidivism rates for all outcome groups until 1998. Since 1998 recidivism rates have increased, except for guilty outcome cases.

Exhibit 9
Three-Year DUI Recidivism Rates for Outcome Groups



We now turn to the focus of this report, examining the impact of deferred prosecution on recidivism.

SECTION II: DEFERRED PROSECUTION AND RECIDIVISM

Study Period. The study sample for evaluating the impact of deferred prosecution on recidivism included DUI cases filed during 2000 and 2001. This study period was used to allow sufficient time to measure recidivism for these cases.

Recidivism. Recidivism is defined as the filing of a subsequent DUI, criminal traffic, or alcohol-related case within three years of the date when the original DUI case was filed in court. (See Appendix A for a detailed explanation.) Adequately measuring DUI recidivism requires a three-year follow-up period—the fixed length of time during which the recidivism event can occur.

In addition to recidivism for a subsequent DUI, overall recidivism for all criminal traffic and alcohol-related offenses was also measured. Overall recidivism includes DUI, driving without a valid license, negligent driving, reckless driving, alcohol related to driving, and other alcohol offenses.

Data Sources. Data for DUI cases were from the Administrative Office of the Courts' District and Municipal Court Information System (DISCIS) database.¹¹ DUI cases are those filed with an offense listed in RCW 46.61.502, 46.61.504, or an equivalent offense under local ordinance.¹²

Study Approach. The ideal method for evaluating the impact of deferred prosecution on recidivism is to randomly assign those eligible for deferred prosecution to either the program group, in this case deferred prosecution, or to the comparison group, which is treatment as usual. Under this optimal research design, one can be quite certain that any observed differences in recidivism rates between the groups are due solely to the effect of the program.

However, this design is not possible because the present study is a retrospective analysis. Alternative approaches must be used to establish a valid comparison group; that is, a group of individuals charged with DUI who did not receive deferred prosecution but had characteristics as similar as possible to the individuals who did.

This study used risk-based statistical analyses to estimate the impact of deferred prosecution on

recidivism.¹³ This approach employs factors that are related to recidivism—risk factors—and then relies on statistical techniques to control for systematic differences in these factors between the deferred prosecution and comparison groups. A variation of this approach is one-to-one matching of deferred prosecution defendants to comparison group defendants such that both defendants have identical risk factors; these analyses are done to confirm our findings.

Selecting a comparison group for deferred prosecution cases involved identifying defendants who pled guilty or were convicted of a DUI and also met the following eligibility criteria for deferred prosecution:

- Alleged under oath that the DUI was the result of, or caused by, alcoholism, drug dependence, or mental problems;
- Were assessed as in need of treatment;
- Had a high probability of future reoccurrence if not treated;
- Agreed to pay the cost of a diagnosis and treatment; and
- Had never received a prior DUI deferred prosecution.¹⁴

Data were available for only two of the five eligible criteria: prior deferred prosecutions and assessments of need for treatment.

DISCIS court records were used to eliminate defendants with a prior deferred prosecution.

The need for substance dependence treatment was based on the Substance Abuse/Treatment Report (SAT) for DASA Certified Professionals that is filed with the Department of Licensing (DOL). DOL maintains a database of scanned images of these reports for DUI cases. An extract of images for defendants in the DUI study group was obtained

¹³ An alternative is to use a propensity-based approach. This involves developing an equation that distinguishes cases in the deferred group from cases in the comparison group using the same factors as in the risk-based approach. This approach was attempted, but it was not possible to develop an equation that accurately distinguished defendants granted a deferred prosecution from those in the comparison group. Therefore, the propensity-based approach could not be used in this study.

¹⁴ RCW 10.05.010 and 10.05.020

¹¹ Seattle Municipal Court data are used to supplement the DISCIS data.

¹² Local ordinances account for 14 percent of the DUI cases.

from DOL. The assessment section of these reports indicated either (1) insufficient evidence of substance abuse/dependence, (2) substance abuse, or (3) substance dependence. The need for treatment, indicated by a substance dependence finding, was manually entered into an Institute database from these reports. (See Appendix B for a more detailed description of these data.)

Data for the other three eligibility criteria were unavailable and, thus, could not be included in our analyses. Not having these data may have introduced a bias that favored the deferred prosecution group. That is, the recidivism rates of the deferred prosecution group may have been lower than the comparison group because risk levels in the comparison group may have been underestimated due to the absence of information about these eligibility criteria.

It is this potential source of bias that required us to employ multivariate statistical analyses to control for systematic differences between the comparison and deferred prosecution groups (logistic regression). Age, gender, ethnicity, and prior record were the statistically controlled risk factors. However, the multivariate analyses still might not have eliminated the bias attributable to the omitted factors.

Deferred Prosecution Cases. The DUI deferred prosecution group included all DUI defendants whose cases were filed during 2000 and 2001, and who were granted a deferred prosecution regardless of whether they successfully completed the program. There were 11,876 cases in the deferred prosecution group. It is assumed that these defendants met the deferred prosecution eligibility criteria, including the need for treatment, since these cases received a deferred prosecution.

Comparison Cases. The comparison group included DUI defendants with cases filed during the same period (2000 and 2001) who pled guilty or were convicted of a DUI offense, had no prior DUI deferred prosecutions, and had an assessment finding of alcohol/drug dependency (indicating a need for treatment). These cases were restricted by the two known deferred prosecution eligibility criteria. The criteria for selecting the comparison group were virtually identical to those used in the 1992 Alcohol and Drug Abuse Institute study.¹⁵

Exhibit 10 displays how the number of potential comparison group cases was decreased by the availability of the substance dependence assessment

data. Of the 25,525 guilty cases, only 7,513 (29.4 percent) had an assessment report on file with DOL. The final comparison group consisted of the 2,343 defendants with SATs indicating dependency. That is, the comparison group accounted for only 9.2 percent of the 25,525 cases involving defendants who pled guilty or were convicted of a DUI and had no prior DUI deferred prosecutions. The implication is that some unknown selection bias may have been introduced into the comparison group.

Exhibit 10
Substance Assessment/Treatment Reports of Defendants Who Pled Guilty or Were Convicted and Had No Prior DUI Deferred Prosecutions

Study Sample	Guilty Cases	Percentage
Total Guilty Cases	25,525	100%
SAT	7,513	29.4%
Alcohol/Drug Abuse	1,298	5.1%
Alcohol/Drug Dependency	2,343	9.2%

Exhibit 11 compares the characteristics of the three groups of cases in the study sample. The guilty group included all 25,525 cases in which the defendant pled guilty or was convicted of a DUI and had no prior deferred prosecutions.¹⁶ The comparison group included the 2,343 guilty cases in which the defendant had an assessment indicating substance dependence. The deferred group included the 11,876 deferred prosecution cases.

