

SESSION 4

EFFECTS OF LOWERING THE LEGAL ALCOHOL LIMIT FOR DRIVERS

EFFECTS OF REDUCING THE ILLEGAL PER SE LEVEL TO .08 BAC IN THE STATE OF MAINE

David Shinar, Rockville, Maryland, and
Polina C. McDonnel, University of Southern Maine

STUDY DESIGN

This study was conducted in the State of Maine to assess the impact of lowering the per se standard from .10% BAC to .08% BAC on DWI enforcement and adjudication. The .08% standard was adopted at the end of 1988 following four years of essentially no changes in Maine's DWI laws. The study analyzed differences between 1989 DWI arrests, court dispositions, and judgements; and trends projected from 1985-1988 data. It was hypothesized that the reduction in the per se standard would: 1) increase the volume of drivers stopped/arrested for DWI; 2) decrease the overall BAL of DWI offenders that submit to a chemical test for alcohol impairment, particularly the volume of drivers whose test results show a BAL of less than 0.10%; and 3) increase the volume of first offender convictions.

The study did not attempt to assess the impact of the change in the law on the DWI-related accident rates, since accident data base was not large enough.

MAJOR EVALUATION RESULTS

The .08% per se law was followed by an increase in DWI arrests, and an increase in percent of repeat offenders receiving jail sentences.

- DWI arrests increased for both male and female drivers. The percent of male drivers arrested for DWI increased from a constant 2.1% in 1985-1988 to 2.4% in 1989. For female drivers the change was from 0.3% to 0.4%.

- The only change in sanctions was that the percent of repeat offenders receiving jail sentences increased

from 95% to 97%.

Some trends already manifest before the law, continued after its implementation. The following impact measures all reflected "positive" changes in 1989, but the magnitude did not exceed that projected from the 1985-1988 predicted trends. Relative to 1988:

- Conviction rates increased from 89.5% to 91.9%, and dismissal rates decreased from 9.4% to 7.6%.

- The proportion of arrested drivers with BAC of less than .10 percent increased from 21.1% to 23.1%.

One expected effect was not supported by the data:

- The proportion of first and repeat offender arrests did not change following the change in the law.

The reduced per se level was associated with one negative effect:

- There appeared to be an increased in the elapsed time from apprehension to adjudication. Until 1989 over 75% of the DWI arrests were adjudicated by the courts at the time the data were frozen for the annual analysis (which varied from mid-February to the beginning of April of the following year). In contrast for the 1989 DWI arrests only 62.2% were adjudicated at the beginning of March.

CONCLUSION

Reducing the BAC per se levels appears to increase DWI arrests, and may also affect case outcomes. However, implementing such laws may result in increased case loads for the courts and longer delays in DWI adjudication. Thus, introducing lower per se levels should be accompanied by appropriate measures to cope with the expected increase in arrests.