EVALUATION OF DUII SENTENCING PRACTICES IN OREGON

FINAL REPORT
#FHWA-OR-RD-98-06

by

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As the completed modeling is inconclusive and misleading, it cannot be used to implement change and therefore should not be widely disseminated.

16. Abstract

Oregon law requires motorists driving under the influence of intoxicants (DUII) to be sentenced with some sanctions, and allows judges the use of additional sanctions. Sanctions including drug/alcohol treatment, jail time, community service, etc., are not consistently and/or uniformly applied throughout the state. There is not a clear picture of which sanctions or combinations of sanctions are effective in reducing the recidivism, relapse into criminal behavior of DUII, and consequently, improving traffic safety.

The trend represented in the January 1997 ECO Northwest report, *DUII Sentencing Data in Oregon*, is that the most severe sanctions are the least effective. There is a bias in the sentencing data, based on the fact that the most blatant offenders receive the most severe sanctions and are the most likely to repeat. These results are inconclusive and misleading.

For future research, start with a literature review that focuses on existing legislation. Then create a study design that addresses the objectives more directly and thoroughly. Study the databases of the OJD and the DMV, as well as others, to know exactly what information is available, and the relevancy of the available data. Next, produce a trial run through for a small number of cases, to gather initial trends, thereby detecting such issues as bias. Develop a better understanding of the sentencing practices in effect. Also, limit the research to 'representative' counties, freeing up time for database information verification with hard copy files. Gather multiple year data to increase the offender observation period for recidivism. Ensure the data collection process is halted and reengineered if there are any discrepancies. Develop methods to track the counseling utilized for the offender and their psychological profile. The diversion/counseling of the offender in relation to their background is possibly another project altogether.

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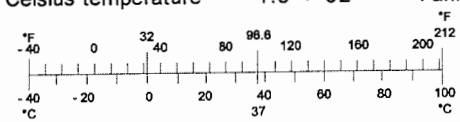
APPROXIMATE CONVERSIONS TO SI UNITS

Symbol	When You Know	Multiply By	To Find	Symbol
		LENGTH		
in	inches	25.4	millimeters	mm
ft	feet	0.305	meters	m
yd	yards	0.914	meters	m
mi	miles	1.61	kilometers	km
		AREA		
in^2	square inches	645.2	millimeters squared	mm^2
ft^2	square feet	0.093	meters squared	m^2
yd^2	square yards	0.836	meters squared	m^2
ac	acres	0.405	hectares	ha
mi^2	square miles	2.59	kilometers squared	km^2
		VOLUME		
fl oz	fluid ounces	29.57	milliliters	mL
gal	gallons	3.785	liters	L
ft^3	cubic feet	0.028	meters cubed	m^3
yd^3	cubic yards	0.765	meters cubed	m^3
NOTE: Volumes greater than 1000 L shall be shown in m^3.				
		MASS		
oz	ounces	28.35	grams	g
lb	pounds	0.454	kilograms	kg
T	short tons (2000 lb)	0.907	megagrams	Mg
		TEMPERATURE (exact)		
°F	Fahrenheit temperature	5(F-32)/9	Celsius temperature	°C

APPROXIMATE CONVERSIONS FROM SI UNITS

Symbol	When You Know	Multiply By	To Find	Symbol
		LENGTH		
mm	millimeters	0.039	inches	in
m	meters	3.28	feet	ft
m	meters	1.09	yards	yd
km	kilometers	0.621	miles	mi
		AREA		
mm^2	millimeters squared	0.0016	square inches	in^2
m^2	meters squared	10.764	square feet	ft^2
ha	hectares	2.47	acres	ac
km^2	kilometers squared	0.386	square miles	mi^2
		VOLUME		
mL	milliliters	0.034	fluid ounces	fl oz
L	liters	0.264	gallons	gal
m^3	meters cubed	35.315	cubic feet	ft^3
m^3	meters cubed	1.308	cubic yards	yd^3
		MASS		
g	grams	0.035	ounces	oz
kg	kilograms	2.205	pounds	lb
Mg	megagrams	1.102	short tons (2000 lb)	T
		TEMPERATURE (exact)		
°C	Celsius temperature	1.8 + 32	Fahrenheit	°F



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EVALUATION OF DUII SENTENCING PRACTICES IN OREGON

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1.0 INTRODUCTION

Oregon law requires motorists driving under the influence of intoxicants (DUII) to be sentenced with some sanctions, and allows judges the use of additional sanctions. Sanctions including drug/alcohol treatment, jail time, community service, etc., are not consistently and/or uniformly applied throughout the state. There is not a clear picture of which sanctions or combinations of sanctions are effective in reducing the recidivism, relapse into criminal behavior of DUII, and consequently, improving traffic safety.

The research objectives of this project were to answer the following questions for first time and repeat offenders:

1. Overall, are judges in Oregon handing down the sentences required by law?
2. Which additional sanctions are being handed down?
3. Of the sanctions handed down, which are actually carried out by the offender, which are reduced, and which are not completed?
4. If required sentences are not carried out, is the appropriate follow-up action taken?

2.0 PROJECT DESCRIPTION

ECO Northwest was selected to collect and analyze data for this project. A detailed research design was prepared, and available data was gathered. The contractor next sorted and analyzed data according to the guidelines set forth in the request for proposal, and documented the findings in a final report included in the appendix. The results from this study were to be used in developing an appropriate training program for judges and encouraging the use of effective sanctions for DUII offenders.

The two perspectives of this research project are that of ECO Northwest and that of the Oregon Judicial Department (OJD). The perspective and analysis of ECO Northwest is contained within their January 1997 report, *DUII Sentencing Data in Oregon*, which is an appendix to this document. The OJD perspective is presented in a December 18, 1996 letter attached to the appendix.

3.0 METHODOLOGY

3.1 PROCESS

ECO Northwest accomplished data collection from the databases within the OJD and the Driver and Motor Vehicle Services Branch (DMV) between the dates of December 1994 to April 1996. A draft report discussing the data analysis and modeling was prepared in October 1996. The final report was prepared in January 1997.

3.2 DATA COLLECTION

Discrepancies were noted in the data collection portion of the research. Upon comparison of the initial list of requested database fields with the master database fields used, differences were found. The blood-alcohol content (BAC) level, refusal of breath test, trial date, judge, jail time served, community service completed, and treatment completed were among the more notable fields missing from the master database.

Gathering the information from the OJD and the DMV was difficult. Either the requested information did not exist in the database or it was very expensive/difficult/impossible to extract in the form needed for this project. Also, the possible confidentiality of some of this information may have prohibited its use.

4.0 DATA ANALYSIS

The final report tabulated summary statistics by county and by year for jail time, probation time, community service work time, and fine amounts. Also, treatment and ignition interlock device use was tabulated in cases where ordered. The following results were produced:

1. Jail time, community service work time, and probation time had very little effect on recidivism.
2. Fine amount had a minor effect on repeat of DUII incidence. A fine amount of $1,000 would be expected to lengthen the period before repeat of DUII by 37 days, all else the same.
3. The only sanction that had a large effect on recidivism was treatment. Being sentenced to treatment could be expected to increase the time until the next DUII by 637 days, all else the same.

The trend represented here is that the most severe sanctions are the least effective. There is a bias in the sentencing data, since the most blatant offenders receive the most severe sanctions and are the most likely to repeat.

In terms of the four research objectives, the sanctions are tabulated and statistically analyzed in the appendix. How these penalties fit into the existing laws is unknown. The information used for the master database of this study does not separate imposed sanctions and completed sanctions.

5.0 CONCLUSIONS AND RECOMMENDATIONS

As the completed modeling is inconclusive and misleading, it cannot be used to implement change and therefore should not be widely disseminated. Again, from the above analysis, the only sanction that had a large effect on recidivism was treatment. Being sentenced to treatment could be expected to increase the time until the next DUII by 637 days. This finding supports the Oregon stance on the need for treatment. Since 1983, Oregon Law (ORS 813.020) has required evaluation and an appropriate treatment program for every DUII conviction.

For future research, the following is recommended:

1. Accomplish a thorough literature review, focusing on existing legislation.

2. Create a study design that addresses the objectives more directly and thoroughly.

3. Study the databases of the OJD and the DMV, as well as others, to know exactly what information is available, and the relevancy of the available data.

4. Produce a trial run through for a small number of cases, to gather initial trends, thereby detecting such issues as bias.

5. Develop a better understanding of the sentencing practices in effect

6. Limit the research to 'representative' counties, freeing up time for database information verification with hard copy files. Also, gather multiple year data to increase the offender observation period for recidivism.

7. Ensure the data collection process is halted and reengineered if there are any discrepancies. For example, this project lacked the BAC level and the sentence completion information for the offenders. How would a judge compare a first time offender who was just above the minimum BAC level with a first time offender who was double the minimum BAC level? How can sanction effectiveness be analyzed if the completion information is unknown? Without that information, it is impossible to understand the sentencing patterns.

8. Develop methods to track the counseling utilized for the offender and their psychological profile. Even though the offender's psychological background was not included in this project, it is important to understanding and correlating future behavior. The diversion/counseling of the offender in relation to their background is possibly another project altogether.

APPENDIX

DUII SENTENCING DATA IN OREGON

Note: Appendix D of the following report (Oregon Judicial Department's Comments on Final Report) is not included as the Draft and Final reports are very similar and the OJD had no new comments.

DUII Sentencing Data in Oregon

Prepared for:

Oregon Department of Transportation
Transportation Safety Section

January 1997

Prepared by:

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Appendix D: Oregon Judicial Department's Comments on Final Report

Executive Summary

The original scope of work for this project envisioned obtaining data on sanctions imposed and served from all DUII convictions in Oregon District Courts in 1993. The data would be sorted and tabulated to determine how sanctions were being applied around the state, to what extent sanctions that were imposed were carried out, and in cases where they were not carried out, what follow-up actions were taken.

The results would be used by the Transportation Safety Section to evaluate the way in which sanctions are applied in Oregon and to determine the effectiveness of the applied sanctions in reducing the recidivism rate in Oregon

The scope was modified to examine additional data about the offenders and the circumstances of the offense. Judges might take such information into account when specifying sanctions. If they did, and we did not incorporate that information into our analysis, our results would be biased and potentially misleading. For example, disparate sentencing outcomes in different counties does not imply that the judges in the different counties follow different sentencing practices. It might be the case that the outcomes would be the same in every county if each were faced with the same set of offenders and offenses.

Any statistical test of the effectiveness of various sanctions would be invalid if selection bias were not accounted for and removed by applying appropriate statistical procedures. For example, judges may save the toughest (and most expensive to implement) sanctions for the offenders they believe most likely to become recidivists. If the offenders assigned the toughest sanctions do indeed exhibit a higher recidivism rate, that does not imply that more lenient treatment would have been more effective for those particular offenders.

Data collection efforts began in December of 1994, when we met with staff from the Oregon Judicial Department to determine what data were available in the Oregon Judicial Information System (OJIN) and what it would take to obtain the data we were interested in. Collection efforts ended in April of 1996, with the delivery of DMV data and updated OJIN data.

The first round of analysis consisted of tabulating the OJIN data to be able to depict sentencing practices in Oregon's State Courts. We tabulated summary statistics by county and by year for jail time, probation time, community service work time, and fine amounts. We also tabulated the number of cases where treatment was ordered and where an ignition interlock device was ordered.

The next stage of the analysis involved statistical analyses of the combined OJIN and DMV databases to determine more precisely the sentencing practices of Oregon's State Courts, taking into account characteristics of the

offender and offense, and to determine the relative effectiveness of the various sanctions at preventing recidivism, again taking into account characteristics of the offender and offense as well as selection bias introduced by the fact that judges may not assign sanctions randomly.

One statistical analysis was designed to identify any significant differences in sentencing practices between the various District Court districts. The tabulations of the OJIN data show widely varying results for the various districts. Districts with small numbers of cases especially tended to differ from statewide results. These results indicate that sanctions may be applied differently in different districts, but no conclusions can be reached without knowing and accounting for differences in the offenses for which the sanctions were applied and the offenders to whom they were applied.

In general, the available data explained only a small proportion of the variation in sentences imposed. This is partly due to the fact that we had no information on one important characteristic of the offense, the blood-alcohol content level. But it is likely that part of the variation in sentences stems from the offenders' attitudes and the way they present themselves to the judge, as well as the skills of their attorneys. In many cases, sentences are negotiated with prosecuting attorneys in advance of trial. Since these attributes are not readily quantifiable and are not recorded, any statistical model of sentencing behavior will prove unreliable at predicting the sentence imposed in a particular case. Statistical models can, however, quantify the relationships between the variables about which information is available and sentencing practices.

Twenty districts showed statistically significant variations in jail time imposed. Of these, Josephine County had the highest positive coefficient, indicating the most jail time imposed, all else the same. Umatilla County had the most negative of the significant coefficients, indicating the least jail time imposed, all else the same. Wasco County and the Hermiston District also had significant, highly negative coefficients.

Twenty four districts showed statistically significant variations in fine amounts imposed. Of these, Umatilla County had the highest positive coefficient, indicating the highest fines imposed, all else the same. Malheur County also had a significant, high positive coefficient. Jefferson County had the most negative of the significant coefficients, indicating the lowest fines imposed, all else the same. Washington and Columbia Counties also had significant, highly negative coefficients.

Fourteen districts showed statistically significant variations in probation time imposed. Of these, Josephine County had the highest positive coefficient, indicating the most probation time imposed, all else the same. Jackson and Linn Counties also had significant, high positive coefficients. Douglas County had the most negative of the significant coefficients, indicating the least probation time imposed, all else the same. Wasco and Clatsop Counties also had significant, highly negative coefficients.

Only two districts showed statistically significant variations in community service work time imposed. Malheur County had a high positive coefficient, indicating the most community service work time imposed, all else the same. Washington County had a statistically significant, but small positive coefficient. Malheur's imposition of community service work time may have changed over time, though. The tabular analysis shows that in 1990 and 1991, Malheur County was the only district to impose community service work in over half of all cases. By 1995, Malheur's imposition of community service work was still the highest, but not so different from the other districts that use community service work (many do not).

The other statistical analysis was designed to determine whether there is any statistical evidence that some sanctions work better than others at reducing recidivism. We had information about the sanctions applied in a large number of DUII cases as well as information about whether the persons to whom the sanctions were applied were again convicted in State Court during a limited period of time. The statistical analysis was made difficult by two factors:

- We only knew whether a particular individual was convicted again during the period after his conviction and until the end of 1995. So the longest period of observation was six years, and the shortest was zero.
- We could not assume that sanctions were assigned randomly, as they would be in a controlled experiment. If the offenders who were sent to jail, for example, differed from those who were not, and those differences were correlated with the likelihood that they would again drive while under the influence, the effectiveness of jail at preventing recidivism cannot be evaluated without correcting for the selection bias.

Our results indicate that most sanctions have very little effect on recidivism. For jail time, community service work time, and probation time, in fact, the model showed an inverse relationship between the severity of the sanction and the predicted number of days until the next incident. An additional day of jail or probation time would be expected to reduce the number of days until the next incident by one day. An additional day of community service time would be expected to reduce it by two days.

That the coefficients on these variables came up negative probably is a result of our inability to completely correct for selection bias. For example, jail time (or additional jail time) may be imposed when an offender flunks treatment, an event we have no information about and so cannot incorporate into either the correction for selection bias or the model of time to the next incident. But the estimated coefficients, while statistically significant, are so small that one can conclude that these sanctions have no effect of any consequence on recidivism.

For fine amount, our model shows a positive relationship between the size of the fine imposed and the number of days until the next incident. A $1,000

fine would be expected to lengthen that period by 37 days, all else the same.

The one sanction that did show a large effect on recidivism was treatment. Being sentenced to treatment would be expected to increase the time until the next incident by 637 days (almost 21 months), all else the same. We do not have information about which offenders successfully completed the treatment to which they were assigned, nor do we know what the treatment consisted of. In many cases, the judge does not specify the treatment. The offender is sentenced to report for evaluation and treatment professionals then prescribe a treatment program.

1. Background

1.1. Original Study Design from the RFP

The original scope of work for this project envisioned obtaining data on sanctions imposed and served from all DUII convictions in Oregon District Courts in 1993. The data would be sorted and tabulated to determine how sanctions were being applied around the state, to what extent sanctions that were imposed were carried out, and in cases where they were not carried out, what follow-up actions were taken.

The results would be used by the Transportation Safety section to evaluate the way in which sanctions are applied in Oregon and to determine the effectiveness of the applied sanctions in reducing the recidivism rate in Oregon

1.2. Revised Study Design

In our proposal, we recommended modifying the scope of work to examine additional data about the offenders and the circumstances of the offense. We suspected that judges might take such information into account when specifying sanctions. If that were true, and we did not incorporate that information into our analysis, our results would be biased and potentially misleading. For example, disparate sentencing outcomes in different counties does not imply that the judges in the different counties follow different sentencing practices. It might be the case that the outcomes would be the same in every county if each were faced with the same set of offenders and offenses.