The defendants in the guilty and comparison groups had similar characteristics; however, a larger percentage of the comparison group defendants had a prior DUI conviction (32 vs. 21 percent).

The deferred prosecution defendants and those in the comparison group had similar characteristics; however, in contrast to the comparison group, the deferred prosecution group had the following:

- Fewer males (79 vs. 85 percent)
- Fewer defendants with prior DUI convictions (24 vs. 32 percent)
- More defendants with negligent driving convictions (18 vs. 14 percent)
- Fewer defendants with prior criminal traffic convictions (8 vs. 12 percent)

¹⁵ Baxter et al., 1992

¹⁶ These cases are included to show how the comparison cases differed from all guilty cases.

The deferred group had lower recidivism rates than both the comparison group and the guilty group as a whole. However, we cannot attribute these reduced rates to the effect of deferred prosecution without statistically adjusting for the differences in the characteristics of defendants in the two groups. Appendix C contains the results of the logistic regressions used for these adjustments.

Exhibit 11
Characteristics of Deferred Prosecution Study Sample Defendants

Defendant Characteristics	Study Sample Group		
	Pled Guilty or Convicted*	Comparison**	Deferred
Number of cases	25,525	2,343	11,876
Average age	33.5	35.8	35.7
Male	82%	85%	79%
Ethnicity			
European American	82%	85%	88%
African American	6%	3%	4%
Native American	4%	4%	2%
Asian American	2%	1%	2%
Hispanic	3%	3%	1%
Substance abuse determination***			
No report	71%	0%	NA
Insufficient evidence	15%	0%	NA
Missing on form	0%	0%	NA
Abuse	5%	0%	NA
Dependent	9%	100%	NA
Prior legal DUI offenses****	15%	22%	21%
Prior DUI convictions	21%	32%	24%
Prior neglect driving convictions	11%	14%	18%
Prior criminal traffic convictions	11%	12%	8%
Prior alcohol misdemeanors	12%	12%	10%
3-year DUI recidivism	28.9%	30.9%	22.8%
3-year overall recidivism	52.1%	53.2%	35.9%

Note: All differences between the comparison and deferred groups were statistically significant.

*The guilty group included all cases in which the defendant pled guilty or was convicted and did not have a prior deferred prosecution.

**The comparison group included the 2,343 guilty cases in which the defendant had an assessment indicating substance dependence.

***For DUI defendants granted a deferred prosecution, substance dependence counselors do not send a SAT to DOL because this could result in the defendants' license being suspended; not losing their license is a motivating factor for deferred prosecution.

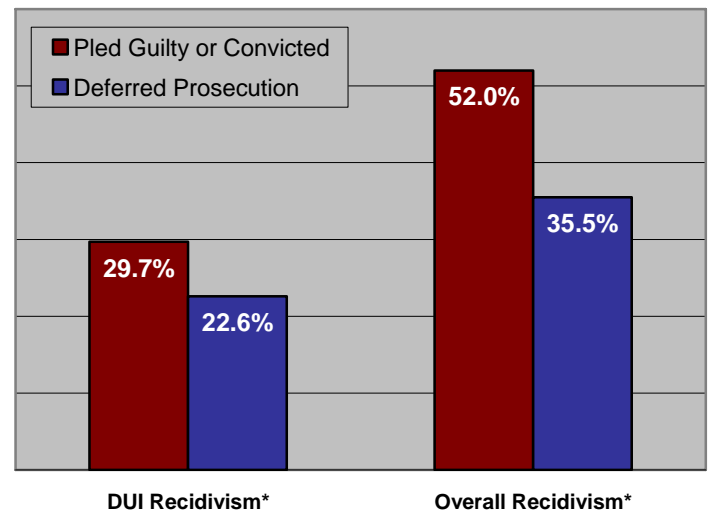
****Prior legal DUI offenses follow the definition in RCW 46.61.5055.

Exhibit 12 presents the adjusted three-year DUI and overall recidivism rates from the multivariate logistic regressions. These adjusted rates represent recidivism for each group as if the defendants in the groups had the same risk factors. The three-year adjusted rates present a clearer picture of the impact of deferred prosecution on recidivism.¹⁷

- The deferred prosecution group had an adjusted DUI recidivism of 22.6 percent compared with 29.7 percent for the group that pled guilty or was convicted.
- The deferred prosecution group's adjusted overall recidivism was 35.5 percent compared with 52.0 percent for the group that pled guilty or was convicted.

Thus, defendants in deferred prosecution cases recidivated at a lower rate than those with guilty outcomes.

Exhibit 12
Adjusted Recidivism Rates for the DUI Deferred Prosecution and Comparison Groups



*Statistically significant at the .001 probability level.

WSIPP, 2007

We next evaluate the impact of deferred prosecution on recidivism using a variation of the risk-based approach—the matched sample method.

¹⁷ In this case, the actual and adjusted rates were similar, indicating that the multivariate analyses did not appreciably affect recidivism rates.

One-to-One Matching. A one-to-one matching of deferred prosecution cases to comparison group cases using risk factors was also performed. Since there were fewer comparison group cases, this group was matched to the deferred prosecution group, resulting in 2,116 matched cases.

Exhibit 13 shows that the results using one-to-one matching of offender characteristics are similar to the previous analysis. The deferred prosecution group had lower recidivism rates than the comparison group, although all recidivism rates were slightly higher for these matched DUI cases.

Exhibit 13

Adjusted Recidivism Rates for Matched Comparison and Deferred Prosecution Groups

Type of Recidivism	Sample Size	3-Year Adjusted Recidivism Rates	
		Comparison	Deferred Prosecution
DUI	2,116	30.6%	23.4%
Total	2,116	52.7%	37.5%

Summary of Findings

Using the risk-based approach, we found that DUI defendants who received deferred prosecution recidivated at lower rates than defendants with similar characteristics in the comparison group who pled guilty or were convicted of a DUI and had a substance dependency determination.

