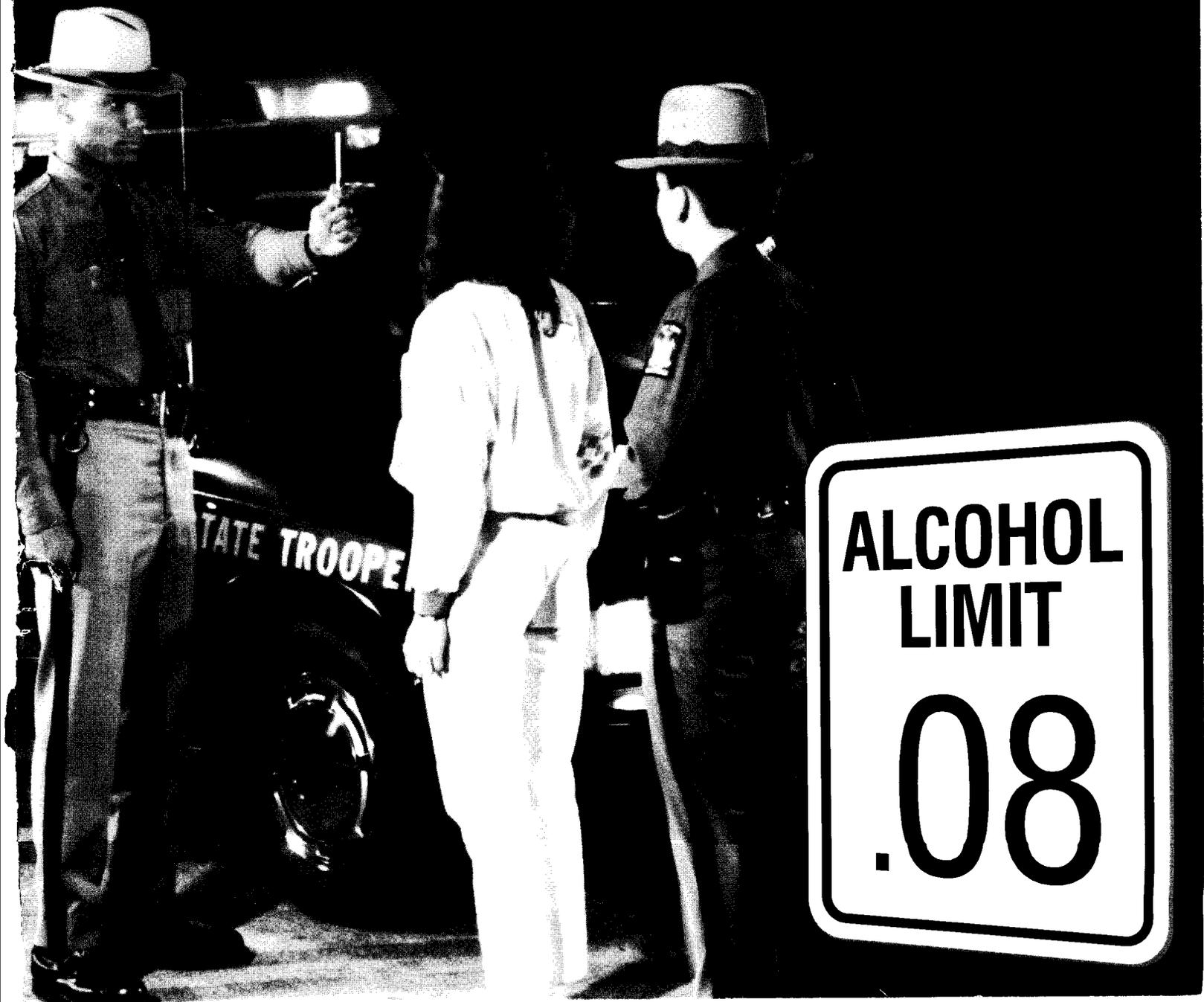


Effectiveness of the Illinois .08 Law



Technical Report Documentation Page

1. Report No. DOT HS 809186	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Effectiveness of the Illinois .08 Law		5. Report Date December 2000	
		6. Performing Organization Code	
7. Author(s) Robert B. Voas, Ph.D.; Eileen Taylor, M.S.; Tara Kelley Baker, Ph.D.; A. Scott Tippetts, B.A.		8. Performing Organization Report No.	
9. Performing Organization Name and Address Pacific Institute for Research and Evaluation 8201 Corporate Drive, Suite 220 Landover, MD 20785 Phone: 301-731-9891 Fax: (301) 731-6649		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. DTNH22-98-D-35079	
12. Sponsoring Agency Name and Address National Highway Traffic Safety Administration 400 7th Street, SW Washington, DC 20590		13. Type of Report and Period Covered Interim August 1999-May 2000	
		14. Sponsoring Agency Code	
15. Supplementary Notes Amy Berning was the Contracting Officer's Technical Manager for this project.			
16. Abstract <p>This interim report presents the preliminary findings and tentative conclusions of an evaluation of the .08 law enacted in Illinois in July 1997. The three main objectives of the study are to (1) determine the public's awareness, knowledge, and support of the .08 law; (2) examine the effectiveness of the .08 per se law regarding the number of drinking drivers in crashes using time series analysis; and (3) examine the law's impact on enforcement, prosecution, court, sanctioning systems, and the department of motor vehicles. These objectives have been accomplished with site visits to three localities and through the ongoing collection and analysis of state-level data comparing arrest and crash trends in Illinois before and after implementation of the .08 law. The analysis indicated that the number of drivers in fatal crashes with positive BACs in Illinois decreased by 13.7% after implementation of the law. In the same period, there were no changes in the surrounding States (Indiana, Iowa, Kentucky, Missouri, and Wisconsin). It is estimated that the .08 law may have saved 47 lives in Illinois in 1998. Only 18 months of data were available for this interim report, but the results suggest that the law may be reducing the number of alcohol-related crashes, without having a major impact on the operations of the criminal justice system or the drivers licensing system.</p>			
17. Key Words Drunk Driving Legislation; .08 Blood Alcohol Concentration (BAC); DWI; DUI		18. Distribution Statement Copy available from National Technical Information Service, Springfield, VA 22160. Also, see www.nhtsa.dot.gov for a copy.	
19. Security Classif. (of this report) Unclassified	20. Security Classif. (of this page) Unclassified	21. No. of Pages	22. Price



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Executive Summary

Objectives

The main objective of this study is to determine the effect of the .08 per se Blood Alcohol Concentration (BAC) law passed in July 1997, in Illinois on alcohol-related crashes and on the criminal justice system in the state. The following three goals were established by the National Highway Traffic Safety Administration (NHTSA):

1. Determine the public's awareness of the .08 law.
2. Determine the effect of the .08 law on the number of drinking drivers in crashes.
3. Determine the effect of the law on the criminal justice system.

Data Sources

Five main sources of data were utilized: (1) site visits to three localities within the State, (2) statewide and local data collected from state government, (3) the Fatality Analysis Reporting System (FARS), (4) the archives of various newspapers and TV outlets in Illinois, and (5) the NIAAA Alcohol Epidemiological Data System.

Site Visits

In consultation with state authorities and the NHTSA staff, we selected three locations for site visits in Illinois: Chicago, Peoria, and Springfield. Key informants in the criminal justice system and the department of motor vehicles (Secretary of State) were interviewed to determine the impact of the .08 law on their systems.

Study Phases

The study is to be conducted in two phases with this first report (interim) covering the first two and a half years following implementation of the .08 law, although only one and a half years of data were available. A second report is due in the fall of 2001. That report will cover the first three and a half years of the .08 law in Illinois.

The results are summarized under the following five headings:

1. PUBLICITY

The .08 law received substantial coverage in both the print and electronic media, which was enhanced by a major Public Information and Education (PI&E) effort sponsored by the law's supporters. Most coverage occurred in the first half of 1997 when the legislature was debating the bill. After the law was implemented, window stickers for cabs and brochures and posters were widely distributed and road signs displaying the new BAC level were installed throughout the state.

2. PUBLIC KNOWLEDGE OF THE LAW

Public knowledge of the law and the perceived risk of DUI arrest are important factors in creating deterrence to impaired driving. Unfortunately, little information is available at this time with which to gauge public knowledge of the .08 law in Illinois. Site visit informants indicated that the public generally knew that the law was now tougher, but misunderstood the implications; the perception is that two drinks will cause a BAC over .08. A Statewide poll will be conducted which includes questions to measure the public's understanding of the law.

3. ENFORCEMENT

Although there was no evidence that additional resources were allocated to enforcing the .08 law, arrests at the new lower BAC levels (.08 to .09) increased from less than 1% in 1996 to 8% of all DUI arrests in 1998. Further, total statewide DUI arrests increased by 11%. The average BAC of arrested drivers statewide dropped from .18 to .16; and the average BAC levels in the higher ranges, .15 to .19 BAC, and over .20 BAC, decreased as well. Police agencies reported only minor changes in their operations caused by the change in the BAC level, but perceived an increase in the refusal rate for breath tests. The actual refusal rate did not, in fact, increase.

4. CRASH DATA

BAC data for drivers in fatal crashes from the Fatality Analysis Reporting System (FARS) file for Illinois were compared with similar data from the States that border it (Indiana, Kentucky, Missouri, Iowa, and Wisconsin). This analysis indicated that the number of drivers in fatal crashes with positive BACs in Illinois decreased by 13.7% after implementation of the .08 law. In the same period, there were no changes in the surrounding States.

These results are tentative because they include only 1½ years of data following implementation of the .08 law in Illinois. Nevertheless, they suggest that the .08 law may be reducing the number of alcohol-related crashes in that State, without having a major impact on the operations of the criminal justice system or the drivers licensing system.

5. SANCTIONS

The increase in the number of offenders at the lower BAC levels might have been expected to reduce the average severity of sanctions applied to DUI offenders. However, there was no decrease in the percentage of offenders receiving convictions. In contrast, there was a reduction in the number of offenders allowed to plead to lesser charges, and fewer drivers were given Judicial Driving Permits (JDP) by the court. The significance of these results was clouded when the legislature limited the courts' use of "court supervision" as a disposition to avoid a DUI conviction in January 1997, the same year the .08 law was passed. This could account for some of the apparent increase in the severity of sanctions. Judges and prosecutors reported only minor changes in their operations due to the change in BAC level, but some perceived an increase in the refusal rate for breath tests. As noted, the actual refusal rate did not increase.



I. Introduction

The last two decades of the 20th century have seen a dramatic reduction in alcohol-related fatal crashes. The factors that have produced this change are not entirely clear. One major factor, however, has been the wave of drunk-driving legislation that followed the national anti-drunk-driving campaigns mounted by citizen activist groups in the early eighties. Perhaps the most controversial law among this mass of new legislation has been the establishment of .08 blood alcohol concentration (BAC) as the illegal limit for impaired driving. Currently, 19¹ States plus the District of Columbia and Puerto Rico have enacted such laws. Usually, States have enacted these laws over strong opposition from the hospitality industry that believes the legislation will significantly reduce alcohol sales and not significantly affect the number of alcohol-related fatalities.

Laboratory studies of human performance have demonstrated that at a BAC of .08, driving-related skills are impaired (Moskowitz, Burns, & Williams, 1985; Moskowitz, & Fiorentino, 2000). That this impairment is specifically relevant to driving has been demonstrated by the analysis of roadside breath-test surveys and crash data that yield risk curves for crash involvement as a function of BAC (Perrine, Peck, & Fell, 1989; Stuster & Burns, 1998; Zador, 2000). A primary issue when considering the value of .08 BAC laws is whether these laws actually reduce alcohol-related crashes in States that enact this legislation. Even if some crash-reduction benefits can be demonstrated, there is another issue of whether enforcement of such laws unduly impinges upon individual rights.