Furthermore, any statistical test of the effectiveness of various sanctions would be invalid if selection bias were not accounted for and removed by applying appropriate statistical procedures. For example, judges may save the toughest (and most expensive to implement) sanctions for the offenders they believe most likely to become recidivists, all else the same. If the offenders assigned the toughest sanctions do indeed exhibit a higher recidivism rate, that does not imply that more lenient treatment would have been more effective for those particular offenders.

1.3. Data Collection

Data collection efforts began in December of 1994, when we met with staff from the Oregon Judicial Department to determine what data were available in the Oregon Judicial Information System (OJIN) and what it would take to obtain the data we were interested in. Collection efforts ended in April of 1996, with the delivery of DMV data and updated OJIN data.

1.3.1. Oregon Judicial Department

Before the project started, we prepared a list of data items that we hoped to obtain form OJIN to conduct the analysis requested by ODOT. That list

included the following:

- Case ID
- District Court District
- Judge
- Trial Date
- Offender ID (drivers license)
- Offended Date of Birth
- Offender Residence (zip code or county)
- Offender Sex
- Offended Marital Status
- Offender Employment Status
- Prior DUII Convictions
- Prior Felony Convictions
- Prior Misdemeanor Convictions
- Prior License Suspensions or Revocations
- Concurrent Charges
- Blood Alcohol Content
- Refusal of Breath Test
- Concurrent Accident
- Concurrent Fatalities
- Date of Arrest
- Ownership of Vehicle
- Jail Time Imposed
- Jail Time Served
- Fines Imposed
- Fines Paid
- Suspension or Revocation Imposed
- Community Service Imposed
- Community Service Completed
- Treatment Imposed
- Treatment Completed

In the initial meeting with Judicial Department personnel, it became obvious

that OJIN did not contain all of the information we hoped it would. None of the information about the offender other than drivers license number and state, sex, and date of birth are contained in OJIN.

n January of 1995, Judicial Department staff made available their data dictionary and file layouts. ECONorthwest staff wrote queries and tested them on a sample database. Judicial Department staff agreed to run the queries on the real data when an interagency agreement was signed.

In July of 1995, the Judicial Department ran the queries. It then became clear that the sentence file within OJIN did not contain useful information regarding sentences imposed. We determined that the information we wanted, e.g., the amount of jail time imposed, was in the financial file. We wrote an additional query to gather the sentencing information and in March of 1996 submitted the entire set of queries again to pick up convictions that had occurred in the meantime.

In April of 1996, the queries were run and we received the final dataset in May of 1996. That dataset contained:

From the Charges file:

- Court Type
- Court Location
- Case Number
- Charge ID
- Incident Date
- Arrest Date
- Accident Related
- Employment Related

From the Personal ID of Parties file:

- Court Type
- Court Location
- Case Number
- Sex
- Drivers License Number
- Drivers License State
- Social Security Number

From the Financial file:

- Court Type
- Court Location

- Case Number
- Amount ID
- Amount Type
- Amount Modifier
- Units
- Dollar Amount
- Nondollar Amount
- From the Sentences file:
- Court Type
- Court Location
- Case Number
- Sentence ID
- Sentence Type
- Sentence Date

1.3.2. DMV

In December of 1994, after it had become clear that OJIN did not contain all of the information we would need, ODOT staff began trying to work with DMV to gain access to the driver records of convicted DUII offenders. In February of 1996, DMV agreed to provide the data we requested. In early March, we agreed on the specifications of the queries and the format for the data. The queries were run and the data delivered at the end of April. DMV charged $8,808 for the data they provided. The DMV data for every Oregon driver convicted of DUII between January 1991 and December 1994 or entered into a diversion program based on an arrest between January 1991 and December 1994 contained:

For each Driver:

- Drivers License Number
- Date of Birth
- Skill Date
- Sex
- City
- State
- Zip code

For each conviction:

- Conviction Date

- Conviction Code
- Court Type
- Abstract Number
- Court Location
- Offense Date
- Offense
- Occupational Code
- Conviction Class
- Posted Speed
- Actual Speed
- CMV
- Hazmat
- Locator
- Reference

For each suspension:

- Begin Date
- End Date
- Reason Code
- Reinstatement Date
- Reinstatement Code
- Court Location
- Partial Reinstatement Date
- Partial Reinstatement Code
- Action Date
- Action Code
- Locator
- Reference
- Withdrawal Type
- Alcohol Date
- Alcohol Code
- For each Accident:
- Accident Date
- Accident Code

- Fatal Code
- Accident Type
- Reference Number
- Notation
- CMV
- Hazmat
- Jurisdiction
- Locator

For each diversion:

- Enroll Date
- Court Type
- Court Location
- Docket Number
- Disposition Code
- End Date
- Revocation Code
- Arrest Date

1.4. Data Preparation

The datasets were delivered to ECONorthwest on magnetic tape in EBCDIC, a format used only on IBM mainframes. Our goal was to prepare a database with one record for each conviction, where that record would contain all the available information about the offense, the offender, the sentences, and the court.

1.4.1. OJIN Data

For each of the OJIN databases, a new field called CaseID was created consisting of the combination of Court Type, Court Location, and Case Number, and each was indexed on that field.

A new field called ChargeID1 was created in the Charges database and was set to true if the charge ID was 1 and false otherwise. Since the most serious charge is listed first, this field tells us whether the DUII coincidental to a more serious charge (e.g., negligent homicide) or not. The Accident Related and Employment Related fields in the Charges database almost always were blank, so we ignored them for the remainder of the analysis.

By linking records through the CaseID field, we combined the CaseID, Incident Date, Arrest Date, and ChargeID1 fields from the Charges database with the Sex, Drivers License Number, and Drivers License State fields from

the Personal ID of Parties database to begin building a master database.

The Financial database contained approximately 2.5 million records, each representing a component of a sentence. The typical case had 15 or so corresponding records in the Financial database; some had over 100. For example, a typical case might have several different fees, a fine, some jail time, some probation time, several probation conditions, and some treatment. To summarize the sentences, we ran a query that produced a new database with one record per case. Within each record were fields summarizing jail time, work time, probation time, fees levied, fines levied, whether or not treatment was ordered, and whether or not an ignition lock device was ordered. Components of sentences that were waived, suspended, revoked, vacated, written off, reversed, or rescinded were not included in the summary totals. These new fields were than added to the master database.

The information in the Sentences database was determined to be irrelevant and was not used.

1.4.2. DMV Data

Once the DMV data were separated into the Driver, Accident, Conviction, Suspension, and Diversion databases, the only additional processing necessary was the conversion of dates from text into a date format.

1.4.3. Combined Database

The OJIN and DMV databases were combined by linking on the drivers license number. OJIN records with missing, out-of-state, or invalid drivers license numbers were abandoned at this point. The Date of Birth, Sex, and Zip code fields from the DMV database were added to the master database. The Sex field from the DMV database replaced the one from the OJIN database, which was often blank.

A program was written to step through the cases and look up in the various DMV databases the number of accidents, diversions, suspensions, convictions, and DUII convictions as of the incident date, and whether or not the driver's license was suspended and whether or not there was an accident on the incident date. Fields corresponding to each of these were added to the master database, which ended up containing:

- CaseID
- Drivers License Number
- Sex
- Zip code
- Date of Birth
- Incident Date
- ChargeID1

- Fine Amount
- Fee Amount
- Jail Amount
- Work Amount
- Probation Amount
- Treatment
- Ignition Lock
- Prior Accidents
- Prior Convictions
- Prior DUII Convictions
- Prior Diversions
- Prior Suspensions
- Suspended
- Accident

1.5. Data Tabulation

The first round of analysis consisted of tabulating the OJIN data to be able to depict sentencing practices in Oregon's State Courts. We tabulated summary statistics by county and by year for jail time, probation time, community service work time, and fine amounts. We also tabulated the number of cases where treatment was ordered and where an ignition lock device was ordered.

1.6. Statistical Analyses

The next stage of the analysis involves statistical analyses of the combined OJIN and DMV databases to determine more precisely the sentencing practices of Oregon's State Courts, taking into account characteristics of the offender and offense, and to determine the relative effectiveness of the various sanctions at preventing recidivism, again taking into account characteristics of the offender and offense as well as selection bias introduced by the fact that judges do not assign sanctions randomly.

2. Results of Data Tabulation

The OJIN database from which the tabulations reported here were drawn contains errors. The farther one breaks down the data (into years, counties, etc.), the more the errors can skew the results. Some sentence records clearly are completely erroneous. For example, the database shows three instances of the death penalty being imposed for a DUII conviction. In other cases, the sentence type is plausible, but the amount is not (e.g., a fine of $279,636). It is not possible to determine which or how many records are erroneous without verifying every record. Verifying every record for even one district would cost more than the entire budget for this project. Verifying a sample of records would allow us to estimate the proportion of records containing errors, but would not validate any particular record that was not sampled.

One source of errors in the Amounts database was the specification of units for non-dollar amounts. For example, two days is a common jail sentence in DUII cases and is usually entered as either 48 hours or two days. In several cases, though, the number of units was specified as 48, but the units were specified as years, resulting in a reported jail sentence of 17,520 days. In other cases, amounts were entered that are not believable, but not readily explained.

Because the databases contain so many outliers, we do not report mean (average) sentences. Instead we report each of jail time, probation time, community service work time, and fine amount by tenth, 25th, 50th, 75th, and 90th percentile. At the 25th percentile, for example, 25 percent of the convictions resulted in sentences smaller than or equal to the amount reported and 75 percent resulted in sentences larger than the amount reported. The 50th percentile (median) may be thought of as an "average" or "typical" sentence, but it is possible that the most frequently-assigned sentence is quite different

2.1. Counts

The following four pages show, for the years 1991 through 1994, the number in each county of:

- arrests for DUII (Umatilla County's arrest count is incomplete because the Pendleton Police Department does not report arrests to the State)
- State Court (circuit and district) convictions for which the incident date was in the year covered
- diversions reported to DMV from State Courts
- diversions reported to DMV from municipal or justice courts
- total diversions reported to DMV.

The percent of arrests leading to cases in State Courts and the percent of arrests leading to diversions for each county also are reported. Note that an arrest may lead to both a diversion and a conviction if the offender fails to complete diversion. Also note that an arrest may lead to neither if the

defendant is found not guilty. Data on convictions in municipal and justice courts were not available for this study. DMV data indicate that in some counties (e.g., Lane), municipal courts handle a large share of the DUII cases.

1991 Counts

County	Arrests	State Court Cases	State Court Diversions	Other Diversions	Total Diversions	% State Courts	% Diverted
BAKER	122	3	0	55	55	2%	45%
BENTON	430	363	245	9	254	84%	59%
CLACKAMAS	1,943	1,507	858	98	956	78%	49%
CLATSOP	717	351	197	95	292	49%	41%
COLUMBIA	581	209	91	171	262	36%	45%
COOS	1,083	831	438	41	479	77%	44%
CROOK	159	135	88	0	88	85%	55%
CURRY	306	141	102	40	142	46%	46%
DESCHUTES	1,036	846	445	0	445	82%	43%
DOUGLAS	1,120	383	169	343	512	34%	46%
GILLIAM	32	2	0	13	13	6%	41%
GRANT	96	4	0	56	56	4%	58%
HARNEY	58	4	0	16	16	7%	28%
HOOD RIVER	419	194	102	115	217	46%	52%
JACKSON	1,626	1,253	730	0	730	77%	45%
JEFFERSON	400	284	147	5	152	71%	38%
JOSEPHINE	685	597	262	0	262	87%	38%
KLAMATH	545	530	263	0	263	97%	48%
LAKE	66	58	34	0	34	88%	52%
LANE	2,781	1,363	768	734	1,502	49%	54%
LINCOLN	709	653	300	35	335	92%	47%
LINN	1,103	584	327	152	479	53%	43%
MALHEUR	363	215	105	0	105	59%	29%
MARION	2,898	1,645	803	421	1,224	57%	42%
MORROW	88	4	0	7	7	5%	8%
MULTNOMAH	4,554	3,786	2,110	23	2,133	83%	47%
POLK	458	166	167	75	242	36%	53%
SHERMAN	25	5	0	0	0	20%	0%
TILLAMOOK	245	230	111	0	111	94%	45%
UMATILLA	804	499	202	249	451	62%	56%
UNION	276	229	115	2	117	83%	42%
WALLOWA	47	33	23	2	25	70%	53%
WASCO	343	226	97	14	111	66%	32%
WASHINGTON	2,308	1,988	1,101	106	1,207	86%	52%
WHEELER	7	0	0	6	6	0%	86%
YAMHILL	675	434	218	91	309	64%	46%
TOTAL	29,108	19,755	10,618	2,974	13,592	68%	47%

County	Arrests	State Court Cases	State Court Diversions	Other Diversions	Total Diversions	% State Courts	% Diverted
BAKER	125	3	0	55	55	2%	44%
BENTON	569	489	328	2	330	86%	58%
CLACKAMAS	1,961	1,381	728	99	827	70%	42%
CLATSOP	598	269	120	74	194	45%	32%
COLUMBIA	483	132	61	141	202	27%	42%
COOS	958	757	419	47	466	79%	49%
CROOK	236	226	128	0	128	96%	54%
CURRY	323	199	88	37	125	62%	39%
DESCHUTES	930	788	375	0	375	85%	40%
DOUGLAS	881	370	145	201	346	42%	39%
GILLIAM	15	1	0	4	4	7%	27%
GRANT	63	5	0	17	17	8%	27%
HARNEY	46	7	0	11	11	15%	24%
HOOD RIVER	397	239	111	51	162	60%	41%
JACKSON	1,453	1,265	570	0	570	87%	39%
JEFFERSON	284	246	109	5	114	87%	40%
JOSEPHINE	612	536	119	0	119	88%	19%
KLAMATH	463	398	189	0	189	86%	41%
LAKE	83	84	43	0	43	101%	52%
LANE	2,675	1,216	676	679	1,355	45%	51%
LINCOLN	720	526	253	71	324	73%	45%
LINN	855	523	280	103	383	61%	45%
MALHEUR	331	282	135	0	135	85%	41%
MARION	2,357	1,264	593	356	949	54%	40%
MORROW	63	8	0	16	16	13%	25%
MULTNOMAH	3,724	3,142	1,627	22	1,649	84%	44%
POLK	467	272	120	64	184	58%	39%
SHERMAN	23	9	0	0	0	39%	0%
TILLAMOOK	198	170	81	0	81	86%	41%
UMATILLA	751	421	133	229	362	56%	48%
UNION	188	163	92	3	95	87%	51%
WALLOWA	30	24	14	4	18	80%	60%
WASCO	277	181	75	20	95	65%	34%
WASHINGTON	1,997	1,557	807	158	965	78%	48%
WHEELER	8	1	0	3	3	13%	38%
YAMHILL	765	479	244	111	355	63%	46%
TOTAL	25,909	17,633	8,663	2,583	11,246	68%	43%

1993 Counts

County	Arrests	State Court Cases	State Court Diversions	Other Diversions	Total Diversions	% State Courts	% Diverted
BAKER	139	6	0	52	52	4%	37%
BENTON	483	418	265	6	271	87%	56%
CLACKAMAS	2,040	1,291	683	114	797	63%	39%
CLATSOP	560	300	148	83	231	54%	41%
COLUMBIA	538	216	79	153	232	40%	43%
COOS	642	524	260	35	295	82%	46%
CROOK	119	119	62	0	62	100%	52%
CURRY	266	167	76	33	109	63%	41%
DESCHUTES	831	740	362	0	362	89%	44%
DOUGLAS	906	361	134	197	331	40%	37%
GILLIAM	15	1	0	2	2	7%	13%
GRANT	62	7	0	31	31	11%	50%
HARNEY	43	1	0	12	12	2%	28%
HOOD RIVER	376	218	107	29	136	58%	36%
JACKSON	1,474	1,201	527	0	527	81%	36%
JEFFERSON	276	232	93	4	97	84%	35%
JOSEPHINE	665	535	260	0	260	80%	39%
KLAMATH	383	327	149	0	149	85%	39%
LAKE	52	52	24	0	24	100%	46%
LANE	2,163	988	530	515	1,045	46%	48%
LINCOLN	647	561	235	58	293	87%	45%
LINN	717	482	298	65	363	67%	51%
MALHEUR	340	292	130	0	130	86%	38%
MARION	2,042	1,166	538	259	797	57%	39%
MORROW	50	6	0	9	9	12%	18%
MULTNOMAH	3,349	2,856	1,467	16	1,483	85%	44%
POLK	392	233	116	55	171	59%	44%
SHERMAN	26	2	0	0	0	8%	0%
TILLAMOOK	176	155	65	0	65	88%	37%
UMATILLA	605	286	65	216	281	47%	46%
UNION	156	141	67	5	72	90%	46%
WALLOWA	44	35	12	3	15	80%	34%
WASCO	201	141	60	11	71	70%	35%
WASHINGTON	1,744	1,484	724	122	846	85%	49%
WHEELER	7	0	0	1	1	0%	14%
YAMHILL	575	321	157	114	271	56%	47%
TOTAL	23,104	15,865	7,693	2,201	9,894	69%	43%