SECTION III: PROSECUTOR DIVERSION AND RECIDIVISM

As with the analysis of deferred prosecution, a random assignment design to evaluate the impact of prosecutor diversion was not possible because this is a retrospective evaluation. There are no explicit statewide criteria for granting a DUI prosecutor diversion. Consequently, a comparison group was formed by matching prosecutor diversion cases with cases that involved defendants who pled guilty or were convicted of a DUI. The matching process used age, gender, ethnicity, and prior record as risk factors.

Prosecutor Diversion Cases. The DUI prosecutor diversion group included all DUI defendants with cases filed during 2000 and 2001 who were given this alternative. There were 1,094 cases in the prosecutor diversion group.

Comparison Cases. The comparison group included DUI defendants with cases filed during the same period (2000 and 2001) who pled guilty or were convicted of a DUI offense and matched to prosecutor diversion defendants with the same characteristics.

Exhibit 14 compares the characteristics of three groups of cases in the study sample. The guilty group included all 29,018 defendants who pled guilty or were convicted of a DUI. These cases were included in this exhibit to illustrate the differences in characteristics between the prosecutor diversion recipients and all guilty defendants. The prosecutor diversion group included all 1,094 cases that received a prosecutor diversion.

The Matched Samples column in Exhibit 14 represents the characteristics of the two matched sample groups, the 1,075 guilty and 1,075 prosecutor diversion defendants with matching characteristics. Nineteen prosecutor diversion defendants could not be matched. Since the groups were matched on the characteristics in the table, a single column represents both groups.

Compared with all guilty cases, the prosecutor diversion group included proportionally more European Americans, but fewer defendants with substance abuse/dependence or prior offenses.

Since a matching guilty case was found for nearly all the prosecutor diversion cases, the characteristics of the matched sample cases were nearly identical to those of the prosecutor diversion cases.

Exhibit 14
Characteristics of Prosecutor Diversion Study Sample Defendants

	Pled Guilty or Convicted*	Prosecutor Diversion	Matched Samples
Number of cases	29,018	1,094	1,075
Average age	34.1	34.4	34.3
Male	82%	76%	75%
Ethnicity			
European American	83%	88%	89%
African American	5%	4%	4%
Native American	4%	2%	2%
Asian American	2%	3%	2%
Hispanic	3%	1%	1%
Prior deferred prosecution	12%	5%	4%
Substance abuse determination			
No report	71%	90%	91%
Insufficient evidence	13%	6%	6%
Missing on form	0%	0%	0%
Abuse	5%	1%	0%
Dependent	11%	4%	3%
Prior legal DUI offenses**	26%	16%	14%
Prior DUI convictions	30%	16%	14%
Prior neglect driving convictions	13%	12%	11%
Prior criminal traffic convictions	12%	6%	5%
Prior alcohol misdemeanors	12%	9%	9%

*The guilty group included all cases in which the defendant pled guilty or was convicted.

**Prior legal DUI offenses follow the definition in RCW 46.61.5055.

Exhibit 15 displays the three-year actual recidivism rates for the four groups of cases. The DUI recidivism rates were nearly identical for all four groups (28 or 29 percent) while the overall recidivism rates were lower for the prosecutor diversion cases.

Exhibit 15
Three-Year Actual Recidivism Rates

	3-Year Recidivism		
	Cases	DUI	Overall Recidivism
Guilty	29,018	29%	52%
Prosecutor diversion	1,094	29%	43%
Matched Samples			
Matched comparison	1,075	28%	50%
Matched prosecutor diversion	1,075	29%	43%

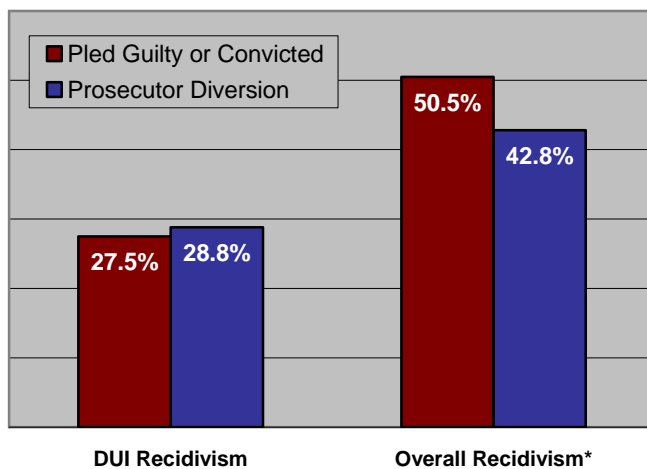
However, we cannot attribute differences in recidivism rates to the effect of prosecutor diversion without statistically adjusting for the differences in the characteristics of defendants in the two groups.

In the next section, we examine the impact of the 1998 deferred prosecution legislation on recidivism.

Exhibit 16 presents adjusted three-year DUI and overall recidivism rates from the multivariate logistic regressions. In this case, the actual and adjusted rates were nearly identical, since the cases were matched on the characteristics used in the multivariate analyses. Appendix D contains the results of the logistic regressions used for these adjustments.

- The prosecutor diversion group had an adjusted DUI recidivism rate of 28.8 percent, compared with 27.5 percent for the matched guilty group. This difference is not statistically significant.
- The prosecutor diversion group's adjusted overall recidivism rate was 42.8 percent, compared with 50.5 percent for the matched guilty group. This is a statistically significant difference.

Exhibit 16
Adjusted Recidivism Rates for the Prosecutor Diversion and Matched Comparison Groups



*Statistically significant difference at the .001 probability level.

WSIPP, 2007

Summary of Findings

Defendants in the prosecutor diversion group had the same DUI recidivism rate as a matched comparison group of DUI defendants who pled guilty or were convicted (approximately 28 percent) but a lower overall recidivism rate (42.8 compared with 50.5 percent).

SECTION IV: 1998 DEFERRED PROSECUTION STATUTE AND RECIDIVISM

Evaluating the impact of the 1998 legislation involved comparing three-year and five-year recidivism rates of cases receiving deferred prosecution before and after 1998. Five-year rates were included because the length of deferred prosecution supervision increased from two to five years as a result of the 1998 legislation.

The cases for these analyses included those DUI deferred prosecutions filed between 1994 and 2003. That is, the recidivism rates of deferred prosecution cases filed in the five-year period before 1999 were compared with rates for cases filed in the five-year period after 1998.

Because this design involved change over time, we first needed to examine trends in DUI case outcomes and recidivism rates to ensure that a pre-post comparison would be valid.