To date, there have been a number of studies on the effect of .08 laws on crashes reported in the research literature (NHTSA, 1991; Hingson, Heeren, & Winter, 1994, 1996, 2000; Johnson & Fell, 1995; Rogers, 1995; Foss, Stewart & Reinfurt, 1998; Voas, Tippetts, & Fell, 2000; Hingson, 2000; Apsler, Char, & Harding, 1999). It has been difficult to evaluate the effectiveness of .08 laws because they frequently have been enacted in conjunction with other drunk-driving legislation, particularly the administrative license suspension (ALS) laws that are known to be effective in reducing crashes (Zador, Lund, Field & Weinberg, 1988). Further, with most States actively involved in drunk-driving programs and with alcohol-related crashes declining in most jurisdictions, it has been hard to find appropriate comparison States for those that adopt this legislation. Nevertheless, the preponderance of evidence from these studies demonstrates that .08 BAC legislation appears to produce a small annual reduction in alcohol-related fatal crashes in States that enact this law. Perhaps the strongest evidence for this effect comes from a study by Voas and Tippetts (2000) that analyzed the effect of the .08 law using data from all 50 States over a 16-year period. The results suggest that .08 laws were associated with 8% reductions in the involvement of both high BAC and lower BAC drivers in fatal crashes.

¹In Rhode Island (one of the 19 States), there are separate per se offenses at .08 and .10 with .10 as the standard offense in that State.



The hospitality industry has opposed the .08 limit arguing that it is so low that it threatens “social drinkers” who are at relatively low risk of crash involvement compared to high BAC “hard core” drinking drivers with BACs of .15 or higher. Evidence from .08 studies indicates that the law is as effective on the crash involvement of drivers with BACs higher than .10 as it is with drivers at lower BACs (Voas & Tippetts, 2000). Further, the hospitality industry claims that a small woman could reach the .08 level with two large glasses of wine on an empty stomach. However, tests in actual drinking situations indicate that, with rare exceptions, three or more drinks are required for even small individuals to reach .08.

Beyond the effect on social drinkers, questions can be raised about the cost-effectiveness of .08 laws. Any new drinking-driving law requires publicity and enforcement to be effective. Variations in the effectiveness of the .08 law from State to State may reflect differences in how extensively the law was publicized and enforced. This leads to the question of whether States might be better served by devoting resources to other drunk-driving countermeasures. To date, studies of the .08 law have focused on measuring potential crash savings. Little information is available on the effect of an .08 law on the criminal justice system. Questions such as “can officers successfully detect drivers at the low .08 BAC level” and “can officers collect enough evidence of impairment to produce a conviction” have received relatively little attention. One objective of this study was to look more carefully at these infrastructure issues to determine what policies and procedures are associated with the effective implementation of .08 laws.



II. Study Overview

Many states are considering .08 bills. To provide the most timely information possible under this contract, two reports will be provided: this interim report on the implementation of the Illinois .08 law in 2000, followed by a more complete analysis of the effect of the law in 2001 when a more extensive set of crash data will be available for analysis. This interim report focuses primarily on the issues arising in implementing the .08 law after two and a half years, with only a preliminary evaluation of the law's impact on alcohol-related crashes based on the first one and a half years of data.

The main objectives of this study are as follows:

- Determine the public's awareness, knowledge, and support of the .08 law.
- Examine the effectiveness of the .08 per se law in Illinois regarding the number of drinking drivers in crashes as a ratio of nondrinking drivers in fatal crashes using time series analysis. The proportion of fatal crashes involving drivers with various BAC ranges shall also be examined at levels, .00; .01-.10, and .11+.
- Examine the effect of Illinois' .08 legislation on law enforcement, prosecution, court, and sanctioning systems, as well as the motor vehicle department. For example, did the number of driving-under-the-influence (DUI) arrests increase (and at what BACs)? Moreover, did this increase cause a problem for the agencies involved?

Thus, this study consists of two major elements:

1. Collecting and analyzing State-level data to compare arrest and crash trends in Illinois before and after implementation of the .08 law.
2. Making site visits to three localities to collect detailed information on the implementation impact of the law at the community level.



III. The Illinois .08 Law

In 1967, the illegal BAC limit in Illinois was lowered from .15 to .10. It took 30 years for it to drop again. On July 2, 1997, after an 8-year battle, Governor Jim Edgar made Illinois the first Midwestern State to implement the .08 limit. The legislation, Senate Bill 8, took effect immediately and made it illegal for any motorist to drive with a BAC of .08 or more. Illinois joined 14 other states at that time to set a BAC of .08 as the illegal limit for drunk driving.

As the first Midwestern State to enact the .08 law, Illinois offered an important opportunity to study the implementation of this law in a large state with a major urban center as well as smaller cities and agricultural areas. This enabled us to compare alcohol-related crash trends in Illinois with neighboring States that are operating under the more traditional .10 per se laws. Another advantage for doing this study in Illinois was that both Illinois and its neighboring States had ALS laws in place before the .08 law became effective in Illinois. Thus, the problems occurring with evaluating the simultaneous enactment of ALS and .08 laws were not factors in the present study.

Chronology of Traffic Safety Legislation in Illinois

In 1958, Illinois passed its first per se bill, with the illegal BAC limit set at .15. In 1967, it was lowered to .10 (Illinois Secretary of State, 1997). From 1980 to 1999, several Illinois laws were passed that influenced drinking and driving. In 1980, the minimum legal drinking age (MLDA) was increased from 18 to 21. In 1984, a mandatory 48-hour imprisonment or 10 days of community service for a second or subsequent DUI conviction was established in Illinois.

Effective January 1, 1986, a driver's license Statutory Summary Suspension (SSS) law was implemented. That law (better known nationally as an ALS or administrative license suspension law) provided for the automatic suspension of driving privileges for those who refused to submit to or failed a chemical test following a DUI arrest. As noted, Illinois' ALS law preceded enactment of the .08 law by almost a decade. As noted, this is important in this study because some previous studies of the .08 law occurred in States where it was implemented simultaneously with an ALS law.

In 1988, Illinois extended its license revocation penalties for multiple DUI offenders. These penalties included a minimum of 3 years revocation for a second offense and a minimum of 6 years suspension for a third or subsequent offense. Further, in September 1989, the penalty for refusing a chemical test for suspects with a prior DUI was extended to 24-months suspension with a minimum of 6 months "hard" (no permits) suspension. In 1991, the suspension penalty was extended to include drivers-at-fault in crashes involving a serious personal injury or fatality.



In 1993, the Illinois legislature enacted a child endangerment law (additional penalties applied for driving impaired with a child passenger) covering passengers under age 16 that provided for a fine and community service. In January of 1995, a "Use it & Lose It" law (which met the requirements of the Federal Highway Safety Act for zero tolerance legislation) became effective. This law specified that drivers under 21 years of age caught with even a trace of alcohol in their systems would lose their driving privileges. In 1995, the suspension period for multiple offenders who refused the chemical test was increased and they were no longer eligible for hardship permits.

The Illinois .08 illegal per se law became effective on July 2, 1997. On January 1 of that year, two other changes to existing laws with the potential to effect alcohol-related crashes were implemented. The court supervision sanction, which allows offenders to avoid mandatory penalties and conviction for DUI, was limited to "once in a lifetime." In prior years, court supervision was allowed once every five years and then one every ten years. This change to "once in a lifetime" effectively increased the severity of the sanctions for multiple DUI offenders. The other significant change allows hospitals to report the results of blood tests on drivers being treated for injuries in crashes. And in 1998, the ignition interlock pilot program was made permanent.

In 1999, in response to the Transportation Equity Act of the 21st Century (TEA-21) legislation passed by Congress, the Illinois legislature passed tougher penalties for multiple DUI offenders. Among the increased penalties were provisions for the seizure of vehicles and increased vehicle impoundment periods. The suspension period for refusals by multiple offenders was also lengthened from 24 to 36 months in 1999. Figure 1 briefly provides the history of DUI laws in Illinois and Table 1 displays the current Statutory Summary Suspension and judicial penalties for DUI.

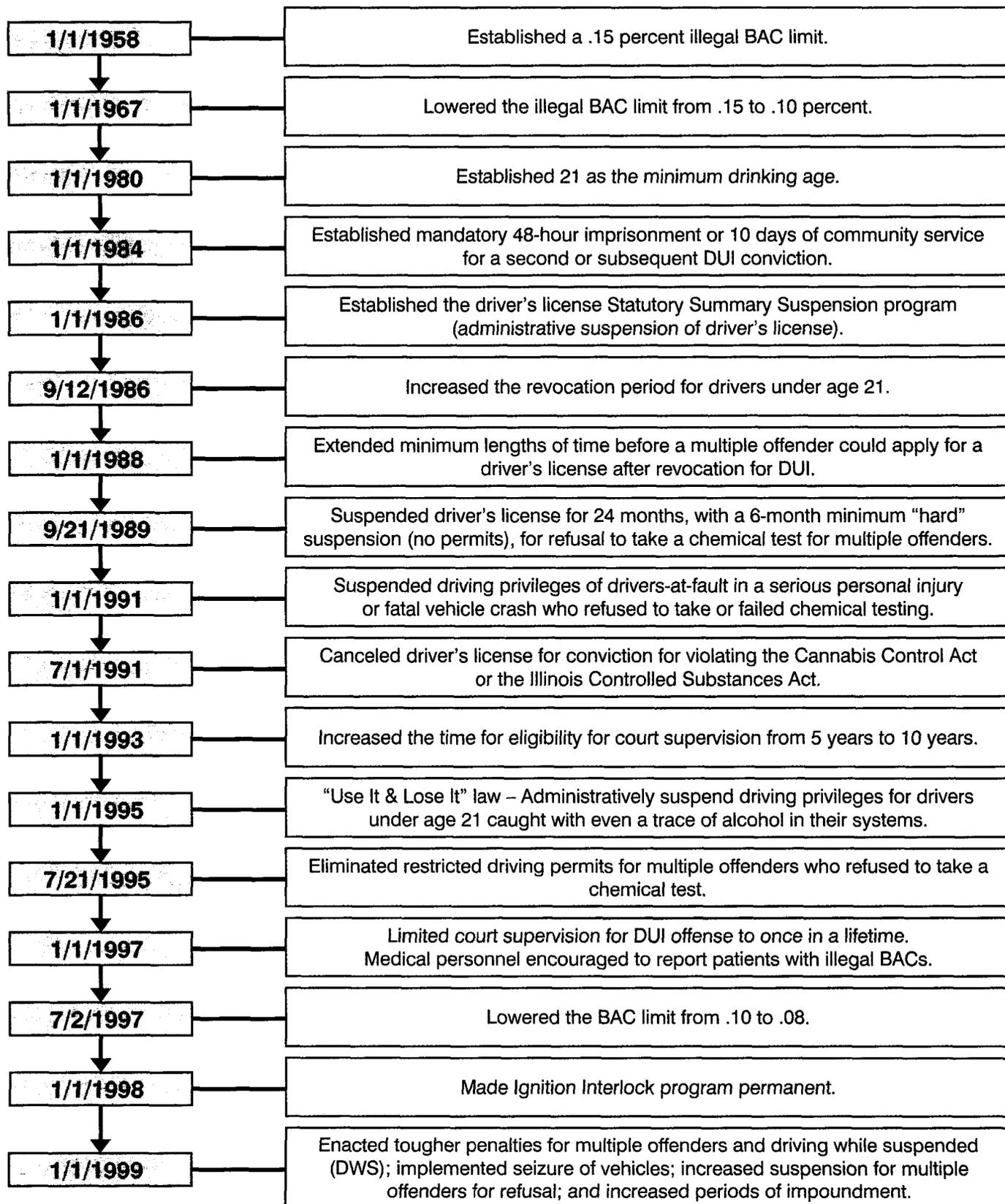
History of .08 Law

As far back as 1986, a Governor's DUI task force recommended an .08 law, among many other recommendations. The history of Senate Bill 8 dates back to 1989, when the Senate began debates on legislation to lower the illegal BAC to .08 in the form of Senate Bill 579, sponsored by Senators Bob Kustra and Bob Raica. It was discharged from the Senate Transportation Committee and lost on the Third Reading. That same year, Representative Levin successfully introduced House Bill 8, and the House Judiciary II Committee passed the bill. Unfortunately, its opponents on the House floor delayed debate on the bill through amendments, fiscal notes, correctional impact notes, and state-mandated notes.

In 1991, House Bill 485 was introduced by Representatives Al Ronan, Ellis Levin, and Jeffrey Schoenberg. It was rejected after assignment to the House Judiciary II Committee. A year later, Senator David Barkhausen introduced Senate Bill 2168. The Senate Transportation Committee passed .08. Ultimately, however, it failed on the Third Reading where it was placed on postponed consideration.



