



DIFFERENCES BETWEEN JAIL SENTENCES AND JAIL TERMS ACTUALLY SERVED AMONG DUI OFFENDERS IN SELECTED CALIFORNIA COUNTIES

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14. ABSTRACT

Records of 32.7% of California's DUI offenders convicted in 2006, who received jail or a jail alternative sentence, were used to compare jail terms at sentencing to actual jail time served, and to describe used alternative sanctions to jail. County data systems' variation, tracking methods, quality and completeness of data, and lack of communication between Courts and Sheriff's Departments limited sample size and representativeness. Percentages of jail time served across participating counties ranged from 0 to 67% for 1st offenders, 0 to 47% for 2nd offenders, and 0 to 67% for 3rd+ offenders. Median percentages of jail sentences actually served across participating counties were 0%, 19%, and 38% for 1st, 2nd, and 3rd+ offenders, respectively. Alternative sentences were used more often on 1st DUI offenders, less so on 2nd offenders, and least often on 3rd offenders. The most popular alternative sentences in lieu of jail options were Sheriff's Work Program and Caltrans Work Program. Jail sentences reported to DMV greatly overstate amount of jail time actually served by DUI offenders. Further evaluation of effectiveness of jail time served by California DUI offenders is not possible at present because California's DUI Offender Tracking System does not keep good track of offenders. Recommendations are: results from previous California DMV studies and/or studies from other states showing jail terms as ineffective in reducing alcohol-involved crashes or DUI recidivism should be taken with caution; efforts should be made so California's DUI Offender Tracking System is consistent with NHTSA's 2006 guidelines; DMV's court abstract collection system should require jail terms keyed in, if disposition code "J" is present; DMV's JAG project to assess accuracy and timeliness of DUI conviction data sent to DMV should be finished, and its findings used in conjunction of this study's findings to enable the implementation of recommendations from NHTSA's 2011 California Traffic Records Assessment.

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PREFACE

This report is the final product of a project comparing how jail sentences meted out by the courts differ from actual jail times served, and describing which alternative sanctions are applied in lieu of serving actual jail time. This project was funded by the National Highway Traffic Safety Administration through a grant administered by the California Office of Traffic Safety (Grant AL10115). This report was prepared by the Research and Development Branch of the California Department of Motor Vehicles under the administrative direction of David J. DeYoung, Chief. The opinions, findings, and conclusions expressed in this report are those of the authors and not necessarily those of the State of California or the National Highway Traffic Safety Administration.

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Of the participating counties, we would like to acknowledge those individuals who were instrumental in collecting and transferring data: Deputy Sheriff Gary Stewart, Deputy Jon Rudolph, and Frank Ficken, Alameda County Information Technology Department; Sergeant Andrew Mendonsa and Lieutenant Vickie Stevens, Sheriff's Department, and Jeff White, Information Technology Director, Amador County; Luz Winkler, Information Services Programmer/Systems Analyst, Sheriff's Office, Contra Costa County; Lori Lucius, Department Systems Analyst, Sheriff's Office, El Dorado County; Peter Loo, Chief Information Office, Jamie Teramura, Court Information Systems, Glenn Pauley, Court Information Technology Project Manager, Lieutenant Christopher Nee, Undersheriff, and Harlan Schwartz, Sheriff's Department Senior Application Programmer, Los Angeles County; Kathy Sanchez and Jeff Ishizaka, Information Services Department, Santa Clara County; Marina Owen, Systems Analyst and Computer Technician, Sheriff's Department, Sutter County; and Kathleen Kelley, Application Architect, and Rodney Lanthier, Sheriff's Information Technology Services Account Manager, Information Services, Ventura County.

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EXECUTIVE SUMMARY

Background

Jail sentences, along with fines, have been a traditional sanction for individuals convicted of driving while impaired by alcohol or drugs (DUI) since the early 1900s. However, as a tool to reduce DUI recidivism and alcohol-related crashes, jail sentences are widely regarded as one of the costliest and least effective. California DMV studies have shown that jail sentences for convicted first-time DUI offenders are not associated with significant reductions in alcohol-involved crashes or DUI recidivism. While actual jail time served has an incapacitative effect on DUI offenders by temporarily preventing them from driving, jail time does not appear to reduce the likelihood of impaired driving after offenders are released.

Most studies of the effects of jail sanctions on DUI recidivism or alcohol-related crashes define jail time as the sentence lengths listed on court or DMV records, or assume the minimum sentences mandated by state laws, rather than using individual jail records listing actual time served, and/or alternative sentences available to the county sheriff's department and/or courts. There is evidence that jail times sentenced and actual incarceration times can be very different; jail sentences may be suspended or credit given for time served, and jail time can be reduced for good behavior, or otherwise limited by the availability of jail facilities and the high financial cost of incarceration. Hence, in some cases, a portion of a DUI offender's entire imposed jail sentence is stayed (suspended) or diverted into community service programs or electronically-monitored home confinement. Comparisons of DUI jail sentence lengths to jail time actually served in Minnesota and Arizona suggest that DUI offenders actually serve only about 8% of their original jail sentences in confinement (Cleary, 2000, Ross et al., 1990). Minimum jail sentences in California range from 0 to 90 days for 1st DUI offenders, 4 to 120 days for 2nd offenders, and 30 days to 2 years for 3rd+ offenders, depending on whether probation is granted and other factors. The likelihood seems high that actual jail times served among California DUI offenders are also less than their sentences, but no studies were found that address this topic.

Study Objectives

As stated above, evidence from other states indicates that jail sentences imposed by courts for DUI offenders overstate the amount of jail time they actually serve. Furthermore, the jail sentences actually executed may often be served through alternative sanctions such as work programs or house arrest. Therefore, the objectives of the present study are to use court and jail records for individual DUI offenders from a sample of California counties to compare how jail terms imposed at sentencing differ from actual jail times served, and to describe alternatives to jail that can be substituted for jail time.

Methods

California courts send abstracts of DUI offenders' convictions to DMV on a weekly basis. These abstracts typically include information about whether the offenders were sentenced to jail, the length of the jail sentences, and information about other sanctions that were imposed. Drivers convicted of California Vehicle Code (CVC) sections 23152 (DUI without injury) and 23153 (DUI with injury) in 2006 were chosen for use in this study, and information about them was extracted from DMV court-reported abstracts of conviction. A total of 152,628 offenders were convicted of DUI in California during 2006, with arrest dates ranging from 1987 to 2006. Of these, 84.7% had court disposition codes on their abstracts indicating that they were sentenced to jail (disposition code J, which can be also used by the courts if jail is suspended or credit for time served was given), jail in lieu of a fine (disposition code W), or some type of potential alternative to jail (disposition code Z). DMV also requests that the court send the sentenced jail terms, but those are available in only 60% of the cases, which made it necessary to request court data for the success of this study. Therefore, 129,268 cases spread across all 58 California counties represented the initial sample for which sheriff's and court data for the offenders were sought.

Ideally, the court and sheriff's data would have been obtained for 2006 DUI offenders in all California counties. However, because some county courts and sheriff's departments did not store their data in systems that allowed records to be obtained through electronic database queries, along with time and cost limitations (e.g., some counties wanted to be paid to extract data for the study), data were requested from only a subset of counties. Although repeated requests and reminders were made to increase responses from the 16 selected counties, usable data were eventually obtained from only seven counties (Alameda, Amador, Contra Costa, El Dorado, Los Angeles, Santa Clara, Sutter, and Ventura). These seven counties that provided

usable data represent 32.7% of DUI offenders convicted in California during 2006 who were sentenced to jail or a jail alternative. Data were considered usable if the sheriff's data were provided and they could be merged to DMV court abstracts containing the court-reported jail sentence lengths.

For some counties only sheriff's data were provided, whereas in others both court and sheriff's data were returned. The variation among counties in terms of the quality and completeness of reported data made it problematic to aggregate the data across counties as originally intended. Therefore, descriptive statistics were calculated separately for offenders in each county along with details about the quality and idiosyncrasies of the data provided by each county so the findings could be properly qualified.

Data Collection Challenges and Caveats

California counties have a hodgepodge of justice data collection and storage systems that vary not only by county, but also, within each county, by agency (i.e., among courts, probation departments, and sheriff's departments). The justice agency databases within counties are mostly not integrated, which creates considerable difficulties cross-referencing offender information across different sources. Some counties do not have electronic data storage. Others, even though they do have electronic data storage, use technology that is obsolete and requires painstaking programming, time, and resources to obtain data. Others still, have outsourced their data storage to private companies, requiring extra payment to extract the data. California's justice data system does not function as a *system*, but as isolated organizations that exchange information on occasion. As a result, it is very difficult to track DUI offenders from citation to sanction completion as recommended by the National Highway Traffic Safety Administration (NHTSA) in its guidelines for DUI offender tracking systems (NHTSA, 2006).

There was tremendous variation among counties in terms of the quality and completeness of the court and jail data that were returned to the study. Some offenders for whom data were requested could not be identified in the county court or jail data systems. When offenders were missing from the returned jail data, it could either mean that the offender never went to jail, or that the offender could not be matched. Furthermore, this study gave us the opportunity to compare jail sentence terms reported to DMV and jail sentence terms reported to the jails. There was a range of discrepancies: some sentences were the same, some on DMV records were smaller, and some were larger. The reasons for the discrepancies between the jail terms DMV

receives and those reported to the jails are not known, but may be worthy of further investigation. The DMV Justice and Government Liaison Branch is currently investigating the accuracy of information reported to DMV by the courts regarding DUI convictions and the results should be available in 2013.

From a practical point of view, the variation in county data systems, tracking methods, quality and completeness of data returned for the study, and the lack of communication and feedback between the courts and the sheriff's departments made it very difficult to acquire the data necessary for the present study, limited the size and representativeness of the samples, and resulted in ambiguity for interpretation of the findings because of concerns about the accuracy of matching records of individual offenders across data sources. For these reasons, caution is warranted in interpreting the findings in this report, particularly with regard to comparing the results between counties.

Results

Summary of Findings Regarding Jail Sentences and Jail Time Served

Figure 1 summarizes the findings across the seven counties regarding differences between DMV-reported jail sentences for DUI offenders and jail time actually served, illustrating separately, for each county, the median DMV-reported jail sentences and median jail time actually served, by offender level.

One finding that was consistent across the participating counties is that offender jail sentence lengths reported to DMV increased as a function of their number of prior DUI convictions. The typical median jail sentences reported to DMV ranged from 2 to 6 days for 1st offenders, 10 to 30 days for 2nd offenders, and 120 to 170 days for 3rd+ DUI offenders. Across all the counties the median jail sentence lengths were 3, 14, and 123 days for 1st, 2nd, and 3rd+ offenders, respectively.

Another general finding is that the likelihood of serving actual jail time appeared to increase somewhat with more prior DUI convictions. Typical 1st DUI offenders only served actual jail time in three (38%) of the participating counties, 2nd offenders served actual jail time in four (50%) of the counties, and 3rd+ offenders served actual jail time in five (63%) of the counties.

An additional finding is that 1st and 2nd DUI offenders tend to serve similar jail time, even though 2nd offenders typically receive longer sentences. Although the median jail time served ranged from 0 to 2 days for 1st offenders, 0 to 12 days for 2nd offenders, and 0 to 150 days for 3rd or higher offenders, across all participating counties the median jail times actually served were 0.0, 0.4, and 20.3 days for 1st, 2nd, and 3rd+ offenders, respectively.

The most important findings are that California DUI offenders typically do not serve their entire DMV-reported jail sentences incarcerated, and that there is significant variation among counties in this regard. In some counties, DUI offenders do not serve any actual jail time, regardless of their offender level. Instead the offenders—particularly 1st offenders—tend to be given alternative sentences involving working in lieu of jail time, which is less expensive than incarceration and reduces overcrowding. On the other hand, in some other counties all DUI offenders serve some actual jail time. The percentages of jail time served across the participating counties ranged from 0 to 67% for 1st offenders, 0 to 47% for 2nd offenders, and 0 to 67% for 3rd+ offenders. Across all counties the median percentages of jail sentences actually served were 0%, 19%, and 38% for 1st, 2nd, and 3rd+ offenders, respectively. With the exception of 1st offenders, these estimates are higher than the 8% of jail time served estimated from other states.