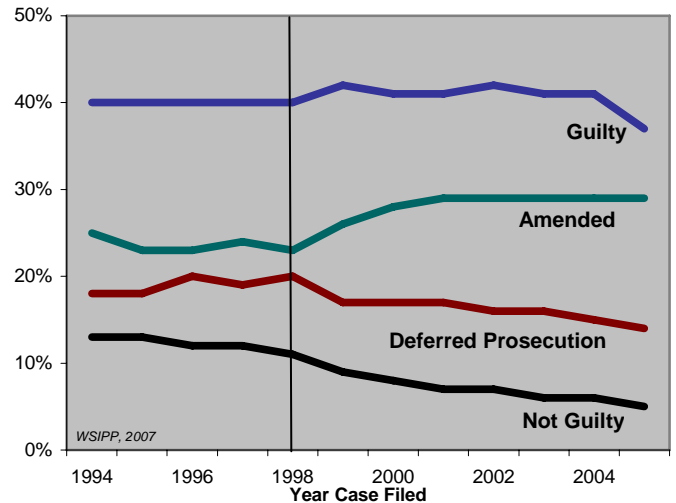
Exhibit 17 displays the percentage of DUI filings that received one of the following outcomes:

- **Not Guilty**—cases where charges were dismissed as well as those with findings of not guilty.
- **Amended**—cases where DUI charges were reduced or amended to a guilty plea on a lesser charge (plea bargaining).
- **Guilty**—cases involving guilty pleas and convictions.
- **Deferred Prosecution**—DUI filings where the defendant was granted a deferred prosecution under RCW 10.05.¹⁸

Exhibit 17 also indicates that there were proportionally fewer deferred prosecution outcomes and more amended outcomes since 1998.

The 1998 legislation extended deferred prosecution from three to five years and restricted it to one per lifetime. These changes might have resulted in a reduced number of cases receiving a deferred prosecution and an increased number of cases with reduced/amended charges.

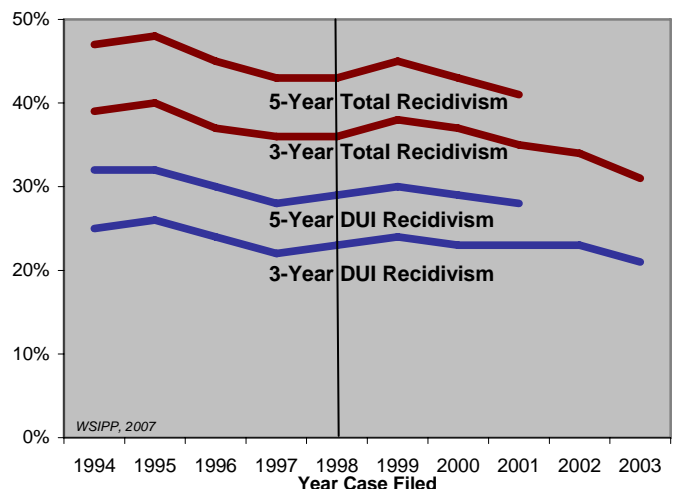
Exhibit 17
Percentage of DUI Cases Receiving Deferred Prosecution or Reduced/Amended Outcomes*



*Prosecutor diversion cases are not shown because the percentage of cases with this outcome is too low.

Exhibit 18 shows a decline in recidivism for deferred prosecution cases during the entire study period. The multivariate analysis adjusted for this trend by including the number of years between 1994 and the case filing date in the analyses.

Exhibit 18
Deferred Prosecution Cases:
Trends in DUI and Overall Recidivism Rates*



*Five-year recidivism rates can only be calculated up to 2001 because cases filed after 2001 did not have a five-year follow-up period.

¹⁸ Prosecutor diversion, bail forfeiture, and pending cases are excluded; they account for approximately 5 percent of all cases filed.

Exhibit 19 summarizes the differences in defendant characteristics between pre-1999 cases and post-1998 cases. A higher percentage of deferred prosecution cases in the post-1998 period had a prior conviction. That is, cases in the post-1998 period were higher risk than cases in the pre-1999 period due to their increased incidence of prior convictions.

Exhibit 19
Comparison of Deferred Prosecution
Defendant Characteristics Pre-1999 and Post-1998

	1994-1998	1999-2003	Difference
Number of cases	34,453	30,981	-3,472
Average age	36.0	35.7	-0.3
Male	80%	78%	-2%
Ethnicity			
European American	90%	88%	-2%
African American	3%	4%	+1%
Native American	3%	2%	-1%
Asian American	1%	2%	+1%
Hispanic	1%	1%	0%
Prior legal DUI offenses*	22%	26%	+3%
Prior DUI convictions	21%	27%	+6%
Prior neglect driving convictions	10%	17%	+7%
Prior criminal traffic convictions	7%	8%	+1%
Prior alcohol misdemeanors	6%	11%	+5%
3-year DUI recidivism	24%	23%	-1%
3-year overall recidivism	38%	35%	-3%
5-year DUI recidivism	30%	29%	-1%
5-year overall recidivism	45%	43%	-2%

*Prior legal DUI offenses follow the definition in RCW 46.61.5055.

Note: five-year recidivism is based on 18,259 cases filed from 1999 to 2001 having a five-year follow-up period.

Multivariate Analysis Results

Three multivariate logistic regression analyses were performed to estimate the impact of the 1998 legislation on three-year and five-year recidivism rates.

- In the first analysis, all factors in Exhibit 19 were included to account for differences in deferred prosecution defendant characteristics over time, along with a factor representing cases filed since 1998—a post-1998 factor.
- In the next analysis, for each case, the number of years between 1994 and case filing was added (a linear time-trend factor). In this analysis, the post-1998 factor represented a measure of the degree to which the legislation changed the existing trend in recidivism.
- Finally, non-linear time factors were added to more accurately model the trend in recidivism, since the recidivism rates had some ups and downs.