Figure 1. History of DUI Laws in Illinois



Source: Office of the Secretary of State



Table 1: Current License Suspension and DUI Penalties in Illinois

Statutory Summary Suspension (ALS) Penalties

Offense	Loss of Driving Privileges	Driving Permit
Failing Chemical Testing, first offense	3 months	Eligible for Judicial Driving Permit on 31st day of suspension
Refusing to Submit to Chemical Testing, first offense	6 months	Eligible for Judicial Driving Permit on 31st day of suspension
Failing Chemical Testing, second or subsequent offense	12 months	Not eligible for Judicial Driving Permit, must apply for Restricted Driving Permit, not effective until 91st day of suspension
Refusing to Submit to Chemical Testing, second or subsequent offense	36 months	Not eligible for Judicial Driving Permit, must apply for Restricted Driving Permit, not effective until 25th month of suspension

In addition to an automatic driver's license suspension, a DUI offender must also appear in court to face criminal proceedings and the following penalties upon conviction.

Court DUI Penalties

Conviction	Loss of Driving Privileges (Revocation)	Jail	Fine	Community Service	Driving Permit
DUI, first* (Class A Misdemeanor)	Minimum 1 yr.	Possible imprisonment for up to 1 year	Up to \$2,500		Eligible to apply for a Restricted Driving Permit
DUI, second within 20 years (Class A Misdemeanor)	Minimum 5 yrs.	Possible imprisonment for up to 1 year; mandatory 2 days (or 10 days community service) for second conviction in 5 years	Up to \$2,500	10 days community service (or two days in jail) for second conviction in 5 years	Eligible to apply for a Restricted Driving Permit
DUI, third (Class 4 Felony)	Minimum 10 yrs.	Possible imprisonment for 1-3 years	Up to \$25,000	If given probation, possible 30 days community service or 48 hours jail	Eligible to apply for a Restricted Driving Permit
DUI, fourth or subsequent (Class 4 Felony)	For life	Possible imprisonment for 1-3 years	Up to \$25,000	If given probation, possible 30 days community service or 48 hours jail	Not eligible

Drivers under age 21 are subject to Zero Tolerance and Graduated Driver Licensing laws, as well as more severe penalties for DUI.

Source: Office of the Illinois Secretary of State brochure.

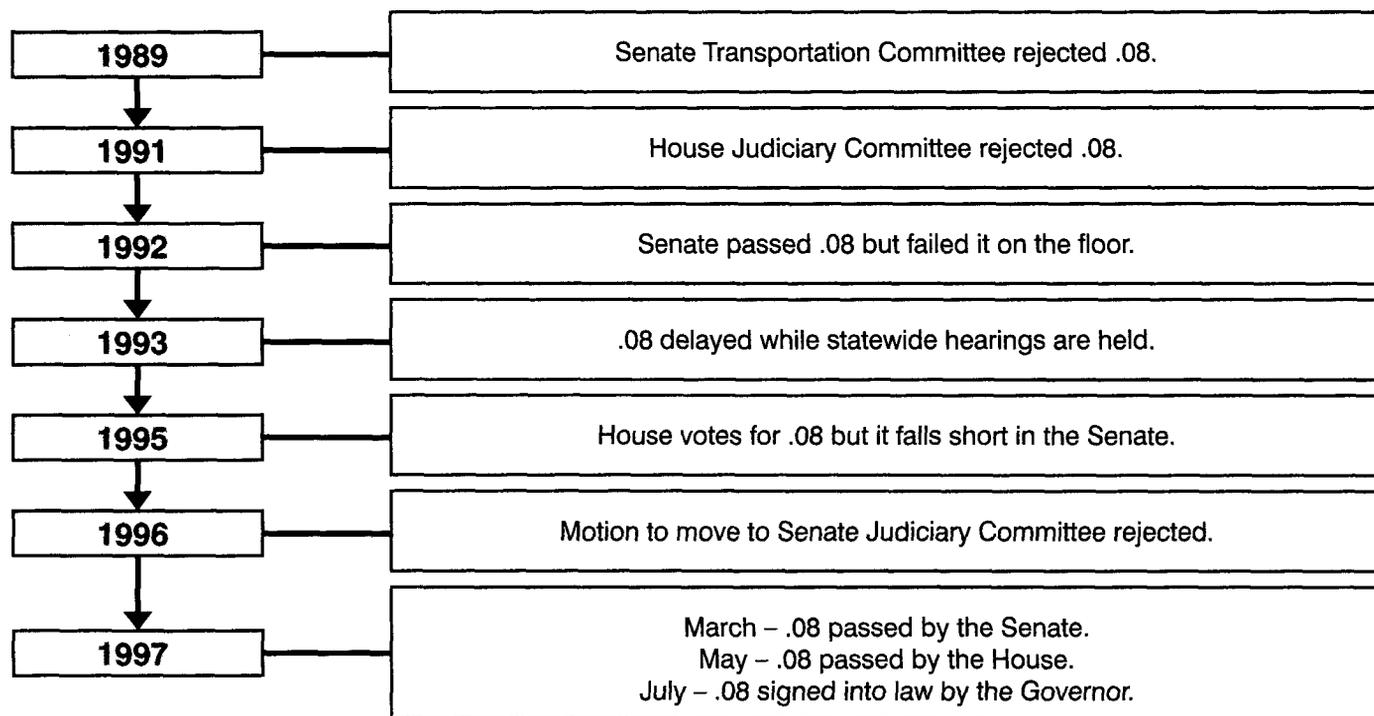
* A first conviction is generally a second offense in Illinois because first offenders usually get "court supervision" thus avoiding a conviction of record.



In 1993, Senator Barkhausen tried again with Senate Bill 903. Barkhausen also testified on behalf of the bill before the Senate Transportation Committee. After several additional public hearings, the bill was re-referred back to the Rules Committee. Throughout 1993, a vote was delayed while statewide .08 hearings were held.

In 1995, Representatives Tom Johnson, and Gwenn Klingler sponsored the Illinois House Bill 2205, which passed the House. However, it fell short by one vote in the Senate Transportation Committee. The motion to move House Bill 2205 to the Senate Judiciary Committee was defeated in the Senate Rules Committee in 1996. Finally, in 1997, Senate Bill 8 won passage in the Illinois State Senate, passed the Illinois House of Representatives and, in that same year, was signed into law by Governor Jim Edgar. Figure 2 provides a brief historical account of the passing of the .08 legislation.

Figure 2. History of .08 Legislation



Source: Office of the Secretary of State, Legislative History of .08, 1/21/98



IV. Publicity Around the .08 Law

It is a basic axiom of safety researchers that to be effective, legislation must be publicized and enforced. Although some initial deterrence may be created by publicity alone, failure to enforce a new law clearly will result in an erosion of any effectiveness originally observed. Alternatively, although enforcement alone may create some public knowledge of the law, only a small portion of the potential of a new law may be realized if there is no publicity because the police come in contact with only a small fraction of the public. The publicity surrounding new legislation can generally be divided into two periods: (1) publicity generated while the legislature is considering the bill and (2) publicity occurring in conjunction with the implementation of the law. Two types of publicity usually can be distinguished (1) news media reports of legislative or enforcement activity and (2) public information campaigns designed to promote legislation or produce deterrence. This section discusses the news media coverage of the .08 law and the organized campaign undertaken to promote passage of the bill and inform the public of the new law.

To obtain a measure of the extent to which the .08 law was publicized through daily newspapers and television stations, the record systems of outlets in the three selected local sites in the State were searched electronically. Using key words from the .08 law, data on news reports from 1994 to 1999 were collected from major daily newspapers and television stations in Chicago, Springfield, and Peoria, Illinois. The results of these searches follow.

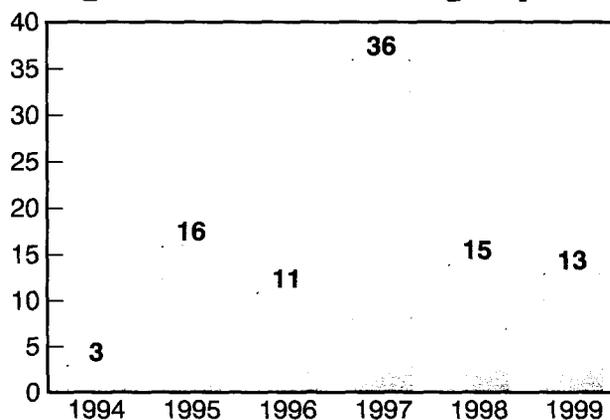
Newspapers

Four newspapers were selected for analysis: the *Chicago Tribune*, the *Chicago Sun-Times*, *The (Springfield) State Journal - Register*, and the *Peoria Journal Star*. Key informants from each site identified these as the major daily newspapers in their areas.

The article search was conducted on newspapers dating from July 1, 1994, through December 31, 1999. Most newspapers had their own electronic library system. At our request, they searched their own archival databases to provide copies of the selected articles. As

Figure 3 illustrates, the greatest amount of coverage (36 articles) on the .08 bill occurred in 1997, the year the .08 law was passed. The majority of articles was published during the spring months (March, April, and May), just before the Senate's passage of .08 (May 1997), and in July when the Governor signed .08 into law.

Figure 3. Media Coverage by Year



The second largest coverage was in 1995 when the House passed, but the Senate failed to approve, the .08 legislation. The coverage of .08 dropped from 16 stories in 1995 to 11 stories in 1996. According to the history of the .08 law, 1996 marked few legislative efforts, except for the rejected motion to move the hearings to the Senate Judiciary Committee. (It is noted that 1996 was an "emergency only" legislation year in the legislature.) Newspaper coverage given to .08 in 1998 and 1999 decreased by over 50% from 1997 when the legislation was passed into law.

An examination of Table 2 shows that the *Chicago Tribune*, the major paper in Illinois, gave more coverage to the .08 law than the other newspapers. The newspaper is distributed not only in Illinois, but nationally as well. The *Sun-Times* did not have any coverage on the .08 legislation in 1994 or 1995 and little in the following years.

Table 2: Number of Articles on .08 Legislation

	1994		1995		1996		1997		1998		1999		Total		
	S	R	S	R	S	R	S	R	S	R	S	R	S	R	All
Chicago Tribune	1	0	8	3	6	0	12	0	3	0	2	1	32	4	36
Chicago Sun-Times	0	0	0	0	2	0	1	2	2	1	4	0	9	3	12
Springfield State Journal	1	0	3	1	1	0	12	0	3	2	1	1	21	4	25
Peoria Journal Star	0	1	1	0	2	0	8	1	3	1	2	2	16	5	21
TOTAL	2	1	12	4	11	0	33	3	11	4	9	4	78	16	94

S= Articles specific to the .08 legislation
R= Articles related to the .08 legislation

With the exception of 1996 and 1997, about one-half to one-third of the stories covered each year was only *related* to the .08 legislation. These articles generally discussed then-Secretary of State George Ryan's campaign for governor and his successful efforts towards getting the law passed. The newspapers also ran editorials on drinking-and-driving events and crashes in the area.

**Television
Stations**

Using television stations from Chicago (WGN-TV), Springfield (WICS-TV), and Peoria (WEEK-TV), an electronic search was conducted on the coverage of the .08 BAC legislation for the period from July 1, 1996, through December 31, 1999. Each station was contacted to do an electronic search of their stories. Only stories specific to the .08 legislation were collected. In addition to a brief synopsis of the selected stories, we also analyzed the date and amount of time given to each story segment.



Table 3 displays the number of stories covering the .08 law in the 4-year period. Not surprisingly, the greatest number of stories occurred in 1997 (the year the .08 legislation was enacted). Only two stories were aired the year before the .08 law went into effect, and just a few were aired in the 2 years after enactment of the .08 law. The Chicago station followed by Springfield, the State's capital, and then Peoria gave the greatest amount of television coverage.

Table 3: Number of Stories Related to the .08 Legislation

	1996	1997	1998	1999	Total
Chicago	0	18	3	4	25
Springfield	1	12	2	0	15
Peoria	1	9	1	0	11
TOTAL	2	39	6	4	51

An important component of the stories covered by local television stations is the time dedicated to the story. As Table 4 demonstrates, 1997 not only had the greatest number of stories, but also had the most time dedicated to the story (more than 43 minutes). Less than 5 minutes of airtime was given to the .08 events in 1996, 1998, and 1999. However, Peoria, which had the fewest number of stories on the .08 legislation, had the largest amount of coverage time, followed by Springfield and then Chicago.