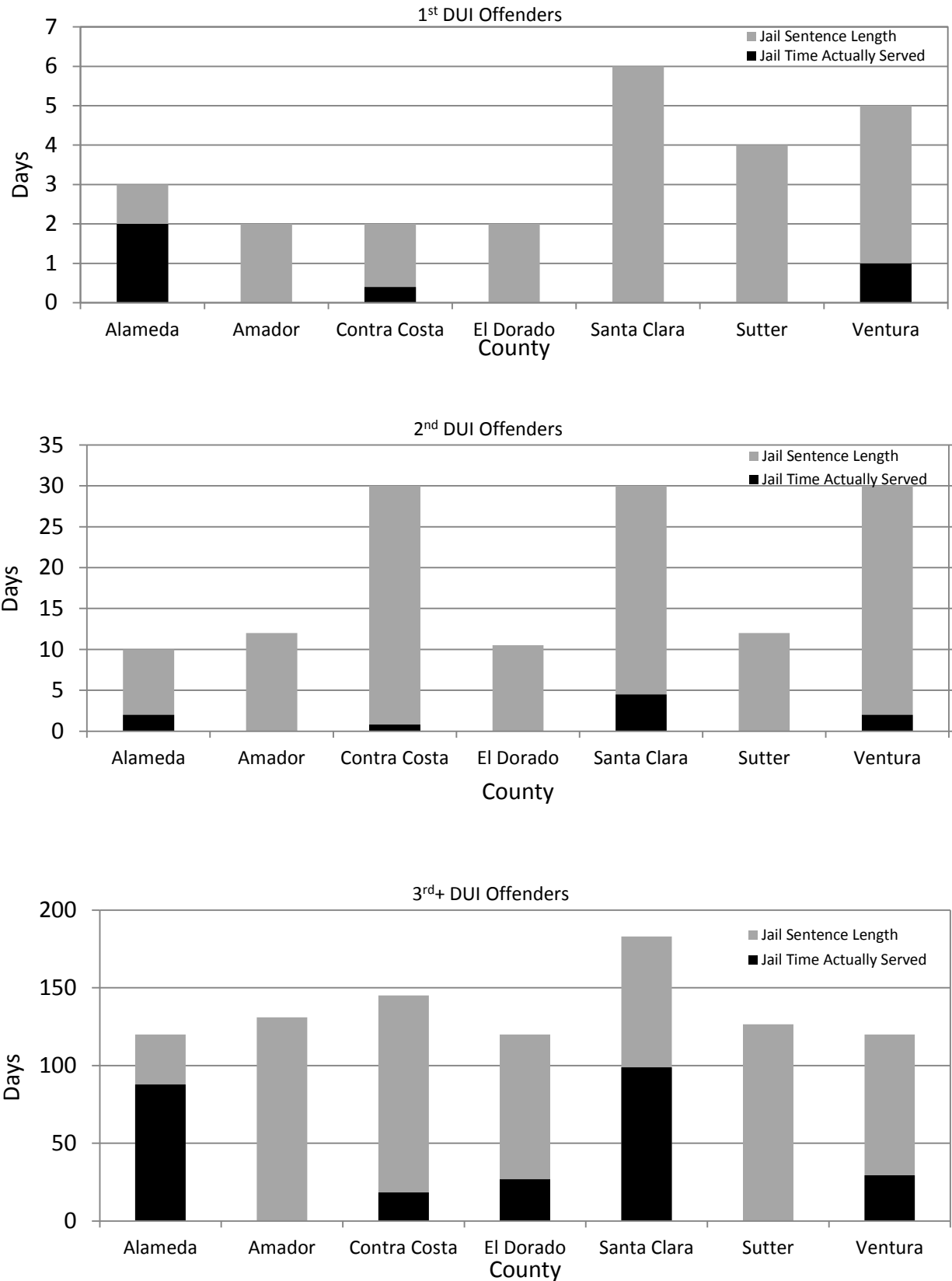


Figure 1. Jail sentence lengths and time actually served by county and DUI offender level.

Summary of Findings Regarding Alternative Sentences

We did not receive information about any alternative sanctions from two of the counties, and data on court-based alternative sanctions (rather than only those offered by the sheriff's departments) were only provided for three counties. To better understand the use of alternative sanctions across the participating counties, Figure 2 shows the percentage of offenders who received some type of alternative sentence by offender level, for each of the counties that provided at least some data regarding alternative sentences received by their DUI offenders.

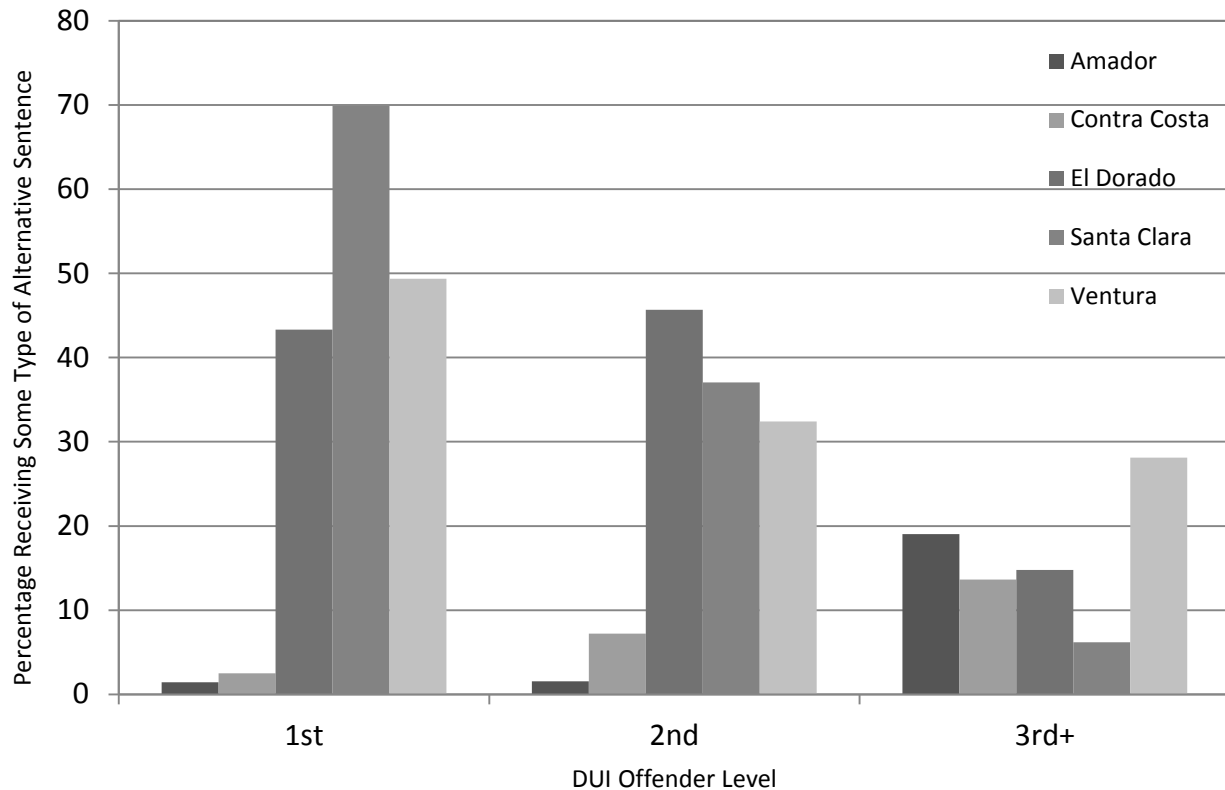


Figure 2. Percentages of offenders receiving some type of alternative sentence by county and DUI offender level.

In general, alternative sentences tended to be used more often for 1st DUI offenders, less so for 2nd offenders, and least often for 3rd offenders. The most popular alternative sentence options were those that allowed offenders to work for the sheriff, county, or Caltrans instead of being incarcerated. The use and the length of alternative sentences appear to vary widely among California counties. Note that in El Dorado, Los Angeles and Santa Clara counties—three of the counties with median jail terms of 0 days for 1st offenders—43%, 19%, and 70%, respectively, of 1st offenders were given alternative sentences in lieu of jail.

Conclusions

Consistent with evidence from other states, jail sentences imposed by California courts for DUI offenders reported to DMV greatly overstate the amount of jail times actually served. While the minimum jail sentences in California range from 0 to 90 days for 1st DUI offenders, 4 to 120 days for 2nd offenders, and 30 days to 2 years for 3rd+ offenders (depending on whether probation is granted and other factors), across all participating counties the median jail times actually served were 0.0, 0.4, and 20.3 days for 1st, 2nd, and 3rd+ offenders, respectively. Instead of serving actual jail time, DUI offenders—particularly 1st offenders—often receive alternative sentences involving working in lieu of jail time. These findings call into question the validity of the various California DMV studies showing that jail sentences for DUI offenders are not associated with significant reductions in alcohol-involved crashes or DUI recidivism, because they relied on using the courts' jail sentence terms reported on DMV records rather than jail time actually served. Similarly, findings regarding the ineffectiveness of jail sentences from other states may also be erroneous if they relied on the jail sentences reported to state licensing agencies.

Recommendations

1. Although only limited data for California counties were available for the current study—which limits the extent to which the results can be generalized to the state as a whole—the results do suggest that caution should be used when characterizing prior findings from California DMV studies showing that jail terms are not effective for reducing alcohol-involved crashes or DUI recidivism. Similarly, findings regarding the effectiveness of jail for DUI offenders reported in studies of other state programs may also misrepresent the potential value of incarceration if they were based on jail sentences.
2. Further evaluation of the effectiveness of actual jail time served among California DUI offenders is not possible at this time because of the poor state of the California DUI offender tracking system. For information on DUI offenders to be reliably extracted for research purposes, it is necessary that California's justice system database be unified, with all stakeholders (court, sheriffs' departments, jails, probation departments), between and *within* counties, storing the same data, in databases that are compatible, and data extraction practical. There needs to be information feedback loops between the stakeholders so the system can keep track of the offenders, their convictions, and how they are (or not) serving their sentences so DUI countermeasures can be evaluated with a certain degree of reliability.

It is therefore recommended that efforts be made to improve California's DUI offender tracking system to be consistent with the guidelines published by NHTSA in 2006.

3. It is recommended that DMV's court abstract information collection system require that jail terms always be included in the information transmitted, if a disposition code "J" is included in the abstract. If a disposition code "J" is included and a jail term is not included, the system should reject it, so the data necessary to evaluate the effectiveness of jail as a DUI countermeasure is available.
4. It is recommended that the project conducted by DMV's Justice and Government Liaison Branch to assess the accuracy and timeliness of DUI conviction data sent by courts to DMV be finished, and its findings, when available, used in conjunction with these findings to create a better picture of what needs to be done to achieve the recommendations from NHTSA's California Traffic Records Assessment from January, 2011.

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INTRODUCTION

Background

California Vehicle Code (CVC) Section 23152 establishes driving while impaired by alcohol or drugs as a misdemeanor and Section 23153 establishes impaired driving resulting in injury or fatality as a felony. Although efforts during the 1980s and early 1990s to reduce driving under the influence (DUI) of alcohol or drugs through increased sanctions (e.g., mandatory jail time and license suspension) successfully reduced the numbers of deaths on California roadways due to alcohol and drugs, the percentages of California traffic fatalities in which alcohol and drugs have been found to be present has increased since the mid-1990s. For example, in 2006, 38% of California traffic fatalities involved alcohol as a factor and about 21% involved drugs, compared to 32% and 7%, respectively, a decade earlier in 1996 (Oulad Daoud & Tashima, 2008). While some portion of the increase in drug-involved fatalities is a result of more vigilant testing and better detection by law enforcement, the fact remains that DUI is a significant source of morbidity in California that is worthy of intervention.

This report focuses on one particular sanction usually applied as part of sentencing for DUI offenders in California: jail time. The goal was to compare how jail times imposed at sentencing differ from actual jail times served, and to describe alternatives to jail that are substituted for actual jail time, among samples of drivers convicted of DUI in selected California counties during 2006.

Jail Sanctions and Effectiveness for Reducing DUI

Jail sentences, along with fines, have been a traditional sanction for DUI offenders since the early 1900s. However, minimum jail sentences are widely regarded to be one of the costliest and least effective sanctions for actually reducing DUI recidivism and alcohol-related crashes (Helander, 2002; Wagenaar, Maldonado-Molina, Erickson, Ma, Tobler, & Komro, 2007; Whetten-Goldstein, Sloan, Stout, & Liang, 2000; Zobeck & Williams, 1994).

California DMV studies have shown that jail sentences for convicted first-time DUI offenders are not associated with significant reductions in alcohol-involved crashes or DUI recidivism (DeYoung, 1997; Tashima & Marelich, 1989; Tashima & Peck, 1986). For example, Tashima

and Marelich (1989) studied the associations of six sentencing options available at that time for first-time California DUI offenders with subsequent crash and DUI recidivism rates: (a) license suspension only, (b) jail only, (c) shorter DUI educational program attendance and jail, (d) license restriction only (i.e., allowing driving only for work or for attending DUI program), (e) license restriction coupled with shorter DUI educational program attendance, and (f) longer DUI educational program attendance and license restriction. They concluded that first-time DUI offenders sentenced to jail alone had the highest rates of DUI recidivism and crashes, with recidivism rates almost twice those of the other sanctions, indicating that it was the least effective sanction option. Similar findings regarding the failure of jail sentences to meaningfully reduce recidivism and alcohol-related crashes have been found in studies conducted in other states (Martin, Annan, & Forst, 1993; Taxman & Piquero, 1998; Wagenaar, et al., 2007; Wheeler & Hissong, 1988; Yu, 2000) and other countries (Ross & Klette, 1995; Voas, 1986), though there are some exceptions (Socie, Wagner, & Hopkins, 1997; Villaveces, Cummings, Koepsell, Rivara, Lumley, & Moffat, 2003; Zador, Lund, Fields, & Weinberg, 1989). Overall, while actual jail time has an incapacitative effect on DUI offenders by temporarily preventing them from driving, it does not appear to reduce the likelihood of continuing driving impaired after offenders are released. Though most DUI-related jail sentences are generally brief, longer sentences have not been shown to be any more effective for reducing recidivism than shorter ones (Voas, 1986).