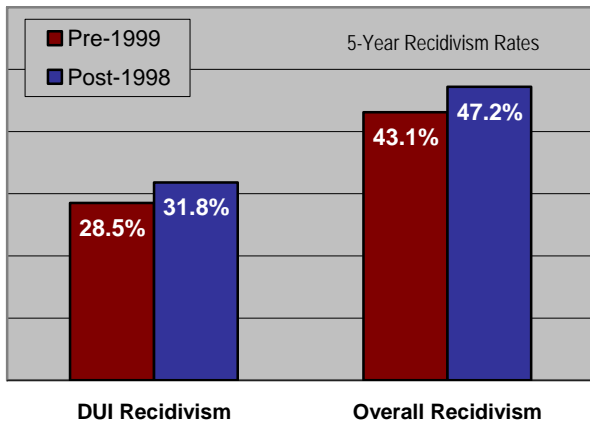
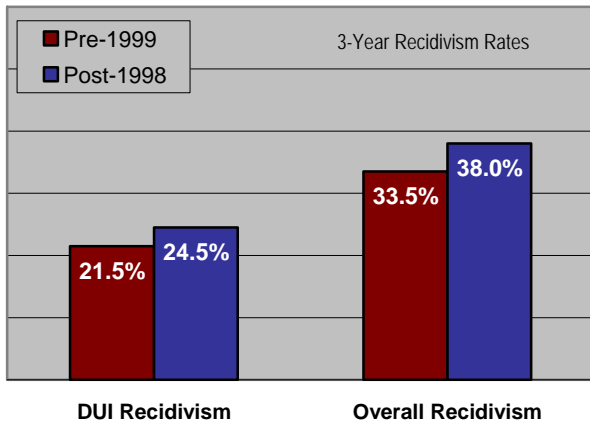
Appendix E contains the detailed results of these logistic regression analyses. The conclusions are as follows:

- Without adjusting for trends, cases in the two study periods had the same recidivism rates.
- After adjusting for the decline in recidivism over time, the post-1998 period had higher recidivism rates than expected. That is, after 1998, recidivism declined at a slower rate than before 1999.
- Adding a non-linear trend to the analyses did not make a statistically significant difference.

Exhibit 20 graphically illustrates the results of the multivariate analyses by displaying the expected recidivism rates for the pre-1999 and post-1998 periods after adjusting for systematic differences in defendant characteristics and a generally decreasing recidivism trend over time.

- The adjusted three-year DUI recidivism rate for deferred prosecution DUI cases filed after 1998 was 24.5 percent, which is 3.0 percentage points higher than the adjusted pre-1999 rate of 21.5 percent.
- The adjusted three-year overall recidivism rate for deferred prosecution DUI cases filed after 1998 was 38.0 percent, which is 4.5 percentage points higher than the adjusted pre-1999 rate of 33.5 percent.

Exhibit 20
Adjusted Recidivism Rates Before and After the 1998 Statute Change



WSIPP, 2007

Exhibit 21 summarizes the percentage point increases in the four recidivism rates between the pre-1999 and post-1998 periods.

Exhibit 21
Percentage Point Increase in Adjusted Recidivism Rates From Pre-1999 to Post-1998

Type of Recidivism	Post-1998 Increase
3-Year overall recidivism	+4.5%
3-Year DUI recidivism	+3.0%
5-Year overall recidivism	+4.1%
5-Year DUI recidivism	+3.3%

Summary of Findings

- The 1998 deferred prosecution legislation resulted in a reduced number of cases receiving a deferred prosecution and an increased number of cases with reduced/amended charges.
- After adjusting for defendant characteristics and a trend over time, recidivism rates are estimated to have increased by approximately 3 to 4 percentage points subsequent to 1998.
- That is, lengthening deferred prosecution supervision and restricting it to one per lifetime might have resulted in inclusion of proportionately more defendants with prior driving record problems in the deferred prosecution group. These defendants also had higher recidivism rates.

SECTION V: POLICY OPTIONS

The Washington Traffic Safety Commission staff requested that the report include options for policy change. Based on the study findings, three policy options are identified.

- 1) **Substance Assessment/Treatment Report.** The DUI statutes require that defendants who pled guilty or were convicted of a DUI be assessed for substance dependence, yet only 29 percent had a SAT on file with the Department of Licensing. One option is to require that these reports be sent to the court before sentencing, so that the assessment results can be tracked by court case number in the court database, as was the practice in the past.
- 2) **Access to Deferred Prosecution.** To participate in deferred prosecution, the defendant must pay for the diagnosis and treatment of the alleged problem or problems. To ensure greater access to treatment, options to eliminate potential financial barriers might be considered. No measure of financial means was available for these analyses.
- 3) **Length of Deferred Prosecution Supervision.** Increasing supervision from two to five years did not reduce recidivism. A shorter period of supervision might encourage more defendants to seek treatment under a deferred prosecution.

APPENDIX A: MEASURING RECIDIVISM

The principal measure of the effectiveness of deferred prosecution for DUI cases is whether it reduces recidivism. This appendix explains how recidivism is measured for this study.

In 1997, the Legislature directed the Institute to develop a definition of recidivism.¹⁹ This definition includes three components: the recidivism event, the follow-up period, and the adjudication period.

The recidivism event is defined as the commission of an offense during the follow-up period that results in a conviction, or its equivalent such as a deferred prosecution or prosecutor diversion.²⁰

The offenses that comprise a recidivism event for this study include, in decreasing severity, the following:

- Driving under the influence;
- Criminal traffic offenses; and
- Alcohol-related misdemeanors.

Overall recidivism is defined as the commission of one of the recidivism offenses, while DUI recidivism is the commission of a subsequent DUI offense.

If more than one type of DUI recidivism offense is committed during the follow-up period, recidivism is defined by the most serious offense. That is, if a defendant commits both a criminal traffic offense and another DUI during the follow-up period, the defendant's recidivism is determined by the DUI offense.

The follow-up period is a fixed length of time during which the recidivism event can occur. The follow-up period starts the day the offender is at liberty in the community following the initial DUI arrest and ends a fixed number of days later. The follow-up period must be long enough to know whether a person reoffends, yet short enough to provide timely information to policymakers. An adequate follow-up period must capture 75 to 80 percent of reoffending. Offenses committed between the start and end of the follow-up period are recidivism offenses.

In addition to a follow-up period, an adjudication period is needed to allow a recidivism offense to be processed in the criminal justice system. The adjudication period is the time between the recidivism offense date and the adjudication date for that offense. Time must be allowed for at least 90 percent of the offenses committed during the follow-up period to be adjudicated.²¹

This appendix defines the lengths of the follow-up and adjudication periods required to adequately measure recidivism for DUI cases.

Study Data. Data for this study were from DUI cases stored in the Administrative Office of the Courts District and Municipal Court Information System (DISCIS) database.²² The study sample includes all cases filed since 1992 that involve an offense listed in RCW 46.61.502 or 46.61.504, or an equivalent offense under local ordinance.²³

First we determined the length of the follow-up period and then the length of the adjudication period needed to adequately measure recidivism.

