To The Graduate Council:

I am submitting herewith a dissertation written by Robert E. Greenwood, Jr., entitled "A Study of the Widening and Penetrating Effects of a Campaign Against the Folk Crime of DUI." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Sociology.

James Black, Major Professor

We have read this dissertation and recommend its acceptance:

Accepted for the council:

The Graduate School

A STUDY OF THE WIDENING AND PENETRATING EFFECTS OF A CAMPAIGN AGAINST THE FOLK CRIME OF DUI

A Dissertation

Presented For The

Doctor of Philosophy

Degree

The University of Tennessee, Knoxville

Robert E. Greenwood, Jr.

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ABSTRACT

The folk crime of driving under the influence of alcohol and other drugs (DUI) represents a major category of crime in the United States but has had minimal study and exposure in the scientific literature. That crime is studied in this research in conjunction with a local "deterrence" campaign against DUI. Data were gathered on those convicted of DUI for two 244-day periods in an interrupted time-series analysis. The first eight-month period was prior to a statewide campaign against DUIs. Data from that series were compared with data from a second eight-month data-set while the campaign was in progress, stratified to the same months but in different years. Individuals cited and convicted of DUI by the Sheriff's Department during pre-campaign periods have been compared with those convicted during the campaign along the attributes of age, sex, race, and socio-economic status (SES). The primary statistics used were tests of covariance, mean deviation, and change percent.

There was evidence of a "penetrating" effect, with the same general offender characteristics more in evidence during the presence than during the absence of a campaign. Those characteristics do not closely fit a standard "criminal" profile found most often in mainstream crime

literature: young, male, and disproportionately black. Rather, the most often convicted offender during campaigns was also male, but white, and over 25 years old. Blacks who were convicted closely matched their (17.7 %) proportions in the local population, but when controlling for sex, it was found that few black females were convicted. Neither were there proportionate numbers of white females convicted. The age-group most often convicted prior to a campaign was in the 25 - 35 range, but this changed to an over-35 group during the campaign. In turn, 50 percent of those convicted of DUI are estimated to be of lower socio-economic status.

If replication results hold up in other regions, the main implication of the study will be to focus future deterrence efforts toward this "symbolic assailant" type: white, male, and over 25 years of age.

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INTRODUCTION

Since much crime reported in official arrest data is believed to be "relatively petty in form" (Gibbons, 1972: 177; Hartjen and Gibbons, 1969: 57), little sociological attention has been directed toward such criminal activity. Driving under the influence of intoxicating beverages (hereafter referred to as DUI) is one such overlooked area. This crime is still considered to be a relatively petty offense, although it represents a major category of crime in the United States in terms of arrests. And even though DUI has gained much media attention recently, with the exception of one or two researchers (e.g., Ross and Gibbons), serious-accident cases have been the primary foci when it has been investigated. This is especially true of the mainstream criminological research which for the most part depicts all "criminals" in a "serious crime" typology: young, black, and predominantly a male of lower socio-economic status (SES).

Now, with the advent of increasing numbers of campaigns against drunk driving by law enforcement personnel and extensive local and national media attention calling for more stringent control measures, there is a need to first derive an impaired driver profile which can serve as a primary focus for future deterrence efforts. It is not possible to determine the effectiveness of campaigns aimed at deterrence without first knowing the typical

characteristics of the most often convicted DUI offender. Prior research has largely omitted this large and important area in the research process. Are law enforcement campaigns against DUI an effective way to rid the highways of all drunk drivers, or are they aimed more at ridding the roads of the same group of people who are routinely designated as "problems" in our society? In other words, exactly what population group is targeted in campaigns? Is it the group that dominates the mainstream criminological literature, or is it another type altogether? What is their typical age? their sex? their race?

This research is designed to explore these age, sex, and race characteristics of the DUI offender. These variables will be examined before and during a local campaign against DUI, comparing those arrested and convicted by the Sheriff's Department in a period before the campaign began with those arrested and convicted during a campaign in an interrupted time-series analysis.

The first portion of the research establishes a theoretical context where DUI has been interpreted as a form of patterned evasion of the law, which is common in folk crimes. The nature of DUI as an offense is discussed as well as its folk crime dimensions.

The second portion of the research is concerned with developing a DUI offender profile based on the age, sex, and race attributes. By comparing those variables in a non-

campaign time period vis-a-vis a campaign period in a time-series format, the effects of a campaign on those variables can be detected. Specifically, are more people with the same characteristics arrested during a campaign period (a penetrating effect)? Or, are more people from other segments of the population arrested during a campaign (a widening effect)? In sum, a comparison is made between campaign and non-campaign periods to precisely identify the age, sex, and racial characteristics of a social control official's target group in each period.

CHAPTER I

THE RELATIONSHIP BETWEEN PATTERNED EVASION, FOLK CRIMES, AND DUI

The Law, Social Sentiment, and Patterned Evasion

Some writers have placed the blame for some forms of ordinary criminal activities directly on lawmakers. Specifically, when government enacts certain laws on behalf of select interest groups without the support of the public or law enforcement officials, it often has the effect of undermining the moral authority of law and may thereby encourage contempt for and disobedience of the law (Charbonneau, 1977: 29-45). Evasion of legal norms may become the norm when disobeyed by a majority and ineffectively enforced by social control officials. And, although it is extremely difficult "to substantiate the association between popular sentiments and law" in precise terms in complex societies (Vago, 1981: 136), it is felt by most legal scholars that a correlation does in fact exist. For example, sociolegal theorists such as Albert Venn Dicey (1835-1922), Oliver Wendell Holmes (1841-1935), Roscoe Pound (1870-1964), Benjamin Cardozo (1870-1938), Karl Llewellan (1893-1962), and others more contemporary, believe that "law cannot be understood without regard for the realities of social life" (Vago, 1981: 42-48).

It can be argued that evasion of legal norms is one such social reality that has an effect vis-a-vis law regardless of whether the precise terms of the correlation are known. For example, we do not know "how many marijuana violations [are necessary to] cause the law relating to marijuana to be changed" (Vago, 1981: 136). But we can logically deduce that popular sentiment as well as accumulated violations will have some effect on modifying existing laws (such as those changes relating to marijuana use) and the making of new law (just as popular sentiment had a telling effect on the Prohibition Amendment). If the law is not wanted or for some reason falls in disrepute at a later time, contempt for the law and disobedience of the law often eventuates. In a somewhat dated but still concise statement on the subject, Robin Williams explains how this can happen in his essay on how the individual relates to the normative structure (Williams, 1951; compare, e.g., Vago, 1981: Chapter 4).

In Williams' view, "laws often more nearly represent expressions of sentiment than realistic means for direct regulation of behavior" (1951: 352-353). Some individuals relate to these sentiments which have been codified by accepting "them as morally binding." Other individuals accept them only as "conditions" due to the reward-punishment structure of society. Still others "decisively reject the norms <u>per se</u>" (1951: 353-354). Williams further

states that if large numbers of people violate the norms, the norms themselves "become problematical" (1951: 354).

In a related and more recent theme on the subject, Donald Black states in unequivocal terms that "[l]aw varies directly with culture" (1976: 63). That is, the more complex and "rich" the culture of the society, the more likely there are to be people who are offended by trivial affronts and the more likely laws of a somewhat trivial nature will be enacted. These enactments will likely include expressions of sentiment as well as regulation of crimes of a more serious nature (1976: 63-83). This is in line with Black's statement that "[l]aw is stronger where other social control is weaker," which means that the more complex cultures likely have problems with enforcing non-codified norms, and laws are likely to take their place (1976: 107). Included in these laws that supplant mores and folkways are controversial legal rules which Black seems to believe are supported more by the elite than the lower SES groups of the society, since society's elites are more likely than others to covet that "richer" culture (compare, e.g., Hirschi, 1969, especially p. 32). In further support of this view, Chambliss, in his analysis of laws on drug use, pornography, and prostitution, could find little unified support for laws such as these either by social control officials or legislators, ultimately giving police and prosecutors wide discretionary powers (1978: 59-67).

Thus, the normative system is often marked by what Williams called "flexibility," a system of rules to be obeyed under select circumstances, but not "binding under all conditions" (Sykes and Matza, in Traub and Little, eds., 1980: 210). This same general theme is repeated by Kadish and Kadish (1973: 184-201) and by Vilhelm Aubert in his study of attitudes toward white-collar crime. The bureaucracy is cited as being strikingly ambivalent in attitude, treating white-collar crimes differently than ordinary crimes (1952: 265).

In a similar manner, the public also maintains "a condoning, indifferent, or ambivalent attitude" (Aubert, 1952: 265) toward many folk crimes, unless and until it affects their personal lives. Thus, patterned evasion of laws may occur whenever the public and control officials view some form of illegal behavior as relatively harmless, especially if this behavior is perceived as being illegal only because of some "special interest group." The admonition, "you cannot legislate morality," is often heard in relation to folk crimes and patterned evasion of laws with which a large number of people disagree.

The views above are representative of the literature and are requisite for understanding the problems created for the public and social control officials alike when attitudes clash with codified law. If the legislature has problems in creating a law banning some specific behavior, it often

passes the law for political reasons, but may make it ambiguous, therefore ultimately unenforceable as is written, or show little support for the police or courts in its administration. And, as was stated previously, public ambivalence toward certain laws (e.g., "blue laws" or 55 m.p.h. speed limit) has a detrimental effect on the legal standard vis-a-vis the courts and police. As a result, public sentiment, which often changes dramatically with the passage of time, may ultimately win out in codification of a law, or in its repeal (e.g., Prohibition, as summarized below), but in every case, has a profound effect upon the law and its administration, often resulting in patterned evasion of laws (Williams, in Theodorson and Theodorson, 1969: 293-294) which are believed to be incorrect or faulty (e.g., tax rules). Further, and almost paradoxically, many people often violate rules which they believe are correct, especially if they see the rule as somewhat petty and inconsequential. Folk crimes are thus created through this ambivalence toward laws which are perceived to be unimportant or contradictory to public need.

This phenomenon of patterned evasion is present in folk crimes of many types, but in order to determine how DUI can be interpreted as a form of folk crime, the precise nature of folk crimes and folk criminals first needs to be established.

Folk Crimes and Folk Criminals

Over two decades ago, H.L. Ross introduced the concept of folk crime (suggested by Erwin Smigel) into the scientific literature (1960-61: 236).

Folk crimes:

1. are usually misdemeanors and carry less severe penalties than some other misdemeanors (such as possession of a small quantity of an illegal substance) and felonies.

2. carry little stigmatization (Ross, 1960-61: 237).

3. are sanctioned mala prohibita rather than mala in se. That is, they are acts that "are forbidden . . . by statute, but not otherwise wrong. . . " (Perkins, in Ross, 1960-61: 235).

4. have as a criterion for guilt a "preponderance of evidence" and not "beyond a reasonable doubt" (Ross, 1960-61: 235).

5. are either ignored or condoned by both the public and social control officials as well except during "'roundup days,'" an example of "ritualistic law enforcement" (Williams, 1951: 360).

6. may be due to increased technology as in the case of traffic safety laws that were needed only when automobile technology exceeded common sense (Ross, 1960-61: 236).

7. may be due to increased societal complexity, perhaps causing a reclassification of what once was non-

criminal behavior as crime (Gibbons, 1972: 178).

8. may not be related to existing social norms. Therefore, a conflict may be created between newly sanctioned behavior and previous social norms--as in Prohibition, when laws superseded existing mores regarding drinking behavior. These laws may be the resultant of moral entrepreneural activity or one group in conflict with another--again, as in Prohibition (Rose, 1968: 33-34; Ross, 1960-61: 236).

9. are disposed of differently by the police and judiciary. That is, the offender often pays a fine which is considered final disposition of the case with no jury trial expected and often with no counsel present. The typical courtroom adversary proceeding is largely bypassed in such cases, but when the case does happen to reach court, usually the trial is short with the defendant receiving fines if found guilty (Ross, 1960-61: 236-237).

Folk Criminals:

1. are not stigmatized as criminals except under select circumstances (Ross, 1960-61: 237).

2. do not view themselves as criminals nor do they always view the act as criminal (Ross, 1960-61: 236-237).

3. may or may not lack criminal intent (Perkins, in Ross, 1960-61: 237).

4. are usually subjected to different treatment than

are "ordinary" criminals by social control officials. If payment of fine is disallowed and the folk criminal does appear in an adversary proceeding and is found guilty, the sentence is often trivial with a "jail" sentence being unlikely. And, since adjudication can be completed expeditiously, the folk criminal often spends little time in jail awaiting trial as do ordinary criminals (Ross, 1960-61: 236-237).

5. may be found in any social class (Ross, 1960-61: 237).

6. may commit the criminal behavior in question in the course of their occupation as do white-collar criminals (Ross, 1960-61: 237).

7. may have the expertise needed, but unlike white-collar criminals, may not need any special or technical expertise to commit the criminal act (Ross, 1960-61: 236-237).

A Folk Crime Example: Prohibition

A similar thesis to that of Williams has been detailed by Gusfield in his study of America's Temperance Movement (1963), where the illegal purchase and ingestion of alcoholic beverages became the codified norm in opposition to the morality of the majority. Therefore, a patterned evasion of the law ensued after the Prohibition Amendment was passed. Gusfield's analysis of how and why this

particular folk crime came about is instructive for understanding patterned evasion and folk crime in general (as well as the specific problems inherent in regulating DUI), and needs brief recapitulation.

"The rural, native American Protestant of the nineteenth century respected Temperance ideals" (Gusfield, 1963: 4). This ideology pitted those Protestants, who favored prohibition of alcoholic beverages, against urban Catholics, who were at that time relatively new to America and powerless, remaining largely unassimilated in Eastern European white-ethnic enclaves (1963: 5). When Prohibition became a reality in the twentieth century, the pro-Temperance faction had won a battle, but not the war. Evasion of the law of the land became the rule, largely unpunished by social control officials. As Gusfield explained, "evasion of normative patterns occurs when a pattern of behavior regularly expected in the society is performed and [goes] unpunished although the written, publically stated norms of the society call for punishment and proscribe the behavior" (1963: 115). Thus, factions are created in society, with the one respecting and upholding the norm and the other feeling contempt for the law.

The former faction is almost directly in line with Durkheim's analysis of legal norms. He stated that the disposition to punish criminals is a response which maintains "respect for the law and morality on which the

social order depends" (in Gusfield, 1963: 112). Thus, those who upheld the norm (and law) of Prohibition believed it to be enforced and saw punishment as an affirmation of the norm's worth as well as upholding their own "societal dominance" in the community (Gusfield, 1963: 116). However, this moral indignation was a quality primarily "found among lower-class white collar [sic] workers and other petite bourgeoisie." And the defeat of the Prohibition Amendment signaled the partial collapse from power of the "Protestant, rural native [American]" (Gusfield, 1963: 116-117), while further confirming that the making of law is a social process (Vago, 1981: 42).

Ritualistic Law Enforcement and Patterned Evasion

Of more importance to this research, Prohibition helped to further establish a routine of "patterned evasion" of the law in America (Williams, 1951: 357). "[D]uring prohibition . . . on periodic 'roundup days,' mass arrests were made, the offender given minimal fines or sentences, and permitted to return to business," an example of "ritualistic law enforcement" (Williams, 1951: 360). Thus, patterned evasion of certain codified norms became an accepted behavior pattern in our society on a nationwide basis.

Much the same pattern can be seen today in the sporadic enforcement of DUI laws including a local "War on Drunk Driving" campaign, aimed specifically at ridding the

highways of drunk drivers. Much as in Prohibition, these "events" may be seen in one or more of several ways: as a bureaucratic attempt to placate those who are polarized on the side of upholding the law because it is the law, placation of special interest groups (such as Mothers Against Drunk Driving--MADD), or simply as another instance of ritualistic law enforcement. However, it is important that folk crime be seen in its larger context--from the perspectives of law enforcement, the legislature, and the public. All play a crucial role in any folk crime.

New Laws and Societal Response

Patterned evasion of norms, of course, did not begin with Prohibition. Prohibition, however, was one of the first times in which patterned evasion became the norm for a national segment of the population, "often with the connivance of local officers of the law" (Merton, 1976: 207). Indeed, at no time will a "large gap between new law and local mores at once produce significant change in prevailing practices" (emphasis in original, Merton, 1976: 207). As William Graham Sumner put it, mores are "enforced by community opinion at large" (in Gerth and Mills, 1961: 258). This is, perhaps, a more powerful social control mechanism than laws which are sporadically enforced. And, informal controls may be obviated in behaviors that everyone does and/or gets away with, with the behavior in question

eventually becoming condoned (Sagarin, 1975: 323).

As an end result, laws may be repealed when the illegal behavior has the social support of the society (Sagarin, 1975: 323). This can be illustrated by the repeal of the Prohibition Amendment, decriminalization of marijuana laws, and in changing of overly rigid divorce laws where couples knowingly committed perjury with the collusion of the courts in order to obtain a divorce. Behavior that masses of people engage in--as in most patterned evasions--often escapes the deviant label and is acceptable to social control officials and the general populace. Few people become "hostile" or "indignant" at the behavior and non-conformity may become acceptable to even larger segments of the population, especially where the new legal standard is either in opposition to or different in degree from established cultural norms (compare, e.g., Vago, 1981: 42-48; Sagarin, 1975: 323). In any case, new laws, especially those which differ from accepted ways of doing things, require a time of adjustment.

Establishing DUI as a Folk Crime

In defining certain activities as folk crimes, Ross (1960-61: 231-241) cites such behaviors as traffic law violations, chiseling (social security fraud), participation in black marketeering in wartime, and other illegal acts that were created in part due to social complexity. Few, if

any, of these acts are treated as serious law violations, either by law enforcement or the public. Therefore, a model for patterned evasion is created for others to follow, the public and social control officials alike. DUI, in normal times, fits into such a schema as well with abundant examples of the "light" treatment of DUI offenders easy to find.

Patterned evasion of any law leads to crime of some type. If the violation is widespread, and looked at as relatively harmless by the public and control officials alike, then the evasion is also a folk crime. More specifically, drunk driving mishaps are still seen by most of the public and social control officials as accidents; a victimless crime in most instances, relatively harmless, therefore a folk crime. In general, it seems that few people consider drinking and driving as serious, except perhaps when caught. By way of illustration, in some states (e.g., Massachusetts), vehicular homicide has traditionally been treated as a misdemeanor, and in South Carolina's recent past, beer and wine were not officially designated as alcoholic beverages.

Neither does patterned evasion of laws need to be harmless in order for the evasion to be a folk crime. The criteria is that they be <u>seen</u> as harmless and either ignored or condoned by a relatively large segment of the population. In illustration, in many states DUI is treated lightly, even

though National Safety Council estimates (1980) show DUI accounting for fully half of all traffic fatalities and killing more people each year than most other major accidental death causes combined. The point is, the perception that beverage alcohol consumption and driving is harmless is held by a relatively large segment of the population. This contrasts radically with many drug experts who view beverage alcohol as the most abused recreational drug used in our current society--which can kill by the thousands when mixed with driving as Table 1 clearly shows.

TABLE 1. Death by Accident (National Safety Council Data. Adapted from Starr, et al., 1982: 37).