Description of DUI Sanctions in California during 2006

In 2006 California judges were required to sentence first DUI (without injury) offenders to receive probation, a fine, and attendance in a DUI program, but sentences could also include 48 hours to 6 months of jail time. DUI program durations for a first DUI offense vary according to blood alcohol concentration (BAC) levels at the time of arrest: 3 months for BACs lower than 0.20% and 9 months for BACs equal to or higher than 0.20%. For a second DUI (without injury) conviction, jail sentences of 96 hours to 1 year in length were (and still are) required. A fine and attendance in an 18 or 30 month DUI program were also required. A third DUI offense required that the offender be sentenced to jail for 120 days to 1 year, along with attendance in an 18 or 30 month DUI program. The sentence for a fourth conviction of DUI (without injury) was similar to that for a third DUI conviction, except the minimum jail term ranged from 180 days to 1 year. The actual sanctions vary as a function of whether or not probation is granted and other circumstances of the offense. In addition to the court-ordered sanctions described above, upon arrest for DUI, the California Department of Motor Vehicles (DMV) administratively suspended

or revoked the licenses of persons convicted of DUI (without injury): a 6-month suspension for a first DUI; a 2-year suspension for a second DUI; a 3-year revocation for a third DUI; and a 4-year revocation for a fourth DUI.

The sanctions for convictions of DUI in which one or more persons were injured were more severe. When drivers were convicted of a first DUI that resulted in an injury to another person, judges were required to sentence them to a jail term of 5 days to 1 year, along with a fine and DUI program (the length of which again depends on the arrest BAC level). Sanctions for repeat DUI (with injury) offenders followed the same increasingly severe sanction patterns as those for DUI without injury, but the minimum jail terms were longer. Jail terms for persons convicted of multiple DUI with injury offenses ranged from a minimum of 30 days in jail for second and third offenders to incarceration in state prison for 1 year or longer for a fourth or higher offense. Similarly, the post-conviction license suspensions by DMV last longer for DUI with injury: a 1-year suspension for a first DUI with injury; a 3-year revocation for a second DUI; and a 5-year revocation for a third DUI. Again, the actual sanctions vary as a function of whether or not probation is granted and other circumstances of the offense.

In addition to the post-conviction sanctions described above, administrative license suspensions (*admin per se*) were also applied to persons arrested for alcohol DUI with BAC levels that exceeded specific levels. For these administrative suspensions, the offenders' driver licenses are confiscated by law enforcement upon arrest, and the DMV administratively suspends their driving privileges after a 30-day period during which they are able to challenge the license suspension action. For age 21 or older first offenders the administrative suspension period was 4 months. The administrative suspension was 1 year for drivers with one or more prior DUI arrests. For persons younger than age 21, DMV administratively suspended their licenses for 1 year if they were detained/arrested with any measurable BAC (zero tolerance). Note that starting in 2010 multiple DUI offenders are able to reduce the length of their suspension periods by installing ignition interlock devices (IIDs) in their vehicles, but this option was not available for persons convicted in 2006.

In summary, sanctions for 2006 DUI offenders in California usually involved a combination of jail, fine, license suspension/revocation, and DUI programs that were progressively more severe as a function of the number of prior DUI convictions and circumstances about the offenses (e.g., high BAC or involving injury). Because the present study focuses on jail sanctions, the

remaining discussion is limited primarily to studies of jail sentences for DUI offenders. The minimum statutory jail sentences for 2006 California DUI offenders are summarized in Table 1.

Table 1

Minimum Statutory Jail Sentences for 2006 California DUI Offenders

DUI offense	No injury involved (CVC §23152)		Injury involved (CVC §23153) ^a	
	Probation granted	No probation	Probation granted	No probation
First ^b	0 days to 6 months	4 days to 6 months	5 days to 1 year	90 days to 1 year
Second ^c	96 hours to 1 year	90 days to 1 year	30 days to 1 year	120 days to 1 year
Third ^d	120 days to 1 year	120 days to 1 year	30 days to 1 year	2 to 4 years
Fourth ^e	180 days to 1 year	180 days to 1 year	30 days to 1 year	2 to 4 years

Note. DUI = Driving under the influence of alcohol or drugs. CVC = *California Vehicle Code*. For purposes of determining numbers of prior DUI offenses, convictions of alcohol “wet” reckless driving (CVC §23103) are considered DUI priors.

^a1 year of additional jail per additional victim, up to 3 years maximum. ^bNo Injury: Those who refuse a blood alcohol test receive a minimum of 48 hours in jail; If a child under age 14 is present in the vehicle 48 hours of jail are required regardless of whether probation is granted. Injury: Those who refuse a blood alcohol test receive an additional 48 hours in jail. ^cNo Injury: Those who refuse a blood alcohol test receive an additional 96 hours in jail; If a child under age 14 is present in the vehicle 10 additional days of jail are required regardless of whether probation is granted. Injury: Those who refuse a blood alcohol test receive an additional 96 hours in jail. ^dNo Injury: Those who refuse a blood alcohol test receive an additional 10 days in jail; If a child under age 14 is present in the vehicle 30 additional days of jail are required regardless of whether probation is granted. ^eNo Injury: Those who refuse a blood alcohol test receive an additional 18 days in jail; If a child under age 14 is present in the vehicle 90 additional days of jail are required regardless of whether probation is granted.

Imposed Sentence Compared to Actual Jail Time Served

Most studies of the effects of jail sanctions on DUI recidivism or alcohol-related crashes define jail terms as the sentence lengths on court, or DMV records, or assume the minimum sentences mandated by state laws, rather than what is listed on individual jail records indicating the time the offenders actually spent incarcerated. There is evidence that jail times sentenced and actual incarceration times can be very different (Clear, 2000; Frost, Phillips, Tollefson, & Werstak, 2006), likely because incarceration is limited by the availability of jail facilities and the high financial cost of incarceration. Hence, in some cases some portion of a DUI offender’s entire imposed jail sentence is stayed (suspended), or diverted into community service programs or electronically-monitored home confinement. For example, Cleary (2000) surveyed jail sentencing practices in Minnesota and found that courts would often impose a jail sentence for multiple DUI (e.g., 1 year), but then stay the imposition of most of the sentence (e.g., 9 months), and order only the remainder to be served (e.g., 90 days). It was then typical that only two-thirds of the latter sentence (e.g., 60 days) would actually be served, due to time reductions for “good behavior” while in jail. Hence, these DUI offenders typically served only about 16% of their

original jail sentence. Similarly, Frost et al. (2006) examined imposed and executed jail sentences for Utah DUI offenders and found that jail time was sentenced for over 90% of offenders, with an average time of 143–148 days sentenced, depending on the court. However, 92% of the sentenced time (131–136 days) was typically suspended, resulting in an average of 3-3.5 days being actually served in jail, or about 8% of their original jail sentences. The likelihood seems high that actual jail times served among California DUI offenders are also less than their sentences, but no studies were found that addressed this topic.

Alternatives to Incarceration

In addition to staying sentences and imposing probation, one other way that courts and sheriff's departments cope with jail overcrowding and the high cost of traditional incarceration is by using alternative sanctions instead of actual jail confinement, such as electronically-monitored home confinement (Courtright, Berg, & Mutchnick, 1997; Helander, 2002; Voas & Lacey, 2011). All or some portion of offenders' jail sentences are served under these alternative sanctions, some of which (e.g., electronic home confinement) have been shown to be associated with both reduced costs and lower rates of DUI recidivism than incarceration (Jones, Wiliszowski, & Lacey, 1996). Little is actually known about how often and under what conditions alternatives to incarceration are used for California DUI offenders. While alternatives to incarceration vary across California counties, all of the following are known to be options in at least one county:

- **Work Furlough:** Offenders are allowed to check out of jail to go to work and are required to return to jail each day as soon as the workday is completed. This allows them to stay employed while still serving their sentences. Even though this is classified as an alternative sanction, it should really be seen as a jail facilitating sanction. The person still serves jail, but he/she is allowed to go to work and then spend the night in jail.
- **Sheriff's Work Program:** Offenders perform 8 to 10 hours of work for the sheriff, such as removing litter on the side of the roadway, in-lieu of 1 day of jail confinement.
- **Jail Weekender Program:** Offenders with short sentences are allowed to serve weekends in jail so they can work during the week. Another sanction that functions as a jail facilitating sanction, instead of a straightforward jail replacement sanction.

- House Arrest with Electronic monitoring: Offenders serve their jail sentences under monitored home confinement. They are regularly checked through electronic devices to verify that they are indeed home, but may be permitted to go to work or mandated DUI programs.
- Alcohol Electronic Monitoring: Offenders wear devices that continually measure the amount of alcohol in their sweat, and staff is notified if any is detected. These devices are used in conjunction with house arrest, probation, or work furlough to insure sobriety.
- Community Service: Offenders do volunteer service for court-approved volunteer organizations in the community in lieu of jail time.

Problems with Obtaining and Using Individual Records of Actual Jail Time Served

The reason that studies of jail sanctions for DUI offenders typically use jail sentences instead of actual time served is probably because these sentences are relatively easy to obtain from court abstracts of conviction, which are routinely reported to driver licensing departments so they can take administrative actions based on the convictions. Jail records of bookings and releases of prisoners are not as easily available, and in some cases are not even stored electronically. In the case of California, each county sheriff's department has its own unique jail information system, some of which are not computerized. This heterogeneity makes data extraction and aggregation from jail records difficult. Additionally, there are legal concerns about the release of the personal identifying information contained in jail records, particularly given that prisoners are a protected "special" class of research participants, but these identifiers are necessary to be able to match to court records of conviction and other data sources. Even if individual jail records can be obtained en masse with personal identifiers, it can then be difficult to match jail and court records because they frequently do not have a shared unique case identifier for each offender (e.g., Frost et al., 2006). Given the numerous hindrances to obtaining and using jail records, it is not surprising that most studies of jail sanctions simply rely on jail sentences reported by courts. However, the implication of using jail sentences rather than actual time served is that sentences appear to be poor surrogates for the actual lengths of time that offenders spend incarcerated, so studies based on sentences may lead to incorrect conclusions about the effect of jail sanctions on subsequent DUI recidivism.

Objectives of the Present Study

Evidence from other states indicates that jail sentences imposed by courts for DUI offenders greatly overstate the amount of jail time actually served. Furthermore, executed jail sentences may often be served through alternative sanctions such as work programs or house arrest. Therefore, the objectives of the present study were to use court and jail records for individual DUI offenders from a sample of California counties to compare how jail times imposed at sentencing differ from actual jail times served, and to describe alternatives to jail that are substituted for actual jail time.

METHODS

Choice of DUI Cohort Sample

California courts send abstracts of DUI offenders' convictions to DMV on a weekly basis. These abstracts typically include information about whether the offenders were sentenced to jail, the length of the jail sentences, and information about other sanctions that were imposed. However, some counties as a matter of course do not report the length of the jail sentences imposed. In order to determine how imposed jail sentences differ from jail time actually served and to be able to characterize alternatives to jail utilized in California, it was necessary to identify a cohort of California DUI offenders whose convictions were far enough in the past so that most of their jail sentences would be served by the time that data were extracted from county databases. To this end, drivers convicted of CVC sections 23152 (DUI without injury) and 23153 (DUI with injury) in 2006 were chosen for use in this study and information about them was extracted from DMV court-reported abstracts of conviction.

A total of 152,628 offenders were convicted of DUI in California during 2006, with arrest dates ranging from 1987 to 2006. Of these, 84.7% had court disposition codes on their abstracts indicating that they were sentenced to jail (disposition code J), jail in lieu of a fine (disposition code W), or some type of potential alternative to jail (disposition code Z). DMV also requests that the court send the sentenced jail terms, but those are available in only 60% of the cases, which made it necessary to request court data for the success of this study. Therefore, 129,268 cases spread across all 58 California counties represented the initial sample for which court, sheriffs', and parole data were to be sought from the counties.