¹⁹ R. Barnoski. (1997). *Standards for improving research effectiveness in adult and juvenile justice*, Olympia: Washington State Institute for Public Policy, Document No. 97-12-1201.

²⁰ As will be explained later in this section, the lengthy adjudication period that is required for convictions required us to use filings as the recidivism event.

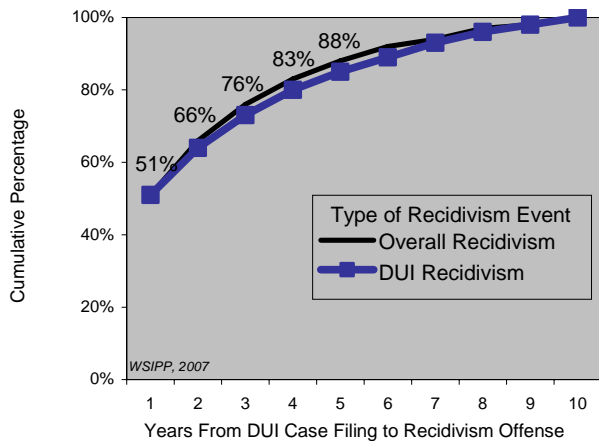
²¹ Ibid.

²² Data from the Seattle Municipal Court database are also included.

²³ Local ordinances account for 14 percent of the DUI cases.

Length of the Follow-up Period. Exhibit A.1 plots the cumulative percentage of DUI cases that recidivated during a 10-year period by the number of years from case filing to the date of the recidivism offense. That is, the exhibit shows the timing of the recidivism event only for those defendants who recidivated. Hence, the cumulative percentage reaches 100 at 10 years.

Exhibit A.1
Cumulative Recidivism Percentage for Those Who Recidivated Within 10 Years by Years From DUI Case Filing to DUI Recidivism Offense



Fifty-one percent of those who reoffended within 10 years did so within one year of the DUI case being filed, 66 percent reoffended within two years, 76 percent within three years, and 88 percent within five years.

Exhibit A.1 also shows that the timing for recidivating with a DUI offense was the same as the timing for overall recidivism.

Since we need to capture at least 75 percent of the reoffending that occurred within the 10-year period, the minimum follow-up period to adequately measure DUI recidivism is three years. Thus, we used this three-year follow-up period in our study.

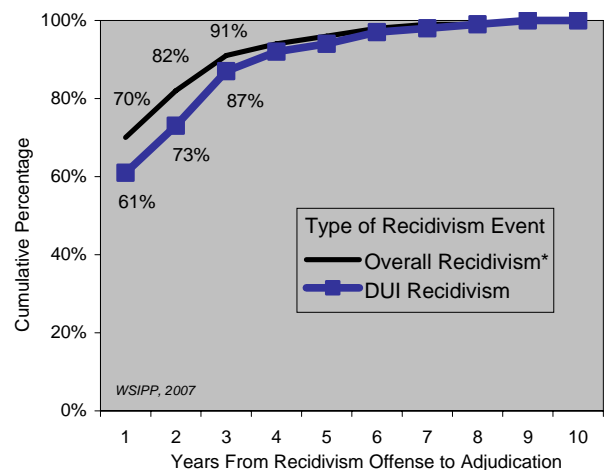
In 1998, the Legislature extended the period of deferred prosecution from two to five years. In order to capture the recidivism during the entire period of this extended deferred prosecution, we used a five-year follow-up period as well as the three-year period.

Length of the Adjudication Period. Having established the follow-up period for measuring recidivism, we next determined how long it took for most recidivism offenses to be adjudicated.

Exhibit A.2 plots the cumulative percentage of cases in which the defendant recidivated by the number of years from the date of the recidivism offense to the adjudication date. After one year, 70 percent of all recidivism offenses were adjudicated, after two years 82 percent, and after three years the percentage rose to 91 percent.²⁴

Exhibit A.2 shows that cases involving a DUI recidivism event took longer to be adjudicated. After one year, 61 percent were adjudicated and after three years 87 percent were adjudicated.

Exhibit A.2
Cumulative Percentage for Adjudicated Cases by Years From Recidivism Offense to Adjudication



*Overall recidivism included driving under the influence, criminal traffic, and alcohol-related misdemeanors.

To capture over 90 percent of the adjudications, the adjudication period would need to be at least three years. Using the five-year follow-up and three-year adjudication periods to measure recidivism requires waiting eight years after filing a case to measure recidivism.

If this definition was used for the follow-up and adjudication periods, only cases filed by the end of December 1997 would have been included in

²⁴ The charges in DUI cases are disposed at a slower rate than felony charges which need about one year to be adjudicated.

the study.²⁵ As a result, waiting eight years to measure recidivism would not allow us to measure recidivism for the post-1998 period. Using a shortened adjudication period would result in the loss of 30 percent of defendants who recidivated.

This measurement problem was avoided by basing the recidivism event on cases filed rather than cases with convictions, thus eliminating the need for an adjudication period. In the courts of limited jurisdiction, filings are similar to arrests. That is, using a case filing is almost equivalent to using an arrest as the recidivism event. Fewer than 15 percent of DUI cases result in a not guilty finding—most filings result in a conviction or an equivalent finding.

Since the DISCIS data were last updated in December 2006, the latest cases that could be included in a study of recidivism must have been filed by the end of December 2003 to measure three-year recidivism, and December 2001 to measure five-year recidivism.

Exhibit A.3 displays the recidivism rates for DUI defendants in the study sample using the definition established for this report. Each defendant’s recidivism was determined by the most serious recidivism charge filed during the follow-up period.

- Less than 1 percent recidivated with an alcohol-related misdemeanor.
- 27.3 percent and 33.5 percent recidivated with a DUI offense within three years and five years, respectively.
- 45.5 percent of the sample recidivated within three years and 52.9 percent recidivated within five years with any offense.