Drunk driving	26,300
Falls:	12,300
Drowning	7,000
Fire, Burns	5,500
Poisons	4,300
[Choking on Foods]	3,100
Firearms	1,800
Airplane Crashes	1,200

As a nation, "we really don't expect alcohol rules to be enforced," a drug and alcohol official said (Tharpe, 1982: 3). This statement is from a national perspective,

but is indicative of statements from state officials as well. DUI offenses are almost never treated as felonies except in the rare case of felony drunk driving (this offense is referred to by various names, depending upon the jurisdiction), which most often has resulted in the death of an innocent victim. Like other traffic violations both nationally and in South Carolina, DUI is usually adjudicated through proceedings which are less demanding than the jury-trial criminal adversary proceeding, and typically carries less severe penalties.

Even when DUI laws are strong, demanding exact penalties, DUI offenders may be tried by judges who lack consistency in the adjudication of offenders. For example, statistics from the South Carolina State Attorney General's Office indicate that first offense DUI usually ends in conviction (often tried in a Magistrate's Court), but that for second and further offenses, the conviction rate drops significantly. This is supported by a recent statewide survey which revealed that "when a person convicted of fourth offense DUI stands before 13th Circuit [South Carolina] Judge Frank Eppes for sentencing, chances are less than one in four that he will go to jail [22 percent]." This can be contrasted with Sixth Circuit Judge George Coleman who placed 93.3 percent of those convicted behind bars (Tharpe, 1982: 4-5). The latter official seems to be in the minority. In other crime that is seen as "harmful,"

repeat offenses are thought to be more serious than the first, often resulting in a "habitual offender" sentence from a majority of judges, but not DUI. Procedural conduct such as this creates a dramatic contrast between the crime of DUI and other crime.

It becomes apparent that DUI has been in fact treated by some social control officials in much the same way as they treat other folk crimes. And, as long as criminal justice officials maintain that perspective, the public will probably continue patterned evasion of DUI laws.

Conclusions on Patterned Evasion and Folk Criminals

In summary of the arguments presented thus far on patterned evasion and folk crime, a proportion of the population would never break the law, no matter how obnoxious the law may be to them. Certain others, however, seem willing to weigh the risks involved and violate codified norms that seem not to be applicable to themselves. Somewhere in between the two extremes stand most others. Many are highly selective in law violation, allowing themselves to violate a certain law on given occasions. Many, for example, who do not think twice about buying items on Sundays in violation of blue laws, would not consider robbing a bank. And it is possible that most people are somewhat reluctant to violate laws which are new and against prevailing practice, <u>but many do violate them</u>, as evidenced

by illegal drinking during Prohibition as well as cocaine use, marijuana use, and driving after drinking in our current society.

Thus, the specific literature on folk crimes leads one to predict some significant differences between the typical criminal who is most evidenced in Uniform Crime Reports (hereafter referred to as UCR) "index" crime statistics and folk criminals. That is, so-called "serious crime" is committed by people with different characteristics than is folk crime. Specifically, folk criminals may be from any social class, but are perhaps as likely to be found in higher SES groups as lower. They are often older than the "serious crime" offender. They are from all racial and ethnic groupings. They may also commit the crime in the course of their occupations or may simply ignore the law such as happened in Prohibition, provided the crime is thought not to be serious in nature. Further, it is doubtful that many of these people experience any feelings of guilt for their violations, simply because they most often have no real criminal intent. In turn, they expect differential treatment from social control officials and are rarely seen as criminals either by the officials or themselves.

This brings us to the main study questions. Precisely what are the characteristics of the people who commit the crime of DUI? What is their age, sex, race, and SES? Since

it is already known that the characteristics of folk criminals differ dramatically from those who commit so-called "serious" crime, it is logical to predict that the typical DUI offender will also be an atypical criminal if DUI is indeed a folk crime. Instead of a lower SES, young, male minority member who commits most crimes thought to be serious, it is predicted that the typical DUI offender will probably be older, male, caucasion, and as likely to be of the middle SES as any other group. If so, there is a serious gap in the standard criminological literature, with this particular symbolic offender most often not addressed. Thus, as we turn again to theory to look specifically at the characteristics of the typical DUI offender, both the current folk crime literature and standard criminological offerings must be reviewed. This is done in Chapter II.

CHAPTER II

DUI OFFENDER CHARACTERISTICS: AGE, SEX, AND RACE

Drinking and Driving: A National Folk Crime

A recent Gallup poll indicated that four of every ten drivers admit driving after drinking (Starr, et al., 1982: 38). Other indirect evidence that implies huge numbers of people drink and drive comes from other national sources, which estimate that "from 7 p.m. to 3 a.m. one of every three drivers you meet on the road has been drinking" and one in "ten is officially 'under the influence.'" The picture is so bad that it prompted one official to write: "It's a form of highway Russian Roulette" (Tharpe, 1982: 3). This violation is so serious as to be called a "national epidemic," and a "socially accepted form of murder" (Starr, et al., 1982: 34), especially for young people.

The severity of DUI is evidently not linked with apprehension, however, since locally, "a study [done] in Richland County, South Carolina, indicated there is only a one-in-2,000 chance of being stopped while DUI" (Tharpe, 1982: 10). "Unless someone is hurt or killed [in a crash], there is a general inclination to view [DUI] as a victimless crime" (Greenville News Editor, April 18, 1982: 2D), both by the public and many social control officials (Tharpe, 1982: 4). Table 2 depicts data for South Carolina.

Table 2. Death By Accident: 1971 - 1981 (South Carolina Department of Highways and Public Transportation; in Tharpe, 1982: 2).

Highway miles driven in S. C. increased by 30%
Alcohol consumption in S. C. increased by 17%
Alcohol related accidents in S. C. increased by 72.2%

When one further understands that the presence of alcohol is not listed in accident reports on a regular basis, the data become even more impressive. To assess their relevance, it is necessary to examine the literature more closely in terms of an age, sex, race relationship.

Age/DUI

Insofar as the age/DUI correlation is concerned, local and national statistics show that drinking is the leading single cause of death in the 16 to 24 age group. In 1981 (in S. C.), 39 percent of all drivers between the ages of 16 and 24 who were involved in traffic accidents were reported drinking (Brown, 1983: 6). And "alcohol-related crashes [are] by far the single biggest killer of Americans between the ages of 16 and 24" (Starr, et al., 1982: 35), climbing by "72 % [in South Carolina] during the last 10 years, almost six times as fast as non-drinking accidents" (Tharpe, 1982: 8). Further, many studies show problem drinking

usually occurs at an early age in all SES groups (see, e.g., Collins, ed., 1981: 241). A fair summary of the DUI/age correlation is given by the Institute for Highway Safety when it predicts that raising the drinking age to 21 will lessen night-time accident involvement in the 18 to 21 age group by 28 percent (Neal, 1983: 11).

In indirect evidence of an age component, Cosper found that professional men are more likely to be "moderate drinkers" (1979: 877), which would imply an older group drinking and driving but with lower blood-alcohol contents (hereafter referred to as BAC). Further evidence that may place the younger driver in a high-risk group comes from extremely high insurance rates for the male driver who is under 25 years of age.

Based upon this evidence, a lower age group would be an appropriate target group for the police. Still, several factors are present but not readily apparent. For example, none of the literature reviewed tells us exactly how many people over 21 are killed in traffic while drinking. In turn, to say that 39 percent of all drivers under age 25 are involved in fatal accidents while drinking implies that 61 percent are not, i.e., a majority. Further, folk crime literature would not predict high involvement by younger people. Rather, an older age group should be involved if DUI is indeed a folk crime. This is directly authenticated by UCR data which show 37 percent of all DUIs arrested are

over 34 years of age and 65 percent are over 25, contrasted with 26 percent between ages 19 and 24 (Uniform Crime Reports, 1981: 200-201). Thus, based upon all the evidence, one would speculate that criminological literature which omits folk crimes is somewhat deceiving when it comes to age correlates and DUI.

Sex/DUI

Few would argue that females are safer than males when driving and several studies support this contention. Results of a Baltimore study concluded that characteristics of female drivers involved in fatal accidents do not differ from the overall female population (Shaffer, et al., 1977: 801-04), which would seem to mean that females are not as prone to either drive while drinking or have wrecks when they drive in normal activity. However, in a study of project residents (1972), women were shown to have a higher incidence of drinking problems than men (Sterne and Pittman, in Collins, ed., 1981: 245), an SES/sex/DUI component.

Steffensmeir and Jordan concluded in a study (1975: 87-102), that the women's movement has little to do with female crime, but that changing sex roles may contribute to female crime rates (an indirect effect of the liberation movement, perhaps). And, there is little doubt that sweeping social changes are taking place across the nation. The commercial media tell us that to drink is to be grown up, famous,

athletically superb, to be an emancipated woman or macho male (Tharpe, 1982: 2). But even if women are starting to drink as much as men, are they arrested as often for DUI? It is doubtful, because, regardless of new trends, men still seem to drink more often, consume excessive amounts of alcohol, and drink more away from home than do women. The familiar standard: "drink like a man" persists in today's society as it has in the past, especially for males in the lower SESs (though lower SES females also have drinking problems).

The literature on folk crime is also of interest in a sex/DUI correlation. Fewer women than men commit folk crimes of most varieties. And, based on all the evidence, one is led to predict that fewer women than men will be convicted of DUI, regardless of age, race, or social status. This supposition is again supported by UCR data which state that males represent 90.6 percent of all DUI arrests and 92.3 percent of all public drunkenness arrests (Uniform Crime Reports, 1981: 203). Thus, DUI is a male activity and probably will remain so, regardless of female liberation, until such time as females begin drinking in a male-like pattern. Men still consume more alcohol, drink socially more than women, away from home, and drive more both when alone and in the company of females. Thus, it is predicted that males will be overrepresented in DUI statistics.

Race/DUI

"M. M. Hyman (1968), in a study of nearly 20,000 drivers, found a clear negative relationship between social status and 'accident vulnerability'" (in Collins, ed., 1981: 234). "Blacks, however, were more 'vulnerable' than whites at every status level and were more likely than whites to have been drinking heavily" (in Collins, ed., 1981: 234). "Black males were" five times more likely to have "blood alcohol concentrations above .10" than were whites (in Collins, ed., 1981: 234). This fact is supported by epidemiological studies which found lower SES minorities have more acute alcohol problems (Cosper, 1979: 886).

Lewis (1955) shows that lower SES blacks frequent taverns more than whites in a small South Carolina town, where a macho style, fights, pistol carrying, shootings, etc., become common and expected (in Collins, ed., 1981: 245-46. Also see Samuels, 1976). Lower SES blacks and Hispanics are disproportionately represented in almost all race/problem drinking samples (Sterne and Pittman, 1972; Black, 1970; in Collins, ed., 1981: 243), drinking less often but having more negative social consequences when they do drink.

In contrast to the above documentation, some studies show that blacks drink less than whites, but Cahalan (1970) and Cahalan and Room (1974) are representative of the non-folk crime literature in observing that blacks more often

drink periodically and heavily when they do drink--which should mean that they get into trouble with social control officials more than whites when drinking. This supposition is not borne out by UCR statistics, however, since both blacks and whites have DUI and public drunkenness rates almost proportionate to their numbers in the population. There were 1,124,411 whites arrested for DUI across the nation in 1980 and 144,048 blacks (87.2% and 11.2% respectively), with public drunkenness percentages for whites and blacks at 81.6 and 15.8 percent (Uniform Crime Reports, 1981: 204). Other minorities, for example Latin-Americans, have been shown to have "social consequence" rates higher than either blacks or whites (in Collins, ed., 1981: 239). This supposition is not authenticated by UCR DUI statistics, either.

None of the evidence presented thus far conclusively indicates that blacks and other minorities drink and drive more than whites. But the evidence would seem to imply that they do drink more heavily when they drink, perhaps drinking more in locations away from home, and becoming involved more with social control officials. Many people are in fact arrested for simple public drunkenness, e.g., 1,172,700 in 1978 (Uniform Crime Reports,1980: 188) and 1,125,800 in 1980 (Uniform Crime Reports, 1981: 191). Based on this evidence, one logical inference is that many of these individuals do in fact drink and drive (provided they have enough resources

to have a car), especially in more rural areas of the United States, such as South Carolina.

Based upon literature reviews other than the UCR or folk crime then, blacks and other minorities are an appropriate target group for social control officials. They have been shown to have more acute alcohol problems, drink in taverns where a macho style prevails, and have more negative consequences when they drink. The problem lies in the fact that they are not arrested more than whites, either for DUI or public drunkenness. SES may thus be as important a predictor variable for DUI as is race, which is at least implied in the literature, especially Zylman (in Collins, ed., 1981: 234-235). And one could logically speculate that social consequence rates cited in the literature are tied in closely with an "inability to pay," which precludes private treatment for the lower SESs and causes them to be listed in "public" documents when they seek subsidized help for their drinking problems. The latter is a frequent theme found in sociological literature.

Conclusions on Age, Sex, Race, and DUI

If one omits the literature on folk crime and UCR arrest data, the available evidence implies that the typical DUI offender is young, black or other minority, and male. Are these, then, the most recurring characteristics one would expect to find in researching DUI? Probably not.

Indeed, when the literature on folk crime is included, predictor variables change rather dramatically. Instead of the young, black or other minority, male, who is most caught up in crimes thought to be of a serious nature, it is predicted that the typical DUI should be older and caucasion. In fact, the only characteristic that stays the same is sex. This begs the question: If typical DUI offenders have "folk criminal" characteristics during normal police activity, will the offender profile stay the same during a police crackdown--a campaign--against DUIs? Or will the symbolic assailant profile change in a campaign more towards that of the "serious" criminal?

The answers to these questions are included in the chapters which follow as widening and penetrating effects of a campaign against DUI are discussed theoretically and a specific DUI profile is developed in research, first during normal police activity and then during a "war" against DUIs spearheaded by the local Sheriff's Department. Before the effects of a DUI campaign are delineated, however, the campaign's objectives, its design, and strategies used by the police must be discussed in order to determine their relevance as a deterrent to DUI since this is their stated objective.

CHAPTER III

DUI CAMPAIGNS AND THEIR WIDENING AND PENETRATING EFFECTS

DUI Campaign Objectives

Of the several functions of law, the deterrence model (intervention theory) states that "[t]he greater the perceived likelihood of apprehension, prosecution, conviction, and punishment [certainty], the more severe the perceived eventual penalty [severity], and the more swiftly it is perceived to be administered [celerity], the greater will be the deterrent effect of the threat" (Ross, 1982: 9).

In general, local social control officials have stated that this proposition is a primary impetus behind their campaigns against DUIs. Many states and localities are currently using the "campaign" method, supposedly for the same purpose. In addition, many states are moving toward tougher DUI legislation with mandatory sentencing in order to combat DUI, acting primarily on the unsupported premise that those who commit DUI and DUI crashes are clearly related in a causal manner. South Carolina is one such state that has enacted a tougher DUI law in the last legislative session with more and tougher legislation on the way. This problem is the subject of the next paragraphs.

Even though there is little doubt of a correlate between alcohol and auto crashes (Ross, 1982: 5), the evidence is thin regarding "whether the same group of drivers that [accumulate] drinking and driving convictions [are] involved in crashes, although [samples of each group] are characterized by heavy drinkers" (Ross, 1982: 4). For example, the Hyman study (1968) cited previously (Chapter 2) found that blacks and lower classes have more accidents, but this is not supported by UCR DUI statistics since their DUI rates correspond closely with their numbers in the population. And the fact that black males almost always show higher BAC levels than whites does not necessarily support the contention that they drive while drinking more than whites. And the fact that lower SES minorities have more acute alcohol problems (Cosper, 1979: 886), or are more macho (Lewis, 1955), does not support a contention that they are DUI more or have more alcohol related accidents. Correlation does not necessarily prove cause.

Still, new and tougher legislation against DUI is forthcoming which will supposedly deter DUI (especially DUI related crashes) even though it may be premature and detrimental to a deterrence model--since presently, we do not know if DUIs caught in normal circumstances are the same ones causing most of the DUI related traffic fatalities. Regardless, campaigns against DUI are meant to have the effect of deterring some DUIs and removing other DUIs from

the road, with fewer accidents as a resultant, even though the DUI-accident correlate is unsure.

In reality, the prime mover in campaigns against DUI may be a sense of frustration on the part of many people. All previous efforts to deter DUIs have failed almost totally, and neither citizens' groups nor public officials know quite what to do about the phenomenon. The campaigns thus represent an experimental method that "might" work when nothing else has.

DUI Campaign Design

Local campaigns are usually designed in terms of a deterrence model, and the campaign studied here is no different. A brief overview of how they were designed on a local basis will illustrate this point.

First, the local Sheriff's Department began a media blitz in the form of "news releases" to any and all media that would cooperate with them (around June 1, 1982). The local campaign also used television interviews with MADD officials in which mothers who had lost relatives to drunk drivers made pleas on behalf of their organization for the police to "do their jobs" by arresting all DUIs, and for the legislature to enact tough new DUI laws. At this juncture, several politicians appeared and gave their pitch for new legislation as well. Then, slogans were created that warned all drivers of the hazards involved in driving after

drinking. "Beware of the Eight" (local enforcement agencies that had joined in on the concerted effort to arrest all DUIs) was a theme used locally. Citizen drivers were warned of the severity of DUI, and promised they would be apprehended if they drank and drove their cars. Then, at the height of one local campaign (1982), the solicitor's office issued a statement that it was charging a young man (the Teter trial) who had been unfortunate enough to have a fatal wreck while intoxicated, not with negligent manslaughter, but with murder. This, of course, caught media attention and was headlined until the jury refused to convict him of the more severe charge. All of these steps were aimed at deterrence, but some were perhaps more suited to other goals of the law, specifically, retribution and incapacitation. They are in fact an attempt to give a perception to the public that they will be caught if they drink and drive (Brown, 1983: 1).

DUI Campaign Strategies

First, the Greenville County (South Carolina) Sheriff's Department has had an ongoing individual campaign in progress on a local level during non-holiday weekends since mid-1982. Their DUI crew begins duty almost every Friday evening around 6:00 p.m. and patrols throughout the night. The same procedure repeats on Saturday evenings. This effort continues to the present.

Secondly, a joint law enforcement campaign began prior to the Christmas holidays in December, 1983, proceeded throughout the remainder of that month and into January, 1984. During this venture, eight separate law enforcement agencies combined their efforts and "saturated" the roadways of the county with every patrol car available from a period of two days prior to the holidays until the day after the holiday period ended. In illustration, Christmas of 1983 was on a Sunday. The agencies involved in the joint task-force began saturation tactics on Friday, December 23, and ceased operations after Monday, January 1, 1984. During that same period, the Sheriff's Department had its own DUI team, plus overtime personnel working almost around the clock, attempting to detect and arrest DUIs as its primary objective. The usual primary duty of investigating break-ins and domestic disputes did not go unheeded, but was done by regular personnel as an adjunct to their DUI duties.

Agencies included in this effort understand that it is not possible to apprehend all DUIs, but in cooperation with local media, they want to make the public think they can catch all who drink and drive (Law Enforcement Center interview, May 18, 1984: Appendix A). Thus, more media publicity is one main difference in joint campaign versus regular patrol periods for the Sheriff's Department. "Beware of the Eight" is a media gimmick in part, though eight control agencies are actually involved to a degree in

the joint-campaign effort in Greenville County; included are the Sheriff's Department, Greenville Police, Highway Patrol, and police departments from the smaller municipalities.