County	Arrests	State Court Cases	State Court Diversions	Other Diversions	Total Diversions	% State Courts	% Diverted
BAKER	66	5	0	24	24	8%	36%
BENTON	442	360	206	12	218	81%	49%
CLACKAMAS	1,993	1,163	653	123	776	58%	39%
CLATSOP	585	292	133	123	256	50%	44%
COLUMBIA	497	166	53	126	179	33%	36%
COOS	630	538	283	24	307	85%	49%
CROOK	159	163	75	0	75	103%	47%
CURRY	251	191	81	16	97	76%	39%
DESCHUTES	795	746	318	0	318	94%	40%
DOUGLAS	710	265	102	136	238	37%	34%
GILLIAM	19	1	0	7	7	5%	37%
GRANT	45	7	0	22	22	16%	49%
HARNEY	37	2	0	6	6	5%	16%
HOOD RIVER	320	187	86	16	102	58%	32%
JACKSON	1,034	889	385	0	385	86%	37%
JEFFERSON	295	246	89	3	92	83%	31%
JOSEPHINE	448	381	143	0	143	85%	32%
KLAMATH	338	340	163	0	163	101%	48%
LAKE	51	46	15	0	15	90%	29%
LANE	1,457	620	317	356	673	43%	46%
LINCOLN	626	458	223	45	268	73%	43%
LINN	620	493	231	51	282	80%	45%
MALHEUR	314	244	132	0	132	78%	42%
MARION	1,571	917	440	180	620	58%	39%
MORROW	54	3	0	15	15	6%	28%
MULTNOMAH	3,203	2,620	1,328	15	1,343	82%	42%
POLK	320	170	82	32	114	53%	36%
SHERMAN	17	3	0	0	0	18%	0%
TILLAMOOK	176	150	60	0	60	85%	34%
UMATILLA	465	213	23	163	186	46%	40%
UNION	193	167	88	0	88	87%	46%
WALLOWA	37	25	8	2	10	68%	27%
WASCO	153	89	28	14	42	58%	27%
WASHINGTON	1,527	1,134	559	147	706	74%	46%
WHEELER	1	0	0	1	1	0%	100%
YAMHILL	596	339	168	119	287	57%	48%
TOTAL	20,045	13,633	6,472	1,778	8,250	68%	41%

2.2. Sentence Codes and Modifiers

The OJIN Amounts database contained 208 different sentence codes reported as being imposed for DUII convictions. Some of these were incorrectly entered by the courts. For example, the database shows three instances of the death penalty being imposed for a DUII conviction (sentence code DETH). Judicial Department personnel tracked one such entry for us and determined that the defendant had died. A court employee apparently did not understand the codes and instead of applying the DC (deceased) modifier code to all outstanding sentence records, added an additional sentence code of DETH (death).

Appendix A lists the sentence codes and the modifier codes used in the OJIN system. Appendix B reports the number of times each sentence code appears in the database and the number of times each modifier code is applied to that sentence code.

2.3. Jail Time

The following five pages report the number of convictions and the tenth, 25th, 50th, 75th, and 90th percentiles for jail time imposed by county for the years 1991 through 1995. All jail times have been converted to days from the original units in the Amounts database. Note that Umatilla County has two district courts, one in Pendleton and one in Hermiston. Hermiston's statistics are reported separately here.

Court Location	Count	Jail10	Jail25	Jail50	Jail75	Jail90
Baker	3	0	0	14	30	30
Benton	363	0	0	0	10	90
Clackamas	1,507	0	0	0	10	200
Clatsop	351	0	0	0	2	30
Columbia	209	0	0	0	21	90
Coos	831	0	0	0	5	42
Crook	135	0	0	6	33	90
Curry	141	0	0	2	20	68
Deschutes	846	0	0	0	8	60
Douglas	383	0	0	6	35	120
Gilliam	2	2	2	61	120	120
Grant	4	0	1	9	16	16
Harney	4	0	120	334	754	1,080
Hermiston	223	0	0	0	4	12
Hood River	194	0	0	0	10	45
Jackson	1,253	0	0	2	20	60
Jefferson	284	0	0	0	29	90
Josephine	597	0	0	0	90	730
Klamath	530	0	0	0	4	26
Lake	58	0	0	0	8	365
Lane	1,363	0	0	0	25	197
Lincoln	653	0	0	2	8	180
Linn	584	0	0	0	0	60
Malheur	215	0	0	0	0	180
Marion	1,645	0	0	0	14	135
Morrow	4	0	0	0	0	0
Multnomah	3,786	0	0	0	5	38
Polk	166	0	0	0	30	160
Sherman	5	0	0	20	82	150
Tillamook	230	0	0	0	10	120
Umatilla	276	0	0	0	6	90
Union	229	0	0	0	4	20
Wallowa	33	0	0	0	8	180
Wasco	226	0	0	2	14	60
Washington	1,988	0	0	0	6	60
Yamhill	434	0	0	2	78	367
Statewide	19,755	0	0	0	10	90

Court Location	Count	Jail10	Jail25	Jail50	Jail75	Jail90
Baker	3	0	0	30	360	360
Benton	489	0	0	0	3	30
Clackamas	1,381	0	0	0	10	120
Clatsop	269	0	0	0	4	60
Columbia	132	0	0	0	4	40
Coos	757	0	0	0	6	64
Crook	226	0	0	0	14	69
Curry	199	0	0	2	20	60
Deschutes	788	0	0	0	14	70
Douglas	370	0	0	4	30	90
Gilliam	1	60	60	60	60	60
Grant	5	0	0	0	0	0
Harney	7	50	60	360	630	660
Hermiston	190	0	0	0	6	21
Hood River	239	0	0	0	13	60
Jackson	1,265	0	0	10	30	95
Jefferson	246	0	0	1	24	100
Josephine	536	0	0	10	90	360
Klamath	398	0	0	0	9	40
Lake	84	0	0	0	5	112
Lane	1,216	0	0	0	20	130
Lincoln	526	0	0	2	6	62
Linn	523	0	0	0	16	150
Malheur	282	0	0	0	2	120
Marion	1,264	0	0	0	28	180
Morrow	8	0	0	0	63	1,140
Multnomah	3,142	0	0	0	8	53
Polk	272	0	0	0	0	77
Sherman	9	0	2	4	30	90
Tillamook	170	0	0	0	30	115
Umatilla	231	0	0	0	13	75
Union	163	0	0	0	10	90
Wallowa	24	0	0	0	6	56
Wasco	181	0	0	2	14	90
Washington	1,557	0	0	0	10	60
Wheeler	1	90	90	90	90	90
Yamhill	479	0	0	0	36	180
Statewide	17,633	0	0	0	12	90

Court Location	Count	Jail10	Jail25	Jail50	Jail75	Jail90
Baker	6	0	0	25	60	785
Benton	418	0	0	0	3	30
Clackamas	1,291	0	0	0	10	94
Clatsop	300	0	0	0	2	15
Columbia	216	0	0	2	4	30
Coos	524	0	0	2	10	76
Crook	119	0	0	0	10	90
Curry	167	0	0	2	20	85
Deschutes	740	0	0	0	25	60
Douglas	361	0	0	4	28	60
Gilliam	1	60	60	60	60	60
Grant	7	0	0	0	2	180
Harney	1	2,280	2,280	2,280	2,280	2,280
Hermiston	112	0	0	0	0	30
Hood River	218	0	0	0	14	60
Jackson	1,201	0	0	6	30	98
Jefferson	232	0	0	0	28	90
Josephine	535	0	0	5	60	210
Klamath	327	0	0	0	10	49
Lake	52	0	0	0	4	18
Lane	988	0	0	0	16	100
Lincoln	561	0	0	0	5	30
Linn	482	0	0	0	15	120
Malheur	292	0	0	0	0	120
Marion	1,166	0	0	0	14	180
Morrow	6	0	0	0	30	360
Multnomah	2,856	0	0	0	7	53
Polk	233	0	0	0	0	60
Sherman	2	45	45	53	60	60
Tillamook	155	0	0	0	2	90
Umatilla	174	0	0	0	20	81
Union	141	0	0	0	7	60
Wallowa	35	0	0	0	14	40
Wasco	141	0	0	2	10	120
Washington	1,484	0	0	0	6	36
Yamhill	321	0	0	2	28	192
Statewide	15,865	0	0	0	10	80

Court Location	Count	Jail10	Jail25	Jail50	Jail75	Jail90
Baker	5	0	2	15	240	730
Benton	360	0	0	0	4	30
Clackamas	1,163	0	0	0	3	30
Clatsop	292	0	0	0	3	25
Columbia	166	0	0	2	4	22
Coos	538	0	0	0	10	90
Crook	163	0	0	0	8	30
Curry	191	0	0	2	30	60
Deschutes	746	0	0	0	15	53
Douglas	265	0	0	2	20	60
Gilliam	1	0	0	0	0	0
Grant	7	0	0	0	0	6
Harney	2	10	10	185	360	360
Hermiston	61	0	0	0	0	30
Hood River	187	0	0	0	14	90
Jackson	889	0	0	2	30	90
Jefferson	246	0	0	0	20	80
Josephine	381	0	0	5	45	120
Klamath	340	0	0	0	6	35
Lake	46	0	0	0	2	4
Lane	620	0	0	0	14	60
Lincoln	458	0	0	0	5	20
Linn	493	0	0	0	15	120
Malheur	244	0	0	0	0	10
Marion	917	0	0	0	7	120
Morrow	3	0	0	0	120	120
Multnomah	2,620	0	0	0	5	30
Polk	170	0	0	0	0	90
Sherman	3	0	0	0	7	7
Tillamook	150	0	0	0	10	180
Umatilla	152	0	0	0	0	60
Union	167	0	0	0	4	25
Wallowa	25	0	0	0	14	49
Wasco	89	0	0	5	60	120
Washington	1,134	0	0	0	4	20
Yamhill	339	0	0	2	30	124
Statewide	13,633	0	0	0	10	60

Court Location	Count	Jail10	Jail25	Jail50	Jail75	Jail90
Baker	2	0	0	8	15	15
Benton	319	0	0	0	0	10
Clackamas	1,056	0	0	0	2	15
Clatsop	241	0	0	0	2	24
Columbia	104	0	0	0	4	30
Coos	378	0	0	0	5	50
Crook	97	0	0	0	6	20
Curry	213	0	0	2	10	60
Deschutes	510	0	0	0	15	45
Douglas	270	0	0	0	20	60
Gilliam	1	60	60	60	60	60
Grant	6	0	0	11	90	360
Harney	1	1,460	1,460	1,460	1,460	1,460
Hermiston	50	0	0	0	0	0
Hood River	155	0	0	0	7	42
Jackson	896	0	0	0	20	85
Jefferson	204	0	0	0	10	40
Josephine	306	0	0	0	15	30
Klamath	363	0	0	0	5	25
Lake	49	0	0	2	4	4
Lane	559	0	0	0	2	20
Lincoln	363	0	0	0	2	14
Linn	334	0	0	0	15	90
Malheur	184	0	0	0	0	2
Marion	712	0	0	0	2	47
Morrow	1	30	30	30	30	30
Multnomah	2,482	0	0	0	2	10
Polk	183	0	0	0	0	4
Sherman	1	0	0	0	0	0
Tillamook	127	0	0	0	0	100
Umatilla	143	0	0	0	0	10
Union	122	0	0	0	7	30
Wallowa	25	0	0	0	0	2
Wasco	64	0	0	0	9	30
Washington	958	0	0	0	0	10
Wheeler	1	5	5	5	5	5
Yamhill	335	0	0	0	6	56
Statewide	11,815	0	0	0	4	30

2.4. Community Service Work Time

The following five pages report the number of convictions and the tenth, 25th, 50th, 75th, and 90th percentiles for community service work time imposed by county for the years 1991 through 1995. All community service work times have been converted to (eight hour) days from the original units in the Amounts database. Note that Umatilla County has two district courts, one in Pendleton and one in Hermiston. Hermiston's statistics are reported separately here.

Court Location	Count	Work10	Work25	Work50	Work75	Work90
Baker	3	0	0	0	0	0
Benton	363	0	0	0	9	24
Clackamas	1,507	0	0	0	0	9
Clatsop	351	0	0	0	0	0
Columbia	209	0	0	0	0	0
Coos	831	0	0	0	0	0
Crook	135	0	0	0	0	15
Curry	141	0	0	0	9	18
Deschutes	846	0	0	0	9	30
Douglas	383	0	0	0	0	0
Gilliam	2	0	0	0	0	0
Grant	4	0	0	3	17	27
Harney	4	0	0	0	0	0
Hermiston	223	0	0	0	0	0
Hood River	194	0	0	0	0	3
Jackson	1,253	0	0	0	0	0
Jefferson	284	0	0	0	9	39
Josephine	597	0	0	0	9	45
Klamath	530	0	0	0	0	9
Lake	58	0	0	0	0	0
Lane	1,363	0	0	0	0	12
Lincoln	653	0	0	0	0	0
Linn	584	0	0	0	9	33
Malheur	215	0	0	9	102	240
Marion	1,645	0	0	0	0	9
Morrow	4	0	0	0	0	0
Multnomah	3,786	0	0	0	0	9
Polk	166	0	0	9	9	18
Sherman	5	0	0	0	0	6
Tillamook	230	0	0	0	9	12
Umatilla	276	0	0	0	0	30
Union	229	0	0	0	0	0
Wallowa	33	0	0	0	0	0
Wasco	226	0	0	0	0	0
Washington	1,988	0	0	0	0	9
Yamhill	434	0	0	0	0	12
Statewide	19,755	0	0	0	0	4

Court Location	Count	Work10	Work25	Work50	Work75	Work90
Baker	3	0	0	0	42	42
Benton	489	0	0	0	15	24
Clackamas	1,381	0	0	0	0	9
Clatsop	269	0	0	0	0	0
Columbia	132	0	0	0	0	0
Coos	757	0	0	0	0	0
Crook	226	0	0	0	0	9
Curry	199	0	0	0	0	9
Deschutes	788	0	0	0	0	24
Douglas	370	0	0	0	0	0
Gilliam	1	0	0	0	0	0
Grant	5	0	0	0	0	9
Harney	7	0	0	0	12	126
Hermiston	190	0	0	0	0	8
Hood River	239	0	0	0	0	18
Jackson	1,265	0	0	0	0	0
Jefferson	246	0	0	0	6	24
Josephine	536	0	0	0	12	45
Klamath	398	0	0	0	0	12
Lake	84	0	0	0	0	0
Lane	1,216	0	0	0	0	12
Lincoln	526	0	0	0	0	0
Linn	523	0	0	0	9	18
Malheur	282	0	0	2	60	180
Marion	1,264	0	0	0	0	18
Morrow	8	0	0	0	0	12
Multnomah	3,142	0	0	0	0	9
Polk	272	0	0	0	12	21
Sherman	9	0	0	0	0	0
Tillamook	170	0	0	0	9	18
Umatilla	231	0	0	0	9	45
Union	163	0	0	0	0	12
Wallowa	24	0	0	0	0	3
Wasco	181	0	0	0	0	0
Washington	1,557	0	0	0	0	9
Wheeler	1	0	0	0	0	0
Yamhill	479	0	0	0	0	12
Statewide	17,633	0	0	0	0	4

Court Location	Count	Work10	Work25	Work50	Work75	Work90
Baker	6	0	0	0	0	24
Benton	418	0	0	0	9	18
Clackamas	1,291	0	0	0	0	6
Clatsop	300	0	0	0	0	0
Columbia	216	0	0	0	0	0
Coos	524	0	0	0	0	0
Crook	119	0	0	0	0	12
Curry	167	0	0	0	0	0
Deschutes	740	0	0	0	0	18
Douglas	361	0	0	0	0	0
Gilliam	1	0	0	0	0	0
Grant	7	0	0	0	9	9
Harney	1	24	24	24	24	24
Hermiston	112	0	0	0	0	0
Hood River	218	0	0	0	0	24
Jackson	1,201	0	0	0	0	0
Jefferson	232	0	0	0	0	18
Josephine	535	0	0	0	0	27
Klamath	327	0	0	0	9	30
Lake	52	0	0	0	0	6
Lane	988	0	0	0	0	9
Lincoln	561	0	0	0	0	0
Linn	482	0	0	0	0	18
Malheur	292	0	0	0	30	90
Marion	1,166	0	0	0	0	18
Morrow	6	0	0	0	0	0
Multnomah	2,856	0	0	0	0	9
Polk	233	0	0	0	12	27
Sherman	2	0	0	0	0	0
Tillamook	155	0	0	0	9	18
Umatilla	174	0	0	0	0	45
Union	141	0	0	0	0	9
Wallowa	35	0	0	0	0	9
Wasco	141	0	0	0	0	9
Washington	1,484	0	0	0	0	12
Yamhill	321	0	0	0	0	9
Statewide	15,865	0	0	0	0	4