Exhibit A.3
Recidivism Rates for Each
Type of Recidivism Offense

Type of Recidivism Offense	Recidivism Rate	
	3-Year Follow-up*	5-Year Follow-up**
Alcohol Misdemeanor	0.9%	0.8%
DUI	27.3%	33.5%
Other Criminal Traffic	18.2%	19.4%
Driving Without Valid License	15.6%	16.5%
Negligent Driving	1.0%	1.3%
Reckless Driving	0.2%	0.2%
Alcohol-related to Driving	0.1%	0.1%
Other Alcohol	0.8%	0.8%
Other	0.6%	0.6%
Overall Recidivism Offense	45.5%	52.9%

* Based on 455,017 cases filed between 1992 and 2003.
** Based on 373,814 cases filed between 1992 and 2001.

Summary of Findings

This appendix describes how recidivism is measured: the types of offenses included in the recidivism event, the follow-up period, and the recidivism event.

The offenses that comprised a recidivism event, in increasing severity, include:

- Driving Under the Influence;
- Criminal traffic offense; and
- Alcohol-related misdemeanor.

Overall recidivism is defined as the commission of one of the three recidivism offenses, while DUI recidivism is the commission of a subsequent DUI offense.

The Institute’s DUI study used three-year and five-year follow-up periods to determine if a defendant recidivated.

Because a lengthy adjudication period was required to use convictions as the recidivism event, the Institute’s DUI study used the filing of a subsequent case instead of a conviction to measure recidivism.

²⁵ The Institute’s DISCIS data were last updated in December 2006; eight years prior to that is 1998.

APPENDIX B: SUBSTANCE ASSESSMENT/TREATMENT (SAT) REPORT

Only defendants assessed as having substance dependence are eligible for deferred prosecution. Thus, identifying defendants with substance dependence is critical to forming a comparison group for evaluating deferred prosecution. This appendix examines the filing of the Substance Assessment/Treatment (SAT) Report with the Department of Licensing (DOL).

Washington State laws require a person convicted of a DUI to obtain a diagnostic evaluation and treatment recommendation from an approved alcoholism agency.²⁶ The statutes require that a copy of the report be filed with DOL. The court uses the report to determine whether the defendant must complete a course in an alcohol/drug information school or obtain more intensive treatment.

Study Sample. The study sample for the evaluation of the impact of deferred prosecution, and this report, included all DUI cases filed during 2000 and 2001. This timeframe was chosen to be as close as possible to the present yet distant enough in time to permit the measurement of recidivism.²⁷

The DUI deferred group included all cases granted a deferred prosecution, regardless of whether the defendant successfully completed the program.

The comparison group included cases where the defendant either pled guilty or was convicted of a DUI offense. The critical step was to identify defendants in the comparison group with substance dependence.

Data Sources. Data for DUI cases were from the Administrative Office of the Courts District and Municipal Court Information System (DISCIS) database.²⁸ DUI cases are violations of RCW 46.61.502, 46.61.504, or an equivalent under local ordinance. Local ordinances account for 14 percent of the DUI cases.

DOL retrieved all stored images of the SAT for the driver licenses associated with the study group. That is, all DOL imaged reports were retrieved for every unique driver license number in the study group.

Assessment data from these images were manually entered by the Institute.

Three choices appear on the SAT to indicate a defendant's substance use status.²⁹ These choices, in increasing order of seriousness, are as follows:

- 1) **Insufficient evidence of substance abuse/dependence** indicates the defendant does not meet the diagnostic criteria for substance abuse or substance dependence as defined in the Diagnostic and Statistical Manual Fourth Edition Text Revision (DSM-IV-TR) published by the American Psychiatric Association. These defendants have a low or minimal probability of reoffending, and an alcohol/drug information school is required to address their problem with substance use and driving.
- 2) **Substance abuse** indicates the defendant meets the diagnostic criteria for substance abuse in the DSM-IV-TR. These defendants have a greater probability of reoffending without intervention. Substance dependence is not apparent; however, an extensive education/prevention program is required.
- 3) **Substance dependence** indicates the defendant meets the diagnostic criteria for substance dependence in the DSM-IV-TR. These defendants have a greater probability of reoffending if not treated, because substance dependence is their primary problem.

The SAT is completed by a certified Chemical Dependency Professional or Trainee; however, there are no time limits for completing the report—they may be completed any time subsequent to the DUI arrest.

For DUI defendants granted a deferred prosecution, substance dependence counselors are advised not to send a SAT to DOL because this could result in a defendant's license being suspended; not losing a driver license is assumed to be a motivating factor for deferred prosecution.

²⁶ RCWs 46.61.5055(6) and 46.61.5056.

²⁷ See: Appendix A for a description of how recidivism is measured.

²⁸ Seattle Municipal Court data were used to supplement the DISCIS data.

²⁹ See DSHS Division of Alcohol and Substance Abuse DUI Guidebook for a detailed description of the protocols: <<http://www1.dshs.wa.gov/pdf/hrsa/dasa/CERTFORMS/DOLGuide2004.pdf>>.

Associating DUI Court Cases and SATs. The assessment report form does not include the court case number for defendants required to obtain an assessment as the result of a DUI. Therefore, it was not possible to link directly an assessment report with a court case. Rather, the Institute associated the assessment report and a DISCIS court case by matching the driver license number and the assessment date from the report with the driver license number and case filing date for the court case.

Since the assessment data were used to identify defendants with substance dependence, the Institute used the last assessment report before the filing date plus 180 days as a measure of substance dependence in the deferred prosecution outcome evaluation. This measure indicated whether the defendant had any history of dependence.

Exhibit B.1 presents the assessment determinations. An assessment could not be found for 71.1 percent of the 29,018 cases with a guilty outcome. Of those with a guilty outcome, 3,171 defendants (10.9 percent) were assessed as having a substance dependency.

Exhibit B.1
Assessment Determinations for
Cases in Study Sample

	Pled Guilty Or Convicted	Deferred Prosecution
Number of cases	29,018	12,064
No assessment	71.1%	91.3%
Insufficient evidence	13.5%	0.1%
Abuse	4.5%	0.6%
Dependency	10.9%	6.9%
Number with dependency	3,171	834

Summary of Findings

- The SAT does not include the court case number for defendants required to obtain an assessment as a result of a DUI conviction. This prohibits a direct matching of assessments to court cases.
- Approximately 71 percent of the defendants found guilty of a DUI did not have an assessment report on file with DOL, although it is required by law.
- Few deferred prosecution cases had an assessment report on file with DOL since substance abuse counselors are advised not to file this report to avoid triggering a DOL license suspension—a motivation for choosing deferred prosecution.

Since SAT data were used to identify defendants with substance dependence, we used the last assessment report before the filing date plus 180 days as a measure of substance dependence. This measure indicated whether the defendant had a history of dependence.