Table 4: Amount of Coverage Time (minutes and seconds)

	1996	1997	1998	1999	Total
Chicago	0	9.00	1.17	2.12	12.29
Springfield	2.15	12.25	1.90	0	16.30
Peoria	.50	21.50	.30	0	22.30
TOTAL	2.25	43.15	3.37	2.12	50.49

Media Discussion

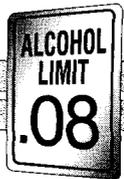
Given that this was one piece of legislation, the amount of media coverage is substantial. Most of the coverage (newspaper and television) occurred immediately (same year) before the State's adoption of .08. There was less coverage in 1998 and even less in 1999. Almost all of the 1998 and 1999 media coverage on .08 was linked to George Ryan's campaign for governor. Not all the coverage in these years was favorable to the .08 law. Some articles and stories were about opponents of the legislation (e.g., the local alcohol beverage industry) who believed that besides decreasing business, the .08 legislation would unnecessarily penalize the "social drinker." Further, the political campaign of George Ryan, then Secretary of State, appeared to have played an integral role in the passage of the .08 legislation. Now Governor, Ryan's campaign promise "to confront the drinking-driving problem" was sometimes characterized by members of the press as a political maneuver to secure votes. This political aspect stimulated media coverage of the .08 legislation, thus increasing public awareness. The issue continues to be covered in the newspapers especially on the anniversary date of the passage of the law and is still the subject of controversy. There is particular interest in the number of alcohol-related fatalities when these numbers are released each year.

Organized Public Information Campaign During Legislative Period

The public information campaign was spearheaded by the Office of the Secretary of State (SOS). The 1997 reduction of the illegal BAC limit from .10 to .08 had been a major goal of then-Secretary Ryan since 1991. The campaign included many components including the development of a coalition with 106 members and 39 municipal resolutions of support for the legislation. Additionally, the Kemper Insurance Company sponsored a poll of Illinois voters and revealed that 61% were in favor of reducing the BAC to .08. Ongoing research, information distribution, and the development of a legislative position paper were all essential parts in the adoption of the .08 legislation.

When legislative and political support was needed, legislative committee members were overwhelmed by calls from constituent coalition members. The SOS Office arranged for testimony to the legislative committees and lobbying by DUI crash victims, remorseful DUI reckless homicide offenders, physicians, and other advocates. They displayed the MADD national photo board of crash victims and set up the MADD Illinois victims' rights week display outside the committee hearing room. They also organized municipal resolutions.

In addition to conducting direct legislative efforts, the SOS Office continually issued press releases, sent letters to editors, arranged meetings with editorial boards, and encouraged victims to send letters to editors in target areas. Through these actions and others, they were able to secure significant media support while the legislature was considering the .08 bill.

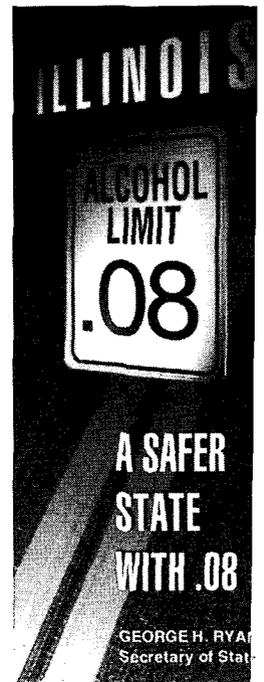


One of the most successful strategies used by the SOS Office included two demonstrations on drinking and driving for legislators. Police officers and State Senators and Representatives set up the demonstration as a way to test the driving abilities of people with a BAC around .08. The legislators themselves drank to the .08 level and then attempted to drive a simple course set up in a parking lot. This provided more awareness and powerful personal testimonials from legislators themselves on the effects of drinking and driving at the .08 level.

**Public
Information
Program After
Passage of .08**

After the law was enacted, there were ongoing drinking-and-driving awareness and prevention efforts. During 1997 and 1998, the slogan "Illinois: A Safer State With .08" was included in brochures and fact sheets. Road signs with the same slogan welcoming visitors and reminding residents of the .08 BAC law were posted throughout the State on highways. Additionally, the clever and informative slogan was used in the 1998 State's DUI manual and appeared in several public service magazines' ads.

One of the first public awareness activities following the passage of .08 was the "Holiday .08 Awareness" press release when the SOS Office contrasted the increase in 4th of July arrest figures from July 1996 with July 1997. Further, a designated driver program was initiated that included the distribution of Yellow Cab window stickers and coasters with the slogan, "If you're drinking, who's driving? We Will!"



If you're drinking, who's driving?



We will!

(312) 829-4222





V. Statewide .08 Enforcement Data

The passage of an .08 law substantially increases the number of drinking drivers who are exposed to the possibility of arrest for impaired driving. This suggests that DUI arrests will increase following adoption of .08 legislation. On the other hand, the publicity surrounding the law might be expected to deter to some extent drivers whose BACs are more than .10 and who were subject to arrest before the .08 law was implemented. Studies of the .08 law (NHTSA, 1991; Hingson, Heeren, & Winter, 1996, 2000; Johnson & Fell, 1995; Rogers, 1995; Voas, Tippetts, & Fell, 2000; Apsler, Char, & Harding, 1999; Foss, Stewart & Reinfurt, 1998) have shown that .08 laws produce almost an equal reduction in high (.10 and up) BAC, as compared to low (.01 to .09) BAC drivers in fatal crashes, suggesting that the law affects drinking drivers at all BAC levels. A further reason for not necessarily expecting a large increase in arrests of drivers in the .08-.09 range is that they often do not exhibit the blatant erratic driving of higher BAC offenders, so that evidence for probable cause may not be present for stopping a vehicle.

Table 5 shows the trend in total DUI arrests in Illinois during the 4 years from January 1, 1995, to December 31, 1998. Between 1996 (the last full year before the .08 law) and 1998 (the first full year after the law DUI), arrests increased 11%. Note that drivers could be arrested at BACs below .10 before the .08 law passed under the impaired driving law, but not under the per se law. The percentage of arrests involving drivers with BACs in the .08-.09 range increased after the .08 law was implemented. The percentage of DUI arrests in this range, 1% before the .08 law, rose to 4% in 1997 when the law was in effect for half a year. That number doubled in 1998 when the law was in effect throughout the year. Because of the increase in this lower BAC category, the average BAC of arrested DUI offenders in the records of the SOS Office decreased from .18 in 1996 to .16 in 1998.

Table 5: Annual DUI Arrests in Illinois, 1995 to 1998

	1995	1996	1997	1998
Number	44,433	44,710	47,034	49,547
Average BAC	.18	.18	.17	.16
.08-.09 arrests	<1%	<1%	4%	8%
Test Refusals	39%	39%	39%	38%

Source: Office of the Secretary of State's Annual Reports.

Table 6 shows that the percentage of DUI arrests in the .10-.14 range seems to be increasing. As indicated by key informants during site visits, .10 is no longer considered a borderline case. Of significance, the percentage of arrests at .15 and above in all BAC ranges have declined between 3-4% between 1996 and 1998, confirming that an .08 law can effect drinking drivers at all BAC levels.

Table 6: Percentage of DUI Arrests by BAC Range

	1995	1996	1997	1998
.08-.09 BAC	<1%	<1%	4%	8%
.10-.14 BAC	29%	30%	31%	33%
.15-.19 BAC	39%	38%	36%	34%
.20-.24 BAC	22%	22%	20%	18%
.25>BAC	10%	10%	9%	7%

Source: Office of the Secretary of State

Nearly 4 in 10 of the arrested drivers in Illinois refused to take the breath test (see percentages in Table 5). On face value, this is somewhat surprising as those who refuse receive a 6-month suspension instead of the 3-month suspension they would have received if they had taken the breath test and failed. However, for either a refusal or a failure, a driver can receive a hardship license after 31 days. This large refusal rate clouds the analysis of the effect of the .08 law in that it may conceal an even greater increase in the proportion of arrested drivers with .08-.09 BACs (and other BAC ranges), since we have no BAC results for those who refuse the breath test. Interviews with police and court personnel during site visits indicated that those involved in enforcing and prosecuting the law thought there was an increase in refusals following the implementation of the .08 law. Despite these perceptions, the refusal rate did not change significantly, and went down 1% statewide in 1998 (Table 5) and at two of the three sites (Table 13), with the initiation of the .08 law.

This fairly level trend in breath-test refusals may not tell the whole story in Illinois. It is complicated by the publicized efforts over the last several years to pass legislation to penalize DUI arrestees who refuse the Standard Field Sobriety Tests (SFSTs) as well as the breath test. The SFSTs are the Horizontal Gaze Nystagmus (HGN), walk-and-turn, and one leg stand. The Illinois State police have tracked this phenomenon and found that between 1996 and 1998, their percentage of arrestees who refuse the SFSTs went from 17.7% in 1997, to 21.5% in 1998, and increased to 26.1% in 1999. Because field sobriety tests help establish probable cause for a DUI arrest, this phenomenon may obscure a potentially higher arrest rate and the true percentage of breath-test refusals.



The information in Table 5 is consistent with the hypothesis that the number of DUI arrests in the .08-.09 range would increase leading to an overall increase in DUI arrests and a lowering of the average BAC. We had hoped to compare the trend in total arrests in Illinois with its neighboring States using data from the FBI's "Uniform Crime Reporting Data [United States]: County Level Detailed Arrest and Offense Data." This effort was frustrated by the failure of police agencies to report complete data to the FBI (Table 7).

Table 7: Percentage of the State's Population Covered by Police Agencies NOT Reporting DUI Arrests to the FBI (1996)

	Percentage
Illinois	76.7
Indiana	36.7
Iowa	8.6

	Percentage
Kentucky	78.1
Missouri	40.2
Wisconsin	0.1

The failure of so many police jurisdictions in Illinois to report to a central source leaves the State police records as the primary source of trend information for comparing Illinois with its neighboring States. The comparison of State police arrest trends in Illinois with similar trends in the several surrounding States will be conducted for the final report.



VI. State Data on DUI Case Disposition

Data from the SOS Office, shown in Table 8, suggest that there was little relative change in the way DUI cases were adjudicated between 1995 and 1998, before and after the .08 law. Illinois has an implied consent law that provides for a 3-month Statutory Summary Suspension (SSS) at the time of arrest for first-offenders who fail the breath test and a 6-month suspension for first offenders who refuse to take the chemical test. However, the effectiveness of this law in motivating the suspect to take the test is reduced because, in either case, a Judicial Driving Permit (JDP) may be issued after 31 days of suspension. Offenders have to prove hardships to be eligible for a JDP. Although the SSS is an administrative suspension, judges in Illinois routinely conduct the administrative hearing for first offenders rather than a Secretary of State administrative hearing officer.

**Table 8: Suspensions and Convictions
of Illinois Drivers Arrested for DUI**

	1995	1996	1997	1998
Suspended	92%	90%	92%	91%
JDP Granted	32%	38%	29%	21%
Convicted	23%	21%	28%	25%
Court Supervision	67%	71%	62%	71%
Lesser Offense	10%	9%	10%	4%

Source: Office of the Secretary of State

About 10% of all arrested drivers succeed in having their SSS actions rescinded through a judicial hearing. As shown in the top line in Table 8, of the remaining 90% with valid SSS actions, slightly more than 90% actually received suspensions. The remainder was processed in the following year. The percentage receiving suspensions in the year in which they were arrested does not appear to have changed as a result of the passage of the .08 law.

As described above, those who are suspended can apply to the court for a JDP. The applicant must prove that he or she is a first-time offender and that a hardship exists. There is evidence (second line in Table 8) that the number of such permits has fallen since the .08 law was implemented. It is not clear whether the drop in JDPs is a result of the .08 law or is related to some other change.



VI. STATE DATA ON DUI CASE DISPOSITION

In prior years, court supervision was limited to once in five years, then later to once in ten years. For those first offenders with "court supervision," a judge determines the penalties, which usually includes assessment and treatment for substance abuse. A formal conviction is not recorded on the offender's record if treatment is completed. According to some court personnel interviewed for this study, this change in the law regarding court supervision had a greater effect on sentencing practices than did the .08 law. One would expect the number of court supervisions to decline in 1997, which they did; however, they went back up in 1998 as can be seen in Table 8. There was no significant change in the percentage of first or multiple offenders coming into the system between 1996 and 1998, so this does not explain the variability seen in the percentage of people receiving court supervision. Further investigation of this trend is required.