Police DUI Detection Strategies

To determine why the police arrest the people they arrest, a brief overview of police surveillance tactics is in order. (These strategies will be covered in more detail in Chapter 6.) First, the prime DUI times are from early evening through early morning hours. That is when the Sheriff's DUI detail is on duty as well as the prime times for saturation of roadways with other police during joint campaign periods. While riding on patrol with deputies, the researcher found that deputies do not initially look for "people" clues of DUI. Rather, they look for driving clues first, and only after they stop the suspect do they look for more personal clues of impairment. Thus, there may be no preconceived stereotype held by police as to who they should be looking for when working a DUI detail (this is totally unlike investigative techniques for "serious" crime).

Secondly, since the DUI detail works primarily at night, they have problems in identifying the driver of the suspect car. Often they do not know if the suspect is black or white, male or female, nor can they identify SES until after the car has been stopped and field sobriety tests are beginning.

Thirdly, deputies working the DUI detail have more training now than in the past, with most of them volunteering to work DUI assignments. Specially schooled on DUI clues, they watch for more subtle signs of impairment rather than the make, condition, and type of automobile, or race, sex, and dress of individuals. These facts make it probable that a more representative cross-section of the driving public will be apprehended rather than a stereotypical criminal type. Therefore, if a true cross-section is apprehended during normal patrol activities, a concerted effort--a campaign--almost insures that a larger and more representative cross-section of the driving public will be caught. This brings us to the widening and penetrating effects of DUI campaigns.

Widening and Penetrating Effects of DUI Campaigns

A preliminary step in designing deterrence studies is to research the penetrating and widening effects of DUI campaigns in developing a profile of the symbolic assailant, an important step that has been largely omitted in past research. Thus, the primary purpose of this research is to determine the precise characteristics of the typical DUI offender prior to a campaign against DUI and then determine if the same characteristics prevail during a "war" against drunken drivers; in other words, to determine a campaign's widening and penetrating effects.

A campaign against DUI can have two possible effects. The first is a "widening" effect, whereby the police dragnet pulls in many more people than in normal times and the atypical offender is caught more often than usual. Secondly, there is a "penetrating" effect, whereby more of the typical offenders are caught. It is expected that both these effects will have been present and will play a prominent part in this research.

Policy implications hinge on these effects. First, if DUI is being treated like most other crimes that society deems as "serious" in nature, committed by young, male, lower SES, minority members, then a penetrating effect for that group will be most apparent in a campaign. The lower SES would be overrepresented in all statistics along with young, black, males. Further, if the zeal exhibited by control officials wanes after the initial impetus of the campaign and if there is no proportionate widening effect during the campaign, then this would simply mean that the same class of individual is being caught more often and the remaining DUIs, who drive with relative impunity, are still a life-threatening force on the roadways.

However, if the folk crime literature is more applicable than other criminological theory, and the typical DUI has folk criminal characteristics instead of "serious" crime attributes, there should be a significant penetrating effect for that group, with the police dragnet widening to

catch people with other characteristics as well. This translates into an older, white, male profile as a resultant primary typology. Further, if a proportionately significant and lasting widening effect is found as well, perhaps the roads will in fact be somewhat safer as a result of the campaigns, especially if the DUI typology is in fact different from that of so-called serious crime. In turn, if judges equalize their treatment of those found guilty, perhaps the public will eventually begin viewing DUI as a serious crime.

Chapter IV

PROPOSITIONS AND METHODS

Propositions

Since the Sheriff's DUI detail has been added on a regular weekend basis, campaigns on a county level are never fully terminated. Thus, conviction rates for DUI should not decrease dramatically to pre-campaign levels. Rather, these rates should drop during weekday periods and maintain a campaign level during weekends when overtime personnel are on duty, with overall rates remaining significantly higher than pre-campaign levels.

A two-by-two representation of the theoretical premise is as shown in Table 3.

Table 3. Conviction Rates During the Presence or Absence of a Campaign.

		Conviction Rates	
		Hi	Lo
Campaign	yes	low SES older white male	high SES younger black female
	no	low SES older white male	high SES younger black female

This profile is in vivid contrast with mainstream criminological theory regarding so-called "serious" criminals, since the folk crime literature supports a contention that there should be a high-arrest group made up of older (over 25), white males and that this group will exhibit a significant penetrating effect during a local campaign against drunk drivers. And, since the local campaigns are in progress almost full time, especially during peak DUI hours, minorities, females, and younger drivers will be convicted more, a widening effect, but it will not be proportionately as strong as a penetrating effect. In short, there should be no significant change in kind for the symbolic offender from pre- to campaign time periods, though there will be both a widening and penetrating effect felt that can be attributed directly to the campaigns against DUI. These effects should be less significant during weekday periods than weekends but should remain significantly higher than before the Sheriff's campaigns began in mid-1982.

Thus, the propositions which logically flow from a current folk crime literature review are as follows.

1. The symbolic assailant profile of the DUI offender during non-campaign periods should be over 24 years of age, caucasion, and male.

2. After the local campaigns against DUIs began, the symbolic assailant profile should show a significant

penetrating effect. A widening effect should also be present which encompasses other groups, but it should not be as significant as the penetrating effect.

3. In campaign periods, both effects will remain almost constant during weekend periods due to the Sheriff's special task-force. However, the overall conviction rate, including the widening and penetrating effects, should decrease during weekdays, but still remain above pre-campaign (1981 - 1982) levels. Weekend rates will remain at campaign levels throughout. The combined task-force will have negligible effects on the numbers or kinds of DUIs arrested by the Sheriff's Department except perhaps during special holiday campaign periods when there is a joint campaign in progress, due primarily to excessive publicity and more determined efforts put forth by deputies during that "special" period. Of course, the other agencies involved will show higher conviction rates whenever there is a joint campaign in progress, but these will have no effect on this research. Lastly, there should be extremely high conviction rates during most campaign holiday periods due to the Sheriff's semi-permanent DUI task-force focusing its efforts on DUIs in those periods.

4. Those convicted of DUI should be from all SES categories with as many from the lower as upper SESs.

The Research Design

An interrupted time-series design will be used since that design is especially well suited for this type of research (see, e.g., Ross, 1982; McCleary and Hay, 1980; McDowall, et al., 1980). By using such a design, pre-campaign data can be directly compared with campaign data with all of the appropriate variables explicated in depth. Further, such a design has many other advantages over other types of research, overcoming many methodological difficulties by addressing problems of internal validity.

Validity

Problems of internal validity are addressed in the following ways (see, e.g., Ross, 1982; Cook and Campbell, 1979; McCleary and Hay, 1980).

Maturation is addressed primarily through using a long-term, time-series analysis, begun well before the introduction of joint campaign against DUIs. Subjects are not volunteers and are not likely to be the same persons from one temporal point to another, especially since only those who were arrested by Sheriff's deputies for DUI and found guilty (or forfeited bond) have been documented. However, it should be pointed out that there is always a remote possibility that there will be some documentation of repeat offenders though it is extremely unlikely if estimates are true that only one-in-two-thousand offenders

are caught. Still, the fact remains that since names have been deleted, there may be some few repeats. In any case, using a long-term analysis has many major advantages over other types of research. Here, the researcher "can assess the maturational trend prior to [an] intervention" (Cook and Campbell, 1979: 209) in the series. This is done by simply graphing the series before and after the intervention and analyzing the data. A "mean deviation" (MD) statistic should solve most of the problems presented by maturational trend.

Instability will be addressed by calculating significance levels based upon the entire set of observations.

Regression effects are mitigated by verification of the level of the series--whether normal or extreme--at the time of the campaign. This is done by using a comparison group, stratified to the same place and months, but in different calendar years.

History presents a problem in many outdoor time-series investigations, but should have negligible effects on this one since recorded data (arrest tickets) are to be used (Ross, 1982: 17-18), and since a comparison group will be used. In this way, one temporal area can be compared directly with another and used as a partial control for such outdoor abnormalities as weather variations (Smith, 1975: 96-97).

Further, using a reliable measure of involvement (i.e., a BAC test) circumvents many of the problems associated with validity in many researches. Non-randomization presents no problem since the design uses the entire population of subjects on file. This, of course affects external validity when the samples do not reflect the real population. Here, we do not have to infer the target population since it is the population (Cook and Campbell, 1979: 71).

Construct validity should present no real problems in a design such as this one, since logic dictates that a concerted effort, a war, against DUIs will have some meaningful effect (Cook and Campbell, 1979: 60).

Reliability

The use of a comparison group should have the effect of using a test-retest measure of reliability, and from that point on, reliability is assumed.

Data Collection and Coding Methods

Data Source

Using official citation/conviction records are the best method for measuring the widening and penetrating effects of age, sex, and racial data in a retrospective longitudinal analysis. There is one additional advantage in studying DUI data relative to other crime via this method. In other

crime studies, it is often difficult to determine a degree of individual participation (involvement) for any specific individual in the crime. However, almost all those actually convicted of DUI have received a BAC test, the results of which are an accepted measure of involvement, at least by South Carolina law. Those who refuse the test fall under the "implied consent law," which is tantamount to pleading guilty. In other words, if the arrestee refuses a BAC, a 90-day license suspension is automatic for first offense DUI.

The primary data were collected by reviewing an estimated 3,000 individual traffic citations from 1981 through April, 1984. From the total number of tickets, DUI data were extracted and coded by date, name, age, sex, race, BAC, arresting officer, date of arrest, judicial official, disposition of the case, date of disposition, and arrest site. For the year 1981, driving under suspension tickets were coded as well in order to compare that offense with DUIs for the same period. In some cases, dual offenses were recorded with the offender cited once for DUI and again for driving under suspension. However, suspension data were removed from the final data-set as well as names and other non-pertinent information.

Coding the Age, Sex, and Race Variables

In this state, the driver's license states the name, age, sex, and race of the driver. When issuing a traffic citation, the arresting officer transfers this information directly onto traffic citations. These are the variables that will be measured in this research and will be defined in precisely the way they are presented on the citations. Further, age, sex, and race variables will be collapsed in both composite data and individual summaries with the primary purpose of comparing pre-campaign with campaign data on a same date, same week, same month basis. Place of arrest data will also be used for determination of the SES of those convicted as detailed in Chapter 6. This information is included on traffic citations as well.

It was decided the "young" age group would be defined as that group of "legal" drivers ages 16 running through 24. Justification for cutting the youngest age group to those under 25 years of age was due primarily to insurance statistics, which charge younger drivers extremely high rates due to their general carelessness on the roads, and to non-folk crime literature which implicates that group as being the highest risk group.

It was then determined that the next higher "cutting" point should be at age 35. It is believed that somewhere around age 35, most criminals are further along in the "maturing out" process, settling down to conformist type

jobs, with what some criminologists (e.g., Toby) term "increased stakes in conformity." This process often begins in the late teens and is usually complete by the mid-thirties (see, e.g., Glaser, 1978: 117-118, 131, 163, 173, 225, 413-414). Although difficult to operationalize, since "stakes in conformity" is a mental attitude as much as anything else, it has been used here as the primary reason for selecting the age 35 as a cutting point in constructing age categories.

The remaining categories, sex and race, were exactly as documented on arrest/conviction citations.

Data Grouping Methods

The first data-set has been grouped individually by day, month, four-week periods, and into 35 different weekly points, beginning in September, 1981, and running through April, 1982 (hereafter, the 1981 - 1982 data-set will be designated the "comparison" group). In illustration, in the weekly summaries, September has four checkpoints, October has five, November has four, followed by nine checkpoints in December and January. There are 13 weekly checkpoints thereafter from February through April 30, 1982. These data are of importance as a comparison group in determining the pre-campaign level of the series, its history and maturational trend. In addition, using comparative data should have the effect of a control group measure in

experimentation. The group was picked from a time-period when the present Sheriff was in office, but prior to mid-1982 when the "wars" began in earnest.

Recording of the second data-set also began in September, but in 1983, and ran through April, 1984. Coding procedures were identical with exception of suspension data. These 1983 - 1984 data (hereafter referred to as the "intervention" group) will be the primary focus since the combined law enforcement effort was in progress during December and January of 1983 - 1984 and a local task-force in the Sheriff's Department was active (particularly on weekends) throughout the intervention series.

A comparison of composite (all) conviction data was coded and graphed, first on a weekly basis, then on a monthly, a four-week, and daily basis. Each checkpoint summarized age, sex, and race of the offender, comparing these characteristics in the first eight-month period with the same characteristic in the other eight-month period. The 1983 - 1984 "white" conviction data were compared with 1983 - 1984 "black" racial data as well as with all 1981 - 1982 racial data. The same procedure was used for sex data. Age data were stratified, however, into three groupings as described previously. Those convicted in 1981 - 1982 are presented together as are those who were convicted in 1983 - 1984. In all instances, if the case was still pending, the data were excluded.

In sum, a direct comparison was made between convictions in 1981 - 1982 and 1983 - 1984 on the three dimensions of age, sex, and race as well as composite data. In all, there were eight monthly, nine four-week, 244 daily, and 35 different weekly checkpoints incorporated into each segment of the time-series design, adding up to a total of sixteen months' data in a four-year period. There were 452 individual cases in the composite data statistic.

Seasonality and Weather Problems

Weather variations had little effect on this series since weather extremes precipitate accidents for the most part rather than citations for DUI (see, e.g., Ross, 1982). And, there were few tickets recorded in which the DUI was arrested as a result of an accident. The reason for this is unclear, but it is probably because this is beyond the Department's normal function. Accident investigation is one of the functions of the Highway Patrol.

Seasonality, however, is a usual problem in outdoor time-series such as this one. There is almost always a large rise in drinking and driving around such holidays as Christmas, New Year's, and Independence day (this was the rationale behind organization of the combined task forces to operate during these periods). Raw data tables certainly reflect this. Use of a comparison group should help establish a "normal" for the holiday periods, however, and

the intervention series can be compared against this benchmark.

Missing Data and Other Problem Areas

Some data were incomplete and other were not legible. For example, the arrest site was not always recorded, nor was the BAC level always mentioned, but these were a minority of cases. If an item was omitted and all remaining data were recorded, all of the available information was coded. There were so few cases of incomplete information (of pertinent data) that it had no significant effect on the series.

There are often anomalies in particular phenomena which cannot be explained logically. One such peculiarity is manifested in this research by the fact that there is no logical explanation for the low numbers of people who are found guilty of DUI on a holiday such as Memorial day (Law Enforcement Center interview, May 18, 1984: Appendix A), although the numbers of crashes usually rise dramatically during the period. It may be an erroneous conclusion that those cited for DUI are the same ones who have the greatest number of accidents, as suggested by the literature reviewed earlier.

Another problem arises when coding data in the manner described, especially for comparison studies. That is, when composite data from one month are compared with data from

the same month of another year, the days of the week do not precisely coincide. For example, Friday through early Sunday morning is the peak DUI time (Law Enforcement Center interview, May 18, 1984: Appendix A), a fact verified by statistics. But Fridays in September of 1981, the comparison group, vary two calendar days from Fridays in September, 1983, the intervention group. However, all time periods are of the same length from one period to the other, which should greatly diminish problems such as "unequal units" and "spuriousness" as is emphasized in texts on time-series research (see, for example, Cook and Campbell, 1979: 152-162; McDowall, et al., 1980: 13-86; Campbell and Stanley, 1963: 448; Ross, 1982: 16-19). There is no method of precisely lining up data without omitting some pertinent information. Since February 29, 1984 had no arrests, leap year presented no problem.

CHAPTER V

ANALYSIS OF DATA

Statistics Used in the Research

Since this research is exploratory, statistics most often used will differ from those typically incorporated in standard causal research. Here, the researcher is attempting to develop a symbolic assailant profile against any widening and penetrating effects of a campaign against DUI. Essentially, this is not causal research though the campaign can be said to cause the resultant profile to differ in degree. Therefore, when assessing the differences in an offender profile from one temporal period to another, a mean deviation test of variability (hereafter referred to as MD) and delta (change) percent are appropriate statistics. Higher level statistics such as tests of covariance, correlation, and "t" tests of significance were also run on the data, however, and these results will be included wherever applicable.

Maturation and Level Analysis of Composite Data

Figure 1 is a weekly comparison of all DUIs from September, 1981, through April, 1984. In determining the trend and level of each series in a time period prior to intervention (prior to Christmas week of 1983, when the

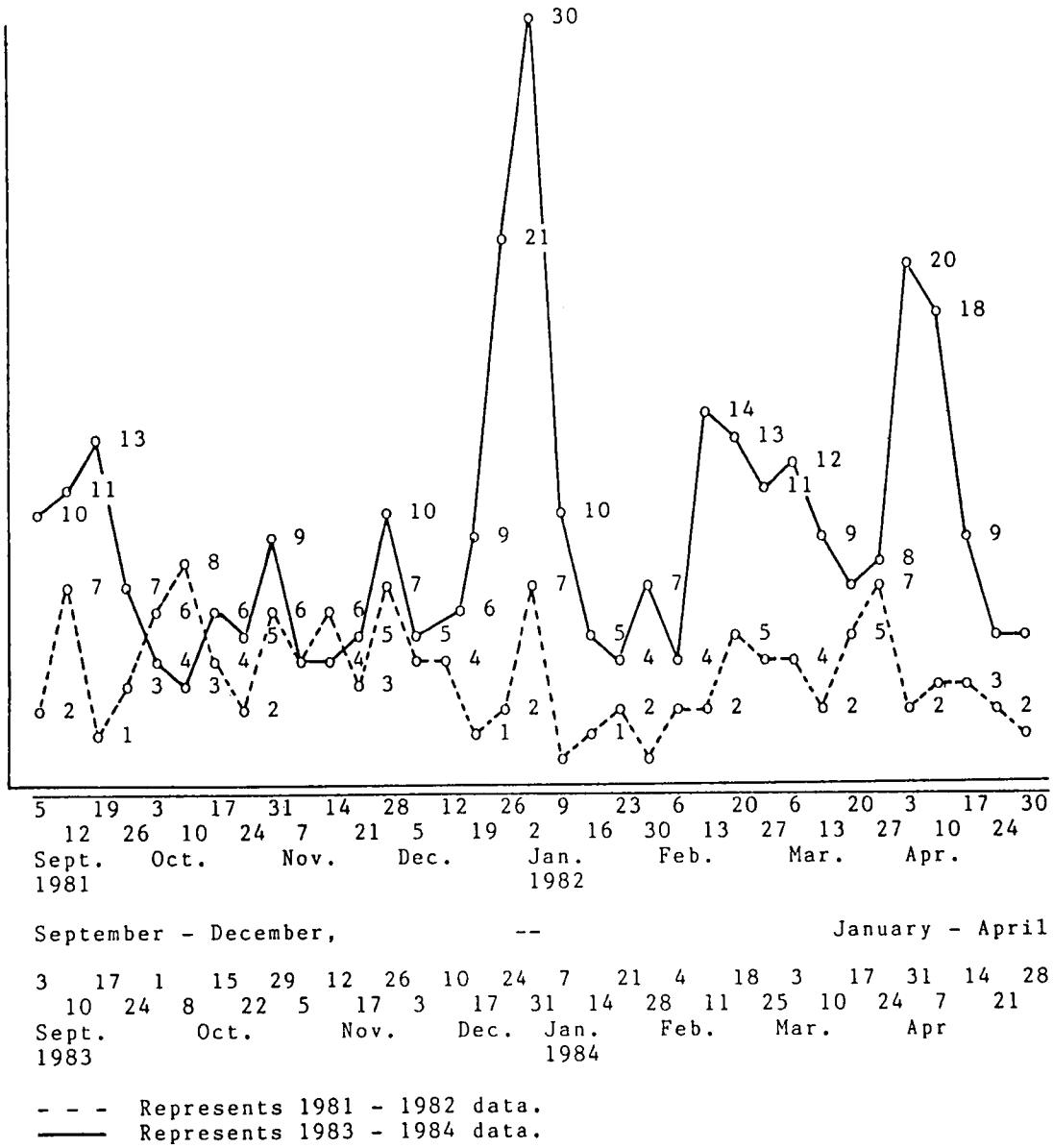


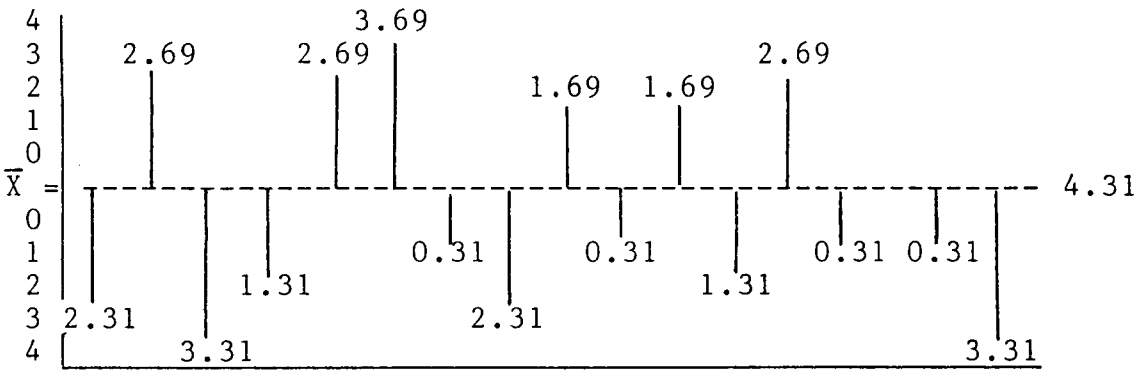
Figure 1. Comparison of All DUI Arrests, Weekly Totals, September through April, 1981 - 1982, 1983 - 1984.

combined campaign effort began), only the first 16 weeks data are used, with each set compared with the remainder of the same set and with the other data-set as well. There is no apparent upward trend in either of the series prior to December 19 for the comparison group and December 17 for the intervention group.