APPENDIX C: DEFERRED PROSECUTION LOGISTIC REGRESSION RESULTS

**Three-year DUI Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.592**

Variable	Parameter Estimate	Significance Probability
Intercept	-0.52	<.0001
Deferred Prosecution	-0.37	<.0001
Age at Sentence in Decades	-0.02	<.0001
Male	0.04	0.4555
African American	0.05	0.6208
Asian American	-0.17	0.2771
Native American	0.29	0.01
Hispanic American	0.37	0.0092
Prior Legal DUIs	0.09	0.1405
Prior DUI	0.14	0.0167
Prior Negligent Driving	0.09	0.0428
Prior Alcohol Misdemeanors	0.17	<.0001
Prior Other Criminal Traffic	0.13	0.0079

Sample Sizes:

Comparison = 2,343

Deferred Prosecution = 11,876

**Three-year Overall Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.657**

Variable	Parameter Estimate	Significance Probability
Intercept	0.75	<.0001
Deferred Prosecution	-0.68	<.0001
Age at Sentence in Decades	-0.03	<.0001
Male	0.05	0.2274
African American	0.47	<.0001
Asian American	-0.09	0.4725
Native American	0.37	0.0007
Hispanic American	0.66	<.0001
Prior Legal DUIs	0.17	0.0035
Prior DUI	0.18	0.0006
Prior Negligent Driving	0.21	<.0001
Prior Alcohol Misdemeanors	0.27	<.0001
Prior Other Criminal Traffic	0.28	<.0001

Sample Sizes:

Comparison = 2,343

Deferred Prosecution = 11,876

APPENDIX D: PROSECUTOR DIVERSION LOGISTIC REGRESSION RESULTS

**Three-year DUI Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.592**

Variable	Parameter Estimate	Significance Probability
Intercept	-0.69	0.0002
Prosecutor Diversion	0.07	0.4958
Age at Sentence in Decades	-0.01	0.0093
Male	0.00	0.9761
African American	0.19	0.4306
Asian American	-0.46	0.1990
Native American	0.53	0.1489
Hispanic American	0.95	0.0616
Prior Legal DUIs	0.09	0.1688
Prior DUI	0.02	0.9529
Prior Negligent Driving	0.06	0.7679
Prior Alcohol Misdemeanors	0.08	0.6898
Prior Other Criminal Traffic	0.34	0.0085

Sample Sizes:

Comparison = 1,075

Prosecutor Diversion = 1,075

**Three-year Overall Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.638**

Variable	Parameter Estimate	Significance Probability
Intercept	0.59	0.0006
Prosecutor Diversion	-0.31	0.0006
Age at Sentence in Decades	-0.03	<.0001
Male	0.13	0.2088
African American	0.49	0.0314
Asian American	-0.34	0.2544
Native American	0.56	0.1384
Hispanic American	1.60	0.0142
Prior Legal DUIs	0.06	0.364
Prior DUI	0.32	0.2712
Prior Negligent Driving	0.22	0.2649
Prior Alcohol Misdemeanors	-0.11	0.5595
Prior Other Criminal Traffic	0.40	0.002

Sample Sizes:

Comparison = 1,075

Prosecutor Diversion = 1,075

APPENDIX E: 1998 STATUTE REGRESSION RESULTS

Three-year DUI Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.587

Variable	Parameter Estimate	Significance Probability
Intercept	-0.84	<.0001
Post-1998 Period	0.17	<.0001
Years Since 1992	-0.05	<.0001
Age at Sentence in Decades	-0.01	<.0001
Male	0.06	0.009
African American	-0.05	0.3191
Asian American	-0.12	0.1023
Native American	0.48	<.0001
Hispanic American	0.47	<.0001
Prior Legal DUIs	0.16	<.0001
Prior DUI	0.16	<.0001
Prior Negligent Driving	0.14	<.0001
Prior Alcohol Misdemeanors	0.11	<.0001
Prior Other Criminal Traffic	0.15	<.0001

Five-year DUI Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.670

Variable	Parameter Estimate	Significance Probability
Intercept	-0.66	<.0001
Post-1998 Period	0.16	<.0001
Years Since 1992	-0.06	<.0001
Age at Sentence in Decades	-0.01	<.0001
Male	0.13	<.0001
African American	-0.02	0.7548
Asian American	-0.04	0.5983
Native American	0.53	<.0001
Hispanic American	0.52	<.0001
Prior Legal DUIs	0.18	<.0001
Prior DUI	0.21	<.0001
Prior Negligent Driving	0.15	<.0001
Prior Alcohol Misdemeanors	0.13	<.0001
Prior Other Criminal Traffic	0.21	<.0001

Three-year Overall Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.656

Variable	Parameter Estimate	Significance Probability
Intercept	0.20	<.0001
Post-1998 Period	0.20	<.0001
Years Since 1992	-0.08	<.0001
Age at Sentence in Decades	-0.03	<.0001
Male	0.13	<.0001
African American	0.33	<.0001
Asian American	-0.13	0.053
Native American	0.63	<.0001
Hispanic American	0.80	<.0001
Prior Legal DUIs	0.34	<.0001
Prior DUI	0.23	<.0001
Prior Negligent Driving	0.26	<.0001
Prior Alcohol Misdemeanors	0.35	<.0001
Prior Other Criminal Traffic	0.29	<.0001

Sample Sizes:

Pre-1999 = 34,453
 Post-1998 = 30,981

Five-year Overall Recidivism
Area Under Receiver Operating Characteristic
(AUC) 0.661

Variable	Parameter Estimate	Significance Probability
Intercept	0.44	<.0001
Post-1998 Period	0.17	<.0001
Years Since 1992	-0.08	<.0001
Age at Sentence in Decades	-0.03	<.0001
Male	0.17	<.0001
African American	0.29	<.0001
Asian American	-0.11	0.1312
Native American	0.65	<.0001
Hispanic American	0.96	<.0001
Prior Legal DUIs	0.33	<.0001
Prior DUI	0.33	<.0001
Prior Negligent Driving	0.31	<.0001
Prior Alcohol Misdemeanors	0.42	<.0001
Prior Other Criminal Traffic	0.35	<.0001

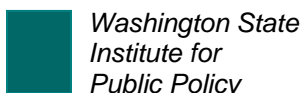
Sample Sizes:

Pre-1999 = 34,453
 Post-1998 = 18,259

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