Court Location	Count	Work10	Work25	Work50	Work75	Work90
Baker	5	0	0	0	0	0
Benton	360	0	0	0	9	18
Clackamas	1,163	0	0	0	0	0
Clatsop	292	0	0	0	0	0
Columbia	166	0	0	0	0	0
Coos	538	0	0	0	0	0
Crook	163	0	0	0	0	0
Curry	191	0	0	0	0	0
Deschutes	746	0	0	0	3	15
Douglas	265	0	0	0	0	0
Gilliam	1	0	0	0	0	0
Grant	7	0	0	0	9	9
Harney	2	0	0	5	9	9
Hermiston	61	0	0	0	0	0
Hood River	187	0	0	0	0	27
Jackson	889	0	0	0	0	6
Jefferson	246	0	0	0	0	15
Josephine	381	0	0	0	0	15
Klamath	340	0	0	0	12	26
Lake	46	0	0	0	0	6
Lane	620	0	0	0	0	6
Lincoln	458	0	0	0	0	0
Linn	493	0	0	0	0	15
Malheur	244	0	0	0	18	54
Marion	917	0	0	0	0	9
Morrow	3	0	0	9	12	12
Multnomah	2,620	0	0	0	0	9
Polk	170	0	0	0	12	21
Sherman	3	0	0	0	21	21
Tillamook	150	0	0	0	0	9
Umatilla	152	0	0	0	0	30
Union	167	0	0	0	0	0
Wallowa	25	0	0	0	0	6
Wasco	89	0	0	0	0	0
Washington	1,134	0	0	0	0	24
Yamhill	339	0	0	0	0	0
Statewide	13,633	0	0	0	0	3

Court Location	Count	Work10	Work25	Work50	Work75	Work90
Baker	2	0	0	0	0	0
Benton	319	0	0	0	0	18
Clackamas	1,056	0	0	0	0	0
Clatsop	241	0	0	0	0	0
Columbia	104	0	0	0	0	0
Coos	378	0	0	0	0	0
Crook	97	0	0	0	0	0
Curry	213	0	0	0	0	0
Deschutes	510	0	0	0	9	15
Douglas	270	0	0	0	0	0
Gilliam	1	9	9	9	9	9
Grant	6	0	0	0	0	0
Harney	1	0	0	0	0	0
Hermiston	50	0	0	0	0	0
Hood River	155	0	0	0	0	15
Jackson	896	0	0	0	0	3
Jefferson	204	0	0	0	0	15
Josephine	306	0	0	0	0	9
Klamath	363	0	0	0	9	21
Lake	49	0	0	0	0	9
Lane	559	0	0	0	0	0
Lincoln	363	0	0	0	0	0
Linn	334	0	0	0	0	12
Malheur	184	0	0	0	12	45
Marion	712	0	0	0	0	9
Morrow	1	0	0	0	0	0
Multnomah	2,482	0	0	0	0	3
Polk	183	0	0	0	15	18
Sherman	1	0	0	0	0	0
Tillamook	127	0	0	0	0	12
Umatilla	143	0	0	0	0	15
Union	122	0	0	0	0	9
Wallowa	25	0	0	0	0	3
Wasco	64	0	0	0	0	0
Washington	958	0	0	0	0	9
Wheeler	1	0	0	0	0	0
Yamhill	335	0	0	0	0	0
Statewide	11,815	0	0	0	0	3

2.5. Probation Time

The following five pages report the number of convictions and the tenth, 25th, 50th, 75th, and 90th percentiles for probation time imposed by county for the years 1991 through 1995. All probation times have been converted to days from the original units in the Amounts file. Note that Umatilla County has two district courts, one in Pendleton and one in Hermiston. Hermiston's statistics are reported separately here.

1991 Probation Time

Court Location	Count	Prob10	Prob25	Prob50	Prob75	Prob90
Baker	3	0	0	720	2,700	2,700
Benton	363	0	0	0	1,095	2,190
Clackamas	1,507	0	0	0	720	2,160
Clatsop	351	0	0	0	365	730
Columbia	209	0	0	0	905	1,460
Coos	831	0	0	0	1,440	2,190
Crook	135	0	0	0	1,080	2,190
Curry	141	0	0	730	1,460	2,880
Deschutes	846	0	0	0	720	2,160
Douglas	383	0	0	0	0	730
Gilliam	2	1,440	1,440	2,160	2,880	2,880
Grant	4	0	0	365	1,033	1,335
Harney	4	0	2,340	5,318	6,583	7,210
Hermiston	223	0	0	0	0	730
Hood River	194	0	0	0	0	720
Jackson	1,253	0	0	0	1,095	1,825
Jefferson	284	0	0	0	1,440	2,370
Josephine	597	0	0	0	2,160	4,380
Klamath	530	0	0	0	365	1,185
Lake	58	0	0	0	365	730
Lane	1,363	0	0	0	1,440	3,285
Lincoln	653	0	0	0	1,095	1,825
Linn	584	0	0	0	1,825	3,650
Malheur	215	0	0	730	1,815	3,960
Marion	1,645	0	0	360	720	1,620
Morrow	4	0	0	0	365	730
Multnomah	3,786	0	0	0	1,095	2,190
Polk	166	330	360	390	730	1,825
Sherman	5	0	0	0	540	540
Tillamook	230	0	0	0	720	1,680
Umatilla	276	0	0	0	363	2,700
Union	229	0	0	0	1,080	2,160
Wallowa	33	0	0	0	1,440	2,880
Wasco	226	0	0	0	0	365
Washington	1,988	0	0	0	730	1,460
Yamhill	434	0	0	0	1,095	2,190
Statewide	19,755	0	0	0	1,080	2,160

Court Location	Count	Prob10	Prob25	Prob50	Prob75	Prob90
Baker	3	1,085	1,085	1,085	3,610	3,610
Benton	489	0	0	0	1,825	3,240
Clackamas	1,381	0	0	720	1,440	2,160
Clatsop	269	0	0	0	540	1,450
Columbia	132	0	0	0	993	2,190
Coos	757	0	0	0	1,440	3,240
Crook	226	0	0	0	730	1,980
Curry	199	0	0	540	1,440	2,190
Deschutes	788	0	0	0	1,305	2,160
Douglas	370	0	0	0	0	365
Gilliam	1	1,620	1,620	1,620	1,620	1,620
Grant	5	0	0	360	540	720
Harney	7	720	1,080	2,880	5,595	7,560
Hermiston	190	0	0	0	365	730
Hood River	239	0	0	0	540	1,620
Jackson	1,265	0	0	1,095	1,095	2,190
Jefferson	246	0	0	540	1,080	1,980
Josephine	536	0	0	1,095	3,650	5,840
Klamath	398	0	0	0	720	1,620
Lake	84	0	0	0	365	1,460
Lane	1,216	0	0	0	1,540	3,285
Lincoln	526	0	0	0	1,095	1,825
Linn	523	0	0	1,095	2,160	3,650
Malheur	282	0	0	720	2,160	3,960
Marion	1,264	0	0	540	1,260	2,340
Morrow	8	0	0	183	2,555	4,745
Multnomah	3,142	0	0	730	1,095	2,190
Polk	272	0	0	390	555	1,080
Sherman	9	0	0	540	540	730
Tillamook	170	0	0	0	1,095	2,160
Umatilla	231	0	0	0	1,095	2,555
Union	163	0	0	0	1,440	2,160
Wallowa	24	0	0	0	1,080	2,160
Wasco	181	0	0	0	0	1,460
Washington	1,557	0	0	365	730	1,460
Wheeler	1	0	0	0	0	0
Yamhill	479	0	0	0	1,460	2,920
Statewide	17,633	0	0	0	1,095	2,190

Court Location	Count	Prob10	Prob25	Prob50	Prob75	Prob90
Baker	6	360	720	720	1,080	4,320
Benton	418	0	0	0	1,095	2,190
Clackamas	1,291	0	0	720	1,260	2,160
Clatsop	300	0	0	0	540	725
Columbia	216	0	0	540	1,095	1,825
Coos	524	0	0	720	1,455	3,240
Crook	119	0	0	360	720	1,800
Curry	167	0	0	730	1,440	2,170
Deschutes	740	0	0	0	720	1,440
Douglas	361	0	0	0	0	365
Gilliam	1	1,440	1,440	1,440	1,440	1,440
Grant	7	0	0	540	1,805	2,170
Harney	1	3,600	3,600	3,600	3,600	3,600
Hermiston	112	0	0	0	730	1,095
Hood River	218	0	0	0	720	1,440
Jackson	1,201	0	0	1,095	1,095	2,190
Jefferson	232	0	0	540	1,440	2,160
Josephine	535	0	0	1,095	2,920	5,475
Klamath	327	0	0	0	730	1,550
Lake	52	0	0	0	730	1,095
Lane	988	0	0	730	1,620	2,920
Lincoln	561	0	0	730	1,095	1,825
Linn	482	0	0	720	1,825	3,650
Malheur	292	0	0	540	1,440	3,065
Marion	1,166	0	0	540	1,440	2,160
Morrow	6	0	365	548	730	1,460
Multnomah	2,856	0	0	730	1,095	2,190
Polk	233	0	0	0	540	1,320
Sherman	2	0	0	365	730	730
Tillamook	155	0	0	0	1,080	2,160
Umatilla	174	0	0	730	1,440	2,190
Union	141	0	0	0	1,080	2,160
Wallowa	35	0	0	720	1,080	1,825
Wasco	141	0	0	0	0	2,700
Washington	1,484	0	0	365	730	1,455
Yamhill	321	0	0	730	1,460	2,540
Statewide	15,865	0	0	365	1,095	2,190

1994 Probation Time

Court Location	Count	Prob10	Prob25	Prob50	Prob75	Prob90
Baker	5	540	1,080	1,440	1,620	3,600
Benton	360	0	0	0	1,095	1,825
Clackamas	1,163	0	0	0	720	1,440
Clatsop	292	0	0	0	540	1,080
Columbia	166	0	0	720	1,095	2,160
Coos	538	0	0	630	1,090	2,190
Crook	163	0	0	0	540	1,080
Curry	191	0	0	720	1,360	2,190
Deschutes	746	0	0	0	720	1,440
Douglas	265	0	0	0	0	730
Gilliam	1	0	0	0	0	0
Grant	7	0	0	360	1,095	1,445
Harney	2	0	0	720	1,440	1,440
Hermiston	61	0	0	0	730	730
Hood River	187	0	0	0	720	1,260
Jackson	889	0	0	1,095	2,190	3,285
Jefferson	246	0	0	450	1,080	1,440
Josephine	381	0	0	1,095	2,190	4,380
Klamath	340	0	0	0	720	1,080
Lake	46	0	0	0	365	1,260
Lane	620	0	0	540	1,095	2,190
Lincoln	458	0	0	0	1,095	1,825
Linn	493	0	0	1,080	1,825	3,285
Malheur	244	0	0	0	1,080	1,620
Marion	917	0	0	0	1,080	1,620
Morrow	3	0	0	1,080	2,190	2,190
Multnomah	2,620	0	0	0	1,080	1,460
Polk	170	0	0	0	540	1,460
Sherman	3	0	0	365	540	540
Tillamook	150	0	0	0	1,080	1,890
Umatilla	152	0	0	720	1,260	2,160
Union	167	0	0	0	1,080	1,440
Wallowa	25	0	0	1,080	1,440	1,800
Wasco	89	0	0	0	730	2,160
Washington	1,134	0	0	365	730	1,620
Yamhill	339	0	0	730	1,080	1,460
Statewide	13,633	0	0	0	1,095	2,160

1995 Probation Time

Court Location	Count	Prob10	Prob25	Prob50	Prob75	Prob90
Baker	2	540	540	810	1,080	1,080
Benton	319	0	0	0	1,080	1,800
Clackamas	1,056	0	0	0	720	720
Clatsop	241	0	0	0	540	720
Columbia	104	0	0	0	730	1,095
Coos	378	0	0	0	730	1,460
Crook	97	0	0	0	720	1,080
Curry	213	0	0	720	1,080	1,460
Deschutes	510	0	0	0	720	720
Douglas	270	0	0	0	0	720
Gilliam	1	365	365	365	365	365
Grant	6	0	360	540	1,440	2,160
Harney	1	7,200	7,200	7,200	7,200	7,200
Hermiston	50	0	0	0	0	730
Hood River	155	0	0	0	360	540
Jackson	896	0	0	1,095	2,190	2,190
Jefferson	204	0	0	450	720	1,440
Josephine	306	0	0	0	1,095	2,190
Klamath	363	0	0	0	360	720
Lake	49	0	0	365	720	730
Lane	559	0	0	0	730	1,095
Lincoln	363	0	0	0	1,095	1,460
Linn	334	0	0	1,095	1,825	3,600
Malheur	184	0	0	0	720	1,440
Marion	712	0	0	0	720	1,080
Morrow	1	730	730	730	730	730
Multnomah	2,482	0	0	0	730	1,095
Polk	183	0	0	0	450	1,080
Sherman	1	0	0	0	0	0
Tillamook	127	0	0	0	720	1,080
Umatilla	143	0	0	0	730	1,460
Union	122	0	0	450	1,080	1,800
Wallowa	25	0	0	0	360	1,080
Wasco	64	0	0	0	183	730
Washington	958	0	0	0	730	1,095
Wheeler	1	720	720	720	720	720
Yamhill	335	0	0	0	730	1,440
Statewide	11,815	0	0	0	730	1,440

2.6. Fine Amounts

The following five pages report the number of convictions and the tenth, 25th, 50th, 75th, and 90th percentiles for fines imposed by county for the years 1991 through 1995. Note that Umatilla County has two district courts, one in Pendleton and one in Hermiston. Hermiston's statistics are reported separately here.

1991 Fine Amounts

Court Location	Count	Fine10	Fine25	Fine50	Fine75	Fine90
Baker	3	40	40	100	3,435	3,435
Benton	363	40	40	40	1,290	1,820
Clackamas	1,507	40	40	290	990	1,780
Clatsop	351	40	40	40	906	1,010
Columbia	209	0	40	140	340	785
Coos	831	40	40	270	1,161	1,840
Crook	135	40	40	280	1,080	2,090
Curry	141	40	40	930	1,710	2,700
Deschutes	846	40	80	220	875	1,385
Douglas	383	0	40	315	930	1,780
Gilliam	2	270	270	2,000	3,730	3,730
Grant	4	290	350	463	1,258	2,000
Harney	4	676	2,763	6,438	8,214	8,403
Hermiston	223	40	40	80	990	1,740
Hood River	194	0	40	80	559	1,323
Jackson	1,253	40	40	296	914	1,308
Jefferson	284	0	50	140	585	1,500
Josephine	597	40	45	970	2,789	5,375
Klamath	530	40	40	80	806	1,927
Lake	58	0	40	100	990	1,660
Lane	1,363	40	40	160	930	1,930
Lincoln	653	40	40	290	1,070	1,900
Linn	584	40	40	620	1,959	3,435
Malheur	215	40	80	1,335	3,390	6,444
Marion	1,645	40	40	160	1,185	2,140
Morrow	4	320	410	500	825	1,150
Multnomah	3,786	40	40	140	495	1,034
Polk	166	120	290	340	610	1,730
Sherman	5	0	622	655	1,624	4,860
Tillamook	230	80	210	280	708	1,790
Umatilla	276	40	40	898	2,580	4,515
Union	229	40	40	80	840	2,180
Wallowa	33	40	80	120	485	2,360
Wasco	226	40	40	310	890	1,335
Washington	1,988	40	40	80	457	862
Yamhill	434	40	40	365	1,515	2,450
Statewide	19,755	40	40	180	902	1,790

1992 Fine Amounts

Court Location	Count	Fine10	Fine25	Fine50	Fine75	Fine90
Baker	3	0	0	1,500	5,500	5,500
Benton	489	0	0	40	970	1,795
Clackamas	1,381	0	0	40	890	1,605
Clatsop	269	0	0	200	466	906
Columbia	132	0	0	40	245	446
Coos	757	0	0	80	1,104	1,965
Crook	226	0	0	40	445	890
Curry	199	0	40	620	1,520	2,430
Deschutes	788	0	0	80	533	1,085
Douglas	370	0	0	243	890	1,490
Gilliam	1	0	0	0	0	0
Grant	5	0	40	290	600	890
Harney	7	1,200	1,535	4,240	13,700	43,649
Hermiston	190	0	0	80	600	1,712
Hood River	239	0	40	80	914	1,980
Jackson	1,265	0	0	180	914	1,371
Jefferson	246	0	0	40	300	800
Josephine	536	0	40	1,000	2,920	5,360
Klamath	398	0	40	200	900	1,700
Lake	84	0	0	40	730	1,440
Lane	1,216	0	0	120	700	1,635
Lincoln	526	0	0	200	990	1,485
Linn	523	0	40	730	2,000	3,220
Malheur	282	0	40	861	2,319	4,850
Marion	1,264	0	0	334	2,362	4,865
Morrow	8	0	20	80	1,193	3,000
Multnomah	3,142	0	0	80	481	990
Polk	272	40	40	180	435	1,265
Sherman	9	0	0	20	365	450
Tillamook	170	0	0	80	878	1,600
Umatilla	231	0	40	1,000	2,580	3,780
Union	163	0	0	80	1,000	2,400
Wallowa	24	0	56	218	763	1,500
Wasco	181	0	40	295	521	900
Washington	1,557	0	0	40	430	834
Wheeler	1	290	290	290	290	290
Yamhill	479	0	40	210	1,580	3,600
Statewide	17,633	0	0	90	890	1,980