Analyzing the comparison group first (the dashed lines), the level begins with two and ends with one. There are several minor fluctuations, however, with raw numbers convicted of DUI moving from a low of one-per-week to a high of eight. The intervention group series begins with ten, and 15 weeks later there were nine convicted of the offense. There is a slight increase in each series for Thanksgiving week, but neither is very significant (November 26 and 28, respectively).

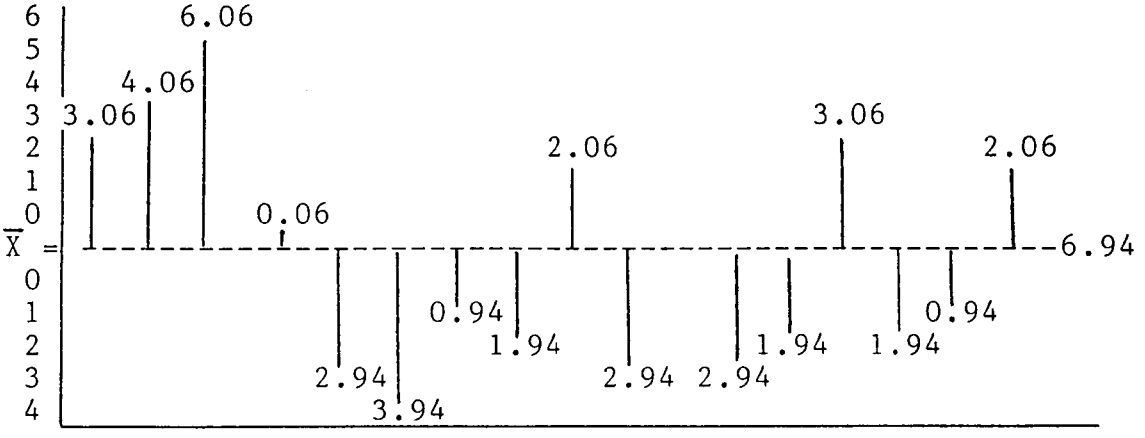
Although there is no apparent upward or downward trend for either series prior to the Christmas holidays, the level of the two series is a different story. This can be represented more graphically by extracting the 16 weeks prior to the combined campaign and figuring the respective means and (plus and minus) deviations from the means in a sequence plot of both data-sets. This is done in Figures 2 and 3.

Non-campaign data (the first 16 weeks of the comparison group and prior to the joint campaign in the intervention group) shows a mean weekly conviction rate of 4.31, with a



Standard Deviation = 2.27
Mean = 4.31
Spread = 1 - 8
Mean Deviation = 1.89

Figure 2. Mean Deviation, By Week, For Comparison Group.



Standard Deviation = 2.99
Mean = 6.94
Spread = 3 - 13
Mean Deviation = 2.55

Figure 3. Mean Deviation, By Week, For Intervention Group.

spread of from one to eight, and a standard deviation of 2.27. This compares with a mean of 6.94 for the intervention group, with a standard deviation of 2.99. There is an increase in the mean of 2.63 between 1981 and 1983. It perhaps becomes clear that the Sheriff's Department had a campaign in progress during this latter period, and it indicates either a widening or a penetrating effect, or both, depending upon the characteristics of the arrestees.

There is a combined MD of 1.89 for the comparison group and 2.55 for the intervention group. Subtracting the group scores from each other yields a rise of 0.66 in the level. Though the comparison group MD is a positive number when comparing absolute deviations, the number shows only a small increase for the first 16 weeks of the series, a rise of 0.04 when comparing absolute values above and below the line. This can be compared with a 0.65 increase for the intervention group. This difference of 0.61, along with a rise of 0.66 in the MD verifies a new "level" for the series, with more convicted for DUI on a weekly basis since the campaigns against DUIs began.

The similarity of the two data-sets, with raw data almost randomly fluctuating around a mean, strongly suggests that such variables as weather had little effect on the series prior to the joint campaign. Further, an increase in

the MD after the Sheriff's campaign began verifies that there has been a clear "meaningful effect." That is, construct validity did not present a problem. Also, the use of comparison data gives the effect of a test-retest measure of reliability, thus validating comparable groups in the process as illustrated in Figure 4.

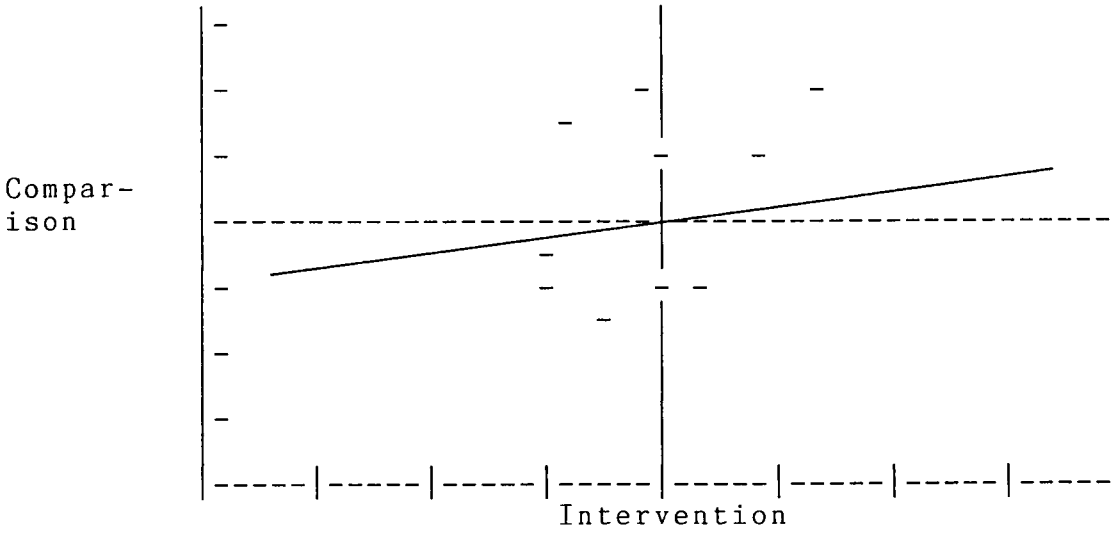


Figure 4. Scattergram of the Weekly Series.

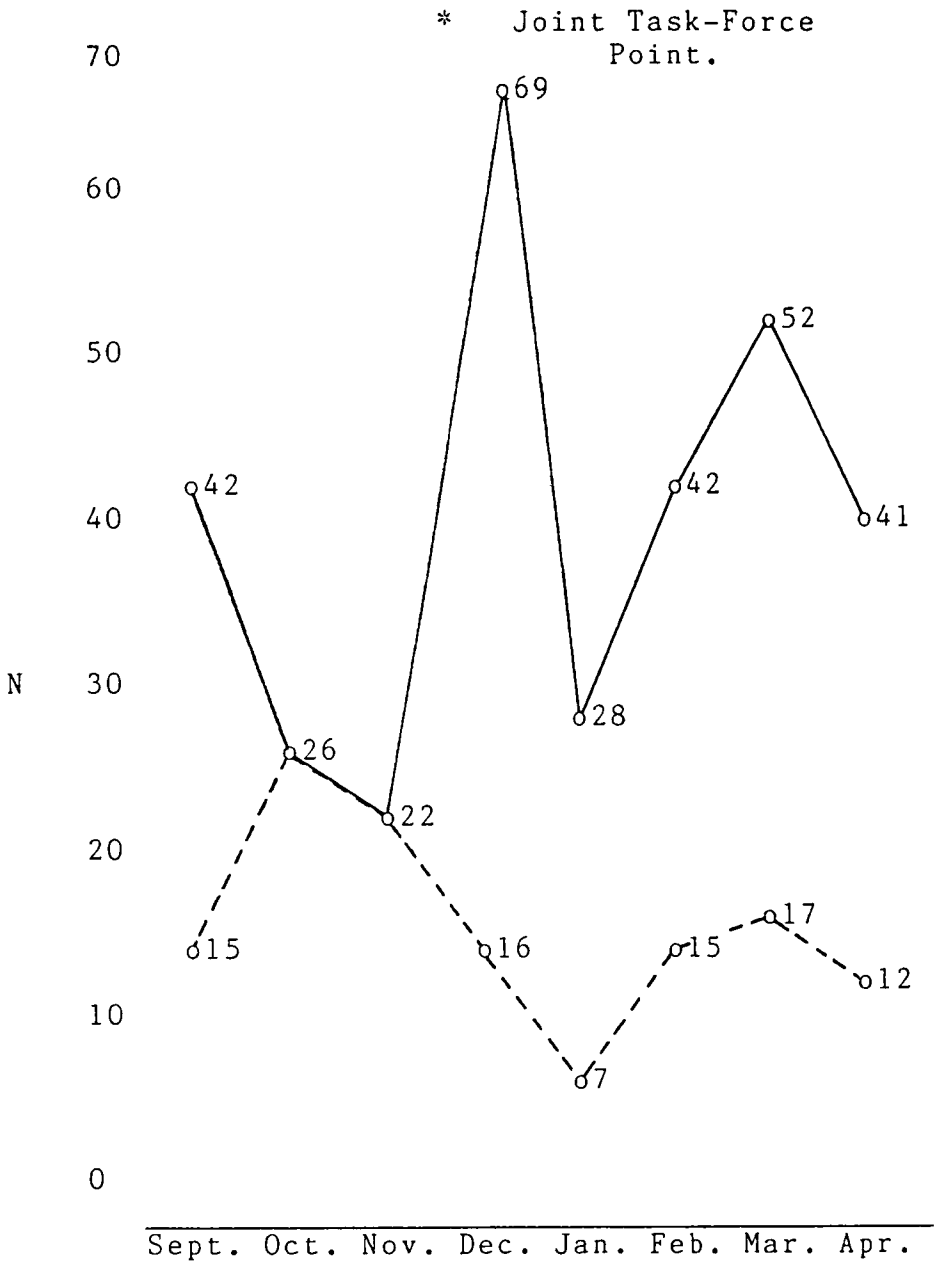
Relationship Between Data Sets

A scattergram of the data (Figure 4) verifies a slight positive relationship between the two sets of data. And, in "t-tests" of the two data sets, it was found that they are related as well. Fifteen degrees of freedom (DF) were found with a t of 3.15. The "table" t is 2.056 at the .05 level of confidence. Therefore, since t "obtained" was higher

than "table" t, the relationship was determined to be significant.

In order to obtain a different perspective, the data were rearranged into monthly checkpoints as depicted in Figure 5, and four-week totals as depicted in Figure 6. These two figures represent all convictions obtained by the Greenville County, South Carolina Sheriff's Department for the two data-sets. Few statistics are needed to see that there is a tremendous difference between pre- versus campaign data. That is, the mean for the comparison group (Figure 5) data is 16.25, whereas the mean for the intervention group equals 40.25, a difference of 24.00. When four-month periods were analyzed, the trends for September through December show an inverse correlation since comparison group data are frequently in an opposite direction from the 1983 - 1984 group. Both data sets drop significantly in the January period and both have March peaks in the second four-months data. Thus, a scatter plot for this series would show a slightly negative regression line, with a negative nineteen correlation (COVA) between the comparison and intervention groups.

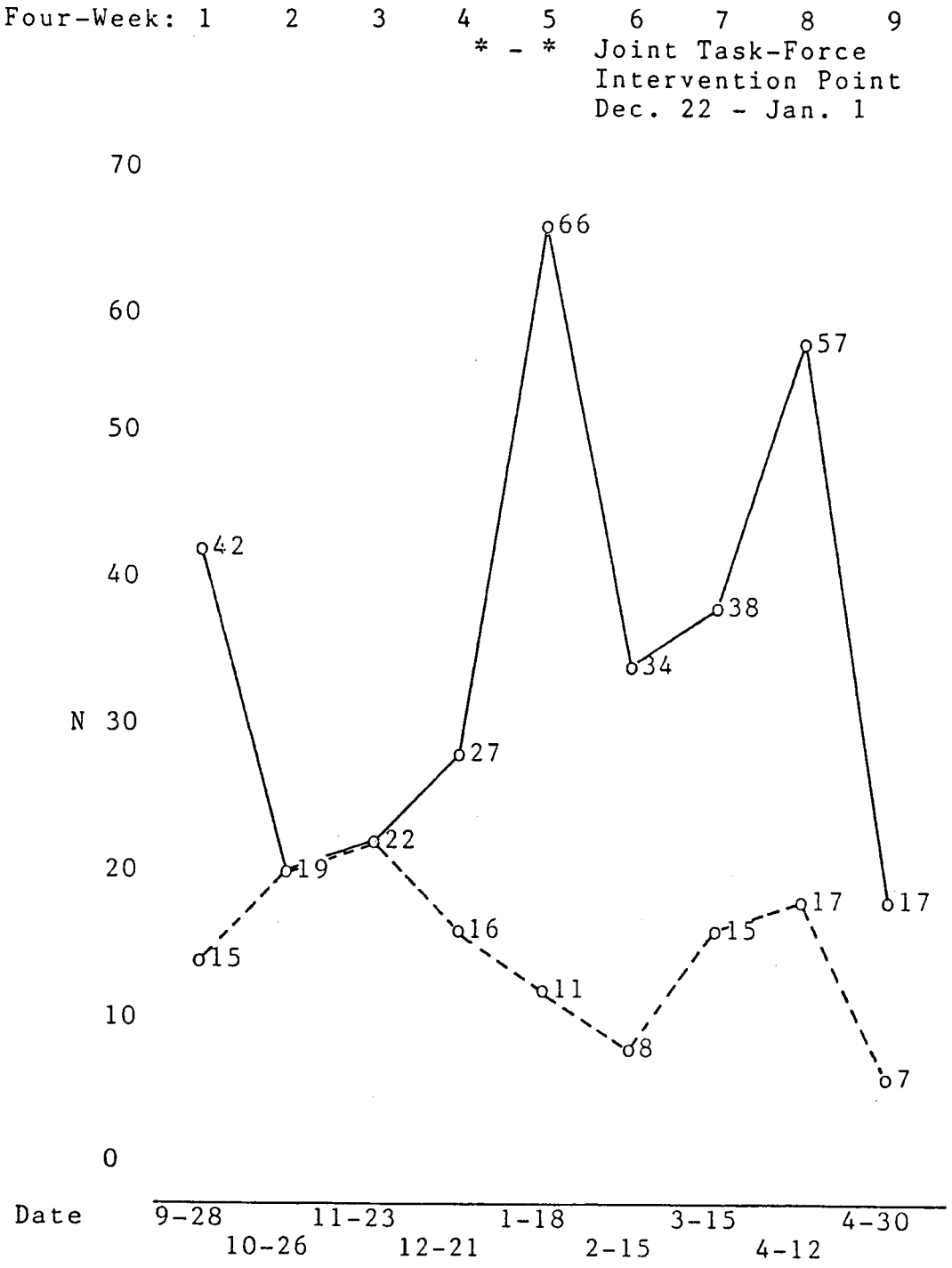
The only difference between Figures 5 and 6 is that Figure 6 data have been divided into four-week segments rather than monthly. In further explication the data have been charted in Figure 7, by day, for the full 244 daily time periods, with 1981 - 1982 data superimposed onto 1983 -



- - - Represents 1981 - 1982 data. $\bar{X}$ = 16.25.
_____ Represents 1983 - 1984 data. $\bar{X}$ = 40.25.

N = 452

Figure 5. All DUI Arrests, Monthly Totals, September Through April.



- - - Represents 1981 - 1982 data. $\bar{X}$ = 14.4.
_____ Represents 1983 - 1984 data. $\bar{X}$ = 35.8.

Figure 6. All DUI Arrests, Four-Week Totals, September Through April.