There are several possible outcomes of an impaired driving trial. The suspect may be judged not guilty. An offender may be convicted, in which case he or she will receive the mandatory penalties provided by law. The offender may receive court supervision as described above and not have a conviction appear on their record. Finally, an offender may be convicted of a lesser offense such as *reckless driving* or may be found "not guilty." Table 8 indicates that the proportion of drivers receiving a conviction did not appear to change significantly when the .08 law was introduced. In 1998, however, the percentage of convictions for lesser offenses was less than half that of the previous year. It is too early to determine whether this change is related to the .08 law.



VII. Alcohol-Related Fatal Crashes

Determining the relationship of a legislative action to the ultimate criterion of alcohol-related crash reduction is at best only an approximation. This is not only because the effectiveness of laws is strongly influenced by the extent to which they are publicized and enforced, but also because crashes that result from the use of alcohol by the driver are difficult to identify and are subject to considerable error. Arguably, the best measure of the effectiveness of a law aimed at reducing alcohol-related crashes is the BACs of drivers in crashes. When a driver in a crash has a positive BAC, there is a strong possibility that alcohol played a role in the crash. In contrast, when there is no evidence of drinking, it is probable that alcohol was not a factor. By dividing drivers into two groups — positive BACs and zero BACs — it is possible to analyze for trends and/or changes in the number of drinking drivers in crashes, using the number of zero BAC drivers as a covariate. This permits a powerful analysis because the use of the number of drivers in crashes who have not been drinking helps to account for factors such as the number of miles driven, safety features of cars and roads, and the economy.

A significant limitation on the use of this criterion measure is that the BACs of drivers in most crashes are not known. Fatal crashes are a partial exception to this rule. On average, States collect and record the BACs of 70% of the drivers killed in highway crashes (NHTSA, 1999). The recording of BACs among surviving drivers in fatal crashes is considerably more limited, averaging about 40% from State to State. To overcome this limitation, NHTSA has developed an imputation system that allows the assignment of a BAC to every driver in a fatal crash. This permits the use of BACs of drivers in crashes when the analysis is limited to data from the FARS (Fatality Analysis Reporting System) file, a national census of fatal crashes.

As shown in Table 9, when 1996, the last full year before the implementation of the .08 law, is compared with 1998, the first full year after the law, the number of drivers at .00 BAC decreased by 28 or 2%; the number at .01-.09 BAC decreased by 29 or 22%; and the number at .10 BAC or greater decreased by 36 or 9%. Thus, the largest reduction occurred in the low BAC range, which includes the newly illegal .08 and .09 BAC levels. Testing the significance of the 22% and 9% reductions using de-seasonalized monthly data in a simple pre-post, independent samples t-test found that the one-tailed probability value for the .00 - .09 BAC range was .062 while for the .10 or greater range the one-tailed probability was .083. Consequently, neither met the standard $p=.05$ criteria for statistical significance with just 12 months of data in each period; however, this effect size would be statistically significant at $p<.05$ with only a few more months of data if the data followed the existing trend.

**Table 9: BACs of Drivers in Fatal Crashes
in Illinois from 1988 to 1998**

Year	.00		.01-.09		.10+	
	Count	Percentage	Count	Percentage	Count	Percentage
1988	1,756	68.8%	184	7.2%	613	24.0%
1989	1,573	67.8%	184	7.9%	565	24.3%
1990	1,523	68.5%	166	7.5%	535	24.1%
1991	1,290	67.3%	135	7.0%	493	25.7%
1992	1,303	69.3%	144	7.7%	434	23.1%
1993	1,377	72.6%	113	6.0%	407	21.5%
1994	1,562	73.7%	123	5.8%	436	20.5%
1995	1,604	74.1%	116	5.4%	445	20.6%
1996	1,478	72.8%	129	6.4%	423	20.8%
1997	1,414	73.9%	120	6.3%	379	19.8%
1998	1,450	74.9%	100	5.2%	387	20.0%

To determine the effects of the .08 law on all drinking drivers in fatal crashes, we used ARIMA intervention models to compare the monthly number of alcohol-positive (BAC = > .01) drivers involved in fatal crashes for the years 1988 through 1998. The same time series analytic approach was applied to the series of combined comparison States (Indiana, Iowa, Kentucky, Missouri, and Wisconsin) adjacent to Illinois, all of which have per se BAC levels of .10. Each series contained 132 monthly data points: 114 months pre-law and 18 months after the law became effective in Illinois. In each case, the trend for nondrinking drivers (BAC = .00) in the same period was used as a covariate to reduce the influence of factors unrelated to drinking and driving that effect fatal crashes such as the safety features of roads and cars, the number of vehicle miles driven, and the economy. Results for the Illinois series (shown in Figure 4) indicated a statistically significant decrease of 13.7% in alcohol-positive drivers relative to nondrinking drivers ($t=1.76$, 1-tailed $p=.040$) from July 1, 1997 to December 31, 1998 following implementation of the .08 law. This decrease compares with the experience of the same group of alcohol-positive drivers in the comparison States (shown in Figure 5), whose coefficient showed a nonsignificant increase of +2.5% ($t=0.67$, 1-tailed $p=.252$) during the same period.



Figure 4.
Illinois - Drivers Involved in Fatal Crashes, 1988-1998

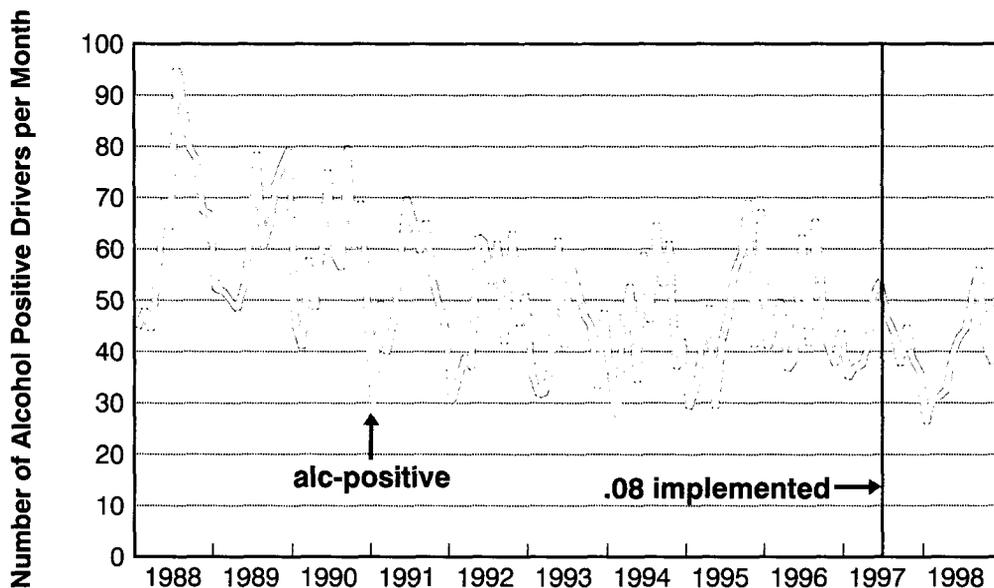
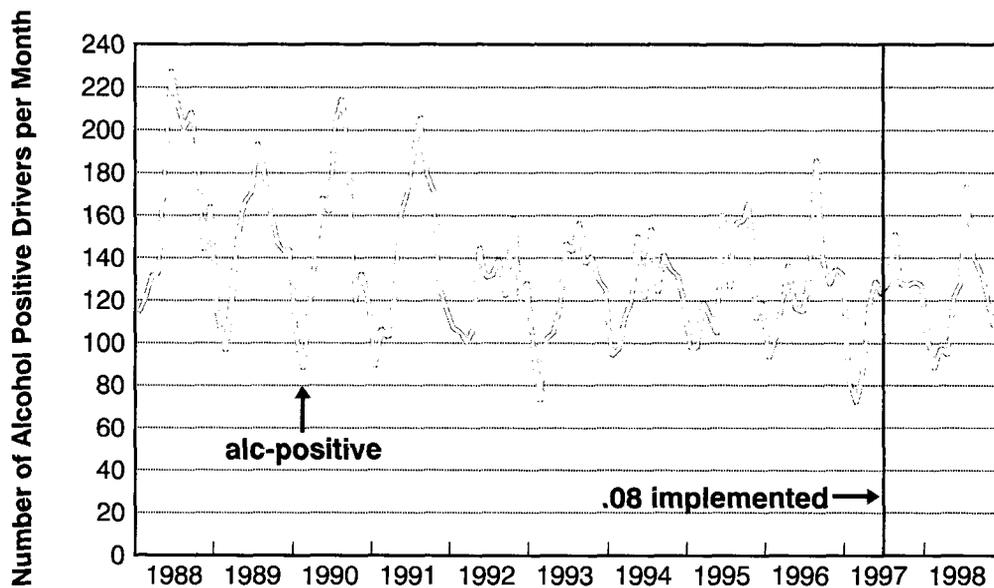


Figure 5.
Comparison States - Drivers Involved in Fatal Crashes, 1988-1998





Based on this observed 13.7% reduction in drinking drivers in fatal crashes, it is possible to estimate that the .08 law may have saved 47 lives in Illinois in 1998. The ARIMA analysis projected that there would have been 539 alcohol-positive drivers in Illinois in 1998 without the law, as opposed to only 487 observed alcohol-positive drivers involved in fatal crashes, for a reduction of 52 alcohol-positive drivers. From nationwide FARS data, we know that on average, there are approximately 0.9 fatalities per every alcohol-positive driver involved in fatal crashes. Assuming that these drivers are the primary causal factor in the crash, we estimate that for 1998, Illinois may have saved $(.9 \times 52 \text{ drivers} =)$ 47 lives.²

The 13.7% reduction in drinking drivers in fatal crashes is somewhat higher than that of other investigators (Hingson et al, 1996; Voas, Tippetts, & Fell, 2000; Hingson, Heeren, & Winter, 2000) who found reductions related to the .08 law in the 8% range. Further, this reduction is based on only the first year and a half of the .08 law. Typically, the greatest effects of new laws are observed when first implemented, with their effects wearing off in later years (Ross, 1981). Finally, two pieces of legislation (limits on court supervision dispositions and reporting practices by hospitals) were implemented in January 1997 (see Section III) that may have accounted for some of the reduction seen in Illinois compared to its neighboring States. There was little publicity, if any, given to these two laws and there is no indication at this point that either law had much effect.

²To estimate the average number of fatalities associated with each drinking driver in a fatal crash, the number of fatalities within each crash (using the 1995-1998 FARS data files) were attributed proportionately to each driver involved in that crash; these proportional fatalities were then aggregated separately for sober drivers (BAC = .00) and for alcohol-positive drivers. This procedure yielded 117,117 fatalities attributed to the 171,074 drivers at .00 BAC (a rate of 0.6846 fatalities per sober driver), and 49,451 fatalities attributed to the 54,999 alcohol-positive drivers (a rate of 0.8991 fatalities per alcohol-positive driver). These attribution rates remain virtually constant from year to year; the rate for alcohol-positive drivers varied by less than 4/1000ths of a fatality among these 4 years.

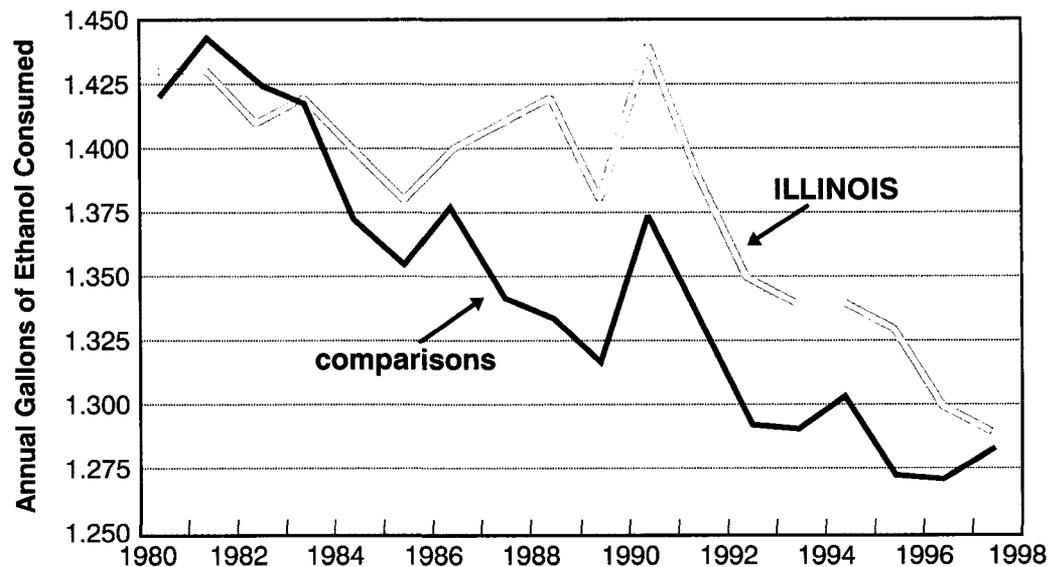


VIII. Alcohol Consumption

A major argument raised by the hospitality industry against the enactment of the .08 law is that it would deter “social drinkers” from consuming alcohol and result in a reduction in income and employment in the alcohol industry. This raises the question of whether the .08 law reduces per capita consumption of alcohol. Voas and Tippetts (2000) found some evidence that per capita consumption was reduced following a State’s passage of .08 legislation. However, the effect was small, and other studies have suggested that consumption is not affected. An objective of the current study is to determine whether there is any evidence that alcohol consumption in Illinois was reduced following the passage of the .08 law.