Exploratory Surveys and Interviews of County Personnel

Before it was possible to request data for these offenders from the county courts, sheriff's departments, and probation departments, it was necessary to obtain information from these entities regarding: (a) what data elements were potentially available for individual offenders from each agency; (b) whether they stored data electronically or used paper-based systems; (c) whether it was possible to extract records en masse for individual offenders, and if so, what identifiers could be used to match agency data to DMV records of conviction; (d) what identifiers could be used to match offenders across the different agency data systems; and

(e) whether it was possible to electronically transfer data for study purposes. Gathering this information was accomplished through a series of surveys and phone interviews of staff from the county agencies.

Initial exploratory surveys were sent to all 58 county courts, sheriff's departments, and probation departments. Phone interviews were then conducted with personnel from the county agencies that responded to the surveys to gather additional information. While this process was useful for determining which counties had electronic data systems, obtaining detailed technical information about data availability, storage, and accessibility required contacting the information technology (IT) persons in each county who were responsible for the databases.

Surveys were then sent to IT personnel in the 46 counties that were found to store data electronically and who had responded to the exploratory surveys. The response rate to these IT surveys was 80% ($n = 37$) after several attempts to decrease non-response. The purpose of these surveys was to further investigate the data system capabilities and extraction processes of each county. From the surveys of IT personnel it was determined that seven counties (Alameda, Los Angeles, Santa Clara, San Joaquin, San Mateo, Sonoma, and Ventura) had county-wide centralized database systems that integrated court, jail, and probation data. The remaining 30 counties that responded had decentralized data systems, which required separately contacting county court, sheriff's, and probation IT personnel to obtain detailed information about their data systems. Surveys were then sent to the IT personnel in the individual agencies of these 30 decentralized data system counties. The response rates for the IT surveys in the decentralized counties, after multiple attempts to improve non-response, were 75% for county courts, 60% for sheriff's departments, and 19% for probation departments.

Counties Selected to Provide Court and Sheriff's Data

In compliance with California Penal Code Section §13202, permission for study staff to access individual criminal records was obtained from the California Department of Justice. Because so few county probation departments responded to the exploratory surveys, along with the fact that few (< 1%) DUI offenders are placed on formal probation, it was decided to forgo any further attempts to collect probation data for the 2006 DUI offenders.

Ideally, the court and sheriff's data would have been obtained for 2006 DUI offenders in all California counties. However, because some county courts and sheriff's departments do not

store their data in systems that allow records to be obtained through electronic database queries, along with time and cost limitations (e.g., some counties wanted to be paid to extract data for the study), data were requested from only a subset of counties.

Data were requested initially for only the DUI offenders convicted in the seven counties with centralized data systems. It was thought that it would be faster and easier to obtain data from these counties because they had a single IT contact point and extraction procedure for obtaining both court and sheriff's data, which could be sent to DMV in a single file. These seven counties (Alameda, Los Angeles, San Joaquin, San Mateo, Santa Clara, Ventura, and Sonoma) account for 35.8% of the sample of DUI offenders convicted in California during 2006 who were sentenced to jail or a jail alternative.

Because there were delays and slow responses from some of the counties with centralized data systems, it was decided to also request data for DUI offenders convicted in nine counties with decentralized electronic data systems. These nine counties (Amador, Butte, Contra Costa, El Dorado, Mendocino, Merced, Placer, Riverside, and Sutter) had responded encouragingly to both the court and sheriff's IT personnel surveys. They accounted for 14.0% of the sample of DUI offenders convicted in California during 2006 who were sentenced to jail or a jail alternative.

Although repeated requests and reminders were made to increase responses from the 16 counties, usable data were eventually obtained from only seven counties (Alameda, Amador, Contra Costa, El Dorado, Los Angeles, Santa Clara, Sutter, and Ventura). These seven counties that provided usable data represent 32.7% of the sample of DUI offenders convicted in California during 2006 who were sentenced to jail or a jail alternative. Data were considered to be usable if the sheriff's data were provided and they could be merged to DMV court abstracts containing the court-reported jail sentence lengths. Table 2 shows the number of DUI convictions in California during 2006 by county, the number with a jail or alternative sanction disposition code, and the number of usable cases that had both jail sentence lengths from DMV records and matched jail times served reported by the sheriff or jail.

Table 2

Total Number of DUI Convictees in each California County during 2006, and DUI Convictions with a Court Disposition Code Indicating a Jail or Alternative Sanction

County	All DUI convictions ^a		DUI convictions with jail or alternative sanction disposition codes ^b				
	<i>n</i>	% convicted statewide	<i>n</i>	% in county with jail disposition	% of convicted jailed statewide	Usable cases returned by the county	% usable ^c
Alameda	5,079	3.3	4,977	98.0	3.9	4,597	92.4
Alpine	13	0.0	13	100.0	0.0		
Amador	309	0.2	306	99.0	0.2	294	96.1
Butte	1,191	0.8	1,132	95.0	0.9		
Calaveras	216	0.1	213	98.6	0.2		
Colusa	203	0.1	197	97.0	0.2		
Contra Costa	3,075	2.0	3,039	98.8	2.4	1,002	33.0
Del Norte	134	0.1	128	95.5	0.1		
El Dorado	912	0.6	895	98.1	0.7	835	93.3
Fresno	5,624	3.7	5,534	98.4	4.3		
Glenn	327	0.2	267	81.7	0.2		
Humboldt	634	0.4	284	44.8	0.2		
Imperial	874	0.6	203	23.2	0.2		
Inyo	224	0.2	111	49.6	0.1		
Kern	4,273	2.8	4,249	99.4	3.3		
Kings	879	0.6	855	97.3	0.7		
Lake	487	0.3	320	65.7	0.3		
Lassen	225	0.2	217	96.4	0.2		
Los Angeles	29,677	19.4	22,936	77.3	17.7	614	2.7
Madera	709	0.5	696	98.2	0.5		
Marin	1,465	1.0	1,459	99.6	1.1		
Mariposa	88	0.1	85	96.6	0.1		
Mendocino	977	0.6	949	97.1	0.7		
Merced	1,323	0.9	1,298	98.1	1.0		
Modoc	75	0.1	45	60.0	0.0		
Mono	121	0.1	81	66.9	0.1		
Monterey	2,339	1.5	2,313	98.9	1.8		
Napa	881	0.6	823	93.4	0.6		
Nevada	585	0.4	574	98.1	0.4		
Orange	13,126	8.6	10,518	80.1	8.1		
Placer	2,337	1.5	2,302	98.5	1.8		
Plumas	221	0.1	219	99.1	0.2		
Riverside	8,060	5.3	7,688	95.4	6.0		
Sacramento	5,797	3.8	5,731	98.9	4.4		
San Benito	387	0.3	384	99.2	0.3		
San Bernardino	9,197	6.0	6,181	67.2	4.8		
San Diego	14,345	9.4	7,409	51.6	5.7		
San Francisco	835	0.6	829	99.3	0.6		
San Joaquin	3,460	2.3	3,399	98.2	2.6		
San Luis Obispo	2,040	1.3	2,018	98.9	1.6		
San Mateo	2,767	1.8	2,739	99.0	2.1		
Santa Barbara	2,373	1.6	1,793	75.6	1.4		
Santa Clara	5,852	3.8	5,769	98.6	4.5	3,662	63.5
Santa Cruz	1,381	0.9	1,367	99.0	1.1		
Shasta	1,072	0.7	1,058	98.7	0.8		
Sierra	29	0.0	29	100.0	0.0		
Siskiyou	322	0.2	311	96.6	0.2		
Solano	1,596	1.1	1,575	98.7	1.2		
Sonoma	2,585	1.7	2,418	93.5	1.9		
Stanislaus	1,890	1.2	1,854	98.1	1.4		
Sutter	442	0.3	437	98.9	0.3	416	95.2
Tehama	420	0.3	416	99.0	0.3		
Trinity	83	0.1	83	100.0	0.1		
Tulare	2,892	1.9	2,780	96.1	2.2		
Tuolumne	395	0.3	393	99.5	0.3		
Ventura	4,259	2.8	3,860	90.6	3.0	3,387	87.7
Yolo	1,133	0.7	1,113	98.2	0.9		
Yuba	413	0.3	396	95.9	0.3		
Total statewide	152,628	100.0	129,268	84.7	100.0	14,807	11.5

Note. Offender data were requested from boldface counties; those shaded provided usable data for some offenders.

^aCalifornia Vehicle Code Sections 23152 or 23153. ^bDUI convictions with a disposition codes J, W, or Z. ^cRecords with both a jail sentence term from DMV and a jail record indicating time served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean) in reported jail time served or the difference between jail sentence and reported time served.

Data Requested from County Courts and Sheriff's Departments

Personal identifiers that could be used to identify DUI offenders in the study sample were extracted from DMV abstracts of conviction for each county that was asked to provide data. Files containing these identifiers were provided securely to the IT personnel in the centralized data system counties, or separately to the sheriff and court IT personnel in the decentralized counties. The data provided by DMV to the counties to identify individual DUI offenders and the specific variables requested from courts and sheriff's databases for each offender are shown in Table 3.

Table 3

Data Provided by DMV and Data Elements Requested from County Courts and Sheriff's Departments for 2006 California DUI Convictes

Provided by DMV	Requested from courts	Requested from sheriffs
1. Court docket number ^a	1. Court docket number	1. Jail docket number
2. DUI conviction date	2. Name	2. Name
3. Court #	3. Alias	3. Alias
4. County of conviction	4. Court #	4. Jail where sentence served
5. Vehicle codes violated	5. County of conviction	5. Length of jail sentence
6. DUI violation date	6. Length of jail sentence	6. Length of jail in lieu of fine
7. Full Name	7. Length of jail in lieu of fine	7. Justice system tracking number
8. Date of birth	8. Justice system tracking number	8. Jail intake date and time
9. Driver license number	9. Alternative sentence in lieu of jail type	9. Jail release date and time
10. Aliases	10. Alternative sentence in lieu of jail length	10. Alternative sentence in lieu of jail type
	11. Alternative sentence in lieu of jail start date	11. Alternative sentence in lieu of jail length
	12. Alternative sentence in lieu of jail end date	12. Alternative sentence in lieu of jail start date
	13. Alternative sentence in addition to jail type	13. Alternative sentence in lieu of jail end date
	14. Alternative sentence in addition to jail length	14. Alternative sentence in addition to jail type
	15. Alternative sentence in addition to jail start date	15. Alternative sentence in addition to jail length
	16. Alternative sentence in addition to jail end date	16. Alternative sentence in addition to jail start date
	17. Probation type	17. Alternative sentence in addition to jail end date
	18. Probation length	18. Agency ordering alternative sentence
	19. Probation start date	19. Agency managing alternative sentence
	20. Probation end date	
	21. Probation violation date	
	22. Probation violation sanction type	
	23. Probation violation sanction length	

^aCourt docket numbers are occasionally truncated when court abstracts of conviction are input into the DMV data system. As a result they are not always able to be used to identify individual court cases in county systems.

Variations in Data Received from Courts and Sheriff's Departments

There was tremendous variation among counties in terms of the quality and completeness of the court and jail data that were returned for the study. For some counties only sheriff's data were provided, whereas in others both court and sheriff's data were returned. None of the counties was able to provide data for all of the requested variables, though some were able to provide data for the majority of the variables. Two counties provided dumps of all the data available in their databases for DUI offenders during 2006, whereas others returned data for only the offenders and variables requested. Even *within* each county there were differences on how each court reported their data. In the larger counties, in particular, with several different courts, there were courts that were very thorough in reporting jail terms while others would not report jail terms at all, which might bias the information we acquired.

Some offenders for whom data were requested could not be identified in the county court or jail data systems. When offenders were missing from the returned jail data it could sometimes mean that the offender never went to jail, whereas it could also mean that the offender could not be matched. The extent to which the missingness of jail data could be accurately interpreted varied among the counties. Some counties reported a single summary of total jail time served, whereas others reported multiple jail times or dates. Most times it was not possible to tie jail times reported for an offender to a specific DUI offense rather than to some other offense or a probation violation. Some counties provided information about probation and alternative sanctions for the offenders, but other counties did not.

In order to obtain estimates of jail time served and differences between jail sentences and actual time served that were representative of typical DUI offenders in each county, cases that had extremely different values on either of these variables (i.e., those with z scores $\geq \pm 3$) relative to offenders with similar numbers of prior DUI convictions were excluded from the calculations of the descriptive statistics. Also, because these variables also tended to be extremely positively skewed, medians were used to characterize their distributions, although means are also shown.

The variation among counties in terms of the quality and completeness of reported data made it problematic to aggregate the data across counties as originally intended. Further complicating matters, in addition to differences in *data reporting and storage*, were differences in how each county defined jail sentences served. For instance, one county might consider 6 hours of work as equivalent to 1 day in jail, while another might require 10 hours. In addition to this lack of

standardization in how different jurisdictions defined the relationship between jail days and alternative sanctions there are also problems resulting from DUI offenders being transferred between counties. For example, a DUI offender may have served part of their jail sentence in one county before being transferred to another, but it was infeasible to track the processing of the offenders across counties. Therefore, to determine how imposed jail sentences differ from jail time actually served and to be able to characterize alternatives to jail utilized in California, it was decided to provide descriptive statistics separately for offenders in each county along with details about the quality and idiosyncrasies of the data provided by each county so the findings could be properly qualified, always keeping in mind that even within each county, data were not precise and, therefore, conclusions should not be considered definitive.

