

You Drink, You Drive, Your License is Suspended? An Examination of ALS Outcomes

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BACKGROUND:

Administrative license suspension (ALS) is designed to serve as a general deterrent for DUI. ALS allows for the immediate removal of a motorist's driving privileges prior to a driving under the influence criminal trial. For ALS to be effective, the population must be sure of potential sanctions. A license suspension must be upheld when brought before an administrative court judge for the penalty to have a deterrent effect. If a suspension is routinely reversed during an ALS hearing, the intent of ALS is minimized. Law enforcement officers' failure to appear at ALS hearings has been found to be the largest contributing cause for a suspension reversal in Georgia.

OBJECTIVES:

- 1) Compare Georgia ALS outcome data from 1999 and 2009 to determine changes in rates of affirmed & reversed license suspensions
- 2) Examine the rate of plea agreements reached through ALS hearings
- 3) Determine the impact officers' failure to appear has on ALS outcomes

METHODS:

Two sets of ALS outcome data were collected and provided to TSREG by the Office of State Administrative Hearings (OSAH).

1999 Data Collection Method

Data was extracted by OSAH personnel from an existing database. Cases with a determined outcome were included in the analysis (n = 7,155). No single concerted effort to coordinate case categories, assignment, or disposition was in place.

2009 Data Collection Method

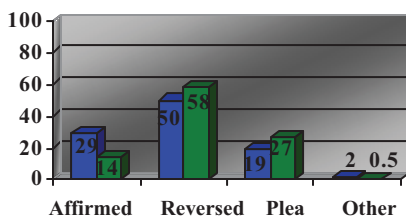
Stratified random sample (n = 184) of cases were selected based on the percentage of cases individual courthouses across Georgia contributed to the total (n = 12,923) hearing outcomes in 2008. Decisions were generated between February and April 2009 and originated from the Department of Driver Services.

To ensure unequal case size did not create false significant differences, random samplings were taken from the larger 1999 database for comparison with 2009 data. No significant differences were found when results from the larger database were compared to the smaller random samples, therefore the rates from the larger database were used in the 1999 and 2009 comparison.

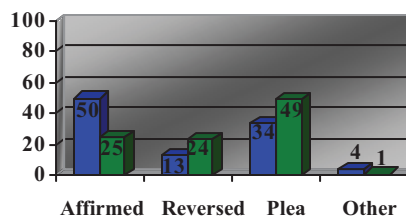
RESULTS:

CONCLUSIONS:

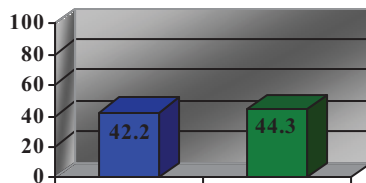
All ALS Outcomes from 1999 & 2009



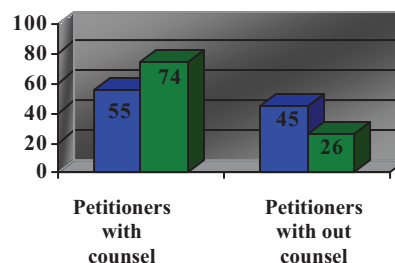
All ALS Outcomes from 1999 & 2009 - Cases involving FTA removed from data



Percentage of ALS hearings involving officer FTA



Percentage of ALS hearings in which petitioner had legal representation



- Reversal rate increased from 1999 to 2009
- Officer FTA continues to effect reversal rate and occurred in over 40% of all hearings
- Rate of pleas increased by 44% from 1999 to 2009

ALS appears to be less effective in 2009 than in 1999. Several key points were discovered:

- ◆ Officer FTA must be addressed. With reversals due to officer FTA removed from data, reversal rates dropped by 74% in 1999 and by 58% in 2009.
- ◆ There is a growing trend for petitioners to employ the service of counsel in ALS hearings, with petitioners 34.5% more likely to bring legal representation in 2009 than in 1999.
- ◆ Plea agreements are being reached more frequently in 2009 than 1999.
- ◆ Continued research should be conducted to determine if a plea agreement arranged through ALS effects the probability a motorist will re-offend.