Figure 6 shows the trends in per capita beer consumption for Illinois and separately for the surrounding states. Beer consumption is used rather than overall alcohol consumption because it has been found to be more directly related to impaired driving (Voas & Tippetts, 2000). The consumption data, published by the National Institute on Alcohol Abuse and Alcoholism (NIAAA, 1997), are estimated from sales of alcoholic beverages collected by the Alcohol Epidemiological Data System (AEDS). The per capita consumption results from dividing the total State consumption, by the aged 14 and older population (figures provided by the Census Bureau).

Figure 6. Trends in Per Capita Beer Consumption for Illinois and Surrounding States





VIII. ALCOHOL CONSUMPTION

As can be seen, beer consumption has declined over the last 20 years in both Illinois and its neighboring States. Over the last decade, per capita beer consumption in Illinois has been somewhat higher than in surrounding States, but recently it has been decreasing at a more rapid rate. The latest figures available for this report show the consumption level in 1997 to be approximately the same (a little more, but not significantly so) as in 1996. Whether Illinois will demonstrate a declining trend in beer consumption in 1998 and 1999 will be examined in the final report of this study.



IX. Effect on Criminal Justice System

Background on Site Visits

In consultation with State authorities and the National Highway Traffic Safety Administration (NHTSA), we selected three sites — Chicago, Peoria, and Springfield. An attempt was made to select jurisdictions large enough to have a significant number of DUI arrests and to represent different areas of the State. Initially, we contacted the police departments and courts at the sites and asked them to identify key informants such as police officers, prosecutors, judges, and correction officials for interviews. Our objective was to collect information on new procedures adopted to enforce the .08 BAC limit and to explore any issues or problems for the local government enforcement agencies caused by passage of the law. Informants were asked about changes in procedures or practices or attitudes that occurred once the new law went into effect. Generally, they were queried about the following:

- Was there any special training or information provided in preparation for the change from .10 to .08?
- Did staffing levels increase or decrease following implementation of the .08 law?
- Were there changes in the refusal rate or average BACs?
- Were any new policies established?
- What problems, if any, came up in processing .08 or .09 BAC cases, and how were those problems resolved?
- Why are there not more cases in the .08-.09 range?
- How well does the public understand the change in the law?

A majority of the meetings with key informants were one-on-one interviews that occurred between January and March 2000. A few of the interviews were conducted by telephone when key persons were not available during scheduled site visits.

An attempt was made to collect local arrest and conviction data. Although arrest counts were available, conviction and BAC data were not available in all sites visited. We were referred to the SOS database of information as the most consistently kept data on arrests and convictions for DUI, BAC levels, and refusals. Consequently, most local data displayed in this section were generously provided by the SOS office, Information and Support Services Division of the Driver Services Department.



The Sites

Illinois is the 24th largest State in the Nation with the sixth largest population, totaling 11,895,849 in 1997. States bordering it are Indiana, Iowa, Michigan, Kentucky, and Missouri. Illinois' major industries are machinery, food processing, electrical equipment, chemical products, fabricated metal products, transportation equipment, petroleum, and coal. Its five major cities are Chicago, Rockford, Peoria, Springfield, and Aurora.

CHICAGO

Chicago is a large metropolitan city with more than 150 years of history. It is located in the heart of the nation's mid-west on the shores of Lake Michigan in Cook County. Chicago's population is 2,783,726, more than half of Cook County's population of 5,192,326. It has a long-established reputation as a business and industrial center and is a prime location for many corporate headquarters and Fortune 500 companies including Amoco, Quaker Oats, Unicom, and several others located just outside the city limits.

The Cook County court system has six judicial districts that process approximately 16,000 DUI cases per year. The city of Chicago (District 1) accounts for about 7,000 DUI cases brought by the city's police department.

Interviews during the Chicago site visit were conducted with the following people:

- 1 prosecutor
- 1 former prosecutor
- 3 judges (including the chief of traffic court)
- 3 police officers and 1 supervisor
- 1 deputy director of probation
- 1 director of the drug and alcohol assessment center
- 1 associate clerk of the court
- 1 director of DUI prevention services in the SOS Office
- 1 jail supervisor (by phone)

SPRINGFIELD

Springfield, the State's capital, is located in Sangamon County, approximately 200 miles southwest of Chicago. Sangamon County has a population of 191,306, with Springfield itself housing the largest number of residents (108,000).

Being the State Capital, it is a political town with many service-related businesses (e.g., hotels and restaurants). It has many bedroom communities, several hospitals, a large life insurance company, and four major beer distributors.



The Sangamon County Court, which encompasses the city of Springfield, processes approximately 800 DUI cases per year. DUI cases come from city, county, and suburban police departments and the state police. There does not seem to be one police department that dominates in terms of the number of DUI arrests.

During the visit to Springfield, interviews were conducted with the following people:

- 1 chief prosecutor
- 1 judge
- 2 police officers and 1 supervisor
- 3 state troopers (including the chief of BAC instrumentation and training for the State police)
- 2 jail deputies
- 1 director of the drug and alcohol assessment center
- 1 supervisor of records for the county sheriff's department

Four telephone interviews were also conducted with the following individuals who were not available during the site visit:

- 1 judge
- 1 probation director
- 1 chief of administrative hearings for the SOS
- 1 state trooper

PEORIA

Peoria is the oldest community in Illinois. It is located in the center of the State, equidistant from Chicago and St. Louis. The county has a population of 181,126 and the city of Peoria is the fifth largest in Illinois. It is headquarters to Caterpillar, Inc. and has long been considered an all-American, blue-collar town.

The city and county police of Peoria handle a major portion of the approximately 800 to 900 DUI arrests that come through the Peoria County court each year. The remaining contributors include a few suburban police departments and the State police.

Interviews in Peoria were conducted with the following people:

- 4 judges
- 1 prosecutor
- 1 traffic clerk supervisor



- 1 chief from the probation office
- 3 patrol officers from the county sheriff's department and a supervisor
- 2 patrol officers from city police and two supervisors
- 1 trauma center emergency room doctor
- 1 jail supervisor

Law Enforcement

Eighteen city, county, and State police line officers and supervisors were interviewed among the three sites. All of the line officers had extensive experience enforcing DUI laws, and most of the supervisors had previous line experience enforcing DUI laws. The consensus among those interviewed is that the change from .10 to .08 resulted in minor changes, if any, in their operations. Some officers indicated that refusals had gone up, which seemed to be a source of frustration. Many noted that the refusal rate was high even before the change in BAC level. They viewed the .08 law as an additional tool to enforce DUI laws. For some officers, it provided more confidence in "borderline" cases.

EXPECTATIONS AND SUPPORT

As previously described, the change in BAC levels from .10 to .08 was widely publicized in Illinois. When asked about what changes they expected the law to bring, most responded "very little" although they supported the law and welcomed it as another tool that could be helpful in "borderline cases." There were some officers, however, who believed that a lower BAC made no difference at all because it was "easy to get off" by refusing. Some mentioned that the legislative campaign for the .08 law was politicized giving it some negative associations.

PROCEDURAL CHANGES

Police agencies were informed about the change in the BAC law with a brief memo or flyer from their departments and had no special training associated with the change. Some officers got the word from the State Police that the Standard Field Sobriety Tests were still valid at the .08 level, but a few officers were uncertain about this. Officers mentioned two procedural changes that occurred: (1) citation forms had to be changed to reflect the new BAC level, and (2) breath-test equipment had to be recalibrated to the .08 level.

Citation Form. The standard DUI traffic citation form used statewide had to be changed to reflect the new BAC level. Some officers complained that the "Warning to Motorist" that had to be read from the form was already too long and complex, and the change to .08 made it worse. The new warning has to distinguish the applicable BAC level before and after July 2, 1997, in two places.



The new relevant section of the Warning to Motorists reads as follows:

*Pursuant to a DUI arrest, an Illinois driver's license suspension for refusing or failing to complete all requested chemical tests(s) or for submitting to chemical testing disclosing an alcohol concentration of **0.08 or more on or after July 2, 1997, or 0.10 or more prior to July 2, 1997**, or any amount of a drug, substance or intoxicating compound resulting from the unlawful use of consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substance Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act (Section II-501.1) except in cases where you submitted to chemical testing resulting in an alcohol concentration of **0.08 or more on or after July 2, 1997, or 0.10 or more prior to July 2, 1997**, or any amount of drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act or an intoxicating compound listed in the Use of Intoxicating Compounds Act and were subsequently found not guilty of the associated DUI charge.*

There was a delay in revising and distributing the new DUI traffic citation forms to police agencies. Consequently, while the old DUI citation form was still in use after the law had changed, officers had to cross out ".10" by hand and fill in ".08." This reportedly led to the dismissal of some cases because some judges were unwilling to accept a citation form with the change in BAC level inserted by hand; however, this does not appear to have been a widespread problem.

Breath-Test Equipment. Breath-test equipment had to be recertified to reflect the new .08 level. Machines were recertified to read three digits, which provided a more precise result. When the level was .10, breath-test equipment displayed only a two-digit BAC reading. Because of an internal software problem, there was a long delay in recertifying a majority of the machines statewide. The equipment could be reset at .08, but the printout indicated .10 as the relevant indicator. Although the results were still valid, this raised some doubt and confusion in some court cases contributing to the dismissal of cases. With more time and a higher-than-expected cost, this programming problem was resolved. A more flexible software program for breath-test equipment was recommended to prevent future problems of this kind.



IX. EFFECT ON CRIMINAL JUSTICE SYSTEM

DEPARTMENT OF TRANSPORTATION

ARRESTS AND CONVICTIONS

Officers did not perceive an increase in arrests for DUI before or after the law was passed, although the number of arrests between 1996 and 1998 did increase in Chicago and Sangamon County. Table 10 displays the SOS's arrest figures for the three sites, Cook County as a whole, downstate (jurisdictions south of I-80 in Illinois), and statewide. Most of the statewide increase in DUI arrests appears to have come from the downstate area.

Table 10: Drivers Arrested for DUI Who Lost Their Driving Privileges as of December 31 of the Year of Arrest

	1994	1995	1996	1997	1998
Peoria County <i>(includes city of Peoria)</i>	791	832	845	759	779
Sangamon County <i>(includes city of Springfield)</i>	728	714	759	831	956
Chicago (District 1)	5,804	6,031	6,209	6,787	6,729
Cook County	14,836	15,314	15,392	15,795	15,733
Downstate	28,711	29,299	29,318	31,239	33,814
Statewide	43,547	44,433	44,710	47,034	49,547

Source: Office of the Secretary of State

BAC Level. The number of arrests in the .08-.09 range were available for 1997 to 1999 in Peoria and Cook Counties (Table 11). When compared to the statewide numbers of .08 and .09 cases in 1997 (4%) and 1998 (8%) (Table 5), Peoria and Cook Counties have less than the statewide average in this lower BAC range, and the numbers of these arrests appear to be going down in Cook County. One experienced DUI officer, trained in drug recognition, believed that the .08 law had resulted in more professionals and young people opting to have just a few drinks and then supplementing their drinking with marijuana use in an attempt to avoid a drunk-driving arrest. Although other officers did not mention this trend, a recently conducted small pilot study in Chicago also suggests a high rate of drug use among DUI arrestees in the low as well as high BAC ranges. (Pilot described on page 29.)

