

ITSMR Research Note

KEY FINDINGS

DRIVERS ARRESTED FOR IMPAIRED DRIVING UNDER THE TSLED SYSTEM

- The number of drivers arrested for drug-impaired driving declined by 9% between 2018 and 2020
- The number of drivers arrested for alcohol-impaired driving decreased by 32% over the same three-year period.

ADJUDICATED CASES: DRUG-IMPAIRED DRIVERS VS. ALCOHOL-IMPAIRED DRIVERS

- Drug-impaired drivers were less likely to be convicted on an 1192 charge each year (88% vs. 95%, respectively, in 2020). However, drug-impaired drivers were much more likely to be convicted as charged each year (38% vs. 21%, respectively, in 2020).
- Drug-impaired drivers were more than twice as likely to be convicted on a non-1192 (i.e., non-impairment) charge each year (12% vs. 5%, respectively, in 2019 and 2020).

PENALTIES & SANCTIONS

- Drug-impaired drivers were more likely to have their license revoked each year (44% vs. 41% in 2020).
- Drug-impaired drivers were more likely to be fined less than \$1,000 each year (93% vs. 90%, respectively, in 2020).
- Drug-impaired drivers were twice as likely to be sentenced to jail in 2019 (11% vs. 6%) and 2020 (6% vs. 3%).

CONCLUSIONS

- The differences in the conviction rates, penalties and sanctions between drug-impaired drivers and alcohol-impaired drivers should provide useful information for identifying and developing more effective policies related to the adjudication of cases involving impaired drivers.
- The state's traffic safety community, including the GTSC and the Advisory Council on Impaired Driving, should continue to ensure that the general public is made aware of the dangers of driving while under the influence of drugs, as well as alcohol. This is especially important due to the recent passage of legislation that legalized the adult use of Cannabis.

Adjudication of Impaired Driving Cases: Conviction Rates, Penalties & Sanctions

INTRODUCTION

Although ample information is available on drivers arrested for impaired driving, both alcohol-impaired driving and drug-impaired driving, less is known about the outcomes of those arrests. To address this dearth of information, the Institute for Traffic Safety Management and Research (ITSMR) recently completed a study to examine the adjudication outcomes for the drivers arrested for impaired driving under the state's Traffic Safety Law Enforcement and Disposition System (TSLED) during the three years, 2018-2020.

Funded by the Governor's Traffic Safety Committee (GTSC), the primary objectives of this study were to determine the extent to which drivers arrested for impaired driving are being convicted and to identify the penalties imposed on those convicted drivers. The study focused on identifying what differences, if any, exist between the adjudication of cases involving drivers arrested for alcohol-impaired driving and drivers arrested for drug-impaired driving.

This research note presents information about these drivers and the adjudication of their cases and is organized as follows:

- Overview
- Adjudication Status of Impaired Driving Cases
- Conviction Rates
- Penalties Imposed on Convicted Drivers

The study defined an alcohol-impaired driving arrest as one in which the driver was charged with a violation of VTL Section 1192.1 (DWAI), 1192.2 (Per Se) or 1192.3 (DWI). A drug-impaired driving arrest is defined as one in which the driver was charged with a violation of the VTL Section 1192.4 (DWAI Drugs) or 1192.4a (DWAI Drugs & Alcohol).

The primary data source used in the study was the NYS Department of Motor Vehicles' Traffic Safety Law Enforcement and Disposition (TSLED) system. The data are based on an August 2021 snapshot of the 2018-2020 data available in the TSLED files.

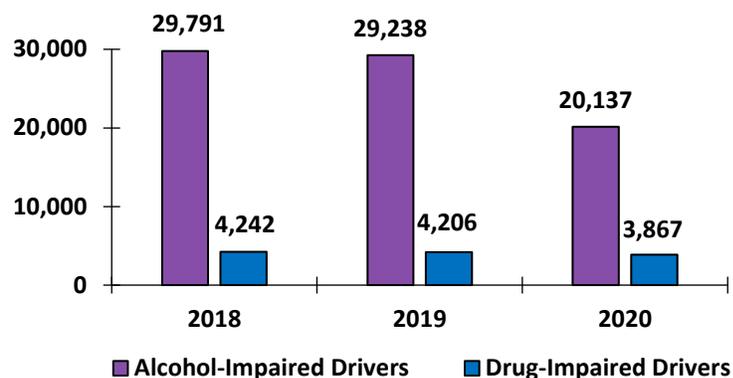
OVERVIEW

The impaired driving problem on New York's roadways during the three years 2018-2020 is depicted graphically in Figure 1. Based on an August 2021 snapshot of the TSLED data, between 2018 and 2020:

- A 32% decrease occurred in the number of drivers arrested for alcohol-impaired driving (29,791 vs. 20,137).
- A 9% decrease occurred in the number of drivers arrested for drug-impaired driving (4,242 vs. 3,867).

These sizeable decreases most likely reflect the impact of the Covid-19 pandemic which caused enforcement agencies to shift priorities and resources to support the transport and protection of health care providers, equipment and supplies.