1993 Fine Amounts

Court Location	Count	Fine10	Fine25	Fine50	Fine75	Fine90
Baker	6	0	400	550	2,000	2,300
Benton	418	0	0	0	1,068	1,695
Clackamas	1,291	0	0	0	600	1,500
Clatsop	300	0	0	0	300	581
Columbia	216	0	0	0	281	500
Coos	524	0	0	272	930	1,830
Crook	119	0	0	0	450	1,000
Curry	167	0	0	920	1,680	2,840
Deschutes	740	0	0	0	374	750
Douglas	361	0	0	162	604	1,294
Gilliam	1	0	0	0	0	0
Grant	7	0	0	250	1,000	2,500
Harney	1	6,420	6,420	6,420	6,420	6,420
Hermiston	112	0	0	0	875	1,500
Hood River	218	0	0	0	762	1,520
Jackson	1,201	0	0	120	820	1,440
Jefferson	232	0	0	0	300	600
Josephine	535	0	0	465	2,190	4,395
Klamath	327	0	0	0	1,000	2,000
Lake	52	0	0	0	700	1,000
Lane	988	0	0	300	600	1,200
Lincoln	561	0	0	0	700	1,050
Linn	482	0	0	433	1,510	3,015
Malheur	292	0	0	600	1,665	3,780
Marion	1,166	0	0	0	1,662	3,892
Morrow	6	250	400	800	1,500	1,515
Multnomah	2,856	0	0	0	400	1,008
Polk	233	90	90	180	270	880
Sherman	2	0	0	0	0	0
Tillamook	155	0	0	0	982	1,704
Umatilla	174	0	0	1,000	2,000	4,000
Union	141	0	0	0	1,000	2,000
Wallowa	35	0	0	0	500	1,000
Wasco	141	0	0	265	474	1,036
Washington	1,484	0	0	0	300	600
Yamhill	321	0	0	92	1,350	2,800
Statewide	15,865	0	0	0	700	1,662

1994 Fine Amounts

Court Location	Count	Fine10	Fine25	Fine50	Fine75	Fine90
Baker	5	0	0	200	2,600	5,400
Benton	360	0	0	0	1,130	2,000
Clackamas	1,163	0	0	0	600	1,200
Clatsop	292	0	0	0	565	815
Columbia	166	0	0	2	345	600
Coos	538	0	0	20	622	1,354
Crook	163	0	0	0	600	800
Curry	191	0	0	500	1,754	2,901
Deschutes	746	0	0	0	565	976
Douglas	265	0	0	0	584	1,281
Gilliam	1	756	756	756	756	756
Grant	7	0	0	0	500	600
Harney	2	0	0	978	1,956	1,956
Hermiston	61	0	0	150	1,000	1,500
Hood River	187	0	0	0	472	1,344
Jackson	889	0	0	444	2,088	2,460
Jefferson	246	0	0	0	300	700
Josephine	381	0	0	648	1,946	4,116
Klamath	340	0	0	0	1,200	2,225
Lake	46	0	0	0	700	700
Lane	620	0	0	0	651	1,300
Lincoln	458	0	0	0	700	1,000
Linn	493	0	0	344	1,500	2,844
Malheur	244	0	0	0	1,500	2,825
Marion	917	0	0	0	788	2,306
Morrow	3	0	0	0	1,000	1,000
Multnomah	2,620	0	0	0	930	1,323
Polk	170	90	90	180	270	1,115
Sherman	3	0	0	296	300	300
Tillamook	150	0	0	0	1,130	2,948
Umatilla	152	0	0	1,065	2,000	4,130
Union	167	0	0	0	400	1,000
Wallowa	25	0	0	0	500	1,856
Wasco	89	0	0	256	570	1,318
Washington	1,134	0	0	0	350	805
Yamhill	339	0	0	0	900	1,693
Statewide	13,633	0	0	0	800	1,730

Court Location	Count	Fine10	Fine25	Fine50	Fine75	Fine90
Baker	2	0	0	0	0	0
Benton	319	0	0	0	1,130	2,000
Clackamas	1,056	0	0	0	600	1,130
Clatsop	241	0	0	0	565	565
Columbia	104	0	0	0	335	585
Coos	378	0	0	0	708	1,454
Crook	97	0	0	0	600	1,000
Curry	213	0	0	754	1,581	2,354
Deschutes	510	0	0	0	300	600
Douglas	270	0	0	0	452	697
Gilliam	1	1,000	1,000	1,000	1,000	1,000
Grant	6	0	0	250	948	1,000
Harney	1	279,636	279,636	279,636	279,636	279,636
Hermiston	50	0	0	0	0	1,150
Hood River	155	0	0	0	362	632
Jackson	896	0	0	74	1,480	2,288
Jefferson	204	0	0	0	0	1,000
Josephine	306	0	0	0	936	1,920
Klamath	363	0	0	0	750	1,330
Lake	49	0	0	0	700	1,050
Lane	559	0	0	0	565	1,000
Lincoln	363	0	0	0	700	1,000
Linn	334	0	0	500	1,688	2,672
Malheur	184	0	0	0	1,130	1,965
Marion	712	0	0	0	578	1,792
Morrow	1	350	350	350	350	350
Multnomah	2,482	0	0	0	700	1,130
Polk	183	90	90	90	210	910
Sherman	1	0	0	0	0	0
Tillamook	127	0	0	0	1,130	1,480
Umatilla	143	0	0	0	1,190	2,000
Union	122	0	0	0	1,000	1,000
Wallowa	25	0	0	0	0	500
Wasco	64	0	0	0	490	806
Washington	958	0	0	0	300	565
Wheeler	1	544	544	544	544	544
Yamhill	335	0	0	0	900	1,200
Statewide	11,815	0	0	0	600	1,344

2.7. Treatment and Ignition Interlock Devices

The following five pages report the number of convictions, the number and percent of instances where treatment or evaluation was ordered, and the number and percent of instances where an ignition interlock device was ordered by county for the years 1991 through 1995. Note that Umatilla County has two district courts, one in Pendleton and one in Hermiston. Hermiston's statistics are reported separately here. Also note that the ignition interlock program is available only in selected areas, notably Clackamas and Lincoln counties.

1991 Treatment and Ignition Lock

Court Location	Count	Treated	Percent Treated	Ignition Lock	Percent Locked
Baker	3	2	67%	0	0%
Benton	363	360	99%	14	4%
Clackamas	1,507	1,479	98%	398	26%
Clatsop	351	337	96%	0	0%
Columbia	209	178	85%	0	0%
Coos	831	809	97%	0	0%
Crook	135	133	99%	0	0%
Curry	141	140	99%	0	0%
Deschutes	846	811	96%	0	0%
Douglas	383	354	92%	0	0%
Gilliam	2	1	50%	0	0%
Grant	4	4	100%	0	0%
Harney	4	4	100%	0	0%
Hermiston	223	212	95%	0	0%
Hood River	194	173	89%	0	0%
Jackson	1,253	1,244	99%	0	0%
Jefferson	284	276	97%	0	0%
Josephine	597	578	97%	0	0%
Klamath	530	493	93%	0	0%
Lake	58	52	90%	0	0%
Lane	1,363	1,290	95%	0	0%
Lincoln	653	625	96%	225	34%
Linn	584	580	99%	0	0%
Malheur	215	213	99%	0	0%
Marion	1,645	1,489	91%	2	0%
Multnomah	3,786	3,649	96%	0	0%
Morrow	4	1	25%	0	0%
Polk	166	137	83%	0	0%
Sherman	5	1	20%	0	0%
Tillamook	230	214	93%	0	0%
Umatilla	276	271	98%	0	0%
Union	229	225	98%	0	0%
Wallowa	33	33	100%	0	0%
Wasco	226	215	95%	0	0%
Washington	1,988	1,873	94%	3	0%
Yamhill	434	345	79%	0	0%
Statewide	19,755	18,801	95%	642	3%

1993 Treatment and Ignition lock

Court Location	Count	Treated	Percent Treated	Ignition Lock	Percent Locked
Baker	6	5	83%	0	0%
Benton	418	400	96%	0	0%
Clackamas	1,291	675	52%	626	48%
Clatsop	300	281	94%	0	0%
Columbia	216	124	57%	0	0%
Coos	524	471	90%	0	0%
Crook	119	105	88%	0	0%
Curry	167	160	96%	0	0%
Deschutes	740	674	91%	0	0%
Douglas	361	316	88%	0	0%
Gilliam	1	1	100%	0	0%
Grant	7	4	57%	0	0%
Harney	1	1	100%	0	0%
Hermiston	112	23	21%	0	0%
Hood River	218	67	31%	0	0%
Jackson	1,201	795	66%	0	0%
Jefferson	232	222	96%	0	0%
Josephine	535	495	93%	0	0%
Klamath	327	287	88%	0	0%
Lake	52	40	77%	0	0%
Lane	988	856	87%	0	0%
Lincoln	561	306	55%	235	42%
Linn	482	467	97%	0	0%
Malheur	292	183	63%	0	0%
Marion	1,166	1,005	86%	0	0%
Morrow	6	3	50%	0	0%
Multnomah	2,856	1,916	67%	0	0%
Polk	233	88	38%	0	0%
Sherman	2	0	0%	0	0%
Tillamook	155	139	90%	0	0%
Umatilla	174	126	72%	0	0%
Union	141	59	42%	0	0%
Wallowa	35	21	60%	0	0%
Wasco	141	65	46%	0	0%
Washington	1,484	1,412	95%	0	0%
Yamhill	321	307	96%	0	0%
Statewide	15,865	12,099	76%	861	5%

1994 Treatment and Ignition Lock

Court Location	Count	Treated	Percent Treated	Ignition Lock	Percent Locked
Baker	5	3	60%	1	20%
Benton	360	339	94%	0	0%
Clackamas	1,163	477	41%	454	39%
Clatsop	292	278	95%	0	0%
Columbia	166	132	80%	0	0%
Coos	538	468	87%	0	0%
Crook	163	136	83%	0	0%
Curry	191	178	93%	0	0%
Deschutes	746	361	48%	0	0%
Douglas	265	208	78%	0	0%
Gilliam	1	0	0%	0	0%
Grant	7	5	71%	0	0%
Harney	2	2	100%	0	0%
Hermiston	61	31	51%	0	0%
Hood River	187	52	28%	0	0%
Jackson	889	837	94%	0	0%
Jefferson	246	235	96%	0	0%
Josephine	381	348	91%	0	0%
Klamath	340	309	91%	0	0%
Lake	46	36	78%	0	0%
Lane	620	527	85%	1	0%
Lincoln	458	264	58%	173	38%
Linn	493	449	91%	0	0%
Malheur	244	218	89%	0	0%
Marion	917	845	92%	0	0%
Morrow	3	3	100%	0	0%
Multnomah	2,620	2469	94%	0	0%
Polk	170	51	30%	0	0%
Sherman	3	1	33%	0	0%
Tillamook	150	133	89%	1	1%
Umatilla	152	87	57%	0	0%
Union	167	58	35%	0	0%
Wallowa	25	12	48%	0	0%
Wasco	89	38	43%	0	0%
Washington	1,134	1086	96%	0	0%
Yamhill	339	321	95%	0	0%
Statewide	13,633	10997	81%	630	5%

3. Statistical Analyses

This stage of the analysis involved statistical analyses of the combined OJIN and DMV databases to determine more precisely the sentencing practices of Oregon's State Courts, taking into account characteristics of the offender and offense, and to determine the relative effectiveness of the various sanctions at preventing recidivism, again taking into account characteristics of the offender and offense as well as selection bias introduced by the fact that judges do not assign sanctions randomly.

3.1. Geographic Disparity in Sanctions Imposed

The purpose of this analysis was to identify any statistically significant differences in sentencing practices between the various District Court districts. The tabulations presented earlier in this report show widely varying results for the various districts. Districts with small numbers of cases especially tended to differ from statewide results. These results indicate that sanctions may be applied differently in different districts, but no conclusions can be reached without knowing and accounting for differences in the offenses for which the sanctions were applied and the offenders to whom they were applied.

3.1.1. Method

To determine whether the court location made a statistically significant difference in the sanctions imposed, we developed regression models of jail time, probation time, community service work time, and probation time. Each of these models included "dummy" variables indicating the court location. If the estimation of the model yielded a statistically-significant coefficient on the dummy variable, we could then say that, all else the same, being in that location changes the level of that sanction an offender can expect. The sign and magnitude of the estimated coefficient also tell us whether that sanction is applied more or less heavily than in other locations.

We modified the variables containing the number of prior accidents, traffic convictions, DUII convictions, diversions, and suspensions. Those variables contain the number of priors after December 31, 1985 and before the incident date. So for a conviction based on a 1990 incident date we have five fewer years worth of priors than for a conviction based on a 1995 incident date. To make the values comparable, we divided the number of priors by the nuumber of years over which they had accumulated. We also created a set of new variables crossing the modified priors variables with the age of the offender.

Since the sanctions are applied as a package and the level of one sanction may influence the level of another, we estimated all four models simultaneously using a three-stage least squares procedure.

3.1.2. Results

When reviewing the results of our analysis of geographic disparity, it is important to note that the observed disparity may result as much or more from differences in prosecutors' practices than from differences in judges' practices. In many cases, the prosecutor negotiates a reduced sentence with the defendant in exchange for a guilty plea before the case comes to trial.

In general, the information in our datasbases explained only a small proportion of the variation in sentences imposed. This is partly due to the fact that we had no information on one important characteristic of the offense, the blood-alochol content level. Some part of the variation in sentences may stem from the offenders' attitudes and the way they present themselves to the judge, as well as the skills of their attorneys. Since these attributes are not readily quantifiable and are not recorded, any statistical model of sentencing behavior will prove unreliable at predicting the sentence imposed in a particular case. Statistical models can, however, quantify the relationships between the variables about which information is available and sentencing practices.

Twenty districts showed statistically significant variations in jail time imposed. Of these, Josephine County had the highest positive coefficient, indicating the most jail time imposed, all else the same. Umatilla County had the most negative of the significant coefficients, indicating the least jail time imposed, all else the same. Wasco County and the Hermiston District also had significant, high negative coefficients.

Twenty four districts showed statistically significant variations in fine amounts imposed. Of these, Umatilla County had the highest positive coefficient, indicating the highest fines imposed, all else the same. Malheur County also had a significant, high positive coefficient. Jefferson County had the most negative of the significant coefficients, indicating the lowest fines imposed, all else the same. Washington and Columbia Counties also had significant, high negative coefficients.

Fourteen districts showed statistically significant variations in probation time imposed. Of these, Josephine County had the highest positive coefficient, indicating the most probation time imposed, all else the same. Jackson and Linn Counties also had significant, high positive coefficients. Douglas County had the most negative of the significant coefficients, indicating the least probation time imposed, all else the same. Wasco and Clatsop Counties also had significant, high negative coefficients.

Only two districts districts showed statistically significant variations in community service work time imposed. Malheur County had a high positive coefficient, indicating the most community service work time imposed, all else the same. Washington County had a statistically significant, but small positive coefficient. Malheur's imposition of community service work time may have changed over time, though. The tabular analysis presented earlier in this report shows that in 1990 and 1991, Malheur County was the only

district to impose community service work in over half of all cases. By 1995, Malheur's imposition of community service work was still the highest, but not so different from the other districts that use community service work (many do not).

The tables on the following pages show our results in detail.