**Table 11: Number of .08 and .09 Arrests**

	1997	1998	1999
Peoria County*	17 (2%)	45 (5%)	56 (7%)
Cook County**	213 (1%)	455 (3%)	399 ¹

¹Percentage not available

*Source: Peoria County Court Clerk

**Source: Central States Institute of Addiction Programs

As noted earlier, the average BAC level for arrests declined statewide between 1996 and 1998 (Table 5). The jurisdictions we visited experienced this same downward trend (Table 12). As previously described, the percentage of DUIs with BACs in the higher ranges, .15 and above (Table 6), seem to be on a downward trend statewide. The percentage of DUIs in the .10-.14 BAC range did go up slightly (Table 6). This is consistent with reports from police, prosecutors, and judges that a BAC of .10 is no longer a borderline case and thus is now more likely to be processed. Informants noted that, as with .08 and .09 cases, the numbers of .10 cases are few.

Table 12. Average BAC Levels

	1995	1996	1997	1998
Peoria County	.18	.17	.16	.16
Chicago	.20	.20	.19	.18
Sangamon County	.17	.18	.17	.16
Cook County	.17	.17	.17	.16
Downstate	.19	.19	.18	.17
Statewide	.18	.18	.17	.16

Source: Office of the Secretary of State, Driver Services Department, Information Support Services

Refusals. Many officers *perceived* an increase in the number of offenders refusing to take the breath test. They attributed this, in part, to the .08 law. Their perception was that the public believed that only two drinks would put drivers at the .08 BAC level, so rather than risk providing certain evidence, they refused, hoping to have the case dismissed. (The results from a statewide poll to be conducted may or may not confirm the police's perception about public thinking. These results will be available for the final report.)



IX. EFFECT ON CRIMINAL JUSTICE SYSTEM

Another reason officers commonly gave about the high number of refusals was that lawyers warn their clients not to take the breath test. The Defense Bar is reportedly a powerful lobby in Illinois. This warning from attorneys, of course, applies to multiple offenders who have had a lawyer, but word-of-mouth spreads the knowledge to others. Media reports that questioned the validity of breath tests may have contributed to more refusals as well. In the summer of 1998, the *Peoria Star Journal* ran such an article. Further, the penalties for first time refusals in Illinois are only slightly worse than for taking the test and failing; thus, the risk appears worth it to many. First-time "refusers" are able to obtain a Judicial Driving Permit (JDP) from the court, and multiple "refusers" may be able to obtain a Restricted Driving Permit (RDP) from the SOS. For first offenders, the license is suspended for 3 months for failing and 6 months for refusing the test. However, in both instances, offenders are eligible for a JDP on the 31st day of suspension. For multiple offenders, the license is suspended for 12 months for failing and 36 months for refusing. Those who fail are eligible to apply to the SOS for an RDP after 90 days. Multiple offenders who refuse cannot apply for an RDP until after the 25th month. Table 13 illustrates the already high refusal rate in Illinois; some officers noted that fact as well.

Although the perception among police officers and some judges and prosecutors was that the refusal rate had gone up since the .08 law was enacted in mid-1997, it has actually gone down. Table 13 shows the percentage of arrestees that refused to take the breath test between 1995 and 1998. The refusal rate has been on a downward trend in Peoria, Chicago, Cook County as a whole, and statewide for the 4 years displayed. The refusal rate went up slightly (1%) in Sangamon County between 1996 and 1998.

Table 13. Number and Percentage of BAC Breath Test REFUSALS Per Total Arrests

	1995	1996	1997	1998
Peoria County	318 (38%)	314 (37%)	286 (38%)	274 (35%)
Chicago	3,089 (51%)	2,891(47%)	2,866 (42%)	2,704 (40%)
Sangamon County	336 (47%)	386 (51%)	429 (52%)	500 (52%)
Cook County	6,478 (43%)	6,253 (41%)	6,305 (40%)	601 (38%)
Downstate	11,020 (38%)	11,287 (38%)	12,032 (39%)	12,581 (37%)
Statewide	17,498 (39%)	17,540 (39%)	18,337 (39%)	18,592 (38%)

Source: Office of the Secretary of State, Driver Services Department, Information Support Services.



IMPACT ON OPERATIONS

As described earlier, there were some start-up problems after the law was passed with getting the new arrest forms and with getting breath test equipment calibrated. Other small changes at the local level were attributed to the .08 law. Several officers said that "DUIs are harder to find" and think this is partially due to the .08 law in that it could have increased awareness and contributed to more designated drivers and more drinking at home. Officers trained in DUI procedures were now more comfortable proceeding with borderline cases and sometimes more comfortable using the preliminary breath tester (PBT) now that the legal BAC is .08 rather than .10. Most officers felt that the SFSTs were still reliable at .08-.09, but a few were uncertain if these had been validated with a study. They were in fact validated in a NHTSA study (NHTSA, 1998). Most also felt that the HGN field test was still a good indicator of impairment at .08, but again, a couple of officers were unsure. In two jurisdictions, officers felt fairly confident that prosecutors and judges generally supported the lower BAC level. Further, these officers indicated there was a slight "lowering of the bar" effect in the courts as well; that is, more willingness to fully prosecute a .10 BAC case as it was no longer a borderline or "challengeable" case. However, officers noted that the number of arrests at the .08 through .10 levels were still very small and many had never had an .08 or .09 case. It is generally the higher BAC cases that come to their attention by some type of erratic driving. Officers at two sites candidly noted that without DUI grants for special operations and overtime, the priority given to DUI by their own agencies would not be as high and arrests would definitely go down. The feeling among officers was that DUI grants, rather than any change in the law, was what most affected their DUI arrest rates. When questioned, none of the jurisdictions noted any major changes in the number or level of grants received for DUI enforcement between 1997 and the present.

In one jurisdiction, officers felt that DUI was not given priority by prosecutors and some judges before the change in the law, so there was little support for it after the change. Court officials in this county were quoted by the police as making explicit statements about not wanting DUI cases below .10 BAC. Additionally, a police agency in this jurisdiction did not place a high priority on DUI arrests; in fact, some DUI grant monies for special operations were not spent. Due to the complex nature of DUI paperwork and lack of support in the courts, officers were not interested in the overtime offered to conduct special DUI operations.

**Court
System**

Nine judges were interviewed, three of whom heard traffic cases exclusively. The other judges all had significant experience in hearing DUI cases.

EXPECTATIONS AND SUPPORT

Most all judges and prosecutors in two of the jurisdictions visited supported the .08 law and would prosecute .08 and .09 cases. Initially, however, some judges did not support the .08 law. Their support came later after they saw that the number of cases in this range was small. Several comments suggested that some thought crashes did not occur in the lower BAC ranges and that anything under .15 was considered low. In one jurisdiction, some judges and prosecutors are reported to have vocally discouraged the enforcement and prosecution of the .08 law, feeling that .10 was low enough.

PROCEDURAL CHANGES

Neither judges nor prosecutors noted any change in formal policies or procedures related to the .08 law. Both judges and prosecutors reported not seeing many cases in the .08-.09 range. The court clerks interviewed for this study noted no changes associated with the .08 law, except the delay in changing arrest forms to read ".08" rather than ".10."

IMPACT ON PRACTICES

As with police officers, judges and prosecutors thought that the .08 law was responsible for increasing breath-test refusals, although the data from the SOS do not confirm this based on the number of arrests filed with the court. Refusals reportedly go to trial in most cases, but none of the prosecutors interviewed kept records on the number or outcome of refusal cases. Some prosecutors reported that refusals are hard to prove; yet, others found no problem relying on the police officer's report of impaired behavior for obtaining conviction. Several police officers had noted that the HGN field test could not be introduced into court cases although this was their most reliable SFST. Apparently, there is some confusion about HGN as prosecutors indicated it could be introduced to indicate drinking but not impairment.

Judges and prosecutors noticed a "slight lowering of the bar" effect, as did police officers. This is consistent with findings from the NHTSA study of the .08 law in California (NHTSA, 1991). Cases with BACs of .10 were no longer borderline cases and were challenged less often by defense attorneys in Illinois. The perception was that there were fewer plea bargains at .10 and fewer trials challenging the results of a BAC test of .10, although there were no records available to verify this perceived change on the local level. Prosecutors and judges thought that juries would be more sympathetic to defendants with lower BAC cases. One Judge's feeling was reflected in the sentiment, "There but for the grace of God go I." Again, however, the low number of cases being brought to the courts in the .08-.10 range was noted. It was suggested that the .08 law may be utilized more in the affluent suburbs than in the metropolitan or urban areas as the .08 and .09 cases were usually white-collar persons with no criminal background. Examination of this theory can be investigated by using drivers' records and zip codes in the final report.



OTHER CHANGES IN DUI LAW

Another change in the DUI law reportedly had a greater effect on sentencing practices than did the .08 law. As previously described, Illinois allows first DUI offenders to be under court supervision that, ultimately, does not count as a conviction if the supervision period is completed successfully. Historically, eligibility for court supervision went from once in 5 years to once in 10 years and, finally, to "once in a lifetime" in January 1997; 6 months before the .08 law was implemented. This law theoretically would decrease the number of offenders eligible for court supervision, but the SOS data does not yet indicate that this is happening.

Beginning in 1999, DUI convictees were assessed an additional \$100 fee collected by the courts and passed back to the arresting police agency. Although it is too soon to say, this could be a great incentive for police departments to move DUI arrests up on their priority list as these fees could potentially generate large sums of money. One court clerk noted, however, that he was instructed to collect all other fees and fines first before collecting the \$100 fee to go to police agencies (as fines are often difficult to collect from offenders).

Just one officer mentioned the change in law in 1997 that encouraged medical personnel to report the blood tests on drivers being treated for injuries in crashes. Apparently, this change in the law was not perceived as having a large impact on arrests in the jurisdictions we visited.

Sanctioning System

JAILS

The jail systems in these jurisdictions reported no noticeable change associated with the .08 law. One jail official thought there was an increase in the number of drunken offenders coming into the jail but not drunk-driving offenders. One interviewee commented that, in a place like the Cook County Jail, the number of drunk drivers coming through the system is hardly noticeable when they have to be concerned with jailing individuals accused of crimes such as murder and rape.

The deputies of one jail system noted their frustration about their backlog of DUI warrants for "no shows," in court. No funds were available for the personnel needed to handle the backlog, thereby undermining the credibility of the DUI law itself.

PROBATION

The probation departments in all three jurisdictions reported no noticeable changes in their caseloads before and after passage of the .08 law. Two of the probation departments only handled the higher risk cases, that is, BACs of .16 or higher. Lower BAC cases were monitored by treatment agencies. Probation staff generally supported the law stating that it is best to intervene early with substance abusers. They thought the .08 and .09 cases might allow for an earlier intervention.

Secretary
of State
(Department of
Motor Vehicles)

On the 46th day after arrest for DUI in Illinois, the driver's license of the arrestee is automatically suspended. First-time arrestees, both who fail or refuse the breath test, can have limited driving privileges restored with a JDP after a hearing by the court if it is found that there were no aggravating circumstances of the arrest such as an injury or death caused by the offender. Those with a previous arrest must have an SOS informal or formal hearing for an RDP and before their licenses are returned. Persons with one conviction may have an informal hearing at one of approximately 15 licensing facilities around the State. Persons with two or more "dispositions" (includes court supervision) must go for a formal hearing before their licenses are returned. Hearings, where evidence is presented and the State is represented, are held in one of four locations: Chicago, Joliet, Springfield, or Mt. Vernon. The deputy director of administrative hearings for the state reports that the .08 law has had little effect on hearings as the average BAC of offenders is .16 to .17. The number of informal and formal administrative hearings has remained at approximately 22,000 hearings per year between 1996 and 1998. The 1999 figures are not yet available, but are expected to be similar.

Treatment
Agencies

The State Office of Alcohol and Substance Abuse requires that all DUI offenders, including those on court supervision, be assessed for referral to appropriate education and treatment based on six increasing levels of assessed risks. The BAC levels connected with the level of risk assigned were not changed as a result of the .08 law. Persons with a BAC of less than .15 are still assigned to the "minimal" risk level if they have no prior court or SOS dispositions and no other symptoms of dependence.