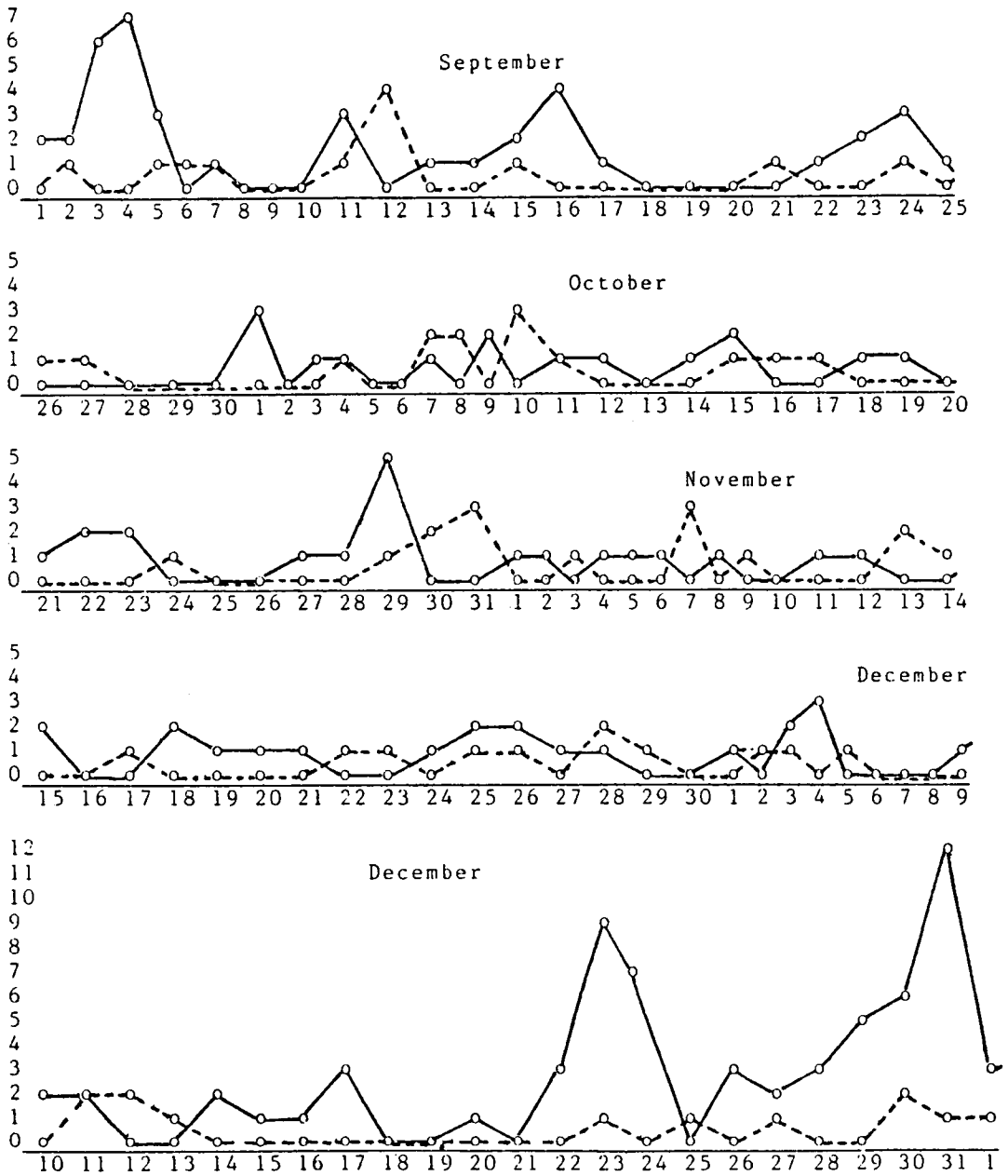


Figure 7. All DUIs, By Day, September Through April.

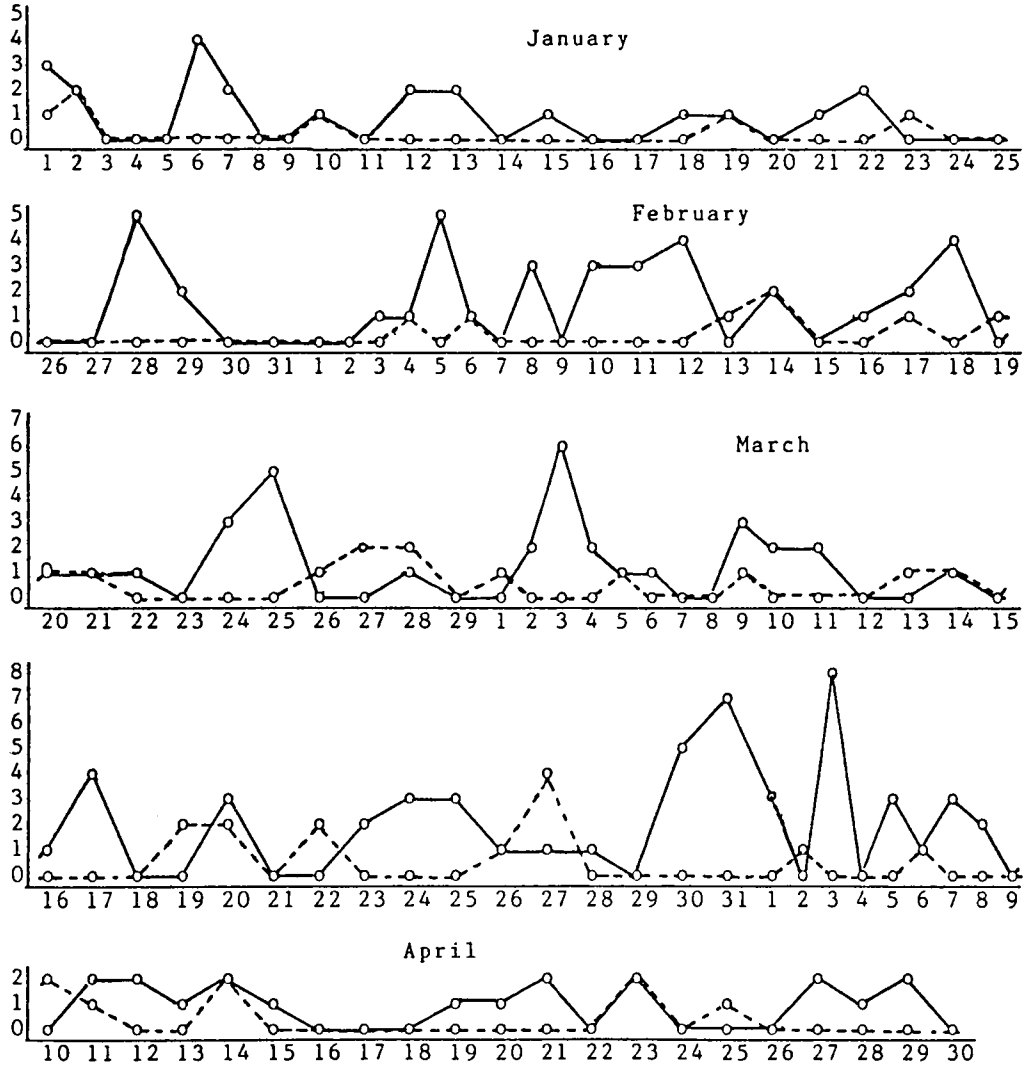


Figure 7 (continued)

1984 data. Statistics for these data have been computed as well. As expected, there are some differences in covariation and correlation, but the same general conclusions result.

Racial Data Analysis

Figure 8 reflects characteristics of racial data for the time-series. Taking the 1981 - 1982 time period first, there is an extremely small number of blacks in the sample, with a mean of 0.429 and a standard deviation of 0.655 (N=15). In 1983 - 1984 their numbers increased by 300 percent, but still accounted for an N of only 45. This translates into a mean of 1.3 (rounded), with a standard deviation of 1.259, still extremely small numbers when compared with the total number arrested for DUI in those time periods.

There were no Hispanics identified in the arrest data. Therefore, blacks represent the only minority group in the research. This closely correlates with new demographic data for Greenville County which show that blacks represent 17.8 percent of the population, and all other minorities represent only 0.6 percent (McLean and Stover, 1983: 30).

Meanwhile, there were 107 whites convicted for DUI in the 1981 - 1982 series and 276 convicted in 1983 - 1984. The mean and standard deviation for the 1981 - 1982 series is 3.09 and 2.11, respectively. For 1983 - 1984, the mean

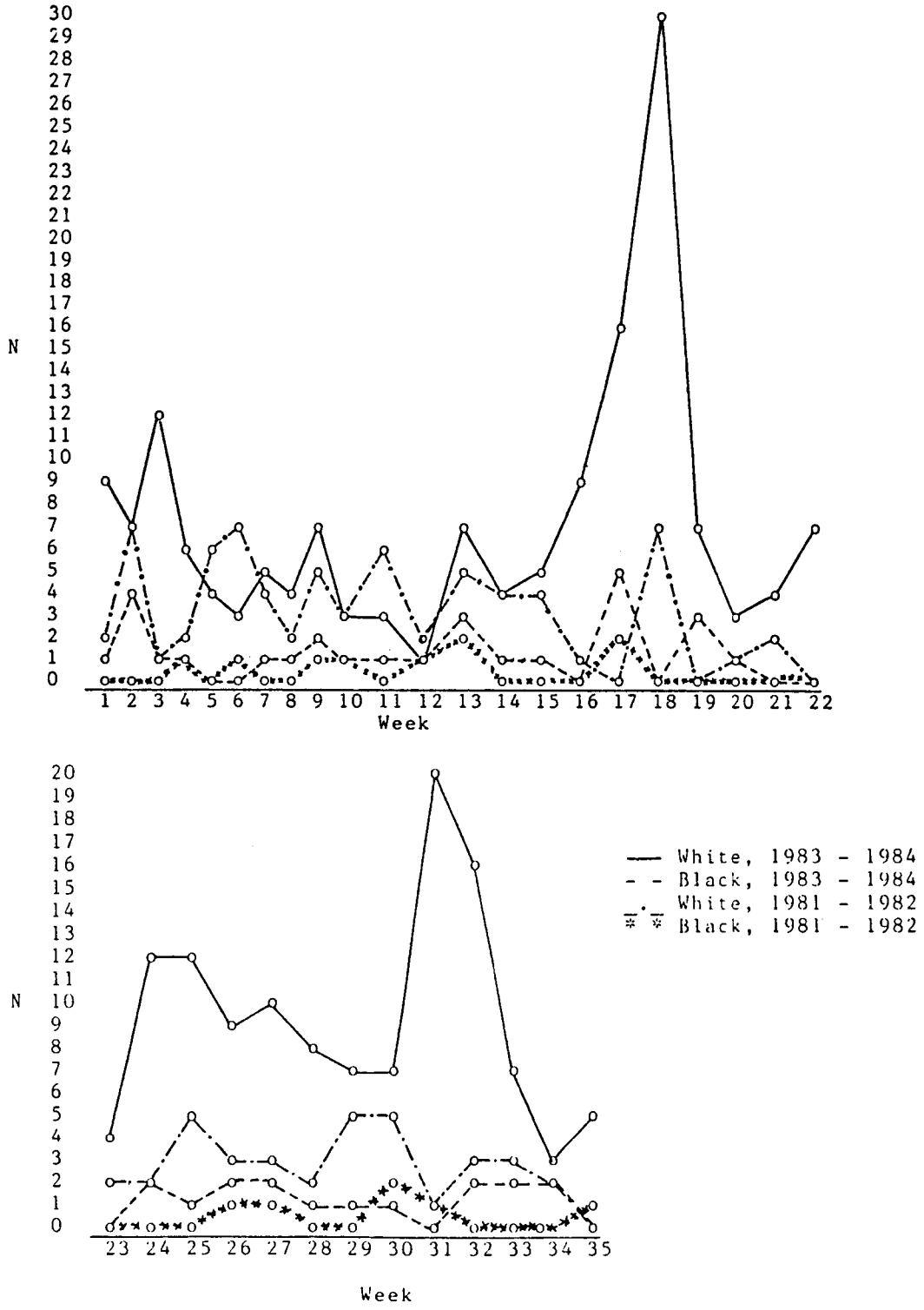


Figure 8. DUI Arrests, By Race.

is 7.94 and the standard deviation is 5.65 for whites. That adds up to 383 whites for the entire series but only 60 blacks with nine missing entries. Thus, blacks represent 17.7 percent of the totals, which almost precisely fits their population proportion in this county.

Sex Data Analysis

Sex Data have been charted in Figure 9 for the eight-month period in 1981 and 1982 as well as for 1983 and 1984. As is apparent, few females were convicted of DUI in either of the time periods. In 1983 - 1984, there were 28 females that either forfeited bond or were otherwise found guilty of DUI (* * lines). In 1981 - 1982, that figure had totaled 11 (- - - lines). This contrasts with 115 males who were convicted in 1981 - 1982 (_._._ lines), and 298 who were found guilty in the 1983 - 1984 series (_____ lines). This adds up to over a 10:1 ratio of males to females who were convicted of the 452 total. When one considers that females comprise 52 percent of the population in Greenville County (Mc Lean and Stover, 1983: 30), the small numbers of them found guilty of DUI becomes more impressive. The mean number of females convicted is 0.8, with a standard deviation of 0.76 for 1983 -1984, and 0.31 and 0.62, respectively, for 1981 - 1982. The same statistics for males is a mean of 3.29 and SD of 2.02 for 1981 - 1982 and 8.51 and 5.33 for 1983 - 1984. In short, female convictions

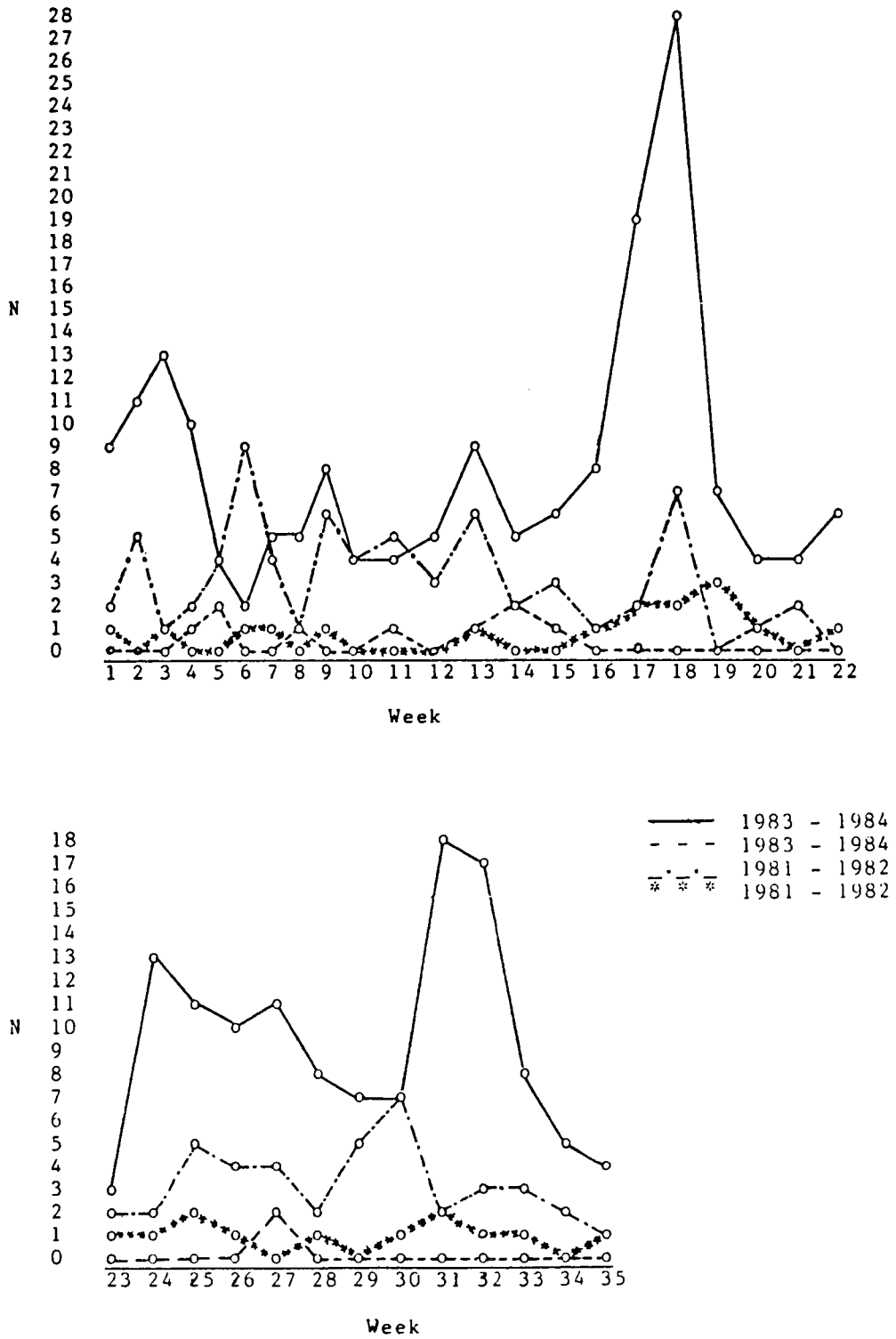


Figure 9. DUI Arrests, By Sex.

for DUI increased dramatically after a "war" on DUI began, but the rate of males convicted of the same offense increased even more dramatically. These numbers for females would be more impressive if one overlooks the low raw numbers involved in that sex's DUI convictions.

When computing delta percent (percent change), there was a 159 percent increase in the number of males convicted for DUI and a 154.5 percent increase for females from the 1981-82 to the 1983-84 data sets. This, of course, represents a significant penetrating effect (and impact) for the local campaign.

Age Data Analysis

There were 427 total cases of age data. The mean for the under-25 group in 1981 - 1982 was 1.09 with a SD of 1.04. For 1983 - 1984 this group's mean was 2.4 with a SD of 1.78. In turn, the 25 to 35 group figures were: 1981 - 1982 mean, 1.29, SD, 1.15; 1983 - 1984 mean, 3.06, SD, 2.07. The over-35 group means were 1.03 and 3.34 for the two series, with SDs of 1.29 and 2.71, respectively.

For the entire group, the minimum number arrested was zero (0) and the maximum was 14 in any one week as depicted in Figure 10. The mean for the total 1981 - 1982 series was 39.7 with a group size of 119. The mean for the entire 1983 - 1984 series was 102.7, with a group size of 308. This represents a mean increase of 63, a huge penetrating effect

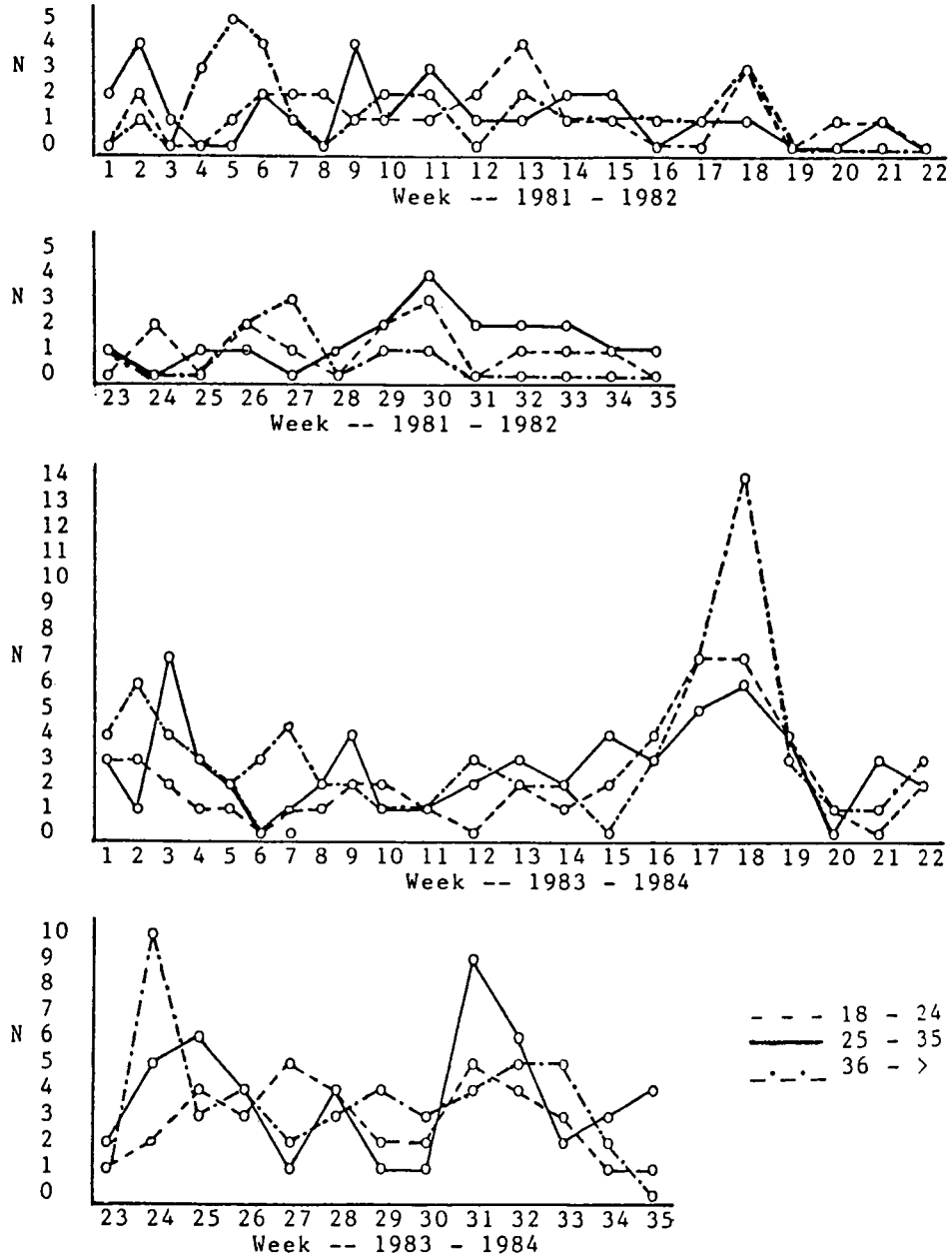


Figure 10. DUI Arrests, By Age.

for the total series with a 158.8 percent increase from one period to the other.