RESULTS

Alameda County

Alameda County Data Reporting and Quality

During 2006 there were 4,977 (98.0%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Alameda County (Table 4). Jail sentence terms were available on DMV records for 4,931 (99.1%) of these cases. Court records with jail sentences were provided for 4,577 (92.0%) of the cases and jail records with times served for 4,694 (94.3%). Overall, for comparison purposes, there were 4,597 (92.4%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 4

Alameda County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	3,681	74.0	3,643	99.0	3,347	90.9	3,429	93.2	3,370	91.6
2 nd	978	19.7	972	99.4	941	96.2	966	98.8	937	95.8
3 rd +	318	6.4	316	99.4	289	90.9	299	94.0	290	91.2
Total	4,977	100.0	4,931	99.1	4,577	92.0	4,694	94.3	4,597	92.4

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Alameda County Jail Sentence Terms vs. Actual Jail Time Served

Table 5 shows descriptive statistics for Alameda County regarding jail sentence terms from DMV and court records, jail terms actually served, and differences between sentence terms imposed by the court and jail terms actually served. Note that some offenders, because of repeated violations of probation, ended up serving longer jail terms than their initial sentences. Negative values for the variable “Difference between jail time actually served and jail sentence”

Table 5

Alameda County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender category	N	Minimum	Maximum	Median	Mean	Standard deviation
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	3,643	1.0	2,190.0	3.0	10.5	59.3
	2 nd	972	1.0	480.0	11.0	22.1	38.4
	3 rd +	316	1.0	730.0	120.0	121.8	111.9
	Total	4,931	1.0	2,190.0	5.0	20.0	66.5
Usable records – Jail sentence term reported to DMV by court (days)	1 st	3,370	1.0	1,095.0	3.0	8.2	26.9
	2 nd	937	1.0	365.0	10.0	18.7	25.9
	3 rd +	290	1.0	480.0	120.0	115.8	95.6
	Total	4,597	1.0	1,095.0	5.0	17.1	43.8
Usable records – Jail sentence term from court records (days)	1 st	3,291	0.0	1,095.0	3.0	9.4	33.5
	2 nd	911	0.0	365.0	10.0	19.4	28.2
	3 rd +	278	0.0	730.0	120.0	121.2	118.7
	Total	4,480	0.0	1,095.0	5.0	18.3	50.7
Usable records – Jail sentence term reported to jail by court (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail time actually served (days)	1 st	3,370	0.0	859.0	2.0	7.2	26.7
	2 nd	937	0.0	246.0	2.0	10.5	22.1
	3 rd +	290	0.0	363.0	79.0	76.1	79.8
	Total	4,597	0.0	859.0	2.0	12.2	36.0
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	3,370	-236.0	182.0	-1.0	-0.9	18.2
	2 nd	937	-119.0	108.0	-8.0	-8.2	21.4
	3 rd +	290	-263.0	183.0	-40.0	-39.7	67.0
	Total	4,597	-263.0	183.0	-2.0	-4.9	26.6

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

indicate that the offenders served less time than their sentences, while positive numbers would indicate that they served more time than their sentences.

The median jail sentence lengths in Alameda County from both DMV and court records were 3 days for 1st DUI offenders, 10 days for 2nd offenders, and 120 days for 3rd or higher offenders.

However, the median jail times actually served for 1st and 2nd offenders were the same (2 days), while that for 3rd or higher offenders was 79 days. The 1st offenders typically served 1 day fewer, 2nd offenders served 8 days fewer, and 3rd or higher offenders served 40 days fewer than their jail sentences. These median differences translate into 1st and 3rd or higher offenders serving about 67% of their sentence lengths and 2nd offenders serving only 20% of their sentence lengths.

Alameda County Alternative Sentences

We did not receive information regarding alternative sentences from Alameda County, even though the Alameda County Sheriff's website describes a Sheriff's Work Alternative Program (S.W.A.P) in which low-risk offenders whose sentences are 30 days or less can perform 8 to 10 hours of work in-lieu of 1 day of confinement in jail. Although most 1st and 2nd DUI offenders in the county would appear to qualify for this program, we received no data indicating that it is used for these offenders.

Amador County

Amador County Data Reporting and Quality

During 2006 there were 306 (99.0%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Amador County. Jail sentence terms were available on DMV records for all of the cases. Amador County did not provide court records for any offenders. However, jail records from hardcopy histories were provided for 297 (97.1%) DUI offenders, including information about jail sentence lengths reported by the court and any alternative sentences. Overall, for comparison purposes, there were 294 (96.1%) records with a jail sentence term from DMV records and actual time served from jail records. Table 6 summarizes the data reported by Amador County.

Table 6

Amador County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	211	69.0	211	100.0	0	0.0	208	98.6	208	98.6
2 nd	71	23.2	71	100.0	0	0.0	67	94.4	65	91.5
3 rd +	24	7.8	24	100.0	0	0.0	22	91.7	21	87.5
Total	306	100.0	306	100.0	0	0.0	297	97.1	294	96.1

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Amador County Jail Sentence Terms vs. Actual Jail Time Served

Table 7 shows descriptive statistics for Amador County regarding jail sentence terms from DMV and jail records, jail time actually served, and the differences between jail sentence terms imposed by the court and jail time actually served.

Table 7

Amador County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender category	N	Minimum	Maximum	Median	Mean	Standard deviation
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	211	2.0	480.0	2.0	9.5	37.8
	2 nd	71	2.0	960.0	12.0	45.3	142.7
	3 rd +	24	10.0	1,825.0	131.0	331.7	424.6
	Total	306	2.0	1,825.0	4.0	43.1	163.1
Usable records – Jail sentence term reported to DMV by court (days)	1 st	208	2.0	480.0	2.0	9.5	38.1
	2 nd	65	2.0	180.0	12.0	19.8	31.2
	3 rd +	21	10.0	1,095.0	132.0	285.5	294.1
	Total	294	2.0	1,095.0	4.0	31.5	110.2
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	22	2	150.0	30.0	40.8	42.5
	2 nd	12	2	200.0	22.5	39.2	53.4
	3 rd +	6	30	134.0	120.0	104.0	39.4
	Total	40	2	200.0	30.0	49.8	50.1
Usable records – Jail time actually served (days)	1 st	208	0.0	97.7	0.0	3.7	14.7
	2 nd	65	0.0	132.2	0.0	8.6	23.3
	3 rd +	21	0.0	116.5	0.0	18.3	37.6
	Total	294	0.0	132.2	0.0	5.8	19.6
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	208	-480.0	95.7	-2.0	-5.8	40.1
	2 nd	65	-180.0	57.3	-10.0	-11.2	29.3
	3 rd +	21	-1,095.0	-3.5	-122.0	-267.3	306.7
	Total	294	-1,095.0	95.7	-2.2	-25.7	110.7

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

The median jail sentence lengths in Amador County from DMV records were 2 days for 1st DUI offenders, 12 days for 2nd offenders, and 132 days for 3rd or higher offenders. The median sentence lengths reported to the jail by the court were higher for 1st and 2nd offenders (30 and 22.5 days, respectively), but lower for 3rd offenders (120 days). The median jail time served was zero for all offender levels, which is a reflection of the fact that only 44 offenders across all offender levels actually served any jail time. The 1st offenders typically served 2 days fewer, 2nd offenders served 10 days fewer, and 3rd or higher offenders served 122 days fewer than their jail sentences. These median differences translate into 1st offenders typically serving 0% of their jail sentence lengths, 2nd offenders serving about 17% of their sentence lengths, and 3rd offenders serving only about 8% of their jail sentence lengths.

Amador County Alternative Sentences

Amador County provided some information about offenders who received alternative sentences in lieu of jail (Table 8). The types of alternative sentences reported being used were: (a) court-ordered rehabilitation, for which offenders attend drug rehabilitation programs; (b) home electronic monitoring, under which offenders are monitored at home using electronic locating devices; and (c) Sheriff’s parole, which is an early release option given and run by the Sheriff’s Department for lower-risk offenders who have detailed plans for employment and education while on parole. Only 2.7% of the cases across all DUI offender levels were known to have received an alternative sentence based on the jail records. Some offenders may have participated in the Alternative Sentencing Program, in which offenders complete 8 hours of community service in lieu of 1 day in jail, but this was not possible to determine because court records were not provided for Amador County.

Table 8

Amador County Alternative Sentences Received by DUI Offenders^a

Offender category	None		Court-ordered rehabilitation			Home electronic monitoring			Sheriff's parole			Total
	<i>n</i>	%	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	
1 st	205	98.6	1	0.5	42.0	2	0.9	99.0	0	0.0	0.0	208
2 nd	64	98.4	0	0.0	0.0	0	0.0	0.0	1	1.6	16.0	65
3 rd +	17	80.9	2	9.5	115.5	2	9.5	52.0	0	0.0	0.0	21
Total	286	97.3	3	1.0	91.0	4	1.3	75.5	1	0.3	16.0	294

^aAs reported by the jail; use of court-based alternative sentences is unknown because court records were not provided.

Contra Costa County*Contra Costa County Data Reporting and Quality*

During 2006 there were 3,039 (98.8%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Contra Costa County (Table 9). Jail sentence terms were available on DMV records for 2,936 (96.6%) of these cases. Contra Costa County did not provide court records with jail sentences for any of the cases, but they did provide jail records with times served for 1,029 (33.9%) of the cases. Overall for comparison purposes there were 1,002 (33.0%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 9

Contra Costa County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	2,103	69.2	2,024	96.2	0	0.0	575	27.3	563	26.8
2 nd	630	20.7	610	96.8	0	0.0	271	43.0	263	41.7
3 rd +	306	10.1	302	98.7	0	0.0	183	59.8	176	57.5
Total	3,039	100.0	2,936	96.6	0	0.0	1,029	33.9	1,002	33.0

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Contra Costa County Jail Sentence Terms vs. Actual Jail Time Served

Table 10 shows descriptive statistics for Contra Costa County regarding the jail sentence terms reported by the court to DMV, jail time actually served, and the difference between jail sentence terms and time actually served.

Table 10

Contra Costa County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender						Standard deviation
	category	N	Minimum	Maximum	Median	Mean	
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	2,024	1.0	2,555.0	2.0	20.0	115.6
	2 nd	610	1.0	3,285.0	30.0	43.4	145.7
	3 rd +	302	1.0	2,920.0	150.0	187.1	250.4
	Total	2,936	1.0	3,285.0	2.0	42.0	150.1
Usable records – Jail sentence term reported to DMV by court (days)	1 st	563	2.0	365.0	2.0	13.1	36.2
	2 nd	263	1.0	270.0	30.0	42.6	51.3
	3 rd +	176	1.0	480.0	145.0	152.7	118.7
	Total	1,002	1.0	480.0	10.0	45.4	80.7
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail time actually served (days)	1 st	563	0.0	255.0	0.4	7.1	24.5
	2 nd	263	0.0	149.1	0.8	10.6	24.1
	3 rd +	176	0.0	296.5	16.5	62.1	76.7
	Total	1,002	0.0	296.5	0.6	17.7	44.1
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	563	-187.9	144.6	-1.8	-6.0	26.2
	2 nd	263	-205.5	126.1	-23.3	-32.0	44.0
	3 rd +	176	-364.5	226.9	-91.8	-90.6	107.6
	Total	1,002	-364.5	226.9	-4.5	-27.7	62.3

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

The median jail sentence lengths in Contra Costa County from DMV records were 2 days for 1st DUI offenders, 30 days for 2nd offenders, and 145 days for 3rd or higher offenders. The median jail times served were 0.4 days for 1st offenders, 0.8 days for 2nd offenders, and 16.5 days for 3rd or higher offenders. The 1st offenders typically served 1.8 days less, 2nd offenders served 23.3 days less, and 3rd or higher offenders served 91.8 days less than their sentences. These median differences translate into 1st offenders serving 10% of their sentence lengths, 2nd offenders serving about 22% of their sentence lengths, and 3rd or higher offenders serving about 37% of their jail sentence lengths.

Contra Costa County Alternative Sentences

Table 11 shows the distribution of alternative sentences reported being used in Contra Costa County by offender category. The Sheriff's website lists three possible alternative sentences: (a) Work Alternative Program (WAP), in which the offender can swap labor in exchange for sentenced days; (b) Electronic Home Detention program (EHD), in which offenders are fitted with an ankle bracelet to keep track of their whereabouts, but are allowed to leave home for employment; and (c) county parole, which is granted in lieu of incarceration. The vast majority of offenders (94.3%) did not receive any alternative sentences. The majority of DUI offenders who received alternative sentences received a combination of WAP and EHD. Somewhat higher percentages of 2nd (6.5%) and 3rd or higher offenders (5.7%) received this combination alternative sanction compared to 1st offenders (2.3%). While there were no cases coded as having received county parole, some offenders were referred to a residential drug program, particularly offenders with three or more DUIs. Data on the sentence lengths for these alternative sanctions were not provided.