SYSLIN Procedure
Three-Stage Least Squares Estimation

Cross Model Covariance

	JAILAMT	FINEAMT	PROBAMT	WORKAMT
JAILAMT	28,077.9590	-276,530.8458	271,202.5616	3,647.1754
FINEAMT	-276,530.8458	3,230,796.3356	-2,840,937.5630	-34,797.3148
PROBAMT	271,202.5616	-2,840,937.5630	2,729,835.9598	33,584.2558
WORKAMT	3,647.1754	-34,797.3148	33,584.2558	533.1171

Cross Model Correlation

	JAILAMT	FINEAMT	PROBAMT	WORKAMT
JAILAMT	1.0000	-0.9181	0.9796	0.9427
FINEAMT	-0.9181	1.0000	-0.9566	-0.8385
PROBAMT	0.9796	-0.9566	1.0000	0.8804
WORKAMT	0.9427	-0.8385	0.8804	1.0000

Cross Model Inverse Correlation

	JAILAMT	FINEAMT	PROBAMT	WORKAMT
JAILAMT	123.6563	-25.7074	-107.2445	-43.7096
FINEAMT	-25.7074	17.1340	33.7446	8.8928
PROBAMT	-107.2445	33.7446	108.5740	33.8068
WORKAMT	-43.7096	8.8928	33.8068	19.8983

Cross Model Inverse Covariance

	JAILAMT	FINEAMT	PROBAMT	WORKAMT
JAILAMT	0.0044	-0.0001	-0.0004	-0.0113
FINEAMT	-0.0001	0.0000	0.0000	0.0002
PROBAMT	-0.0004	0.0000	0.0000	0.0009
WORKAMT	-0.0113	0.0002	0.0009	0.0373

System Weighted MSE: 18.084 with 217168 degrees of freedom.
System Weighted R-Square: 0.0679

Model: WORKAMT
Dependent variable: WORKAMT

SYSLIN Procedure
Three-Stage Least Squares Estimation

Variable	Parameter Estimate	Standard Error	T for H0: Parameter=0	Prob > |T|
INTERCEP	-1.7753	6.7002	-0.2650	0.7910
FINEAMT	0.0122	0.0537	0.2270	0.8208
PROBAMT	-0.0078	0.0523	-0.1480	0.8821
JAILAMT	-0.1629	0.5697	-0.2860	0.7749
PACC2	-1.3238	4.7568	-0.2780	0.7808
PCONV2	-1.3872	4.4774	-0.3100	0.7567
PDIVER2	-10.6245	52.4936	-0.2020	0.8396
PDUII2	41.4246	143.2962	0.2890	0.7725
PSUSP2	4.1011	15.2637	0.2690	0.7882
CIRCUIT	0.5417	0.3866	1.4010	0.1612
MAINOFF	3.4217	18.4388	0.1860	0.8528
ACCREL	-3.5565	14.9936	-0.2370	0.8125
SUSPND	1.4022	7.0040	0.2000	0.8413
MALE	-0.7615	2.6587	-0.2860	0.7746
BAK	-3.6919	23.1106	-0.1600	0.8731
BEN	1.1021	0.9287	1.1870	0.2353
CLA	0.0049	0.7568	0.0070	0.9948
CLT	-0.9755	0.9937	-0.9820	0.3263
COL	-0.9190	1.2062	-0.7620	0.4461
COO	-0.8829	0.8477	-1.0410	0.2977
CRO	-0.3561	1.2320	-0.2890	0.7726
CUR	-0.2372	1.2540	-0.1890	0.8500
DES	1.4706	0.8235	1.7860	0.0741
DOU	-1.1622	1.0623	-1.0940	0.2739
GRA	-0.6940	13.3549	-0.0520	0.9586
HER	-0.0334	1.2344	-0.0270	0.9784
HOO	1.1068	1.1717	0.9450	0.3449
JAC	-1.0155	0.7705	-1.3180	0.1875
JEF	0.9445	1.0385	0.9100	0.3631
JOS	1.3125	0.9292	1.4120	0.1578
KLA	1.2655	0.9891	1.2790	0.2008
LAK	-0.3588	2.8415	-0.1260	0.8995
LAN	-0.2497	0.8091	-0.3090	0.7576
LIN	-0.3740	0.8517	-0.4390	0.6606
LNN	0.4351	0.8890	0.4890	0.6245
MAL	10.2735	1.1462	8.9630	0.0001
MAR	0.6341	0.7567	0.8380	0.4020
MOR	-2.2702	11.5707	-0.1960	0.8445
MUL	0.4659	0.7164	0.6500	0.5155
PLK	2.1630	1.1331	1.9090	0.0563
SHE	-2.0300	6.7163	-0.3020	0.7625
TIL	0.6578	1.1620	0.5660	0.5713
UMA	1.3647	1.2906	1.0570	0.2903
UNI	0.1416	1.2676	0.1120	0.9110
WAL	-0.1376	4.0192	-0.0340	0.9727
WAS	-0.4871	1.2883	-0.3780	0.7054
WSH	1.7720	0.7456	2.3770	0.0175

Model: PROBAMT
Dependent variable: PROBAMT

SYSLIN Procedure
Three-Stage Least Squares Estimation

Variable	Parameter Estimate	Standard Error	T for H0: Parameter=0	Prob > |T|
INTERCEP	-53.6958	129.2216	-0.4160	0.6778
FINEAMT	1.0215	0.3706	2.7560	0.0058
JAILAMT	-10.2833	7.6349	-1.3470	0.1780
WORKAMT	1.6996	80.5156	0.0210	0.9832
PACC2	-105.1720	106.3390	-0.9890	0.3227
PCONV2	-75.4259	85.4803	-0.8820	0.3776
PDIVER2	-925.6809	342.7534	-2.7010	0.0069
PDUII2	2,597.1925	1,916.0981	1.3550	0.1753
PSUSP2	275.1346	172.2741	1.5970	0.1103
CIRCUIT	-16.7083	27.6646	-0.6040	0.5459
MAINOFF	319.6503	87.5293	3.6520	0.0003
ACCREL	-293.0495	117.6881	-2.4900	0.0128
SUSPND	135.8418	43.9001	3.0940	0.0020
MALE	-46.1741	30.6481	-1.5070	0.1319
BAK	-1,018.0559	1,653.7404	-0.6160	0.5382
BEN	-53.3988	66.4525	-0.8040	0.4217
CLA	5.4001	54.1562	0.1000	0.9206
CLT	-366.8457	71.1078	-5.1590	0.0001
COL	-0.9835	86.3121	-0.0110	0.9909
COO	43.4387	60.6627	0.7160	0.4740
CRO	-169.4672	88.1611	-1.9220	0.0546
CUR	148.2935	89.7307	1.6530	0.0984
DES	-116.5377	58.9277	-1.9780	0.0480
DOU	-637.9365	76.0140	-8.3920	0.0001
GRA	331.0070	955.6442	0.3460	0.7291
HER	-256.5645	88.3335	-2.9040	0.0037
HOO	-263.3070	83.8457	-3.1400	0.0017
JAC	125.9030	55.1337	2.2840	0.0224
JEF	-178.1765	74.3145	-2.3980	0.0165
JOS	162.3014	66.4928	2.4410	0.0147
KLA	-279.8903	70.7764	-3.9550	0.0001
LAK	-254.0696	203.3321	-1.2500	0.2115
LAN	38.4236	57.8970	0.6640	0.5069
LIN	-18.7372	60.9427	-0.3070	0.7585
LNN	130.6107	63.6158	2.0530	0.0401
MAL	139.3161	82.0172	1.6990	0.0894
MAR	-98.0628	54.1465	-1.8110	0.0701
MOR	-589.3787	827.9751	-0.7120	0.4766
MUL	-7.5860	51.2646	-0.1480	0.8824
PLK	-230.1786	81.0850	-2.8390	0.0045
SHE	-576.7193	480.6043	-1.2000	0.2301
TIL	-64.9967	83.1519	-0.7820	0.4344
UMA	-219.6300	92.3493	-2.3780	0.0174
UNI	35.7248	90.7077	0.3940	0.6937
WAL	-25.0179	287.6017	-0.0870	0.9307
WAS	-513.1008	92.1851	-5.5660	0.0001
WSH	-179.1990	53.3542	-3.3590	0.0008

Model: FINEAMT
Dependent variable: FINEAMT

SYSLIN Procedure
Three-Stage Least Squares Estimation

Variable	Parameter Estimate	Standard Error	T for H0: Parameter=0	Prob > ITI
INTERCEP	141.6659	156.2959	0.9060	0.3647
JAILAMT	13.8596	3.8213	3.6270	0.0003
PROBAMT	1.0322	0.3587	2.8780	0.0040
WORKAMT	-16.1699	80.0118	-0.2020	0.8398
PACC2	266.2127	89.0218	2.9900	0.0028
PCONV2	124.0260	59.8369	2.0730	0.0382
PDIVER2	1,470.3890	226.3036	6.4970	0.0001
PDUII2	-3,559.8336	961.5987	-3.7020	0.0002
PSUSP2	-340.3439	73.8180	-4.6110	0.0001
CIRCUIT	207.3846	30.0961	6.8910	0.0001
MAINOFF	77.6679	161.2689	0.4820	0.6301
ACCREL	324.1714	30.2219	10.7260	0.0001
SUSPND	-142.0523	32.8820	-4.3200	0.0001
MALE	18.7166	22.3100	0.8390	0.4015
BAK	-2,838.9174	1,799.0940	-1.5780	0.1146
BEN	-489.1931	72.2933	-6.7670	0.0001
CLA	-478.2906	58.9162	-8.1180	0.0001
CLT	-798.2941	77.3577	-10.3200	0.0001
COL	-801.2994	93.8984	-8.5340	0.0001
COO	-538.3727	65.9945	-8.1580	0.0001
CRO	-707.2600	95.9099	-7.3740	0.0001
CUR	-22.9947	97.6175	-0.2360	0.8138
DES	-691.9121	64.1071	-10.7930	0.0001
DOU	-668.2630	82.6952	-8.0810	0.0001
GRA	122.2270	1,039.6395	0.1180	0.9064
HER	-434.4512	96.0975	-4.5210	0.0001
HOO	-647.1346	91.2152	-7.0950	0.0001
JAC	-493.7805	59.9797	-8.2320	0.0001
JEF	-1,018.2295	80.8463	-12.5950	0.0001
JOS	55.1871	72.3371	0.7630	0.4455
KLA	-564.6678	76.9972	-7.3340	0.0001
LAK	-547.7378	221.2038	-2.4760	0.0133
LAN	-658.4532	62.9858	-10.4540	0.0001
LIN	-447.4488	66.2992	-6.7490	0.0001
LNN	-122.0543	69.2072	-1.7640	0.0778
MAL	260.3642	89.2260	2.9180	0.0035
MAR	-56.7452	58.9057	-0.9630	0.3354
MOR	-1,461.8033	900.7490	-1.6230	0.1046
MUL	-775.0134	55.7704	-13.8960	0.0001
PLK	-616.5842	88.2119	-6.9900	0.0001
SHE	-914.0720	522.8464	-1.7480	0.0804
TIL	-412.6385	90.4604	-4.5620	0.0001
UMA	645.6193	100.4662	6.4260	0.0001
UNI	-473.3325	98.6804	-4.7970	0.0001
WAL	-610.0318	312.8801	-1.9500	0.0512
WAS	-671.2320	100.2876	-6.6930	0.0001
WSH	-840.7076	58.0437	-14.4840	0.0001

Model: JAILAMT
Dependent variable: JAILAMT

SYSLIN Procedure
Three-Stage Least Squares Estimation

Variable	Parameter Estimate	Standard Error	T for H0: Parameter=0	Prob > |T|
INTERCEP	-11.4745	16.8942	-0.6790	0.4970
FINEAMT	0.1037	0.0311	3.3370	0.0008
PROBAMT	-0.0920	0.0601	-1.5300	0.1259
WORKAMT	-2.8464	6.9046	-0.4120	0.6802
PACC2	-5.2752	7.0146	-0.7520	0.4520
PCONV2	-7.7267	3.4871	-2.2160	0.0267
PDIVER2	-80.4995	38.2065	-2.1070	0.0351
PDUII2	255.5816	11.8864	21.5020	0.0001
PSUSP2	28.1910	3.4679	8.1290	0.0001
CIRCUIT	9.5740	2.8057	3.4120	0.0006
MAINOFF	47.3508	24.2688	1.9510	0.0511
ACCREL	-27.9215	8.3782	-3.3330	0.0009
SUSPND	13.1831	5.7541	2.2910	0.0220
MALE	-6.0910	2.4757	-2.4600	0.0139
BAK	-111.5074	167.7188	-0.6650	0.5062
BEN	-20.7196	6.7395	-3.0740	0.0021
CLA	-7.5255	5.4924	-1.3700	0.1706
CLT	-31.2090	7.2116	-4.3280	0.0001
COL	-20.3825	8.7536	-2.3280	0.0199
COO	-25.1791	6.1523	-4.0930	0.0001
CRO	-23.1391	8.9411	-2.5880	0.0097
CUR	-12.8177	9.1003	-1.4080	0.1590
DES	-21.7961	5.9763	-3.6470	0.0003
DOU	-27.6807	7.7092	-3.5910	0.0003
GRA	-61.0088	96.9194	-0.6290	0.5290
HER	-28.4683	8.9586	-3.1780	0.0015
HOO	-22.0703	8.5035	-2.5950	0.0094
JAC	-12.1832	5.5915	-2.1790	0.0293
JEF	-25.4695	7.5368	-3.3790	0.0007
JOS	43.4662	6.7436	6.4460	0.0001
KLA	-22.9558	7.1780	-3.1980	0.0014
LAK	-18.7623	20.6215	-0.9100	0.3629
LAN	-7.5957	5.8718	-1.2940	0.1958
LIN	-16.5952	6.1807	-2.6850	0.0073
LNN	-18.1946	6.4518	-2.8200	0.0048
MAL	-5.9243	8.3180	-0.7120	0.4763
MAR	-9.0076	5.4914	-1.6400	0.1009
MOR	-83.0473	83.9715	-0.9890	0.3227
MUL	-26.3268	5.1991	-5.0640	0.0001
PLK	-28.9765	8.2235	-3.5240	0.0004
SHE	-79.8398	48.7419	-1.6380	0.1014
TIL	-12.9720	8.4331	-1.5380	0.1240
UMA	-49.2579	9.3659	-5.2590	0.0001
UNI	-24.2408	9.1994	-2.6350	0.0084
WAL	-21.8701	29.1680	-0.7500	0.4534
WAS	-34.6839	9.3492	-3.7100	0.0002
WSH	-23.8505	5.4111	-4.4080	0.0001

3.2. Effectiveness of Sanctions

The purpose of this analysis was to determine whether there is any statistical evidence that some sanctions work better than others at reducing recidivism. We had information about the sanctions applied in a large number of DUII cases as well as information about whether the persons to whom the sanctions were appled were again convicted in State Court during a limited period of time. The statistical analysis was made difficult by two factors:

- We only knew whether a particular individual was convicted again during the period after his first conviction and until the end of 1995. So the longest period of observation was six years, and the shortest was zero.
- We could not assume that sanctions were assigned randomly, as they would be in a controlled experiment. If the offenders who were sent to jail, for example, differed from those were not, and those differences were correlated with the likelihood that they would again drive while under the infulence, the effectiveness of jail at preventing recidivism cannot be evaluated without correcting for the selection bias.

3.2.1. Method

The statistical treatment of truncated observation time has been studied extensively by those who study the failure of manufactured items and by those who evaluate the effectiveness of medical treatments. We applied well-known failure time modeling techniques to compensate for the inadequacies of the available data. First, we defined a new variable which, for each conviction record, was defined as the number of days between the date of the incident upon which the conviction was based and the date of the next incident or the end of the observation period if there was no next incident. We defined another variable as the number of days from the date of the incident upon which the conviction was based and the end of the observation period. If the two were equal, the observation was known by the model to be truncated.

A *hazard function* describes the relationship between likelihood of failure and time, given survival up to that time. A related function, the *survival function* describes the relationship between the likelihood of still surviving and time. We assumed a normal hazard function, so our model was of the type known as Tobit models. Other types of hazard functions are more appropriate for other types of failure time analysis, such as the failure of manufactured products that weaken or wear out over time. Our model predicted the number of days until the next incident given the sanctions assigned, the characteistics of the offender, and the characteristics of the offense.

We also corrected, as best we could, for selection bias. We defined new variables that took the value of one for the presence of a sanction and zero for its absence. We then constructed models to predict the likelihood of each

sanction being applied given the characteristics of the offender, the characteristics of the offense, and the location of the court. These models were estimated as Probit models, which assume a normal likelihood function. From the estimated Probit models, we constructed another new set of variables representing the extent to which the model predicts the selection of the sentence. These variables, called Lambdas[1] (or Inverse Mills Ratios) were included in the Tobit model described above. Their inclusion allows bias introduced by sentencing practices to be accounted for and removed from the estimated coefficients on the variables representing the assigned sanctions.

As with the models we developed to test for geographic disparity, we modified the variables containing the number of prior accidents, traffic convictions, DUII convictions, diversions, and suspensions. Those variables contain the number of priors after December 31, 1985 and before the incident date. So for a conviction based on a 1990 incident date we have five fewer years worth of priors than for a conviction based on a 1995 incident date. To make the values comparable, we divided the number of priors by the nuumber of years over which they had accumulated. We also created a set of new variables crossing the modified priors variables with the age of the offender.

3.2.2. Results

Our results indicate that most sanctions have very little effect on recidivism. For jail time, community service work time, and probation time, in fact, the model showed an inverse relationship between the severity of the sanction and the predicted number of days until the next incident. An additional day of jail or probation time would be expected to reduce the number of days until the next incident by one day. An additional day of community service time would be expected to reduce it by two days.

That the coefficients on these variables came up negative probably is a result of our inability to completly correct for selection bias. For example, jail time (or additional jail time) may be imposed when an offender flunks treatment, an event we have no information about and so cannot incorporate into either the correction for selection bias or the model of time to the next incident. But the estimated coefficients, while statistically significant, are so small that one can conclude that these sanctions have no effect of any consequence on recidivism.

[1] The estimated coefficients of the Probit model, when multiplied by the values of the variables for a particular observation, yields a number that is distributed normally with a mean of zero and a variance of one. The cumulative normal distribution at that number is the estimated probability for that observation. If the true value of the dependent variable is one, Lambda, or the Inverse Mills Ratio, is calculated as the probability density at that number divided by the cumulative probability at that number. If the true value is zero, it is minus the probability density at that number divided by one minus the cumulative probability at that number.

For fine amount, our model shows a positive relationship between the size of the fine imposed and the number of days until the next incident. A $1,000 fine would be expected to lengthen that period by 37 days, all else the same.