When comparing each age group from one time-period to another, and taking the under-25 group first, of the 122 persons in that group convicted of DUI in the total series, 38 of them, or 32 percent, were convicted in the 1981 - 1982 series, an increase of 121 percent from one series to the other. This compares with 38 percent of the 25 - 35 age group having been found guilty in 1981 - 1982 (45 of 152), a 137 percent increase, and 36 percent of those over 35 convicted in the same period. Thus, comparatively, the over-35 group had the greatest penetrating effect, moving from 36 convicted in the 1981 - 1982 series to 117 in 1983 - 1984, an increase of 225 percent. This translates into a widening effect as well, since that group had the highest percentage in the intervention series with the 25 - 35 group falling to second place (38 versus 35 percent).

Of the totals convicted in both time periods, the under-25 group had the lowest percentage with 29 percent of all convictions. The 25 - 35 age group was tied with the over-35 group with 36 percent each. However, the 25 - 35 group had been the highest in the early series, with 38 percent of all convictions.

There was an overall widening effect, then, with the most often convicted group moving from the 25 - 35 group to the over-35 group. Proportionately, as deputies apprehended

more older people, they were convicting fewer younger ones. Raw numbers increased dramatically for all age groups during the campaign period. These percentages are presented in Table 4 to better clarify these data.

Table 4. Percentages of DUI Convictions, By Age and Date.

	Under-25	25 - 35	Over-35	
1981-1982	38	45	36	(N = 119)
1983-1984	84	107	117	(N = 308)
Total	122	152	153	(N = 427)
1981-1982 %	32%	38%	30%	(100%)
1983-1984 %	27%	35%	38%	(100%)
% of total (rounded)	29%	36%	36%	(N = 427)

CHAPTER VI

BEYOND AGE, SEX, AND RACE: AN UNOBTRUSIVE MEASURE OF SES

Introduction to the Study of SES and DUI

SES characteristics are included in almost all crime and problem drinking studies and are thought to be a highly important indicator of any "social implications" present in those studies. SES is therefore included as an addendum to the primary characteristics in the DUI offender profile. The methodology used in this study of SES is by participant observation and interview techniques, i.e., an unobtrusive measure for the most part, and is therefore separated from other offender characteristics due to its "soft" nature. It is important that the reader be aware of the preceding literature review sections since most of the cited literature included some elements of SES--which would be redundant if repeated here. Some additional reminders of the appropriate literature follow in order to emphasize the importance most researchers place on SES characteristics.

In a comprehensive study that compared SES and DUI, Cosper and Mozersky (1968) found few differences in drinkers, levels of BAC, or drinking problems among SES groups. However, this same Cosper-Mozersky "study found a larger proportion of heavy drinkers among non-Whites

[although] non-Whites were, on average, less likely to be drinkers" (in Collins, ed., 1981: 234. Also see Sterne and Pittman, 1972; Black, 1970; Samuels, 1976). Further, another "large survey of [DUI] offenders reported by Fine, Scoles and Mulligan (1974) reported that Blacks have more serious drinking problems than Whites" (in Collins, ed., 1981: 234). And Zylman (1972) found non-whites had more collisions, but that this was likely due to SES rather than race, concluding that drunk driving is a characteristic of lower SES drivers, especially non-whites (in Collins, ed., 1981: 234, 235).

The literature thus abounds with examples such as these. Most, however, show a relatively high correlation between race and SES. Perhaps this feature is unavoidable since the lower SESs are overrepresented with minority groups, both blacks and browns.

The following section reviews the methodological reasoning behind the attempt to uncover an SES attribute in the present study.

Rationale Behind the SES Study

In an interview, a deputy stated that most people he arrests for DUI are from the middle SES. However, when questioned further regarding this statement, it became obvious that he was basing his estimate primarily on "plenty of money" (Law Enforcement Center interview, May 18, 1984:

Appendix A). This same deputy then stated that his usual "beat" was the "eastside," a higher SES area than most tavern areas. (The term "tavern" is used in this research interchangeably with "pub," "nightclub," and other more euphemistic terms, and simply means "drinking establishment.") Still, when questioned further, three of four deputies interviewed believed that most DUI arrestees in Greenville County were lower-middle to middle SES.

Since most studies use the three indicators of occupation, education, and income to determine SES, feedback from deputies was allowed to serve only as one of several indicators used to assess socio-economic status for this study.

The guiding rationale behind the quasi-empirical attempt to uncover the SES of DUIs is that taverns are closely correlated with the socio-economic status of their clientele, i.e., lower SES clients patronize lower SES taverns. This is followed by the argument that most DUIs are arrested near their tavern site. Therefore, if research could determine the stratum of each tavern and determine that its clients were of the same socio-economic group, then a reasonably accurate SES profile would result. In illustration, if 20 percent of arrest sites have obviously lower SES taverns nearby and 20 percent of all people drinking on a Friday evening were in those same taverns, then proportionately, that percentage of arrestees can be

considered as belonging to the lower SES group, provided that proportion of DUIs were also arrested near the same drinking sites. In order for such a finding to be meaningful, however, a careful visual inspection of the arrest sites had to be undertaken, with tavern sites assigned "class" levels. Then a determination had to be made that most DUIs were cited near the tavern in which they drank, with an actual head-count done in each tavern to determine proportions.

An argument for the point that most DUIs are arrested near their drinking sites is closely related to surveillance and apprehension methods used by Sheriff's deputies in the performance of their duties. Insight into these methods was gained while on patrol with deputies, further surveying drinking sites, and through use of an interview (see Appendix A). These patrol methods used by deputies are presented next.

Surveillance and Apprehension Methods of the Police

Surveillance and apprehension techniques vary according to individual officers, but usually a particular deputy will patrol an area which he knows best (they do switch occasionally). One deputy informed me he uses "rear-view mirror" tactics for the most part, watching through his rear-view mirror for impairments in drivers he has passed on the road--or who come up behind him too fast. Most others

use a "head-on" approach, watching drivers they meet or who are in front of them (this is made easier by two-way doppler radar units installed in traffic vehicles). Most often this involves the deputy speeding up behind another vehicle to observe more closely any DUI clues. If they see a suspect going in the other direction, a quick "U" turn and short chase will usually result in the apprehension of the driver within a half-mile. It must be added that most people stop within a very short distance after the blue lights are switched on.

In further investigation to determine if DUIs were arrested near their drinking site, one deputy was questioned directly while on his regular patrol regarding the amount of time he spent on main roads versus side roads (May 26, 1984). His answer was that most of his patrol was on main roads due strictly to the percentages of cars there. This was verified during the "ride" that evening and on three other occasions while patrolling with deputies and investigators. In short, most (estimated at around eighty to ninety percent) of the patrols were done on main roads, with secondary roads used primarily as shortcuts to travel to another main road or while on a non-DUI call, such as a break-in. In several cases, cars that were followed were visually detected as coming from tavern parking lots. Additionally, the same deputy informed me that many people seem to be changing their drinking routines due to the

highly publicized campaigns, drinking all evening in one tavern rather than "tavern-hopping," and driving to the tavern alone so that they can drive straight home rather than making the route longer by dropping off passengers. This is further support for the contention that most DUIs are apprehended near their drinking site, since the drive home is usually shorter now than before the campaigns.

Whichever surveillance technique is used is up to the deputy, but in every case he must be wary of "entrapment" violations. This means simply that a deputy cannot use a "parking" stake-out of a tavern and watch for a drunk to stumble out and drive away in his car. If the deputy sees such a person, he must arrest the person for other than DUI or stop him from driving in some other way. Thus, surveillance of tavern areas are usually of the "moving" variety (Law Enforcement Center interview, May 18, 1984: Appendix A). That is, as the deputy drives back and forth in a high traffic area, if he spots an impaired driver, he can legally make a DUI arrest, perhaps putting as much as 200 miles on an odometer in a single eight-hour shift (interview with a deputy while on patrol, May 26, 1984).

In order to "make a case" against the driver, an inordinate amount of time must be spent in building the case, first using "field sobriety tests" such as "walk the line while repeating a set of numbers," etc. (Law

Enforcement Center interview, May 18, 1984: Appendix A; observation while on patrol, May 26, 1984).

If an arrest is made the next step is to wait for a tow vehicle and then to administer a BAC test (at times, in conjunction with a video tape of the suspect). The BAC test cannot be administered by the arresting officer and the officer who does administer the test must be certified. Therefore, two deputies are pulled off the streets each time a DUI suspect is arrested, with the total arrest proceeding often taking three or more hours for the arresting officer and one or more hours for a colleague. This is one reason officers will never be able to apprehend even a small percentage of people who drink and drive. Two officers assigned to an eight hour shift cannot possibly apprehend and "book" more than three DUIs each, since it takes around three hours to go through the entire process with each arrestee.

In addition to the time problem, the BAC test poses problems of its own. One of these is reliance on its use by some as the sole measure of involvement. While the BAC test is an accepted measure of involvement in this state (it is prima facie evidence in South Carolina, but is refutable), it is only one tool of several which must be used in building a case in the event a suspect requests a jury trial (Law Enforcement Center interview, May 18, 1984: Appendix A). Some sixteen states have a "per se" law in which the

BAC test (or its counterpart) is irrefutable evidence of guilt, but not South Carolina. However, most drivers (over 90 percent) charged with DUI forfeit bond according to deputies, especially for first offense DUI (Law Enforcement Center interview, May 18, 1984: Appendix A). This is authenticated by ticket data.

Another problem with the BAC test is that it does not give any indication of substances in the blood other than alcohol. The latter fact may allow drivers impaired on other substances the freedom to drive with relative impunity, thus favoring people who can afford more exotic substances.

Given these problems, it is at least plausible to expect that the "class" of taverns in a particular area is also indicative of the SES of its clientele.

SES Decision Criteria

SES decisions were made using the following criteria. First, arrest sites were surveyed visually to obtain a "general impression" of the overall condition of the area. Next, each tavern was inspected to determine which taverns were in close proximity to normal patrol routes. SES percentages were assigned based on general area conditions, internal and external, tavern conditions, numbers of clientele in each tavern, clientele dress, and clientele automobile type and condition. In example of the latter, if

the tavern clientele's transportation was either generally rundown or a pickup truck, they were assigned a "lower SES" rating on that item. Data collection of the taverns and clientele was done on non-holiday Friday evenings, the same general hours that the DUI detail works.

SES Data Analysis

In summary of the findings on SES criteria, there were judged to be fifteen tavern sites on the "eastside," on or within easy reach of main thoroughfares--which are patrolled more heavily. In turn, there were twenty-five taverns which were included in the "southside" area, fourteen in the "westside" and only twelve in the "northside," a less densely populated section of the county. Using the criteria previously cited, over 80 percent of the taverns surveyed were judged to be lower SES.

More subjectively, while riding on patrol, one deputy was questioned about the "dangerousness" of a particularly rundown tavern site (May 26, 1984). Thereafter, he pointed out several taverns which had killings, fights, and disturbance calls of which he was aware. This, too, could represent an lower SES criterion, even though one such tavern that had a killing in recent months (and its patrons) was included in a higher class group. Although not used in this study, its utility should be examined in further studies.

After the tavern sites had been surveyed, DUI arrest sites were randomly assigned, matched with tavern conditions, clientele dress, numbers of clientele in those taverns, and proportions assigned. It is estimated that slightly over fifty percent of the DUIs who either forfeited bond or were found guilty were of the lower SES. This is significantly higher than their proportions in the population, which is estimated at around 30 percent in the local area when including upper-lower SESs in that group. Thus, the lower SESs are significantly and proportionately overrepresented in DUI statistics in Greenville County.

These data support the folk crime contention, although not strongly, that folk criminals are from all SES groups. They are also supportive of the Hyman (1968) study which found a "clear negative relationship between social status and 'accident vulnerability'" (in Collins, ed., 1981: 234. Also see Cosper, 1979: 886). If 50 percent of DUIs are from the lower SES, and if there proves to be a causal association between those apprehended for DUI and those who are in accidents, then perhaps an appropriate social control target group in DUI cases would be the lower SESs.

CHAPTER VII

RESEARCH FINDINGS, CONCLUSIONS, AND IMPLICATIONS

Research Findings in Brief

When reexamining the objectives and findings of this research, the following conclusions are warranted.

1. DUI is indeed a folk crime and will remain in that category until such time as the public, the legislature, and police all agree that the violation is serious.

2. By using traffic citation/conviction records as a data source, the most redundant characteristics of DUIs were determined. The symbolic assailant is over 25 years of age, male, and caucasion.

3. Widening and penetrating effects resulted from the campaigns, but not completely in line with expectations gathered from mainstream criminological literature. They were highly correlated with folk crime expectations, however.

4. The folk crime of DUI cuts across all SES categories, but predominates in lower ones.

DUI as a Folk Crime

The conclusion that DUI is a folk crime is based primarily upon the ideology of the police, judiciary, public, and lawmakers. None of these groups look at DUI as

a "serious" form of crime. Indeed, many of them seem to vascillate in calling it a crime at all. Many people drive their cars while impaired due to substance abuse, relatively free from prosecution, and with free consciences. Legislators have traditionally not considered beer and wine as alcoholic beverages, and there is still a huge disparity in sentencing practices among judges who have DUIs in their courtrooms.

Except in rare circumstances, collisions while DUI are not considered serious. They are still called "accidents" by the police, judges, legislature, and driving public, even when someone is killed or injured as the result of a DUI collision. Paradoxically, these judges and police are the same ones who judge the killing of a human being done in conjunction with a robbery as murder. There is a double standard in effect in our courtrooms, then, with folk crimes adjudicated with a different set of rules than crimes thought to be more serious. This general standard holds true even though DUI related auto collisions probably kill, injure, and cost more in monetary terms than all the more feared muggings and other "personal" crimes combined. Certainly, as was shown in the preceding sections, DUI "accidental" deaths are higher than all other categories of accidents.

As was shown by literature reviews, all of the above elements are present in almost all folk crimes, and the

ideology of the public and bureaucracies must change before DUI can be removed from the list of folk crimes and placed in a serious crime category. It may be that this body of attitudes is slowly changing, however. For example, new laws have been passed by the South Carolina State Legislature since the campaigns began. The law now refers to the milder alcoholic beverages (beer and wine) as alcohol, the official drinking age has been raised, an "open container" law states that drivers cannot drive with open beverage-alcohol containers in their automobiles unless the container is "locked in the trunk," mandatory sentencing laws for DUIs have been passed which gives the judiciary less discretion, and groups such as MADD are rallying public support for such laws. This new ideology is not only on a local level, but seems to be evidenced on a national level as well with Congress passing a "national" bill which would coerce the states into passing laws mandating 21 as the legal drinking age. Further, some 16 states have adopted a "per se" law which judges a BAC test as absolute proof of guilt or innocence.

There is a long way to go before DUI is considered a serious law violation, however, in spite of the changes in ideology and law. Alcohol industry commercials still extol the virtues of drinking their products, juries still fail to convict those DUIs who kill and injure others on the highways, and judges still refuse to hand out mandatory

sentences for many of those in their courtrooms. All of these items need to change before DUI can be removed from the list of folk crimes. But, perhaps of more importance, the double standard that exists for folk crimes vis-a-vis "serious" crimes must be changed for the latter to include DUI. No mere bureaucratic rule toughening or making of new laws will do, however. A change in ideology is needed which emcompasses the bureaucracy and the public. Patterned evasion of DUI laws is still the rule and will remain so until such change occurs.

The Symbolic Assailant Profile: Age, Sex, Race, and SES

The mainstream theoretical premise that relegates the young, lower SES, black male as the prime candidate to fill the role of symbolic assailant has not been supported in the case of DUI. In stark contrast, the typical profile of the DUI corresponds closely with the literature on folk criminals: white, male, and typically over 25 years of age. The age characteristic is especially true when a campaign against DUIs is in progress, since a widening effect was evidenced with age groups, with the mean age increasing significantly. The only characteristic that is in doubt is the typical DUI's social status. There is a 50 percent chance, however, that the offender belongs to the lower SESs if we include blue-collar and lower white-collar workers in those groups--as was done in this research.

As was mentioned in the literature review in Chapter 1, folk crimes are atypical crimes, and folk crime perpetrators are atypical criminals. For example, the crime of evading income taxes is probably practiced by a majority of middle and upper SES individuals in today's society, and is looked upon as a folk crime--as long as it does not get out of hand. The same is true for social security fraud (chiseling), with an accompanying attitude of "it's my money anyway." This latter crime is committed by a cross-section of SESs, races, and by both sexes. Further, some white-collar crimes are almost totally ignored--even laughed at--by many in society. These crimes are committed mostly by the middle and upper classes due to opportunity and include such things as embezzlement, illegal manufacturing practices and price fixing, to name a few. These practices are often seen as mere "deviance" and at times as "good business" rather than "real" crime and are widespread in business and government (see, e.g., Ermann and Lundman, eds., 1978). The typical profile of the white-collar criminal in fact comes closest to fitting the DUI profile, with both DUI and white-collar crime committed by white males, most of whom are past 25 years of age.

Thus, the profile found in this research differs dramatically from what one might expect from current literature reviews unless one turns to folk crime theory. Simply because there is a high incidence of lower SES,

black, male and female problem drinking and social consequence problems does not mean that that group will record DUI disproportionate to their numbers in the population. Evidently that is too large an inferential jump. Correlation does not necessarily prove cause.