Table 11

Contra Costa County Alternative Sentences Received by DUI Offenders^a

Offender category	None		WAP/EHD ^b		Residential drug program		Total
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	
1 st	549	97.5	13	2.3	1	0.2	563
2 nd	244	92.8	17	6.5	2	0.8	263
3 rd +	152	86.4	10	5.7	14	8.0	176
Total	945	94.3	40	4.0	17	1.7	1,002

^aAs reported by the jail; use of court-based alternative sentences is unknown because court records were not provided. ^bWork Alternative Program (WAP); Electronic Home Detention (EHD).

El Dorado County

El Dorado County Data Reporting and Quality

During 2006 there were 895 (98.1%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for El Dorado County (Table 12). Jail sentence terms were available on DMV records for 881 (98.4%) of these cases. El Dorado County did not send court records, but jail records with times served were provided for 844 (94.3%) of the cases. Overall, for comparison purposes, there were 835 (93.3%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 12

El Dorado County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	598	66.8	590	98.7	0	0.0	569	95.2	561	93.8
2 nd	195	21.8	194	99.5	0	0.0	187	95.9	186	95.4
3 rd +	102	11.4	97	95.1	0	0.0	88	86.3	88	86.3
Total	895	100.0	881	98.4	0	0.0	844	94.3	835	93.3

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

El Dorado County Jail Sentence Terms vs. Actual Jail Time Served

Table 13 shows descriptive statistics for El Dorado County regarding jail sentence terms from DMV records, jail time actually served, and differences between sentence terms imposed by the court and jail time actually served.

Table 13

El Dorado County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender category	N	Minimum	Maximum	Median	Mean	Standard deviation
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	590	1.0	730.0	2.0	15.4	54.6
	2 nd	194	1.0	2,920.0	12.0	59.3	235.4
	3 rd +	97	5.0	4,380.0	120.0	260.8	502.1
	Total	881	1.0	4,380.0	6.0	52.1	217.6
Usable records – Jail sentence term reported to DMV by court (days)	1 st	561	1.0	210.0	2.0	9.7	23.4
	2 nd	186	1.0	545.0	10.5	31.1	63.2
	3 rd +	88	2.0	1,460.0	120.0	210.3	274.3
	Total	835	1.0	1,460.0	5.0	35.6	113.1
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail time actually served (days)	1 st	561	0.0	79.0	0.0	2.2	10.1
	2 nd	186	0.0	230.6	0.0	15.3	39.1
	3 rd +	88	0.0	244.0	24.1	55.4	67.7
	Total	835	0.0	244.0	0.0	10.7	33.9
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	561	-180.0	69.0	-2.0	-7.5	22.4
	2 nd	186	-396.1	182.9	-10.0	-15.8	55.6
	3 rd +	88	-1,460.0	93.4	-74.1	-155.0	265.6
	Total	835	-1,460.0	182.9	-4.0	-24.9	101.9

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

The median jail sentence lengths in El Dorado County from DMV records were 2 days for 1st DUI offenders, 10.5 days for 2nd offenders, and 120 days for 3rd or higher offenders. The median jail time actually served for 1st and 2nd offenders was the same (0 days), while that for 3rd or higher offenders was 24.1 days. The 1st offenders typically served 2 days fewer, 2nd offenders served 10 days fewer, and 3rd or higher offenders served 74.7 days fewer than their jail sentence lengths. These median differences suggest that 1st and 2nd offenders typically serve 0% of their jail sentence lengths incarcerated, whereas 3rd or higher offenders serve about 38% of their jail sentence lengths.

El Dorado County Alternative Sentences

El Dorado County provided data about whether DUI offenders participated in the Sheriff’s Work Program (SWP), which allows offenders to work for the county instead of serving jail time, along with the length of time they served in SWP (Table 14). While similar percentages of 1st and 2nd DUI offenders received SWP (43% and 46%, respectively), the median length of days was considerably shorter for 1st offenders (2 days) than 2nd offenders (10 days). Only 15% of 3rd or higher DUI offenders received SWP, with a median length of 11 days. The El Dorado County’s Sheriff’s Department website also details an alternative sanction called the Jail Weekender Program, which allows offenders to serve jail time during the weekends, but no data were provided indicating whether the DUI offenders participated in this option. We also did not receive data about other alternative sanctions that might have been used by the courts because court records were not provided for El Dorado County.

Table 14

El Dorado County Alternative Sentences Received by DUI Offenders^a

Offender category	None		Sheriff’s work program			Total
	<i>n</i>	%	<i>n</i>	%	<i>M_{days}</i>	
1 st	318	56.7	243	43.3	2	561
2 nd	101	54.3	85	45.7	10	186
3 rd +	75	85.2	13	14.8	11	88
Total	494	59.2	341	40.8	6	835

^aAs reported by the jail; use of court-based alternative sentences is unknown because court records were not provided.

Los Angeles County*Los Angeles County Data Reporting and Quality*

During 2006 there were 22,936 (77.3%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Los Angeles County (Table 15). Jail sentence terms for DUI offenders in Los Angeles County are usually not reported to DMV, and hence were only available on DMV records for 691 (3.0%) cases. Unfortunately, there were also problems with sentence length data on court records; court records were received for 14,982 (65.3%) offenders, but the jail sentence terms were frequently (93.9%) coded as '0' even in cases known to have served long jail sentences. In fact, only 4.2% ($n = 296$) of the non-missing jail sentence terms on the court records were a value of 1 day or more. Because of concern about the large number of zero-length jail terms from the court records, it was decided to instead use the jail sentence lengths reported on DMV records to compare to actual jail time served. This is unfortunate because jail records were provided for 22,110 (96.4%) offenders, including information about alternative sentences. Overall for comparison purposes there were only 614 (2.7%) records with a jail sentence term from DMV records and actual time served from jail records. This is such a small sample, and likely a biased one representing the more egregious offenders, so a decision was made to refrain from any analysis.

Table 15

Los Angeles County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	16,503	72.0	431	2.6	10,428	63.2	15,888	96.3	394	2.4
2 nd	4,864	21.2	166	3.4	3,658	75.2	4,717	97.0	147	3.0
3 rd +	1,569	6.8	94	6.0	896	57.1	1,505	95.9	73	4.7
Total	22,936	100.0	691	3.0	14,982	65.3	22,110	96.4	614	2.7

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Santa Clara County*Santa Clara County Data Reporting and Quality*

During 2006 there were 5,769 (98.6%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Santa Clara County (Table 16). Jail sentence terms were available on DMV records for 4,428 (76.8%) of the cases. Although Santa Clara County has a centralized justice data system, court records of jail sentences were not provided for any cases. However, the jail sentence lengths that were sent to the jail by the court were provided instead. Jail records were provided for 4,737 (82.1%) of the DUI offenders, including detailed information about alternative sanctions used and the duration of those sanctions. Overall, for comparison purposes, there were 3,662 (63.5%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 16

Santa Clara County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	4,227	73.3	3,221	76.2	0	0.0	3,499	82.8	2,710	64.1
2 nd	1,117	19.4	874	78.2	0	0.0	943	84.4	726	65.0
3 rd +	425	7.4	333	78.4	0	0.0	295	69.4	226	53.2
Total	5,769	100.0	4,428	76.8	0	0.0	4,737	82.1	3,662	63.5

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Santa Clara County Jail Sentence Terms vs. Actual Jail Time Served

Table 17 shows descriptive statistics for Santa Clara County regarding the jail sentence terms reported by the court to DMV, jail terms reported by the court to the jail, jail time actually served, and the difference between DMV-reported jail sentence terms and time actually served.

Table 17

Santa Clara County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender						Standard deviation
	category	N	Minimum	Maximum	Median	Mean	
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	3,221	1.0	2,798.0	6.0	24.6	104.2
	2 nd	874	2.0	6,935.0	30.0	72.3	280.9
	3 rd +	333	2.0	2,555.0	183.0	273.9	299.0
	Total	4,428	1.0	6,935.0	10.0	52.8	185.7
Usable records – Jail sentence term reported to DMV by court (days)	1 st	2,710	1.0	183.0	6.0	11.2	15.9
	2 nd	726	2.0	365.0	25.0	42.2	48.9
	3 rd +	226	2.0	480.0	170.0	193.4	114.8
	Total	3,662	1.0	480.0	10.0	28.6	58.4
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	2,709	0.0	480.0	0.0	5.8	23.2
	2 nd	726	0.0	365.0	12.0	33.8	52.1
	3 rd +	226	0.0	730.0	150.0	175.0	129.2
	Total	3,661	0.0	730.0	0.0	21.8	60.2
Usable records – Jail time actually served (days)	1 st	2,710	0.0	86.0	0.0	2.7	9.5
	2 nd	726	0.0	154.0	4.5	17.5	29.3
	3 rd +	226	0.0	292.0	89.0	85.5	70.5
	Total	3,662	0.0	292.0	0.0	10.8	30.7
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	2,710	-135.0	74.0	-6.0	-8.4	13.3
	2 nd	726	-223.0	134.0	-16.0	-24.7	38.3
	3 rd +	226	-480.0	121.0	-66.5	-107.9	109.0
	Total	3,662	-480.0	134.0	-7.0	-17.8	41.6

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

The median jail sentence lengths in Santa Clara County from DMV records were 6 days for 1st DUI offenders, 25 days for 2nd offenders, and 170 days for 3rd or higher offenders. Those reported by the court to the jail were lower at 0 days for 1st offenders, 12 days for 2nd offenders, and 150 days for 3rd or higher offenders. The median jail time served was 0 days for 1st offenders, 4.5 days for 2nd offenders, and 89 days for 3rd or higher offenders. The 1st offenders typically served 6 days fewer, 2nd offenders served 16 days fewer, and 3rd or higher offenders served 66.5 days fewer than their DMV-reported jail sentence lengths. These median differences suggest that 1st offenders typically served 0% of their jail sentence lengths, 2nd offenders served about 36% of their sentence lengths, and 3rd offenders served about 61% of their jail sentence terms.

Santa Clara County Alternative Sentences

Table 18 shows the distribution of alternative sanctions received by the sample of DUI offenders in Santa Clara County. The Weekend Work Program allows low-risk offenders to work for the county during weekends instead of being incarcerated. The Weekend Jail Program allows offenders to be incarcerated only during weekends until their terms are completed. The Work Furlough program allows offenders to work during weekdays, but requires them to return to jail during nights and weekends. The Electronic Home Monitoring (EHM) option confines offenders to their homes using electronic devices to monitor their whereabouts. The most common alternative sanction used in Santa Clara County was Weekend Work, which was received by 69% of 1st offenders, 31% of 2nd offenders, and 4% of 3rd offenders. The average lengths of this alternative sentence were 6.0, 16.5, and 20.0 days, respectively, for each offender group. Weekend jail was more common among 2nd offenders than the other offender levels, with about 5% receiving this option for a median of 15.0 days. The 3rd or higher offenders very rarely received any of the available alternative sentence options.

Table 18

Santa Clara County Alternative Sentences Received by DUI Offenders

Offender category	None		Weekend work			Weekend jail			Work furlough			EHM ^a			Total
	<i>n</i>	%	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	
1 st	816	30.1	1,871	69.0	6.0	21	0.8	5.0	2	0.1	90.0	0	0.0	0.0	2,710
2 nd	457	62.9	222	30.6	16.5	39	5.4	15.0	8	1.1	52.5	0	0.0	0.0	726
3 rd +	212	93.8	9	4.0	20.0	0	0.0	0.0	4	1.8	150.0	1	0.4	180.0	226
Total	1,485	40.6	2,102	57.4	6.0	60	1.6	11.0	14	0.4	90.0	1	0.0	180.0	3,662

^aElectronic Home Monitoring.

Sutter County*Sutter County Data Reporting and Quality*

During 2006 there were 437 (98.9%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Sutter County (Table 19). Jail sentence terms were available on DMV records for 434 (99.3%) of the cases. Court records were not provided for any offenders. However, jail data were provided for 429 (98.2%) of the DUI offenders, including the jail sentence lengths reported by the court to the jail. Overall for comparison purposes there were 416 (95.2%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 19

Sutter County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	309	70.7	308	99.7	0	0.0	303	98.1	295	95.5
2 nd	83	19.0	83	100.0	0	0.0	83	100.0	81	97.6
3 rd +	45	10.3	43	95.6	0	0.0	43	95.6	40	88.9
Total	437	100.0	434	99.3	0	0.0	429	98.2	416	95.2

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Sutter County Jail Sentence Terms vs. Actual Jail Time Served

Table 20 shows descriptive statistics for Sutter County regarding the jail sentence terms report by the court to DMV and the jail, jail time actually served, and the difference between jail sentence terms and time actually served.

