

EDITORIAL

Drunken drivers abound on Cape Cod roads

You're more likely to encounter a drunken driver on the roads of Cape Cod than in any other part of the state.

Records compiled over the past five years show that more people have been arrested for driving under the influence of alcohol on Cape Cod than in any other section of Massachusetts; according to a research report prepared by Marjorie E. Brown, Director of Research, Office of the Commission of Probation, and released March 30, 1982, during the 1977-81 period, 924 arraignments for drunken driving came before the Barnstable District Court, and 380 cases were handled in the Orleans District Court.

Males accounted for a total 1129; females, for 175. Of the total 1304 persons arraigned in 1981, only 61 were found not guilty. Guilty verdicts were handed down in 252 cases; the rest were either Continued Without Finding or Dismissed after prior Continuances Without Finding.

In only five other district courts do the 1981 figures disclosing the number of persons charged with drunken driving even come close to the combined statistics of the Cape's two courts. In Lawrence, there were 972; in Lowell, 968; in Quincy, 1190; in Springfield, 1144; and in Worcester, 1109. In Boston's Municipal Court only 262 persons were arraigned on charges of drunken driving in 1981.

The study was undertaken as a result of legislation enacted in 1975 to permit judges to place persons convicted or charged with "driving under the influence" on probation for one year, conditional upon their participation in a Drivers Alcohol Education Program (DAEP) and/or treatment and rehabilitation. Probation departments were asked to file reports on individuals in the programs, or collection of fees, and on the use of the programs.

According to the reports submitted by Commissioner of Probation Joseph P. Foley to the Director of the Division of Alcoholism, Massachusetts Department of Mental Health, in compliance with the statute, the results are mixed. And, unfortunately, no comparisons are given with the numbers prior to the beginning of the study, so no conclusions can be drawn regarding the program's success or failure.

Statewide, based on data for the years 1977 through 1981, a total of 119,964 persons faced arraignment on drunken driving charges. Each year, over 15,000 of those arraigned were placed in Driver's Alcohol Education Programs, increasing 12 percent from 15,085 in 1977 to a five-year high of 16,916 in 1981. The trend seems to indicate that drunken driving is on the increase.

The Drivers Alcohol Education Programs, of which there are 26 statewide, provide an eight-week educational and early intervention service to people placed on probation for drunk driving. Aimed at increasing the licensed driver's ability to make informed decisions concerning his or her drinking, the programs also serve as a screening process and evaluate the degree of client involvement with alcohol. An evaluation is made to the court and, if necessary, a recommendation is made for further treatment.

Public and private clinics and hospitals conduct inpatient programs aimed primarily at detoxification; they are generally intended for offenders in need of treatment prior to participating in the DAEP. Persons whose cases are continued without finding generally receive a year's probation and referral to the DAEP; they do not necessarily lose their driver's licenses but have a second hearing after 60 to 90 days, at which time the charges may be either dismissed or further continued.

Persons found Guilty do lose their licenses to drive for one year, are fined, imprisoned, or placed on probation with the option of participating in the Drivers Alcohol Education Program. Loss of license is mandatory with no provision for early reinstatement.

The DAEP is financed by participants in the program; a fee of \$200 is assessed, paid to the Chief Probation Officer of the court, and forwarded to the Director of Alcoholism. The entire fee, or a portion of it, can be waived due to indigency or severe hardship. Funds from the collected fees are the sole source of support for the DAEP. Since the program went into effect five years ago, \$12,150,372 in fees have been collected.

Because "driving under" defendants are seriously drunk when apprehended, the probability of acquittal is low. Alcohol concentrations in the blood of .10 is the equivalent of 7 drinks in a two-hour period. This is the standard for legal impairment in Massachusetts.

According to the research report, the majority of people charged with drunken driving had their cases continued rather than receiving a final disposition of guilty or not guilty. During the period of the study, an average of 67 percent of the cases were continued; 23 percent were found guilty; the acquittal rate averaged only 10 percent.

Over the five years, an increasing percentage of those charged with drunk driving were fined or imprisoned (9 percent in 1977 as compared with 16 percent in 1981). The number of people appealing guilty findings increased 100 percent from 3 percent of the cases in 1977 to 6 percent in 1981.

Well over half the 1981 cases were continued without finding; sometime during the one-year probationary period, those cases were dismissed. The remaining cases were continued further, and the defendants ordered to obtain additional treatment as a condition of probation. All of these drivers were permitted to retain their licenses to drive.

The data supplied in this report indicates that Massachusetts courts are finding more and more drunk driver defendants Guilty. Among those successfully prosecuted between 1977 and 1981, a declining percentage was placed in the Drivers Alcohol Education Program. Most of those (97%) were

"first offenders." (Or, at least, it was the first time they had been caught and brought before the courts.)

The percentage of drunk drivers who were fined or imprisoned rose 119 percent from 1977 (1,562 persons), to 3,421 persons in 1981. From this, it can be deduced the courts may be getting tougher on drunken drivers. It could also be deduced that the statewide problem is growing at an alarming rate.

While comparing figures may indicate courts are cracking down with heavier sentences, there is also some indication that Driver Education Programs in school might better serve if greater emphasis was placed on the problem of driving while drunk.

To zero in on the 1981 figures for Barnstable District Court, of the total 924 persons arraigned, 35 were found not guilty, 213 were judged guilty, and 429 cases were dismissed after a prior Continued Without Finding action. Of the 590 who participated in a Drivers Education Course prior to becoming licensed drivers, all were first offenders. Among these, 108

then took part in the DAEP.

Like most research studies, this one provides a lot of statistics, but little information we can use for solving the problem which other studies reveal accounts for over 50 percent of traffic deaths and accidents. The stated ultimate goal of the legislature's action in 1975 was a decrease in the number of traffic deaths accidents due to drunk driving. It was hoped that through identification, re-education, and treatment of problem- and potential problem- drinkers, the incidence of drunk driving could be reduced.

Nothing in the March 30, 1981 report of the Office of Probation enables us to assess the effectiveness of the program. Nowhere in that report is found that statistic that reveals whether accidents caused by drunk drivers have increased or decreased since the DAEP was instituted.

We are left to judge, then, by our own experience, by the number of young people we know have become tragic victims of such accidents.

— Andrea Leonard