Officials from one large treatment provider believe that the .08 law has brought DUI offenders into their system that otherwise would not have been there and, in the process, has revealed drug problems, and provided for earlier interventions. A small pilot test (Central States Institute-personal interview) of DUI arrestees in Cook County revealed that 57% of cases in the .01-.07 range were positive for an illegal drug and 29% were positive in the .08-.09 range. As shown in Table 11, Cook County had 213 cases in the .08 and .09 range in 1997, 455 cases in 1998, and 399 cases in 1999. The sole provider of assessment and treatment for Cook County (Central States Institute) provided data on its .08-.09 cases for 1999. Twenty-two percent (88) of the 399 offenders in this category had a prior arrest for DUI, and 39% (154) were assigned to levels of risk between the third and sixth (highest) level of risk, although most were in the third level of risk. These data provide some evidence that not all of the .08-.09 offenders are the persons with no record who simply had "a few drinks" after work.



X. Summary and Conclusions

In evaluating any DUI law, it is important to create a model that can guide the data collection so that meaningful information can be collected. Table 14 presents such a model. It is intended to create a chain of action between the passage of the law and the hoped-for reduction in alcohol-related crashes. The chain consists of five elements:

1. The publicity given to the law.
2. The strength of its enforcement.
3. The sanctions applied to the offenders.
4. Public knowledge of the law.
5. A reduction in alcohol-related crashes.

Each element is summarized in the next section.

Table 14 provides an overview of the measures collected in this preliminary study and the initial tentative conclusions that can be drawn from them. Only 18 months of data following the initiation of the .08 law in Illinois was available for this study. This period is too short to permit strong conclusions about the effectiveness of this important law. The final report on the .08 law, to be issued in 2001, will provide 2 more years of data for a total of 3½ years of information on the effectiveness of the .08 law. At that time, it will be possible to draw conclusions with greater confidence. Nevertheless, as indicated in Table 12, the initial data reported here is in line with what was expected.

Publicity

EXPECTED EFFECT

It is to be expected that an important and controversial new law will attract news coverage by major daily newspapers and television stations. It is also to be expected that proponents of the legislation will mount a Public Information and Education (PI&E) effort to promote passage of the law and support its enforcement once it is in place. Thus, this study attempted to assess two principal elements of the .08 public information effort.

1. The media coverage provided by major daily newspapers and television stations.
2. The public information campaigns mounted by the proponents of the .08 law.

In each of these areas, the amount of activity could be divided into two periods: the period when the legislature was considering the .08 bill and the period following the implementation of the law.



OBSERVED EFFECT

As noted, there was substantial coverage of the .08 law in newspapers and electronic media. The majority of this occurred during the first half of 1997 when the legislature was considering the .08 bill, rather than after the .08 limit became law. Similarly, much of the PI&E effort of the proponents of the legislation occurred during the effort to pass the law and immediately after its passage. It is difficult to evaluate the effectiveness of either of these public information sources because polling data, which would provide information on the public's knowledge of the law, is not yet available. However, there was a substantial effort to publicize the law, and there is some evidence from key informants that the public was aware of the change in the law and that it was now stricter, although they may not have an accurate understanding of the law.

Enforcement

EXPECTED EFFECT

The passage of a new controversial law can be expected to stimulate increased attention to DUI enforcement. This should result in additional resources being devoted to training, personnel, and possibly new equipment such as preliminary breath test devices to assist in detecting drivers with low BAC levels. Implementing a lower BAC level should increase arrests in the .08-.09 range as, before the .08 law, arrests could be made only if the suspect was visibly impaired. Because arrests are made at lower and borderline BAC levels, the average BAC of arrested drivers should be lower and, consequently, the total number of arrests should increase.

OBSERVED EFFECT

Interviews with local police officers indicated that, in those localities surveyed, resources (personnel, training, or equipment) did not increase after the .08 law was implemented and no substantial changes in policies or procedures occurred. Nevertheless, the number of DUI arrests of offenders in the new .08-.09 range statewide did increase under the new law. Further, the average BAC of arrested drivers declined and the proportion of offenders with BACs higher than .15 declined. The proportion of offenders in the .10-.14 range increased slightly, confirming what officers reported, that .10 is no longer a borderline case that formerly would not have resulted in arrest and/or conviction. Police officers generally welcome the .08 law as an additional enforcement tool and they suspect it has a deterrent effect on drinking and driving because "DUIs are harder to find." Statewide, total arrests increased by almost 11% between 1996 and 1998. Most of this increase was seen in downstate communities outside the Cook County urban area.

Sanctions

EXPECTED EFFECT

With the new lower BAC level, it might be expected that drinking drivers and their lawyers would become more concerned about the breath test and, consequently, chemical test refusals would increase. Further, with the possibility of more refusals and the lower BAC level (which should make it easier for police officers to defend their arrest actions), it might be expected that a



higher portion of the arrestees would be suspended. A significant concern with legislation that broadens the application of a law or significantly increases penalties is that defendants will be more likely to hire lawyers, demand jury trials, and contest DUI prosecutions. Because of such pressures, judges might be more likely to agree to plea bargains and reduced penalties. Thus, a lower level of sanctioning might occur that, in turn, might reduce the deterrent effect of the new law.

OBSERVED EFFECT

Although some local police and court personnel believed that the number of refusals increased following the initiation of the .08 law, state statistics indicate no significant change in the proportion of offenders refusing the breath test. As previously described, the refusal rate may actually have been higher after the .08 law, but an increase in the number refusing the SFSTs has obscured this question. The percentage of offenders successfully challenging SSS actions also did not appear to change. Nor was there evidence that the judges became more lenient in giving JDPs to those whose drivers' licenses were suspended. Although, because of the lower BAC level, an increase in those first offenders receiving reduced sentences or court supervision (which avoids the statutory penalties for DUI) might have been expected, the percentage receiving reduced sentences declined, and the proportion receiving court supervision remained essentially unchanged. Moreover, the number of offenders receiving a full DUI conviction was unchanged. These results are clouded by the fact that, in January 1997, the legislature limited the use of the "court supervision" disposition to once-in-a-lifetime for a defendant. That meant that many arrested multiple offenders, who may have previously received court supervision, were no longer eligible for the less severe sanction. However, the SOS data does not yet reflect a change in court practices. Overall, pending additional experience with the law, it does not appear that the judicial system responded to the .08 law by reducing the level of sanctioning as might have been expected because of the lower BAC level. No changes in resources or formal policies and procedures were needed in the court systems visited as a result of the .08 law. Some judges and prosecutors noticed a slight "lowering of the bar" effect due to the .08 law; that is, the few .10 BAC cases they get are no longer borderline cases, but are now more easily found guilty.

Public Knowledge

EXPECTED EFFECT

News coverage, plus the planned PI&E campaign and enforcement effort, would be expected to inform the public of the new law and increase deterrence to driving after drinking. Past experience, however, suggests that only about 50% of the public will be able to report the BAC level correctly, but a larger percentage may be aware that it has been lowered and express increased concern about being arrested if driving after drinking.



OBSERVED EFFECT

Key informants in the communities visited for this study reported varying perceptions of the public's knowledge of the law. Some reported that social drinkers were aware of the law and had changed their drinking-and-driving habits. Another view was that the heavy drinkers were aware of the law but that it made no difference to them because they would refuse the breath test in any case. Other informants felt that responsible drinkers did not understand the law well because it was not relevant to their lives. Further, they felt that chronic drinkers did not understand the law because they lacked education. There was a widespread belief among informants that the public thought that two drinks would now produce an illegal BAC. Objective information on the public's knowledge of the .08 law awaits the conduct of a statewide survey or study to measure awareness.

Alcohol-Related
Crashes

EXPECTED EFFECT

If knowledge of the law and strong enforcement of its provisions deterred potential offenders, then the proportion of drinking drivers in crashes should be reduced. Although it might be expected that this effect would occur mainly within the new, lower .08-.09 range, other studies of the .08 law have indicated that the law is as effective at BACs of .10 or higher as it is at BACs of .10 or lower (Voas & Tippetts, 1999).

OBSERVED EFFECT

There was an overall reduction of 13.7% in the proportion of drinking drivers in fatal crashes. Surrounding states without an .08 law, showed no similar decline. The significance of the Illinois reduction is limited by the relatively short period of post-.08 law data available for this preliminary report and the possible effect of other legislation implemented at the beginning of the same year that the .08 law became effective. The 22% reduction in the low BAC range (.00 - .09) was greater than the 9% reduction in the high (.10 or greater) range, but the number of cases in each range was too small for this difference to be significant.

Final
Remarks

Although it is too early to reach a firm conclusion on the effectiveness of the Illinois .08 law, it does appear that the observed changes in arrests, convictions, sanctions, and the crash data are in the expected direction. The consistent data adds to the credibility of these initial results.

If a positive effect on alcohol-related crashes in Illinois can be demonstrated, it will be particularly impressive because the sanctions for DUI offenders in Illinois, particularly for first offenders, are relatively mild. First-time offenders generally avoid a conviction for DUI and a significant set of minimum penalties by electing to accept court supervision for a year. Although first offenders normally receive a 3-month license suspension, they can receive a JDP after completing 31 days of suspension. Convicting impaired drivers is often difficult because nearly 4 in 10 drivers refuse the breath test. These elements of the criminal justice and DUI systems in Illinois make the effect found on alcohol-related crashes potentially more substantial.

**Table 14: Tentative Findings from Preliminary Study of Illinois .08 Law**

	Measure	Expected Effect	Observed Effect	Counts
PUBLICITY	News media coverage of .08 law	Increase	Small increase	Most of increase occurred during legislative consideration of bill.
	Special Public Information and Education efforts	Increase	Increase	Occurred both during legislative debate and directly following adoption.
ENFORCEMENT	Enforcement resources DUI	Increase	No apparent change	Based on interviews with local police.
	DUI arrests with .08-.09 BACs	Increase	Increased from >1% to 8%	Data from SOS Office
	DUI arrests in .10 and higher ranges	Decrease	Increase in .10-.14 range. Decrease in .15+ ranges.	Data from SOS Office
	Total DUI arrests	Increase	Increased 10.8%	Could be even higher, considering the increase in refusals of SFSTs reported by State Police.
	Average BAC of arrested drivers	Lower	Reduced from .18 to .16	Could be misleading because of 39% refuse test.
SANCTIONS	Breath Test refusals	Increase	No change	Illinois has a high rate of breath test refusals at 39%. Could be higher but increase in refusals of SFSTs clouds the question.
	% of arrestees suspended	Increase	No change	Remained above 90%.
	% of drivers given Judicial Driving Permits	Increase	Decreased from 38% to 21%	Data from SOS Office
	% of drivers allowed court supervision	Increase	Highly variable from 62% to 71%	May have been influenced by law limiting to once per lifetime.
	% of drivers convicted	Reduction	No Change	Slightly, but not significantly higher in '97 and '98.
	% of drivers given reduced charges	Increase	Reduced from 9% to 4%	Data from SOS Office
PUBLIC KNOWLEDGE	Public knowledge of law	Increase	Unknown	Will be determined in Fall 2000 statewide survey.
	Perceived risk of DUI arrest	Increase	Unknown	Will be determined in Fall 2000 statewide survey.
	Alcohol consumption	Decrease	Unknown	Data available only through 1997.
	Driving after drinking	Reduced	Unknown	No measure currently available.
CRASHES	Low BAC drivers in fatal crashes	Decrease	Decrease-22%	Data from FARS, significance, p=.06.
	High BAC drivers in fatal crashes	Decrease	Small decrease-9%	Data from FARS, significance, p=.08.
	Drinking drivers in crashes	Lower	Lower-13.7%	Significant decrease based on FARS data, p=.04.

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Acknowledgements

The authors would like to thank the inspirational Martha (Marti) Belluschi, Director of DUI Prevention Services for the Illinois Secretary of State Office, for reviewing this report and contributing to it way above and beyond the call of duty. We also would like to thank Connie Satlar and her staff of the Secretary of States Office, Driver Services Department, Information Support Services, for their valuable assistance in providing data. We are grateful to Susan Baltusevich and Larry Wort of the Illinois Department of Transportation, Division of Traffic Safety, for their support and advice throughout this project. And, finally, a very special thanks to the numerous police officers, state troopers, judges, court and jail personnel, and treatment providers who gave generously of their time, opinions, and kindness when we visited their cities.

DOT HS 809 186
December 2000



U.S. Department
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