Table 20

Sutter County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender						Standard deviation
	category	N	Minimum	Maximum	Median	Mean	
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	308	1.0	1,095.0	4.0	28.9	100.8
	2 nd	83	2.0	1,095.0	12.0	61.0	168.6
	3 rd +	43	1.0	1,095.0	130.0	187.7	197.7
	Total	434	1.0	1,095.0	5.0	50.8	136.4
Usable records – Jail sentence term reported to DMV by court (days)	1 st	295	1.0	270.0	4.0	15.1	34.5
	2 nd	81	2.0	180.0	12.0	25.3	31.2
	3 rd +	40	1.0	730.0	126.5	161.4	146.8
	Total	416	1.0	730.0	4.0	31.1	69.9
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	164	0.0	108.0	0.0	1.5	11.3
	2 nd	36	0.0	45.0	0.0	1.7	7.8
	3 rd +	23	0.0	150.0	0.0	6.5	31.3
	Total	223	0.0	150.0	0.0	2.1	14.2
Usable records – Jail time actually served (days)	1 st	295	0.0	50.2	0.0	0.8	4.8
	2 nd	81	0.0	28.8	0.0	0.8	3.9
	3 rd +	40	0.0	45.6	0.0	1.2	7.2
	Total	416	0.0	50.2	0.0	0.8	4.9
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	295	-270.0	-0.7	-4.0	-14.3	33.3
	2 nd	81	-179.9	-2.0	-12.0	-24.5	31.1
	3 rd +	40	-730.0	-0.8	-122.5	-160.2	147.1
	Total	416	-730.0	-0.7	-4.0	-30.3	69.4

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

There was a significant discrepancy between jail sentences reported to DMV by the court and such sentences reported to the jail. The median jail sentence lengths in Sutter County from DMV records were 4 days for 1st DUI offenders, 12 days for 2nd offenders, and 126.5 days for 3rd or higher offenders. The median jail sentence lengths reported by the court to the jail were 0 days for all offender levels, and the median jail time served was also 0 days across all offender levels. The 1st offenders typically served 4 days fewer, 2nd offenders served 12 days fewer, and 3rd or higher offenders served 122.5 days fewer than their DMV-reported jail sentence lengths. These median differences translate into 1st and 2nd offenders typically serving 0% of their sentence lengths, and 3rd offenders typically serving only about 3% of their jail sentence lengths.

Sutter County Alternative Sentences

Although the Sutter County Sheriff's Department has an alternative sentence program available to offenders called the Outside Work Release—in which the offenders work 8 hours on community projects in lieu of jail—no data were available regarding alternative sentences used for DUI offenders in Sutter County.

Ventura County

Ventura County Data Reporting and Quality

During 2006 there were 3,860 (90.6%) DUI convictions with a jail or alternative sanction disposition code reported to DMV for Ventura County (Table 21). Jail sentence terms were available on DMV records for 3,587 (92.9%) of these cases. Although Ventura County has a centralized justice data system, court records of jail sentences were not provided for any cases. However, the jail sentence lengths that were sent to the jail by the court were provided instead. Jail records were provided for 3,647 (94.5%) of the DUI offenders, including detailed information about alternative sentences and the duration of those sentences. Overall, for comparison purposes, there were 3,387 (87.7%) records with a jail sentence term from DMV records and actual time served from jail records.

Table 21

Ventura County DUI Offender Data Availability and Number of Usable Records

Offender category	DUIs with jail disposition ^a		Jail term on DMV record		Court record available		Jail record available		Usable records ^c	
	<i>n</i>	% ^b	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
1 st	2,908	75.3	2,680	92.2	0	0.0	2,763	95.0	2,547	87.6
2 nd	708	18.3	688	97.2	0	0.0	675	95.3	648	91.5
3 rd +	244	6.3	219	89.8	0	0.0	209	85.7	192	78.7
Total	3,860	100.0	3,587	92.9	0	0.0	3,647	94.5	3,387	87.7

^aDUI convictions with a disposition code indicating jail or alternative sentence (dispositions J, W, or Z). ^bColumn percentages; all others represent row percentages. ^cRecords with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers (± 3 standard deviations from the mean for each offender level) for jail time served or the difference between jail sentence and time served.

Ventura County Jail Sentence Terms vs. Actual Jail Time Served

Table 22 shows descriptive statistics for Ventura County regarding the jail sentence terms reported by the court to DMV and the jail, jail time actually served, and the difference between DMV-reported jail sentence terms and jail time actually served.

Table 22

Ventura County Comparisons of DUI Offender Jail Sentences and Time Actually Served

Variable	Offender						Standard deviation
	category	N	Minimum	Maximum	Median	Mean	
All records with a jail disposition – Jail sentence term reported to DMV by court (days)	1 st	2,680	1.0	2,190.0	5.0	11.1	59.2
	2 nd	688	2.0	480.0	30.0	37.8	44.5
	3 rd +	219	2.0	365.0	120.0	115.4	74.9
	Total	3,587	1.0	2,190.0	5.0	22.6	63.3
Usable records – Jail sentence term reported to DMV by court (days)	1 st	2,547	1.0	180.0	5.0	5.8	12.5
	2 nd	648	2.0	210.0	30.0	32.0	24.8
	3 rd +	192	2.0	365.0	120.0	106.0	65.3
	Total	3,387	1.0	365.0	5.0	16.5	32.6
Usable records – Jail sentence term from court records (days)	1 st	0	.	.	.	.	.
	2 nd	0	.	.	.	.	.
	3 rd +	0	.	.	.	.	.
	Total	0	.	.	.	.	.
Usable records – Jail sentence term reported to jail by court (days)	1 st	2,547	0.0	180.0	5.0	5.8	12.3
	2 nd	648	0.0	240.0	30.0	32.4	27.3
	3 rd +	192	2.0	365.0	120.0	106.5	66.3
	Total	3,387	0.0	365.0	5.0	16.6	33.1
Usable records – Jail time actually served (days)	1 st	2,547	0.0	107.0	1.0	2.0	7.5
	2 nd	648	0.0	197.0	2.0	13.9	22.0
	3 rd +	192	0.0	214.0	26.5	51.4	54.4
	Total	3,387	0.0	214.0	1.0	7.1	21.0
Usable records – Difference between jail time actually served and jail sentence (days)	1 st	2,547	-139.0	77.0	-4.0	-3.8	10.8
	2 nd	648	-210.0	152.0	-16.0	-18.1	27.1
	3 rd +	192	-210.0	123.0	-42.0	-54.6	58.4
	Total	3,387	-210.0	152.0	-5.0	-9.4	24.0

Note. Usable records are those with both a jail sentence term reported to DMV and a matched jail record indicating time actually served; also excluded are cases that were extreme outliers ($z \geq \pm 3$) for jail time served or the difference between jail sentence and time served. Differences between jail sentences and actual jail time served are based on the jail sentence terms on DMV records and were calculated as: jail time actually served – jail sentence term reported to DMV by court; negative values indicate that less time was served than was sentenced.

The median jail sentence lengths in Ventura County from DMV records were 5 days for 1st DUI offenders, 30 days for 2nd offenders, and 120 days for 3rd or higher offenders. The median jail sentence lengths reported by the court to the jail were the same as those reported to DMV. The median jail times actually served were 1 day for 1st DUI offenders, 2 days for 2nd offenders, and 26.5 days for 3rd or higher offenders. The 1st offenders typically served 4 days fewer, 2nd offenders served 16 days fewer, and 3rd or higher offenders served 42 days fewer than their DMV-reported jail sentence lengths. These median differences translate into 1st offenders serving about 20% of their jail sentence lengths, 2nd offenders serving about 47% of their sentence lengths, and 3rd or higher offenders serving 65% of their jail sentence lengths.

Ventura County Alternative Sentences

Ventura County also provided information about two alternative sentences that were used for DUI offenders. The first was Work Furlough, for which offenders serve their court-ordered confinement in a minimum security jail facility, but are allowed to leave for work or school purposes. The other was Work Release, which is similar to programs used in other counties in that offenders serve time working for the county instead of being confined. Table 23 shows the distribution of alternative sentences received by DUI offenders in Ventura County. Almost half of 1st offenders (49%) received Work Release, whereas only a small percentage of 2nd (10%) or 3rd (5%) offenders received this alternative sentence. The typical Work Release sentence was 5 days for all offender levels. For the 2nd and 3rd offenders, the Work Furlough sanction was used more often, with 22% of 2nd offenders and 23% of 3rd offenders, receiving this sentencing option. The work furloughs were typically longer for 3rd offenders (120 days) than for 2nd offenders (30 days).

Table 23

Ventura County Alternative Sentences Received by DUI Offenders

Offender category	None		Work furlough			Work release			Total
	<i>n</i>	%	<i>n</i>	%	<i>M_{days}</i>	<i>n</i>	%	<i>M_{days}</i>	
1 st	1,290	50.6	18	0.7	30.0	1,239	48.6	5.0	2,547
2 nd	438	67.6	145	22.4	30.0	65	10.0	5.0	648
3 rd +	138	71.9	45	23.4	120.0	9	4.7	5.0	192
Total	1,866	55.1	208	6.1	35.0	1,313	38.8	5.0	3,387

DISCUSSION

Data Collection Challenges and Caveats

California counties have a hodgepodge of justice data collection and storage systems that vary not only by county, but also, within each county, by agency (i.e., among courts, probation departments, and sheriff's departments). The justice agency databases within counties are mostly not integrated, which creates considerable difficulties cross-referencing offender information across different sources. Some counties do not have electronic data storage. Others, even though they do have electronic data storage, use technology that is obsolete and requires painstaking programming, time, and resources to obtain data. Others still, have outsourced their data storage to private companies, requiring extra payment to extract the data.

California's justice data system does not function as a *system*, but as isolated organizations that exchange information on occasion. As a result it is very difficult to track DUI offenders from citation to sanction completion as recommended by the National Highway Traffic Safety Administration (NHTSA) in its guidelines for DUI offender tracking systems (NHTSA, 2006). These guidelines prescribe how US states should collect and store data relating to drivers who are arrested and convicted for DUI. Specifically, states' DUI tracking systems should: (a) track each impaired driving offender from arrest through dismissal or sentence completion; (b) allow electronic reporting to courts and DMV by probation, treatment, or correctional agencies, with accurate, complete, timely, and reliable data. That only seven counties were able or willing to provide useable data for the present study is a direct result of the fact that California does not currently have a DUI offender tracking system that is consistent with these guidelines, which was recommended in NHTSA's 2007 *Impaired Driving Technical Assessment of the State of California* and in NHTSA's 2011 *Traffic Records Assessment for the State of California*.

There was tremendous variation among counties in terms of the quality and completeness of the court and jail data that were returned for the study. Some offenders for whom data were requested could not be identified in the county court or jail data systems. When offenders were missing from the returned jail data it could sometimes mean that the offender never went to jail, but it could also mean that the offender could simply not be matched. The extent to which the missingness of jail data could be accurately interpreted varied among the counties. Some

counties provided information about probation and alternative sanctions for the offenders, but other counties did not.

For most of the included counties, the courts routinely provide jail sentence terms on the abstracts of conviction reported to DMV. For two of the counties the jail sentence terms were not always reported (Santa Clara) or almost never reported (Los Angeles). Even though DMV's *Abstract Reporting Manual* instructions require jail sentence terms to be reported when jail is sentenced, DMV's electronic system does not reject abstracts if the jail term is not provided. While there are counties where there is almost uniform reporting or non-reporting by the courts of jail sentence lengths, there are also counties in which some of the courts routinely report sentence lengths, whereas others in the same county routinely do not. The variation in county reporting of jail sentence terms to DMV necessitated that jail sentence terms be requested directly from the courts, but only one participating county provided these data. However, in four counties the jail sentence term reported by the courts to the jail was provided, which allowed for the opportunity to compare the jail sentence lengths DMV received from the courts to those the jails received from the courts. For two of these counties, the jail terms reported to the jail were shorter than those reported to DMV, in one they were the same, and in the last they were higher. The reasons for the discrepancies between the jail terms DMV receives and those reported to the jails are not known, but may be worthy of further investigation. The DMV Justice and Government Liaison Branch is currently investigating the accuracy of information reported to DMV by the courts regarding DUI convictions and the results should be available in 2013.

From a practical point of view, the variation in county data systems, tracking methods, quality and completeness of data returned for the study, and the lack of communication and feedback between the courts and the sheriff's departments made it very difficult to acquire the data necessary for the present study, limited the size and representativeness of the samples, and resulted in ambiguity for interpreting the findings because of concerns about the accuracy of matching records of individual offenders across data sources. For these reasons, caution is warranted in interpreting the findings in this report, particularly comparing the results between counties.