The one sanction that did show a large effect on recidivism was treatment. Being sentenced to treatment would be expected to increase the time until the next incident by 637 days (almost 21 months), all else the same. We do not have information about which offenders successfully completed the treatment to which they were assigned, nor do we know what the treatment consisted of. In many cases, the judge does not specify the treatment. The offender is sentenced to report for evaluation and treatment professionals prescribe the treatment program.

The table on the following page shows our results in detail.

Lifereg Procedure

Data Set	DRUNKS.RECID4
Dependent Variable	NORECID
Dependent Variable	UPPER
Noncensored Values	7,615
Right Censored Values	46,724
Left Censored Values	0
Interval Censored Values	0
Observations with Missing Values	1
Log Likelihood for NORMAL	-78,866

Variable	Estimate	Std Err	ChiSquare	Pr>Chi
INTERCPT	3,155.8335	161.0718	383.8746	0.01%
IMRJAIL	-195.4264	16.1718	146.0324	0.01%
JAILAMT	-1.0101	0.0972	107.9242	0.01%
IMRFINE	-23.5745	16.3388	2.0818	14.91%
FINEAMT	0.0372	0.0088	17.8810	0.01%
IMRPROB	-95.6723	20.7483	21.2622	0.01%
PROBAMT	-0.0852	0.0186	20.8813	0.01%
IMRWORK	39.2438	16.6853	5.5319	1.87%
WORKAMT	-1.9332	0.8648	4.9966	2.54%
IMRTREAT	-258.2097	163.9725	2.4797	11.53%
TREATED	636.9535	303.3662	4.4084	3.58%
PACC2	-35.5786	289.1516	0.0151	90.21%
PCONV2	61.9467	136.4287	0.2062	64.98%
PDIVER2	83.6347	702.6074	0.0142	90.52%
PDUII2	900.7097	432.9877	4.3273	3.75%
PSUSP2	149.9825	82.2485	3.3253	6.82%
CIRCUIT	-291.0042	53.3386	29.7657	0.01%
MAINOFF	-392.1386	83.0456	22.2970	0.01%
ACCREL	183.2617	35.9165	26.0348	0.01%
SUSPND	15.7875	35.6144	0.1965	65.76%
MALE	-132.8715	29.1126	20.8306	0.01%
AGE	16.6095	2.3016	52.0772	0.01%
AXPACC	4.6013	8.7241	0.2782	59.79%
AXPCONV	-6.6246	4.5070	2.1605	14.16%
AXPDIVER	-71.7006	16.9903	17.8091	0.01%
AXPDUII	-1.6649	11.8812	0.0196	88.86%
AXPSUSP	-3.2954	2.3331	1.9951	15.78%
BAK	5,013.5718	1,815,509.0000	0.0000	99.78%
BEN	-170.0145	100.1654	2.8810	8.96%
CLA	-378.4057	132.8797	8.1096	0.44%

Variable	Estimate	Std Err	ChiSquare	Pr>Chi
CLT	-25.3360	112.7697	0.0505	82.22%
COL	-742.8800	140.1429	28.0993	0.01%
COO	-15.1880	91.6553	0.0275	86.84%
CRO	-430.5154	119.9824	12.8749	0.03%
CUR	58.8934	137.7163	0.1829	66.89%
DES	-550.1731	98.5294	31.1794	0.01%
DOU	40.2752	121.3714	0.1101	74.00%
GRA	7,012.5695	1,028,585.0000	0.0000	99.46%
HER	-567.8395	159.6963	12.6433	0.04%
HOO	-320.2249	192.4005	2.7701	9.60%
JAC	-217.9594	80.7655	7.2828	0.70%
JEF	-541.3926	124.4068	18.9381	0.01%
JOS	-74.7568	100.9312	0.5486	45.89%
KLA	-1.1528	109.2491	0.0001	99.16%
LAK	281.4912	349.6125	0.6483	42.07%
LAN	369.6874	99.1373	13.9058	0.02%
LIN	-375.1738	139.9093	7.1907	0.73%
LNN	-249.9823	126.6607	3.8952	4.84%
MAL	-457.5591	134.7593	11.5286	0.07%
MAR	-384.7570	80.9722	22.5788	0.01%
MOR	6,565.5050	903,017.0000	0.0001	99.42%
MUL	-242.9549	90.8215	7.1561	0.75%
PLK	-434.4714	175.6488	6.1183	1.34%
SHE	-720.9764	563.8850	1.6348	20.10%
TIL	-512.6000	112.9281	20.6041	0.01%
UMA	-594.2912	142.0349	17.5069	0.01%
UNI	-288.1908	169.7458	2.8825	8.95%
WAL	-24.2935	519.8791	0.0022	96.27%
WAS	-134.0684	150.3742	0.7949	37.26%
WSH	-114.2945	81.2922	1.9768	15.97%
SCALE	1,434.9180	13.8065		

Appendix

Appendix A: Sentence Codes and Modifier Codes

Appendix B: Crosstabulation of Sentences and Modifiers

Appendix C: Oregon Judicial Department's Comments on Draft Report

Appendix D: Oregon Judicial Department's Comments on Final Report

CODE	EXPLANATION
ACTP	Anger Control Treatment Program
ADSC	Alcohol & Drug Screening
AITP	Assessment Intervention Transition Program
ALPG	Alcohol Package
ALTP	Alcohol Treatment Program
ALWE	Participate Alternate Weekends
ANTA	Antabuse If Medically Able
APCY	Apology
ATAA	Attend AA
ATFE	Attorney Fees
ATNA	Attend Narcotics Anonymous
ATSC	Alcohol Traffic Safety Clinic
AURP	Automatic Rpt
BLFR	Bail Forfeiture
BORE	Book and Release
BPAS	BPST Assessment
BPDV	BPST Diversion
CDRG	Alcohol & Drug Counseling
CDVI	Counseling-Domestic Violence
CDWP	Confiscate and Destroy Weapon
CFAM	Counseling Family
CHSU	Child support
CIC	CIC Victim Asst
CJAS	County Jail Asmt
CJUV	Counsel i ng Juvenile
CMCF	Commit to SCF
CMCS	Commit to CSD & Wardship
CMPL	Comply with Placement
CMTR	Comply with Treatment
CMYA	Commit to OYA
CNTR	Contract
COMP	Comp Fine
CONC	Other Counseling
CORC	Court Cost Recovery
COST	Court Costs
CRBR	CRB Review
CRFW	Curfew
CRTR	Court Review
CSPC	Case Plan Compliance
CSSP	Casebank Supervision
CSW	Community Service Work
CTSC	Court School
CTWC	County Work Crew
CUST	Custody Units
CWSA	Cooperate with Service Agreement
DARC	Day Reporting Center
DDC	Defensive Driver Course
DDI	Drinkers Decision Test

CODE	EXPLANATION
DEFR	Deferred
DETH	Death
DICO	Diversion Costs
DIPR	Diversion Program
DLRV	Drivers License Revoked
DLSP	Drivers License Suspension
DMVC	DMV Conviction
DNAT	Submit to Blood Sample for DNA Testing
DPTD	Deported
DPTK	Dope Talk
DRON	Driving Privelege Denied
DRPG	Drug Package
DRTP	Drug Treatment Program
DSCH	Sentence to Discharge
DTCR	Detention Served Credit
DVAS	Domestic Violence Assesment
DWI	DWI Rehab Order
DWVP	Victim Panel DUI
ELHD	Electronic Home Detention
ELSV	Electronic Surveillance
EMDR	Employment Diary
ESSY	Essay
EVCO	Eval County
EVOT	Eval Other
EVST	Eval State
EXFR	Execution Foreclosure
EXTR	Extradition
FCWK	Forest Work Camp
FEES	Fees
FINE	Fine
FMEM	Find/Maintain Employment
FRCR	Foster Care
FRGW	Forfeit Gun/Weapon
FRMS	Forfeit Money Seized
FRVH	Forfeit Vehicle
GCPR	General Conditions of Probation
GED	GED
HIVR	High-vice Restriction
HLSP	Hunting License Suspension
HMSV	Homemaker Services
HSAR	House Arrest
ICMA	Inform Court of Change of Address
IDCP	Indigent Recoupment
IDPR	Indigent Participation
IDRC	Indigent Recovery
IGLC	Ignition Lock Required
INDF	Intoxicated Driver Fund
INPA	If No Payment, Appear Next Court Day

CODE	EXPLANATION
INTR	Interest
IRP	Inmate Recovery Program
JAIL	Jail
JAPR	Show Proof of Job Application
JG	Judgment
JGAF	Jgm Attorney Fees
JGCC	Jgm Court Costs
JGFE	Jgm Fees
JGIN	Jgm Interest
JGSR	Judgment Support Arrears
JGSS	Judgment State Debt
JLCR	Jail Credit
JVDT	Juvenile Detention Center
LDEL	License Delivered to Court
LEML	LE Medical Asmt
LIFE	Life
LRFE	Lic Rein Fee
MBF	Means Based Fine
MERG	Merged/Concurrent
MNHL	Mental Health Eval & Treatment
MNPR	Monitor Program
MTPR	Mentor Program
MVRA	DMV Record Asmt
NACR	No Assoc With Criminals
NALC	No Alcohol
NALO	Commit No Alcohol Related Offense
NALX	No Alcohol in Excess
NCCD	No Contact Co-Defendants
NCCJ	No Contact W/Pers Under Court Jurisdiction
NCCS	No Contact Users Controlled Sub
NCFM	No Contact Female Minors
NCHK	No Checking Account
NCMM	No Contact Male Minors
NCMN	No Contact Minor
NCVF	No Contact Victim:s Family
NCVI	No Contact Victim
NCVR	No Contact Victim Residence
NDCA	No Drive After Consume Alcohol
NDPA	No Drug Paraphernalia
NDRG	No Drugs
NDRV	No Driving
NDST	No Depart the State
NDVI	No Driving W/O Insurance
NDVL	No Driving W/O License
NEBT	No Entry Bar/Tavern/OLCC outlet
NEOR	No Ill ega I Entry Oregon
NEOT	No Entry Ptld Old Town Area
NERP	No Employ/Resid Chg w/o Perm

CODE	EXPLANATION
NEUS	No Illegal Entry U.S.
NF IR	No Firearms
NFPD	No Freq Place Where Drugs
NGNG	No Association With Gangs
NLAW	Violate No Laws
NOCL	No Occ License v/c NH Approval
NOIT	No Intoxicants
NSXM	No Sexually Explicit Material
NTS I	National Traffic Safety Institute
NUPB	No Use/Possess Beeper
NUPS	No Use/Possess Scanner
NVHL	Own or Possess No Vehicle
NWEP	No Weapon
OCDO	Ments Corrections
ODOC	Oregon Dept of Corrections
OGED	Obtain GED
OPTS	State Obligation
ORHR	Obey Rules of Home/Resident
OR I C	Original Conditions
OWCD	Woman's Corrections
PABN	Bench Parole
PFAO	Pay Fines/Fees/Restitution as Ordered
PGAD	Drug and Alcohol Program
PN IR	Produce Sales Receipt New Items
POSR	Parole Officer Search
PPSU	Post Prison Supervision
PRCU	Probation Continued
PREX	Probation Extended
PROB	Probation
PROC	Probation to Court
PROS	Probation to State
PROY	Probation To County
PRPT	Presumptive Prison Term
PRR I	Probation Reinstated
PRRV	Probation Revoked
PRSR	Probation Officer Search
PRTR	Probation Terminated
PR18	Probation to Age 18
PR21	Probation to Age 21
PR23	Probation to Age 23
PSEV	Psychiatric Evaluation
PSPR	Release Psych Conf Privilege
PSRB	Psychiatric Review Board
PTTR	Parent Training
PYEV	Psychological Evaluation
RAEV	Risk Assessment Evaluation
RCUA	Remain Custody Units Available
REDP	Rest Determination Prog

CODE	EXPLANATION
RESC	Restitution Center
REST	Restitution
RGSO	Register as Sex Offender
RIDP	Reduced Impaired Driving Program
RPMH	Report to Mental Health
RSTP	Residential Treatment Prograin
RVAP	Revoke Angling Priviledge
RVHP	Revoke Hunting Priviledge
SAEP	Substance Abuse Education (Parent)
SBBS	Submit to Body Substance Test
SBHI	Submit to HIV Test
SBPL	Submit to Polygraph
SBPP	Submit Peni Iplethysmograph
SBRU	Submit to Random Urinalysis
SBSR	Submit to Search
SBTS	Submit to Breath Test
SCAL	School/Alcohol
SCCR	School /Corresponence
SCHL	School Attendance
SCJS	School/Juvenile State Training
SCSB	School/Seat Belt
SCTF	School/Theft
SCTR	School/Traffic
SDF	Structured Day Fine
SEFT	Security Forfeiture
SEJG	Security Judgment
SERV	Service Fee
SHCR	Shelter Care
SKIL	Skill Group
SOTP	Sex Offender Treatment Program
SPSU	Spousal Support
SPVS	Supervised Visit
STCM	Strict Compliance
STNH	State Mental Hlth Divr
STMM	State Mental Hlth Narj
STMP	State Mental Hlth Para
STND	Standard Conditions
SUFL	Suspend Fishing License
SVIN	Intensive Supervision Pgm
SVMX	Maximum Supervision
TCSO	Temporary Custody CSD
TEST	Submit to Blood/Breath/Urine Test
THPG	Theft Polygraph Program w/ Rest
TITL	Title Search
TOSP	Tour State Prison
TR24	Travel Out-State 24 Hrs or less
UNAS	Unitary Assessment
VC I P	Victim Impact Panel

CODE	EXPLANATION
VCOP	Victim Offender Reconcilliation Program
VCPT	Pay Victim Counseling Costs
V IMP	Vehicle Impounded
VLSP	Vehicle License Suspension
VRSP	Vehicle Registration Suspension
WACT	Ward of the Court
WATC	Wardship/Temp Cust SOSCF
WORK	Work Release
WRIT	Cost of Writ
WSFE	Witness Fee
WTFE	Warrant Fee
ZTDA	Zero Tolerance/Drugs & Alcohol

CODE	EXPLANATION
BK	Backloaded Sentence
BR	Bankruptcy
CD	Converted to Fine
CF	See Console Financial Totals
CS	Community Service
CV	Converted
DC	Deceased
DP	Due PUC
JS	Joint & Several
PD	Pre-Paid Diversion
PP	Paid Pre-Financial
RC	Rescinded
RK	Revoked
RM	Remanded
RS	Reserved
RV	Reversed
SE	Suspended Execution
SI	Suspended Imposition
SP	Suspended
TF	Transferred
TM	Credit Time Served
TR	Terminated
VC	Vacated
WO	Write Off
WV	Waived

Crosstabulation of Sentence Type by Sentence Modifier

Type	(none)	BK	BR	CD	CF	CS	CV	DC	JS	PD	PP	RC	RK	RM	RS	RV	SE	SI	SP	TF	TM	TR	VC	WO	WV	Total
(none)	6																									6
ACTP	716												24						2	1		9	3			755
ADSC	247												15										2			264
AITP	2																									2
ALEA	4,109																									4,109
ALPG	1,379												35						1			26			1	1,442
ALSC	29																									29
ALTP	75,805						1	11				1	2,799	1		25	1		12	46	4	512	539	3	19	79,779
ANTA	17,144						1	10					1,168			3			7	2		344	389	1	1	19,070
APGY	164												2													166
ATAA	2,324												107						1			85	1			2,518
ATFE	55,214	16	12			767	169	38		6	904		1,284	2		14	4		480	30	67	16	202	138	228	59,591
ATNA	4																									4
ATSC	21																									21
BLFR	44										12								1					1		58
BORE	7																									7
BPAS	87,390	15	5		8	427	165	33		22	9,588		3,777	2		18	6		803	1	88	41	234	268	1,776	104,667
BPDV	6,673					9	3	2			107		254			5			5			8	1	21	370	7,458
CDRG	6,995												328			1						17	36		3	7,380
CDVI	7																					1				8
CDWP	91																									91
CFAM	21												3													24
CHSU	2																									2
CIC	113,071	21	6		8	390	135	40		30	16,663		3,753	2		19	3		576	1	69	46	328	252	1,999	137,412
CJAS	103,642	15	4	2	8	1,087	297	70		13	349		1,816	14		32	8		919	21	148	238	239	293	523	109,738
CJUV	1																									1
CMCS	9																						1			10
CMPL	3																									3
CMTR	669						1						28									1				699
CNTR	5																					1				6
COMP	3,422						2			1	8		10						24				3		20	3,490
CONC	13,431							2					744			2			1			326	482			14,988
CORC	34										2		1													37
COST	21,219		1			295	27	7		7	2,420		521			5			158	2	40	3	49	74	197	25,025
CRFW	25												1									1				27
CSW	32,151			436		20	770	19					1,332		1	20			179	18	34	114	702	54	153	36,003
CTWC	3,448			2		1	33	1					180			1			3	12	9		5		5	3,700
CUST	2,750						1						138		299	3	5		337		19	3	4			3,559
DARC	4												1													5
DDC	11																					1				12
DDI	3																									3
DEFR	1																									1
DETH	3																									3
DICO	57,982	3	1			209	37	30		8	464	3	6,661	1	1	73	2		720	15	1	461	252	340	4,302	71,566
DIPR	25,662					1	3	8			1	1	3,057			24			4	4	2	1,008	61	2	5	29,843
DLRV	647												26							1		4	2			680
DLSP	79,272						2	24			1		1,723	1		14	4		10	43	1	37	207	8	4	81,351
DMVC	59,115	16	3	2	9	491	142	40		14	3,731		1,235	2		10	3		1,542		141	25	199	197	2,951	69,868