That brings us to the widening and penetrating effects of the variables in order to specifically answer the research question regarding the age, sex, race, and SES characteristics of the typical DUI--before and during a campaign.

Widening and Penetrating Effects of a Campaign

Age

The single proportionate difference in the offender profile from pre-campaign to campaign time is age. In the period before campaigns began, the 25 to 35 age group was dominant, accounting for 38 percent of all those convicted. After the campaign began, that group dropped to 35 percent. Meanwhile, the under-25 age group percentages also declined from 32 to 27 percent. The over-35 group, which during non-campaign time was 30 percent, escalated to 38 percent during the campaign period. Sixteen-month percentages for the over-35 group are high as well, with that group accounting for an average of 36 percent of all DUIs in Greenville County during both time-series. Thus, when looking at the

two data-sets comparatively, there is a widening effect occurring during the intervention period. In other words, proportionately more of a different age group became involved in DUI during campaign periods, with the Sheriff's dragnet widening to catch proportionately more of the over-35 group than before. Using raw numbers, an overall age-related penetrating effect was present as well, since more of all age-groups were apprehended during a campaign than before, but not proportionately so. This is in line with literature reviews that conclude that "problem drinking" reaches a peak in "people aged 35-50" (DeFleur, 1983: 108), but may disagree with the same research that states teenage problems with alcohol usually results in "drinking-driving episodes . . . " (DeFleur, 1983: 108). Proportionately, and in accord with the folk crime literature, fewer young people are involved in local DUI figures than the other two groups, with the proportions actually dropping during a campaign--though raw numbers did increase dramatically for all groups.

Sex

Females were underrepresented in DUI convictions, both before and during the campaign against DUI. Prior to the campaign, their numbers were extremely low, but almost tripled during the campaign. There was a penetrating effect for females, then, and a widening effect as well. Still,

their numbers remain extraordinarily low compared to their proportions in the population.

Age and Sex

The folk crime literature predicts that fewer women than men of all ages will be involved in folk crimes and DUI. This was supported in this study. When reviewing the data in an attempt to uncover an age-sex correlation, it was discovered that the average age of females who were convicted for DUI was 35.69 in 1981 - 1982 and dropped slightly to 35.5 in 1983 - 1984, a mean total of 35.59. This contrasts with an average age of males in the 1981 - 1982 period of 32.5 and 33.64 in 1983 - 1984, with a mean total of 33.07 for the entire series. Thus, the average age of women convicted of DUI in a campaign is higher than for men by almost two years and over three years in pre-campaign periods, with men's average age rising during campaigns and women's dropping.

Some studies support this finding in that they show women drinkers tend to drink more in isolation, whereas men tend to drink socially more than women--which often means away from home. But more than that, it lines up with the finding that men simply drink more than women (DeFleur, 1983: 106). However, a Department of Health, Education and Welfare (HEW) report found that almost "all younger women drink--in sharp contrast to older women, most of whom do

not" (in DeFleur, 1983: 106). The HEW study is in accord with Wechsler and McFadden who are representative of several recent studies of adolescent alcohol use in finding a high similarity between male and female drinking patterns (1976: 1291-1301), but may not be in line with the finding that "many female problem drinkers do not begin seriously misusing alcohol until middle age" (in DeFleur, 1983: 106). That latter finding closely corresponds with this research, however, with more older women caught while DUI. Further, the fact that women are drinking as much as men evidently does not infer that they drive while drinking as much. This conclusion can also be reached by reviewing the folk crime literature.

The studies cited above line up in some ways with folk crime literature, but if adolescent females are drinking as much as males in accord with the HEW study, they evidently are still not driving as much while drinking. There were few women of any age convicted of DUI, but there were more women over 25 than under in the sample even though the mean age of females dropped slightly. Still, it must be remembered that there were relatively few women in either sample.

Proportionately, there were fewer young people and males convicted during the campaign period than before the campaign began. However, many more older (over 35), white, males were convicted, a general widening and penetrating

effect for that group, and proportionately fewer in the 25 to 35 age group were convicted. These findings during campaigns are precisely in line with folk crime theory.

Sex and Race

Of the males convicted in 1981 - 1982, blacks represented just over 12 percent of the total. In 1983 - 1984, 45 black males were convicted (of the 321), which represents slightly over 14 percent. This is disproportionate to their numbers in the local population--which is 8.8 percent. (The total percentage of blacks in the County population is 17.7. It is assumed that approximately half that number are males.) If these figures are meaningful, then a campaign against DUI produces proportionately more black male convictions than in a non-campaign period. Thus, a widening and penetrating effect was present for that sex and race. Overall, however, many more men than women are convicted for DUI, both black and white, during campaign and non-campaign periods. This represents a highly significant penetrating effect for males as a category, accounting for approximately 88 percent of all DUIs convicted during each period. This latter finding agrees with folk crime theory as well as UCR data.

Almost incidentally, the average age of black women who are DUI is 37.75 for the campaign time and 51.5 for the non-campaign period. It must quickly be pointed out that their

numbers are extremely small. This does represent an inverse penetrating effect for older black women, however, if the data are meaningful.

SES

The SES of the DUI offender would seem to be the only characteristic other than sex that is even marginally associated with crime of a serious nature, with half the DUI convictions attributed to the lower SES (and mostly male). However, in the case of DUI, it is a significant but not an overwhelming majority as it is in so-called "serious" crime. Thus, SES is meaningful in prediction of DUI only to an extent. Still, it can be said that the specific folk crime of DUI is an all SES category of crime, with around 50 percent lower and 50 percent middle and upper SES. Further, as with most other crime categories, it is estimated that less than five percent of DUIs are of the highest SES groups. This latter estimate is based on arrest site data.

Conclusions on Widening and Penetrating Effects

The folk crime literature is correct in supporting a contention that the symbolic assailant who is most responsible for "feared" crimes ("index" crimes) differs dramatically from the symbolic assailant who is responsible for most DUI convictions (or folk crimes in general).

The "typical" criminal who is stereotyped as young,

black, and male, is not convicted for DUI nearly as much as the older, white, male in this study. And, perhaps this means that the police are not looking for the young, black, male to commit the crime of DUI. If so, this is an important implication of the study, as explained in the following paragraphs.

Conclusions and Implications of the Research

On Composite Data

One influence on the results obtained in this research may be that the Sheriff's patrol works primarily at night. And, as was stated in preceding sections, clues that lead to DUI apprehension are not the same ones that most deputies use in daylight hours or in solution of other crimes. The deputy is forced to look for driving clues rather than people clues of DUI. Perhaps, then, that is a significant finding which may lead to the following conclusion.

If the police are not looking for particular people to commit particular crimes, it may well be that a more representative cross-section of offenders is actually caught. Police have tremendous discretionary power in arrests for folk crimes in general and DUI specifically, and in truth they could allow the offender to evade prosecution even after stopping them. However, with pressure being applied from the top down in the case of DUI arrests, and

with relatively few tickets being "fixed" by the powers that be (the deputies are aware of this and mentioned it in the interview held in the Law Enforcement Center on May 18, 1984), they seem determined to process suspects through the system even with marginal BACs and little corroborating evidence. Still, a caveat is in order which has to do with detection methods.

Evidence looked for in determining DUI still incorporates the use of smell in trying to detect the presence of alcohol in field sobriety tests. In turn, DUI has been interpreted to mean driving while impaired due to any substance, even legal ones. However, over 99 percent of DUIs are convicted of driving under the influence of alcohol and not other drugs, which are not detectable with use of a breathalizer. (This is where a video tape of the arrestee can certainly aid in conviction.) Surely this has some correlation with drivers not being processed through the system and is a serious implication in all DUI arrests. It means that drivers who can afford more exotic illegal substances or who can afford a medical doctor to write a prescription for drugs which can impair driving are quite often avoiding DUI arrests. If true, this means that an unknown number of individuals are driving while impaired, but are not processed through the system. This, of course, implies that lower SES groups of all races will be

overrepresented in DUI statistics as the above findings support.

On Black DUI Data

Perhaps, one reason that black DUI commission rates are as low as they are (proportionate to their numbers in the population instead of higher as the mainstream crime literature implies) is due to differential opportunity as much as any other reason. For example, it was never considered (in mainstream crime literature) that blacks being overrepresented in the lower classes might reduce their chances of DUI. They simply do not have the opportunity to commit DUI for at least two reasons; they cannot afford automobiles to travel to areas outside their communities and drink socially, and neither will this lack of economic resources allow them to build their taverns outside their primary living areas in the housing rings around the inner city.

Dating patterns for blacks seem to be largely endogamous as well. Even though the literature is presumed to be correct in stating that blacks have more drinking problems and higher social consequence rates than whites, from their homes they can either walk or take public transportation to the tavern and then return to their date's home, thus avoiding apprehension for DUI. In turn, it must be remembered that black males have extraordinarily high

conviction rates when compared with black women--the same as whites. This may at least imply that the literature is wrong and their drinking patterns correspond closely with whites.

There is another component that may add to black drinking patterns which avoid DUI. This component may be linked to segregation patterns both locally and nationally. That is, blacks avoid white taverns, staying mainly in their own areas of the city--with few blacks living in rural areas--drinking mainly in black taverns. In turn, whites also avoid black taverns, but they have a much larger choice and more have the economic means to travel to the white tavern of their liking. White housing areas are mostly suburban/rural as well, in contrast to mostly urban black housing. This seems to be a self-imposed segregation pattern that has existed for many years in the south and was cited by deputies in the Law Enforcement Center interview of May 18, 1984 (see Appendix A).

Soft evidence gained while on patrol with deputies also led the researcher to conclude that deputies do not patrol black tavern areas as much as white areas, which would make blacks less vulnerable to detection even if they drove their cars to and from taverns. But they seem not to drive to drinking establishments nearly so much as whites. When surveying black taverns, there were few automobiles in their parking areas, due in part to the location of the taverns in

and around living areas, making taverns accessible to a walking clientele.

On Sex Data

When talking with deputies about why female DUI rates are lower than males, their answers were unanimous; females do not often drive automobiles when they are out drinking with men, and they seldom drink to excess when they are drinking alone in sites away from home. One deputy informed me that he had seen women on dates who were "stone sober," but an "obviously drunk" male was driving the car. In fact, some females with a tipsy mate seemed relieved that they were stopped before he wrecked the car and killed someone. Still, she would not drive (paraphrased from an interview while riding on patrol, May 26, 1984). Whatever the reason, females seem not to drive when drinking nearly so much as men. Therefore, even if forecasts are correct and females are beginning to drink as much as men, they will still evade DUI prosecution more, simply because they will not drive as often in coed recreational drinking activities. Again, this fits well with folk crime theory.

On Future Legislation

Evidence from research would seem to preclude legislating DUI out of existence. Too many attempts have been made in this direction in the past, all with the same

general results. For example, Prohibition, as outlined in Chapter 1, was an attempt to outlaw beverage alcohol in the U. S. It failed as did legislation against other drugs, such as opiates, cocaine, and marijuana. When legislation was passed by "moral entrepreneurs," the drug in question went "underground" and its distribution taken over by organized crime, and/or the drug's use shifted to a different segment of society. In no case was use of the drug totally abandoned and in many cases consumption of the drug actually increased (see, e.g., Thio, 1978: 306-309). Further, when mandatory or overly severe penalties are exacted by the legislature, the police refuse to process marginal cases and judges refuse to hand down maximum penalties. In turn, when laws are not rigidly enforced, the public refuses to obey them. And when unwanted laws are created by the legislature in opposition to the general morality of the public, both the public and police ignore them in opposition to a deterrence model. Only when there is a juxtaposition between law, public ideology and morality does uniform obedience to laws occur. Durkheim and other sociologists explained this to us long ago.

On This and Future Studies

Now that the profile of the symbolic assailant is better known in this locality, other areas can be studied more meaningfully. This would include such as an evaluation

study of campaigns against DUI. For example, if the campaign is evaluated for its deterrent effects along the causal dimensions of accident vulnerability and DUI, prior to a study of the DUI's characteristics one might research the campaign's effectiveness, but still not know with any certainty if the persons having accidents during a campaign were of the same profile as the ones during non-campaign times. Thus, those convicted during a "war" may have been more indicative of the campaign's presence than an accurate profile of the offender. Now that the offender profile is known, however, new research may be more meaningful since any profile found can be matched with the known offender profile and checked for similarities or discrepancies.

For now, this study has the shortcoming of regionality, though its findings closely match those of folk crime literature as well as the UCR. Still, it needs to be replicated in another area in order to determine if the same DUI characteristics will result. Then it needs to be followed up by a study of DUI related crashes, with those DUIs compared with past conviction records. Currently, we do not know if the same ones who are involved in crashes are also the same ones who are involved with DUI.

At this writing, SES seems to have about the same predictive value in DUI cases as does age, but that cannot be determined with high confidence using the methods incorporated here. A method for determining SES with more

accuracy would be to enlist the aid of the Sheriff's Department in finding the educational level, occupation, and income level of arrestees (provided that is not in violation of the suspect's rights).

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APPENDIX

APPENDIX A

Law Enforcement Center Interview: May 18, 1984

Introduction

The following is an edited transcript of an interview conducted with four deputies of the special DUI detail at the Greenville County (South Carolina) Sheriff's Department. The transcription was first taped during a "free exchange", and was difficult to interpret in every case. There may be some inconsequential errors, therefore, but hopefully, the transcript reflects the meaning the deputies were kind enough to offer. Where the comment was not understandable or trailed off, the space is shown by ellipses. Comments that were not relevent were omitted. In any case, the interview was a valuable aid in the preparation of this thesis.

Interview

Question: Are the people who are picked up for drunk driving and charged with DUI arrested within the area of their drinking?

Answer: Well, I would say some yes and some no.

Question: Can you make an estimate with percentages?

Answer: I wouldn't know what the percentage would be, but yeah, you get a good many of them around where they normally have just left from and then chase them and get them a good distance off. What we try to do is form a perimeter around

the beer joints and pick them up before they get too far away.

Question: How do you get by without someone complaining about entrapment, if you're waiting outside the beer joints.

Answer: I don't mean we sit right there at the beer joint itself, we just patrol that particular road where the beer joints are. Entrapment means we can't watch a person get in his car, obviously drunk, and pick him up for DUI.

Question: What are you supposed to do if you see someone obviously drunk?

Answer: Pick 'em up before they get in their car.

Question: What is the main purpose of your unit in the Sheriff's Department now? Is it deterrence or are you there just to catch the people who are already drunk?

Answer: We had a deterrent program in the Sheriff's department, where we funded our own programs with posters and things. And so we're also interested in deterring the drunk driver, but our main function is to be out there in traffic. . . . So we combine deterrence with apprehension. What we look at when a certain period is over [campaign] is not how many arrests are made, but how many accidents involving alcohol there is. If we've got a low number of arrests and the accident rate is low, we're doing okay. But if we have a low number of arrests and the accident rate is high, then we're not doing our job.

Question: Then your primary measuring point is the accident rate?

Answer: Plus the fact we see people leave bars all the time, we can't help but see 'em; we should be looking. We don't stop 'em because they leave a bar, if they leave a bar and they have no driving violations, they're doing fine. We don't stop 'em and check to see if they're drunk. We have no reason to. But if they leave a bar and they commit a violation, we'd stop them just like we'd stop anyone else in the motoring public. So we don't shy away from 'em just cause they pull out of a bar, but we don't just hound a bar and start stopping people that leave the parking lot either. They've got to commit a violation before we stop 'em. The violation may be one that's based on our experience, it may not be a flagrant violation, but may be something we know for a fact is one of the keying points of a person who may be intoxicated.

Question: You said "key" and you said according to "our experience." What do you look for?

Answer: Well every officer has different things that he keys on. I personally look out of the rear-view mirror mostly. And watch them as they leave me. For anything from being slumped behind the steering wheel to his traffic approaches. A lot of times a person who is intoxicated will weave a little bit towards the car, maybe a little bit hypnotized by the headlights. Then the next guy might pull a little bit away from traffic and be a little bit shy. But then I know some people that were DUI drivers coming at me just like driving or shooting a pistol. You know shooting a pistol . . . they line 'em up like a set of sites and see where they are as opposed to when they're passing.

Question: What about driving slow?

Answer: Well it depends, when you're working within a municipality there are slow speed limits anyway. So it's not always [a sign of drunk] in a municipality. Driving too slow is not always the most reliable because people drive 25 and 30 mph in a 40 mile an hour zone, and its not an unreasonable speed.

Question: Would you say that your methods are the same now as they were prior to the campaigns?

Answer: We've had some more modern techniques that have come up that I think happened to hit during the campaigns, but I think most of us use our basic methods. There are some sobriety tests that have been tried in different parts of the country and some different statistical forms, but basically I think we've found that the proven sobriety tests and traffic control methods have been the best. They've been the best for me. I haven't changed that much.

Question: Do you have any special training?

Answer: We started the campaign in June of 82, that's when really the DUI background started. And communities, the state, all really got behind it. And we started then the different training.

Question: Just as an incidental point, what percentage of the people that you catch for DUI actually get charged and go through the criminal justice system, to conviction?

Answer: Say at least 95 percent. That many will plead guilty.

Comment: Yeah, I noticed on the reports that most of them forfeit bond.

Answer: Right now--I guess the last three or four months--conviction rates seem to be about average.

Question: Because of?

Answer: We don't know whether its the harsher penalties now or just what [the reason is].

Question: Have you got many more judges like Eppes? The reason I'm picking on Eppes is the fact he's got a 22 percent conviction rate which compares to a guy down in Charleston that's has about 95 percent.

Answer: One of the reasons they're going down is we're arresting a lot more people for second, third, and fourth offense. First offenders . . . . You know, a man who is generally honest or gets a chance to be honest, seems like he pleads guilty, but when you start facing a second, third offense, you know, you're a little more apt to hire an attorney and see if you can fight it. You have a little more to lose. A bouncer in a bar told me: "I can tell you guys are crackin' down. I'm seein' more provisional licenses than I used to." And definitely, we're arresting more second and third offenders now than we have at any time that I've been an officer. I would want to say 50 percent, but I don't know if that statistic's valid. Of my tickets I'm writing, it's 50 percent or better, that's going to high court from the west side of Greenville. That's the way it is with mine. There for a while you didn't even hardly see a second or third offender, just getting everybody first offense. Then we started on this heavy crackdown now and the rate of the second and third offenders has gone up--the ones we're catching now? I know at one time that's all I got for about a month. Anybody that I caught was a second and third offender.

Question: Would it be in part because of better statistical procedures? In other words, do they keep better track of them whenever you check to see if they've had a prior offense or not?

Answer: No, it's the same statistical system. Highway department still keeps the same records. On a computer printout, we still get the type of printout as we did before, but there's just more second and third offenders. We've been locking up more people.

Question: All right, let me ask you this, how do you check to see if they're first offense, second, third, or whatever?

Answer: Highway Department, Columbia, keeps a running tally.

Question: Do you call for every one?

Answer: Right. Check the driver's license and we get a computer printout, usually within a very short period of time--with all their violations listed. Also, on their license, most of them if they've got a prior offense, their license will have a "F" somewhere on it.

Comment: Okay, I didn't know that.

Answer, continued: And of course the provisional license looks different than a regular license anyway.

Question: Then you are picking up a lot more with provisionals?