Summary of Findings Regarding Jail Sentences and Jail Time Actually Served

Figure 1 summarizes the findings across the seven counties regarding differences between DMV-reported jail sentences for DUI offenders and jail time actually served, showing separately for

each county, the median DMV-reported jail sentences and median jail time actually served, by offender level.

One finding that was consistent across the participating counties is that offender jail sentence lengths reported to DMV increased as a function of an offender's number of prior DUI convictions. The typical median jail sentences reported to DMV ranged from 2 to 6 days for 1st offenders, 10 to 30 days for 2nd offenders, and 120 to 170 days for 3rd+ DUI offenders. Across all the counties the median jail sentence lengths were 3, 14, and 123 days for 1st, 2nd, and 3rd+ offenders, respectively.

Another general finding is that the likelihood of serving actual jail time appeared to increase somewhat with more prior DUI convictions. Typical 1st DUI offenders only served actual jail time in three (38%) of the participating counties, 2nd offenders served actual jail time in four (50%) of the counties, and 3rd+ offenders served actual jail time in five (63%) of the counties.

An additional finding is that 1st and 2nd DUI offenders tend to serve similar jail times, even though 2nd offenders typically receive longer sentences. Although the median jail times served ranged from 0 to 2 days for 1st offenders, 0 to 12 days for 2nd offenders, and 0 to 150 days for 3rd or higher offenders, across all participating counties the median jail times actually served were 0.0, 0.4, and 20.3 days for 1st, 2nd, and 3rd+ offenders, respectively.

The most important findings are that California DUI offenders typically serve only a minority of their DMV-reported jail sentences incarcerated, and that this varies substantially by county. In some counties, typical DUI offenders do not serve any actual jail time, regardless of their offender level. Instead the offenders—particularly 1st offenders—tend to be given alternative sentences involving work in lieu of jail, which is less expensive than incarceration and reduces overcrowding. On the other hand, in other counties, all DUI offenders serve some actual jail time. The percentages of jail time served across the participating counties ranged from 0 to 67% for 1st offenders, 0 to 47% for 2nd offenders, and 0 to 67% for 3rd+ offenders. Across all counties, the median percentages of jail sentences actually served were 0%, 19%, and 38% for 1st, 2nd, and 3rd+ offenders, respectively. With the exception of 1st offenders, these estimates are higher than the 8% of jail time served estimated from other states.

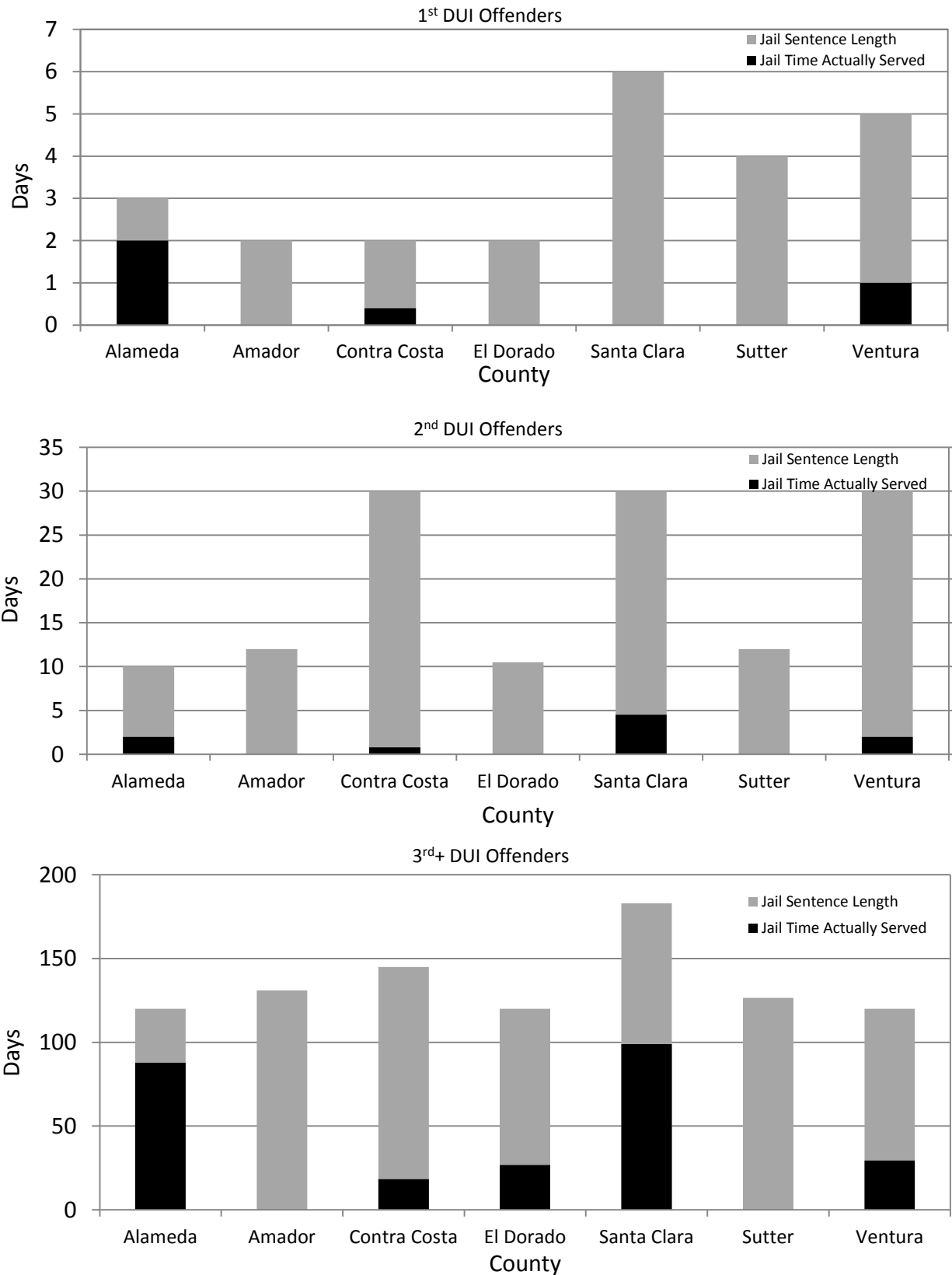


Figure 1. Jail sentence lengths and time actually served by county and DUI offender level.

Summary of Findings Regarding Alternative Sentences

Information about alternative sanctions was not received from two of the counties, and data on court-based alternative sanctions (rather than only those offered by the sheriff’s departments) were only provided for three counties. Figure 2 shows the percentage of offenders who received some type of alternative sentence by offender level, for each of the counties that provided at least some data regarding alternative sentences received by their DUI offenders.

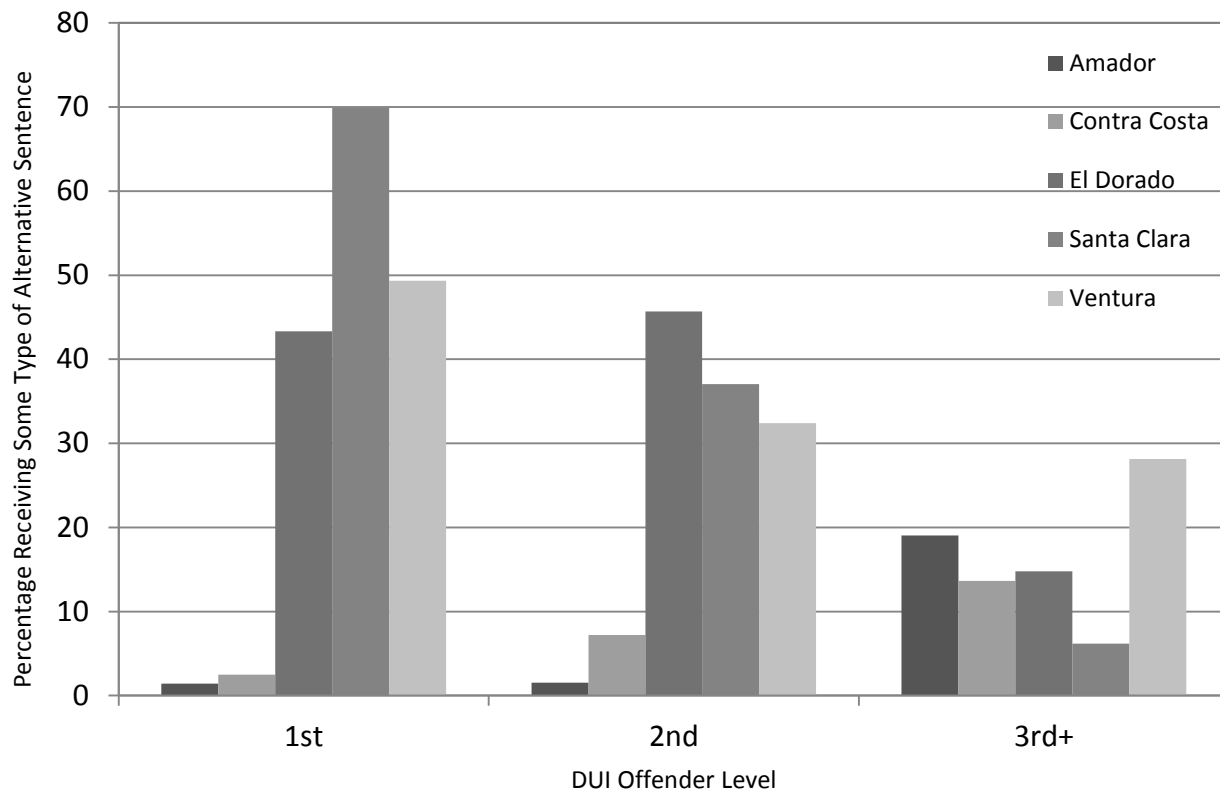


Figure 2. Percentages of offenders receiving some type of alternative sentence by county and DUI offender level.

In general, alternative sentences tended to be used more often for 1st DUI offenders, less so for 2nd offenders, and least often for 3rd offenders. The most popular alternative sentence options were those that allowed offenders to work for the sheriff, county, or Caltrans instead of being incarcerated. The use and length of alternative sentences appear to vary widely among California counties.

Note that in El Dorado, Los Angeles and Santa Clara Counties—three of the counties with median jail terms of 0 days for 1st offenders—43%, 19%, and 70%, respectively, of 1st offenders were given alternative sentences in lieu of jail.

Conclusions

Consistent with evidence from other states, jail sentences imposed by California courts for DUI offenders reported to DMV appear to greatly overstate the amount of jail time they actually serve. While the minimum jail sentences in California range from 0 to 90 days for 1st DUI offenders, 4 to 120 days for 2nd offenders, and 30 days to 2 years for 3rd+ offenders (depending on whether probation is granted and other factors), across all participating counties the median jail times actually served were 0.0, 0.4, and 20.3 days for 1st, 2nd, and 3rd+ offenders, respectively. Instead of serving actual jail time, DUI offenders—particularly 1st offenders—often receive alternative sentences involving manual labor. The difficulty encountered in the present study in obtaining even a representative sample of jail time actually served by convicted DUI offenders highlights the challenges faced in acquiring reliable data on incarceration and thus evaluating its effectiveness as a DUI countermeasure.

RECOMMENDATIONS

1. Although only limited data for California counties were available for the current study—which limits the extent to which the results can be generalized to the state as a whole—the results do suggest that caution should be used when characterizing prior findings from California DMV studies showing that jail terms are not effective for reducing alcohol-involved crashes or DUI recidivism. Similarly, findings regarding the effectiveness of jail for DUI offenders reported in studies of other state programs may also misrepresent the potential value of incarceration if they were based on jail sentences.
2. Further evaluation of the effectiveness of actual jail time served among California DUI offenders for reducing DUI recidivism is not possible at this time because of the poor state of the California DUI offender tracking system. For information on DUI offenders to be reliably extracted for research purposes, it is necessary that California’s justice system database be unified, with all stakeholders (court, sheriffs’ departments, jails, probation departments), between and *within* counties, storing the same data, in databases that are compatible, and data extraction practical. There needs to be information feedback loops between the stakeholders so the system can keep track of the offenders, their convictions, and how they are (or not) serving their sentences so DUI countermeasures can be evaluated with a certain degree of reliability. It is therefore recommended that efforts be made to improve California’s DUI offender tracking system to be consistent with the guidelines published by NHTSA in 2006.
3. It is recommended that DMV’s court abstract information collection system require that jail terms always be included in the information transmitted, if a disposition code “J” is included in the abstract. If a disposition code “J” is included and a jail term is not included, the system should reject it, so the data necessary to evaluate the effectiveness of jail as a DUI countermeasure is available.
4. It is recommended that the project conducted by DMV’s Justice and Government Liaison Branch to assess the accuracy and timeliness of DUI conviction data sent by courts to DMV be finished, and its findings, when available, used in conjunction with these findings to create a better picture of what needs to be done to achieve the recommendations from NHTSA’s California Traffic Records Assessment from January, 2011.

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