Crosstabulation of Sentence Type by Sentence Modifier

Type	(none)	BK	BR	CD	CF	CS	CV	DC	JS	PD	PP	RC	RK	RM	RS	RV	SE	SI	SP	TF	TM	TR	VC	WO	WV	Total
DNAT	9												2													11
DPTK	26																									26
DRPG	196												1									1				198
DRTP	4,383												365				1					8	7	1		4,765
DSCH	128												5									2				135
DVAS	71					2													12						2	87
DWI	240					1							2										1			244
DWVP	51,262						18	4				1	1,225	1		10			18			562	384	1	519	54,005
ELHD	9																									9
ELSV	2,520						10						103	1		5			8	5	15	38	45		12	2,762
EMDR	10																									10
ESSY	104																									104
EVCO	42,866					42	88	20		9	9,648		1,976			8	7		1,359			37	170	110	2,708	59,048
EVOT	44,893	17	4	2	10	88	40	20		7	4,405		1,747	2		21	2		179	1	49	12	124	132	940	52,695
EVST	30												5						2						1	38
EXEC	506																									506
EXTR	5																									5
FCWK	154						1						3						1				1			160
FEES	6,410					3	8	1			2		263			1					3		26	1	21	6,739
FINE	125,784	18	4	2	11	2,229	596	71		42	4,312		2,185	15		32	48		16,312	41	235	72	364	401	1,217	153,991
FMEM	914												44							2		4	6			970
FRGW	175												3									1	1			180
GCPR	1,204												20										16			1,240
HIVR	12																									12
HLSP	1																									1
HSAR	536						11						26						3		5				2	583
ICMA	2,840												24									3				2,867
IDCP	2																									2
IDRC	11,310	1			3	27	60	6			489		194			1			132		12	19	16	23	140	12,433
IGLC	7,764							1					499			2			1			314	105			8,686
IMPO	4,494																									4,494
INDF	78,808	3		2		590	113	40		38	30	3	3,805	12	1	62	2		832	49	24	426	229	178	4,237	89,484
INDR	7																									7
INPA	1,660											1	18									2				1,681
IRP	77												9										3			89
JAIL	86,525			9		80	133	15				3	3,694	16	34	34	8,009	63	5,819	39	19,410	421	696	10	45	125,055
JG	144																									144
JGAF	1																									1
JGCC	3																									3
JGFE	2																									2
JGSR	1																									1
JLCR	8,438							1					306			5	1		8		254	50	69			9,132
JVDT	18												1						12							31
LDEL	203												10									8	24			245
LEML	72,239		2	2		853	203	52		10	22		1,096	13		14	5		624	21	69	213	140	174	285	76,037
LRFE	6												1			1										8
MBF	2,411												2													2,413
MERG	3,215												55							4		6	5			3,285

Crosstabulation of Sentence Type by Sentence Modifier

Type	(none)	BK	BR	CD	CF	CS	CV	DC	JS	PD	PP	RC	RK	RM	RS	RV	SE	SI	SP	TF	TM	TR	VC	WO	WV	Total
MNHL	822							2					60									8	25			917
MVRA	6,078	1			2	19	16	4			186		88				2		21				12	13	139	6,581
NACR	523						1						43													567
NALC	49,735						10	21				1	2,432	1		24			3	38		415	635	2	2	53,319
NALO	786											1	7									1				795
NALX	676												38													714
NCCD	323						2						36									3				364
NCCJ	30												4													34
NCCS	3,664						4						214									12	2			3,896
NCFM	7												3													10
NCHK	3																									3
NCMM	3																									3
NCMN	6																									6
NCVF	17																									17
NCVI	812												18									1	4			835
NCVR	20												3													23
NDCA	4,598							1					94			2							3			4,698
NDPA	140												5									3				148
NDRG	11,118							2				1	502			12						11	33	1		11,680
NDRV	1,366												51			1						1	76			1,495
NDST	83												5										1			89
NDVI	28,295							15				1	1,211			7			3	3		409	405	2	1	30,352
NDVL	33,075							16				1	1,430			9			3	3		405	448	3	2	35,395
NEBT	23,957						9	15				1	1,233			11			1	39		395	431	1	1	26,094
NEOT	21																									21
NERP	79												5										1			85
NEUS	43												1													44
NFIR	1,785											1	119			1						3	1			1,910
NFPD	1,596												95									10	2			1,703
NGNG	10												3													13
NLAW	35,826							7				1	1,241			18			1	44		431	370		1	37,940
NOCL	448												45										7			500
NOIT	101																									101
NSXM	2																									2
NTSI	209																						1			210
NUPS	28																									28
NVHL	429												1													430
NWEP	27																									27
OCDO	2,121	1											11				172		27		86	4	1			2,423
ODOC	16																2				3					21
OGED	138												5													143
OPTS	83,779	3		2		554	95	35		42	53	3	3,765	11	1	66	2		683	50	19	430	227	162	4,058	94,040
ORHR	1																									1
ORIC	12,950												781			7				1		26	45		1	13,811
OWCD	76												1				15				7					99
PABN	153						12						18									1	2			186
PFAO	6,179							2					105			3				20		26	2			6,337
PGAD	3,333												126													3,459

Crosstabulation of Sentence Type by Sentence Modifier

Type	(none)	BK	BR	CD	CF	CS	CV	DC	JS	PD	PP	RC	RK	RM	RS	RV	SE	SI	SP	TF	TM	TR	VC	WO	WV	Total
POSR	7,306						1	1					582			2			1			335	193		1	8,422
PPSU	1,221						1						2				1		2				1			1,228
PR18	14																									14
PR21	1																									1
PRCU	23,997						5	3			1		1,854			9	2			1	7	111	134		2	26,126
PREX	10,465						20	2					525			7			1	1		73	65			11,159
PROB	36,959						437	13					3,068			24	2	128	49	18	1	145	602	2	5	41,453
PROC	49,253						524	8				1	1,765			19	4	1	11	62	10	138	83	2	10	51,891
PROS	9,507						191						904			5		6	1	9	1	23	84	5		10,736
PROY	12,220						748	5					1,090			5			5	11		470	355	1		14,910
PRPT	23																									23
PRRI	284												9													293
PRRV	8,412							1					66			5	6		14		2		5			8,511
PRSR	919												23							1						943
PRTR	980																									980
PSPR	25												2													27
PSRB	27																									27
PTTR	18																									18
RAEV	1																									1
RCUA	649												40		335							20	1			1,045
REDP	8												2													10
RESC	421						2						8				6		2		256					695
REST	15,068	2	4	2		1	5	2	51		1,127		126	1		18	2		39	2	1	13	73	51	27	16,615
RGSO	5																									5
RPMH	2,130						10	1					101													2,242
RSTP	1,083							2					130			2				1	4	13	20			1,255
SBBS	8,275												330						1			225	57			8,888
SBHI	2																									2
SBPL	4,450												263									4	35	1		4,753
SBPP	8																						1			9
SBRU	9,380						1	7					714			2						126	317			10,547
SBSR	12,324						8	1					517			2						8	44	1		12,905
SBTS	12,646						1	6				1	514			5				2		116	347			13,638
SCAL	14																									14
SCHL	122																									122
SCJS	11																		5							16
SCTF	74												1							1			1			77
SCTR	338							1					8			1									1	349
SDF	1,023												2													1,025
SEFT	471						12				167		4			4			3				11	3		675
SEJG	1,477						1	1			7												37	7		1,530
SERV	475						3						25						3							506
SOTP	25												2													27
STCM	864												4									1				869
STMH	88,687	15	4	2	9	403	155	48		17	6,280		4,750	2		32	4		1,684	1	75	76	275	365	5,591	108,475
STMM	19										2													2		23
STND	25,901						19	8					1,688			11			1	46		437	450	1		28,562
SUSP	3,363																									3,363

Crosstabulation of Sentence Type by Sentence Modifier

Type	(none)	BK	BR	CD	CF	CS	CV	DC	JS	PD	PP	RC	RK	RM	RS	RV	SE	SI	SP	TF	TM	TR	VC	WO	WV	Total
SVIN	199												44			1						1	11			256
SVMX	27												6													33
TEST	21,214						5	10				1	1,058			5				5	1	17	90	2	2	22,410
THPG	1																									1
TR24	32																									32
TRSC	1																									1
UNAS	99,507	3		2	3	637	146	34		51	51	3	3,840	13	1	71	2		578	56	25	425	261	190	2,291	108,190
VCIP	652												8												2	662
VCPT	4												1													5
VIMP	287												4			1			1	2			3			298
VLSP	377												1			1										379
VRSP	2,114							1					47			8				15			12	5	2	2,204
WACT	22																									22
WORK	3,613						7						130			1	9		17		8	28	41		1	3,855
WSFE	68										4															72
WTFE	17					1																				18
ZTDA	1,346																									1,346
Total	2,133,503	150	50	467	71	9,227	5,521	841	51	317	61,036	30	86,769	113	673	867	8,342	198	34,267	791	21,205	10,927	12,716	3,505	34,826	2,426,463

OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

December 18, 1996

Grace Crunican
Director
Oregon Department of Transportation
135 Transportation Building
Salem, Oregon 97310

Re: Response to ODOT Draft Final Report on DUII Sentencing Data in Oregon

Dear Ms. Crunican:

On December 3, 1996, this office received a copy of a draft report that is the subject of an intergovernmental agreement between the Oregon Judicial Department (OJD) and the Oregon Department of Transportation (ODOT) [OJD contract number Oi9501-95; ODOT contract number 13.457]. Pursuant to part IV.D. of that agreement, ODOT is to provide the OJD with a draft form of the report 45 calendar days prior to its public release in order to review the report and comment as OD feels necessary. Pursuant to part IV.E. of that agreement, ODOT will provide the final report to OJD 14 working days prior to its public release in order to allow OJD to review the report. The OJD reviews both the draft and final report created by ODOT, pursuant to part V.C. of the agreement, and has ten working days to submit a statement which is to be attached to all copies of the report.

Although the copy we received of the report is titled "Draft Final Report," we are willing to assume, since we have received no previous copy of the report, that the copy we received is the "draft form" described in part IV.D. of the agreement and that we will again be allowed to comment on the final report before release as provided under the agreement. If this draft is released, however, the comments included in this response should be included with the report as required by the agreement.

Let me first say at the outset of these comments that the OJD applauds the efforts of ODOT to fund research to measure the effectiveness of sanctions imposed for the offense of driving under the influence of intoxicants (DUII). This research is essential to future traffic safety policy. As we have expressed before, including at the outset of the project that led to the development of this report, we are willing to cooperate as our resources allow to further this type of effort.

Kingsley Click, State Court Administrator • Supreme Court Building • 1163 State Street • Salem, Oregon 97310-0260
(503) 986-5900 • FAX (503) 986-5503 • TTY (503) 986-5504

Comments—Section 1. Background

Given our support for ODOT's research, we are concerned about the report's characterization of this office's cooperative efforts in providing information related to the development of the report. On page 3 of the draft report, the first two sentences of the first full paragraph indicate that certain OJD representatives at the initial meeting "did not encourage" ODOT to pursue the project, implies that our original estimates of our cost to participate in the project were excessive, and implies that we indicated our programmers would be "too busy" to be of assistance at "any time soon." These comments are misleading and require a response setting out our assistance to ODOT and its contractor.

When ODOT originally contacted this office for assistance with this research, appropriate staff were assigned to coordinate by agreement our interagency cooperation, and to assist ODOT personnel and the ODOT contractor in identifying data we could provide for DUII cases. In our initial contacts on this project, it became clear that neither ODOT staff nor the ODOT contractor were familiar with our computer system (a distributed network with 20 individual computers located around the state), our database structure, or its content. Far from 'not encouraging' ODOT to pursue this project, we advised ODOT and its contractor on what costs might be involved in different approaches to extracting data from our computer system, and how those approaches would affect our ability to respond given our database structure and limited system resources for this type of work.

As indicated in the interagency agreement (part VI.), we provided data from our case management system for only the cost of the computer time spent actually running ODOT's queries. The staff hours spent working with ODOT staff and its contractor to assist them to develop database queries were absorbed by this agency as being in the state's best interest. Our substantial staff involvement was apparently of assistance. The draft report takes a substantially different approach than ODOT originally proposed; the approach is along the lines of those original discussions between OJD staff, ODOT staff, and ODOT's contractors. Also, as a result of our initial involvement and advice to the contractor, the costs of OJD computer time was comparatively very low.

In conclusion on this issue, the Oregon Judicial Department Information Systems staff spent a great deal of time with ODOT staff and its contractor. We provided the contractor a dictionary of data stored in the database, a test database for developing its data extraction queries, and substantial staff assistance in developing these queries. From our view, ODOT staff and the contractor received considerable assistance and support from the OJD in this project.

Section 2. Results of the Data Tabulation

a. Data Errors Identified by the Contractor

The OJIN database queries run for the contractor extracted data on 78,701 cases for the years 1991 through 1995. The sentences in these cases contain over 2,000,000 elements. The draft report has highlighted that there are some errors in the database, and focuses on three instances out of 844 where the modifier for a sentence when a defendant

how the local district attorney's sentencing agreement practices may affect the sentences imposed in DUII cases. The report creates an impression that the judge develops a detailed sentence for each defendant. In most instances, that is not the case; the judge frequently only imposes a sentence negotiated by the parties.

3. Statistical Analysis

The data presented in the report is presented in a manner that is difficult for those untrained in quantitative analysis to interpret. While the report narrative does state conclusions regarding sentencing practices in counties and the effectiveness of sentencing options, the data presented in the report does not make it readily apparent for the reader the basis for these. It would be very helpful to state and local policy makers to be able to use the data collected from the 78,701 cases included in this study. What is presented in the tables, however, is for the professional statistician; in such summary form it will be difficult for policy makers to understand fully and to use effectively the information presented.

In conclusion, the OJD remains willing to assist ODOT in efforts to develop information of the type this draft report apparently was intended to produce. The draft report, however, lacks the clarity and analysis related to DUII sentencing which we originally hoped for from this project. Our recommendation is that the report be revised to provide additional discussion of the developed statistical model with state and local policy makers rather than statisticians as the audience.

Sincerely,

Kingsley W. Click
State Court Administrator

KWC:BAS:bkv/E7B96035.F

cc: Douglas M. Bray
Teresa Bradshaw
Linda Zuckerman
Robert Edgar
Carl Batten
Jan Curry
Edward Marges

is deceased was entered incorrectly; rather than "DC," the code "DETH" was entered. In addition, the report indicates that there are other errors in the data. There is no information in the report, however, regarding the proportion of the 78,701 cases which have errors in one or more of the 2,000,000 elements of a sentence included in the extracted data for this study. Nor is there any indication whether the contractor requested any assistance on more than one occasion to have the errors resolved by comparison to the judgment in the case file.

The five errors identified out of the 2,000,000 sentence codes will probably receive more attention than the conclusions derived from the data. Errors do occur in large databases, and locating and correcting these is a continual process. That some errors exist in the OJIN database is regrettable; we strive always to make the information accurate. That we have not been 100 percent successful indicates how much harder we need to work. That the contractor chose, in the body of the draft report, to bring these five errors to our attention ensures that the errors will be newsworthy.

b. Use of the Data

As to the data represented in the report, during our initial contacts with ODOT and its contractors, we made a number of suggestions about how we felt the data could be used to achieve ODOT purposes.

- We suggested the report might want to focus a limited number of representative counties rather than trying to tackling the entire state. This suggestion was intended to help produce results that could be more reliable because it would be easier to manipulate data, "clean" the data when necessary, and assure a greater amount of validity to the information. This would have allowed some checking of data against the hard copy files, where the actual official information is maintained, to assure its reliability. We think this would have added to the impact of any conclusions reached. Using a more limited, representative county, approach may have also assisted in reducing some of the data problems that are referred to in the report that appear partially to be the result of trying to manipulate the enormous database that was collected as a basis for this report.

- We indicated that any study of this type should also consider the impact of sentence negotiations on the sentencing results reported. In our initial discussions with ODOT and its contractors, we made it clear that most DUII cases are not resolved by a trial or other court proceeding related to a case. While Oregon prohibits pleading DUII cases to a lower offense (ORS 813.170), it does not prohibit district attorneys from conducting sentence negotiations with alleged offenders. As a result, most DUII cases are not resolved by a judge imposing a sentence developed by the judge for a defendant, but by a judge issuing a judgment in which the sentence has been negotiated between a district attorney and an attorney for the defendant. In several places in the report there are comments that suggest that a judge's sentencing practices may be affected by various unquantifiable circumstances (such as an offender's attitude). Nowhere in the report, however, is there any indication about