Answer: Many more. You know the question on the magistrates? Before, in July is when they passed all of our DUI laws and one of the things, the mandatory and/or 30 days in jail first offense. Prior to that, it was up to the judge--$50, I think.

Comment: Haynesworth's famous for fifty-eight bucks.

Answer, continued: At that time we did pick 'em up, but it wasn't reviewed. Now it doesn't matter.

Question: You have that authority, you can take them to the magistrate of your choice?

Answer: Right. The Sheriff, well he's got the county broken down into areas of each magistrate--they're supposed to have a certain area. Supposed to, or we're supposed to carry 'em to the magistrate in the area where we catch 'em in. But prior to that we would assign 'em to a magistrate.

Question: What happens when they hire a lawyer and go in front of a court? Do you have any choices there or do they judge-shop?

Answer: If he asks in magistrate's court, he can have a jury trial. The rule is now, say if he's from Greer and I catch him over there in west Greenville, I assign the case to, say, to Judge Cann, who's the magistrate there. If he

asks for a jury trial, he has the right to have a trial in front of Judge Warner in Greer . . . of his peers because he is from Greer.

Comment: Peers includes the area too?

Question: Have you ever been scolded for bringing in a marginal?

Answer: You may have problems with prosecution. You may have a solicitor who'll put the magistrate's number at 10. Gosh that's not a lot. But rather than weighing the evidence as to what you saw out on the street, course they'll tell you that no jury is going to buy it, so they'll want to shy away from it. But as far as scolding, I've never been scolded for bringing in a marginal.

Comment: Well, I was told by one deputy . . . . Let me try to put it in his exact words. He said, "My Lieutenant says don't tie up the system and waste our time with somebody that's marginal."

Answer: Well, the problem is, some of those oldtimers work under the old system where a guy . . . like a lot of states it's point 15, and you know a high BA rating makes you feel good. It's a good case, but there again, you're not protecting the motoring public in general when you're just looking for a high reading. The person that's most dangerous, in our opinion, pretty much as traffic officers, is the guy that's had from just several drinks up. Not the person that's had from ten to fifteen, but the person that's had from two to five. Take this time of the year: high school graduation, colleges. We got kids normally don't do any drinkin'. . . . Take a 17 year old kid that has never drunk any at all, no beer or nothin'. Then he drinks two beers and he couldn't drive down a six-lane highway. He's very dangerous. He's extremely dangerous. He may only be point five or point six [.05 or .06], but he's still extremely dangerous.

Question: What do you do with him if you catch one with a point 0-five or point 0-six.

Answer: Bring him on down [arrest him]. If he's got bad drivin' that's what I'm doin' . . . or what I'm goin' to start doin'.

Question: What do you charge him with?

Answer: Drivin' under the influence. You can charge him, see. The BA's really just a guideline. If you want to, he

can register zero, and you can charge him with driving under the influence, even though it really does appear that he is stoned, and we know . . . that they're not going to prosecute. It's a non-prosecutable case. At one time we'd charge them with reckless drivin' or somethin' lesser. And that's why we emphasize, make sure you got a good case before you ever bring in . . . . And in one way, by bringing him in, you are gettin' him off the road.

Comment: So you have a quandry right there.

Answer: Well see, the average person that drinks, says well I drink three or four beers and it doesn't bother me. So here's this kid that says he's drank three or four beers, and I don't think he's drunk. But we don't accuse him of being drunk, we say that his ability is impaired to the slightest degree. And he shouldn't have been out there drivin'. We're not cutting it close, we just say that he shouldn't have been drivin'. Usually, we can convince the jury before they leave the courtroom the guy shouldn't of been drivin', if you can talk at all. But once they get behind those closed doors and start putting their heads together, there's no more convincing, and a lot of times they'll come out and you lost one you shouldn't have lost. And quite frankly, about a year ago, I won one where I heard the guy's testimony, and I felt sorry for the guy. The jury was out five minutes and convicted him, you know.

Question: It's been my experience that the lawyers will use such techniques as, "does this man look like a hazard to the community," if he happens to be middle-class or perhaps upper-class. And, "what if you convict him and take away his driving privileges. He might even have to go on welfare," or something like that. Do they use these types of things in the local courts?

Answer: They'll use anything.

Comment: I know they've got one lawyer over here, I believe he's in Anderson, that wrote a book on DUI.

Answer: I read it.

Question: Is it any good?

Answer: Well, from a legal standpoint, we know what he says may be possible, but if you write a case as well as you can, you can refute his testimony . . . you can refute his arguments. There's no problem. You don't have to take a bunch of abuse from an attorney on the stand. A lot of policemen don't understand that. They'll sit there and

they'll think, well, if I answer abruptly, the jury's going to turn against me. Well you never have the right to stand up and tell them to shut up, but you can't let him buffalo you, you can ask any question. If he asks a question, he has to give you time to answer it.

Question: Where did you find that out?

Answer: Just from being on the stand. You know, after a while you get done being torn up. You start seeing you can push a little more and you realize that, look, I'm up there to give testimony. He's gonna let you because the court's gonna make him. But until you take your ground . . . . But see, a lot of these defense attorneys make their money doing this. We get guys in the solicitor's office that work here, and work here and work here, and sometimes the defense attorney just puts on a better job. And that's not to say that there haven't been times I haven't done well enough on the stand either. But a lot of times we'll find in the prosecution, they're just like us. They're all new at one time, and an attorney's new at one time, so he's going through what you went through as a policeman a lot of times. So sometimes it's just a rough row to hoe. You do the best you can. You're not always going to win. Just do the best you can. A lot of times something that we're guilty of, we'll term it drunk driving, and that has been a sort of stereotype. Most jurors think of drunk driving, you know point one-0, a guy's not slobbering, falling-down drunk, when actually you should call it driving under the influence. His driving is impaired, he's under the influence of alcohol. So a juror gets in the room--well, he wasn't slobbering drunk, he wasn't falling down, so he's not guilty of drunk driving. But he's guilty of driving under the influence. A lot of times that hurts us.

Comment: Yes, well something like driving while impaired could mean anything, even a tranquilizer he took in the morning for example.

Answer: DUI consists of drugs, many drugs, prescription drugs, whether they're legal, over the counter, or just whatever. If anything impairs your driving . . . . We had just left the school [on DUI] and the second most widely used drug is found in people that's driving while under the influence of some type of intoxicant is valium.

Comment: Oh yes, that's the most abused drug on the market today and it's prescription and legal.

Answer: Plus mixing both of them. Well, the fella I had last night, he had taken prescription medicine and also been

drinking. His driving was really bad. I figured he'd go way off over the point one-0.

Question: June the first, '82 is when the campaign started, right? When was the team assigned?

Answer: I guess we actually started in the month of June. The fourth of July weekend was the target date. The Sheriff's Department actually started a couple of weeks before that in June.

Question: I need to know the exact dates.

Answer: [Hesitation].

Question: When was the heavy implementation date? Let's put it that way.

Answer: Sarge, can you tell us, didn't we run a program before anyone else in the county? [Sergeant's answer]: Oh, yeah, we had a program before that, we had a team actually picked out. I would say we started the weekend before the fourth. When we have a weekend, we start on Friday night, go through Saturday and go with it 'til Monday night.

Question: What if it's on Monday?

Answer: Well, right now it's gonna be on Wednesday, so we start on Friday night prior to the fourth and go the whole week, and through the next weekend and end on Monday.

Question: All right, what about Labor Day, Christmas and New Year?

Answer: Christmas we usually run it a week.

Question: Christmas, starting on the 24th?

Answer: No, we start a week before Christmas and run it all the way through New Year's Eve; a continuous thing.

Question: Can you give an ending date?

Answer: The second.

Question: What about Thanksgiving?

Answer: Thanksgiving we don't normally have an all out big campaign. We don't see that big an increase in DUIs.

Question: Labor Day?

Answer: Anything in the summer months.

Question: So you usually start it the Friday prior and run it through the Labor Day period?

Answer: Yes.

Question: Are there any other special holidays that you do?

Answer: Memorial Day. That's a heavy traffic problem but not heavy drinking.

Question: Wonder why?

Answer: Memorial Day's just not exactly . . . . It's normally very quiet. We don't see a big increase in DUI arrests.

Question: The reason I ask that is because when you think of Memorial Day, you think of Indianapolis and think of cars and going somewhere.

Answer: Well there's heavy traffic, but as far as the DUI problem, its just not that day.

Question: What about the socio-economic status, the class, of the people you pick up? Your opinion.

Answer: Generally, the person that gets arrested is about middle class, but that's because generally, its the middle class people that compose the people that seem to be out later in the hours.

Question: Well, that's kind of funny, because all the studies that I've read say that lower-class blacks, in fact, drink more away from home. They drink less often, but they drink more away from home than they do at home.

Answer: I arrest less black people. For every twenty white people I arrest, I might arrest one black person. For one thing, it's harder to detect if a black person is intoxicated.

Question: Why?

Answer: Their eyes have a look about them that doesn't change all that much when they drink. Their coordination, stance, and actions, especially on a young black person . . . . Its just harder for a person maybe that's not of that race to pick out whether that person is intoxicated or whether he's just standing there talking to you like he

normally would. They're very agile people. They can walk on the balls of their feet, many of them. They're very athletic. And of course many of them have a different type of speech than us, so it's a little bit harder to tell whether they're slurring. But, me personally, I can pick a Mexican-American out the quickest. From the part of the country I'm from, they speak Spanish. Their speech is much more slurred and they seem to appear more intoxicated than they are at times. But a black person, I can tell you personally, I try never to cut a black person close, because it's easy to get a real low reading on one of them. They can drink a beer and be standing there talking to you and do a sobriety test and all that.

Question: Have you ever considered putting a black person on the crew?

Answer: We have them, and I don't think the percentages are that much different. We have a couple of volunteer officers, and we have black officers working regular, but they don't seem to be arresting any more blacks.

Question: How about the same percentages then?

Answer: I've kind of wondered sometimes. The areas we work just about eliminate the blacks. They've got their own little area they're in and most of the time they're in their community and if they drive, they don't drive that far.

Comment: If they drive at all?

Answer: Usually, if they go out drinking, they're gonna stay where they are. The municipality I used to work in, they'd go drink all night on Saturday night. Sunday morning, you'd catch them straggling back home. They may lay over with somebody, spend the night with them. Pick up some old gal or some old gal pick them up, or whatever. But, generally they don't move that much when they do their drinking. This is what I've found. Now, I arrest blacks. I can pretty well detect them, you know, easier than Richard says. Looks like, the younger they are, the higher the class.

Question: What about older women? Do you have any problems arresting them? I've seen very few women in the statistics unless they happen to be older.

Answer: It's very unusual to find a woman who's intoxicated driving by herself. Usually she's with a friend. And it's very unusual to find a woman and a man that's intoxicated and the woman's driving. You'll find that men, many times,

and I'd say most of the time--I'd go so far as to say ninety percent of the time--travel alone when they're arrested. But, women, it's just doggone unusual to find one that's alone.

Question: Because of the role separation in society?

Answer: Well, that plus a little bit of safety too. You know a woman that gets drunk in bars is probably in a lot more danger of getting drunk there single than she is if she had a friend there and she was drinking with her there. But one thing we do find, that when we arrest a woman, she's usually drunk. It's not usually a question of being intoxicated. A man and a woman traveling together, if they go in a bar drinking, most of the time when they get ready to leave, he thinks that he can handle himself anyway. He's macho, he's gonna take over, and he's not going to let her drive regardless of whether she's stone sober and he's sloppy drunk. The woman's not going to stand there and argue with him. She's gonna let him get behind the wheel and go. I know I have arrested them before and the male driver was in real bad shape, and the woman sitting next to him hadn't had anything to drink that day at all. And in that case, if she's sober, she can handle herself, we put him under arrest and let her take his car on home.

Question: What does a DUI look like? What does a typical DUI look like to the jury?

Answer: To the jury, I usually ask this question [to every high school class he gives a presentation to] and just about every one of them says sloppy drunk; can't stand up.

Question: What about class, race, sex?

Answer: Usually a man, middle-aged, over thirty. Usually classic drunk, not shaven, hair in his eyes.

Question: A typical disreputable looking character?

Answer: I have arrested them that were so filthy, you were afraid to put your hands on them. Then I have taken them out of the car wearing three-piece suits, so you can't really say what a DUI actually looks like, cause anybody could be.

Question: I know it from your opinion, but what do you think the jury would say?

Answer: That's what they say. They say a town-drunk, someone on skid-row. That's about what I think they think

they are. Falling down drunk. "I've noticed . . . a guy driving down the road, fails to signal, just about passing out . . . ." That's what they think.

Question: What are the worst areas in the county for DUI?

Answer: At one time it was the westside, Easley Bridge Road area. Now there's no particular place. . . . More the south area.

Question: Do you patrol particular jurisdictions?

Answer: Pretty much. We have areas that we're all more comfortable in. I like the west side. Lee works the south end and Lee Holzclaw was born and raised on the east side. We find if the officer knows the area he does a better job. He knows the roads and the routes. Now occasionally we'll switch just to give a change. That's why you'll also find that the guys I arrest would be mostly lower to middle-class and the guys working the east side might get some of the upper class. I work the south end where there's a lot of middle to lower class.

Question: Your arrestees are middle to lower class?

Answer: Lower to middle class. And right now, I find third to fourth offenders. I think people down on my end . . . . I've got . . . . I think people are more aware of this so they're being more careful. But these guys that have a problem and they're continuing to drive under the influence and they're getting caught. We work the east side and we get the younger ones. Usually the younger group of people is middle to middle upper class. At the Silver Fox we get more of an upper class crowd. Kim's bar is one of the most famous. You never see the people in the daytime. You walk in and you have to push 'em aside or kick 'em aside when they're laying on the floor [Highway 123, west side].

Question: That's got to be lower then.

Answer: Lower and construction. Some of 'em make pretty good money. They just live like trash. There are a lot of drugs in there.

Question: What's your major problem with drugs besides alcohol?

Answer: Marijuana, valium.

Question: With young people?

Answer: No. Marijuana's not an age group. I'm finding personally that people I'm arresting have a distinct smell of marijuana, whether they're standing with a group of people or whether they're smoking it. Marijuana is just a distinct smell all its own. It still even smells different when its mixed with booze. Its got a smell that's just completely its own. Smells like burning leaves or burning green grass or something like that. When they smoke marijuana, it seems to affect their minds and then they drink booze and it affects their physical abilities. It makes them stuporous sometimes when you're talking to them. You put them on the breathalyzer, you might find a surprisingly low reading. It's very important to document their physical condition. That's where the video becomes important.

Question: How quick from the time of arrest to the time of the blood test do you need to get them before you're going to lose them?

Answer: People'll start going down after an hour, but usually we don't have that much trouble because he could still be going up in that hour too.

Question: What is the difference in policing now than before the campaign?

Answer: Now, in the campaign, there has been more emphasis in training us on what to look for: better techniques, improved techniques. Basically, they're the same, except we're trained more. This week we have a new sobriety test [astigma]. I'm really impressed with it and every time we come up with a class . . . . It tells the gaze test of the eyes and astigma's test. Its very new. When they try to watch a pen, it's a test of maximum deviation. If you get it right, we can almost guarantee subject on the [BAC] with a point one-0 or above.

Question: What other type of field sobriety tests do you give?

Answer: Heel to toe, a certain amount of steps forward and turn and come back while they're counting or ABC's. It's like driving, you're not just doing one thing. It's the same with sobriety tests now. We stopped doing the finger to nose. Found out a lot of officers couldn't do that either. The key is using the same test every time, getting used to 'em. Else when a person deviates from a test, you're not going to know it. Important to use the same test and go through it slowly, except the speech test. You can make a guy look drunk, a lot drunker than he is, if you try

to get him nervous. It's important to go slowly, use them in order and use the test you've always used. Each test is just another tool for corroborating evidence. You don't need a breathalyzer to convict somebody of DUI; it's a helpful tool.

Question: What if they did away with the BAC?

Answer: That's the way we used to do it. The guy who could testify got a conviction--the guy who couldn't, didn't. It was just that way, if you could talk to a jury, you could convict a man. If you couldn't sell your case to a jury, you couldn't get the jury to convict him. They did away with the BAC for a month with no plea bargaining. The defense attorneys were absolutely lost, they had nothing to fight. It's like the California Highway Patrol, they did away with radars and write the most speeding tickets of any department in the United States.

Question: Although you don't need it to convict, we still have a state law that says a point one-0 is legally drunk.

Answer: In 26 states they have a "per se" law which says if you blow a one-0, that's all you need, that's it. You're guilty of driving under the influence. I understand our legislature is also looking at that.

Question: Isn't there a law in S. C. that says you've got to bring them to trial within a certain period of time?

Answer: 180 days.

Question: Is this campaign worth it or is it just a smokescreen to satisfy the public or MADD?

Answer: No, but the law enforcement works in trends too. You know, marijuana was the thing the public wanted [done away with]. Before that it was LSD. I can remember as a traffic officer, it was red lights, then it was stop signs. Right now the public wants DUI enforcement. Now, five years from now, they might have died down on DUI. In 1978 the Sheriff's Department started traffic enforcement with a federal grant. That grant bought radar units. Speed is all they talked about. Then that died down and now the federal grants are DUI.

Question: Even if you catch more now, you still haven't really made a serious dent in taking drunks off the road--if the estimate of 1-in-2000 is correct. So, what do the campaigns really accomplish?

Answer: We want to make them [the driving public] think [his emphasis] we will catch 'em.

Question: Do you see any more federal grants coming like the LEAA?

Answer: Yeah. They call it "highway safety" now. We need new cars, faster cars and a DUI team, not just to drag the streets but a total enforcement team. But until they fund the money we can't do it. All we have is three officers [for the team]. On the weekends we have six working DUI [counting overtime officers].

Question: How are the judges taking the new law?

Answer: On the lower level--magistrates--there's no problem there. The circuit courts are a little different. This last week we had a guy thought he's going to get Judge Eppes. Instead he got sixty days and collapsed in the courtroom and we had to carry him to the hospital--because he got another judge. The law says the magistrate has to give them $210 or thirty days. There's no leeway. About the only thing they can do is give the man time to pay.

Question: If you had a blank check, what do you need to get the drunk drivers off the road?

Answer: Driver training courses in high school. [Now] they don't teach anything about drunk driving. If they start in school now, it'll be ten years off. If we could get drinking and driving where it's not accepted. It's wrong to drink and drive. If we could get the public to accept that, I think we'll cut the majority of DUI.

Question: For the record, what are your names?

Answer: [Deleted].

VITA

Robert E. Greenwood, Jr. was born in Greenville, South Carolina on November 7, 1932. He attended schools in South Carolina and Georgia before enlisting in the Air Force from which he retired. From that point, he completed his college career, graduating valedictorian of his class at North Greenville College, and magna cum laude from Furman University. Upon completion of the bachelor's degree, he was awarded a College of William and Mary fellowship to do graduate work in sociology. From that point he attended The Graduate School at The University of Tennessee, Knoxville, where he received the Doctor of Philosophy degree with a major in sociology in 1984.

Meanwhile, he accepted the position of Assistant Director of Continuing Education at Furman University in August, 1980, holding that and the Acting Director position until August, 1982. He then accepted the joint appointment of Assistant Professor of Sociology and Science Division Chair at North Greenville College where he is currently employed.

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