FIGURE 1
Drivers Arrested for Drug-Impaired Driving and Drivers Arrested for Alcohol-Impaired Driving under TSLED



ADJUDICATION STATUS OF IMPAIRED DRIVING CASES

The adjudication status of the cases involving drivers arrested for alcohol-impaired driving (VTL 1192.1-3) and drivers arrested for drug-impaired driving (VTL 1192.4 & 4a) for the years 2018-2020 is summarized in Table 1. The table shows that compared to alcohol-impaired drivers, drug-impaired drivers were:

- Far less likely to have been convicted in 2018 and 2019 (78% vs. 88% and 71% vs. 84%, respectively).
- More than twice as likely to have their case dismissed/acquitted both in 2018 and 2019 (7% vs. 3% and 8% vs. 4%, respectively).

- Much more likely to have their case still pending in 2018 and 2019 as of the August 2021 snapshot (14% vs. 9% and 21% vs. 13%, respectively).

The significant changes seen in the data for 2020, especially in the proportions of convictions and pending cases, again reflect the effect of the Covid-19 pandemic. It is acknowledged that the pandemic caused the state and local court systems to reduce their resources and hours and, in some cases, to shut down for a period of time.

TABLE 1 Adjudication Status of Drivers Arrested for Impaired Driving			
	2018	2019	2020
Drug-Impaired Driving: VTL 1192.4 & 4a	N=4,242	N=4,206	N=3,867
Convicted	78.4%	70.9%	35.7%
Pending	14.4%	20.9%	59.0%
Dismissed	7.1%	8.0%	5.1%
Acquitted	0.1%	0.2%	0.2%
Alcohol-Impaired Driving: VTL 1192.1-3	N=29,791	N=29,238	N=20,137
Convicted	87.8%	83.9%	54.0%
Pending	8.8%	12.5%	42.9%
Dismissed	3.2%	3.4%	3.0%
Acquitted	0.2%	0.2%	0.1%

CONVICTION RATES

Analyses were undertaken to determine the extent to which the convicted impaired drivers were convicted as charged. These analyses examined the data with regard to whether they were convicted as charged, convicted on a different VTL 1192 charge or convicted on a non-VTL 1192 charge.

The proportions of alcohol-impaired and drug-impaired drivers who were convicted of a VTL 1192 charge dropped over the three-year period:

- 84% of the drug-impaired drivers were convicted on an 1192 charge in 2020, down from 88% in 2018.
- 91% of the alcohol-impaired drivers were convicted on an 1192 charge, down from 93% in 2018.

Compared to convicted alcohol-impaired drivers, convicted drug-impaired drivers were:

- More likely to be convicted as charged each year (38% vs. 21% in 2020)
- Far less likely to be convicted on a different 1192 charge (47% vs. 71% in 2020).
- Much more likely to be convicted on a non-1192 (i.e., non-impairment) charge (12% vs. 5% in 2020).

Further analyses were conducted to examine those drivers who were convicted on a different 1192 charge. As might be expected, the overwhelming percentage of both the drivers arrested for drug-impaired driving and the drivers arrested for alcohol-impaired driving who were convicted on a different 1192 charge, were convicted on the charge of 1192.1 (Driving While Ability Impaired).

	2018	2019	2020
Drug-Impaired Driving: VTL 1192.4 & 4a	N=3,327	N=2,982	N=1,379
Convicted as charged	43.8%	39.4%	37.6%
Convicted on different 1192 charge	43.8%	45.0%	46.6%
Convicted on charge from different event	4.1%	3.7%	3.8%
Convicted on non-1192 charge	8.3%	11.9%	12.0%
Alcohol-Impaired Driving: VTL 192.1-3	N=26,129	N=24,531	N=10,885
Convicted as charged	27.5%	23.7%	20.8%
Convicted on different 1192 charge	65.6%	68.0%	70.5%
Convicted on charge from different event	2.3%	2.8%	3.5%
Convicted on non-1192 charge	4.5%	5.5%	5.2%

PENALTIES IMPOSED ON CONVICTED DRIVERS

The final series of analyses focused on the penalties and sanctions imposed on the convicted impaired drivers. These data were obtained from the conviction portion of the arrest records captured on the TSLED system. The results of the analyses are presented below in Tables 5 and 6.

As indicated in Table 5, the proportions of both the convicted drug-impaired and alcohol-impaired drivers subject to license revocation are on a downward trend. As a result, license suspensions are on an upward trend.

Compared to the drivers arrested for alcohol-impaired driving and convicted, the drivers arrested for drug-impaired driving and convicted were more likely to have their license revoked in each of the three years (44% vs. 41% in 2020). However, the table further shows a somewhat disturbing difference between the two driver groups regarding the imposition of license revocations and suspensions. As shown in Table 5, convicted drug-impaired drivers were much more likely than convicted alcohol-impaired drivers to have neither a license revocation or suspension imposed on them (13% vs. 5% in 2020).

TABLE 5 TSLED: License Sanctions Imposed on Convicted Impaired Drivers						
License Sanctions	Drug-Impaired Drivers			Alcohol-Impaired Drivers		
	2018 (N=3,189)	2019 (N=2,871)	2020 (N=1,326)	2018 (N=25,519)	2019 (N=23,846)	2020 (N=10,500)
Revocation	53.3%	47.8%	43.8%	47.4%	43.8%	40.6%
Suspension	37.7%	39.8%	43.7%	47.8%	50.5%	54.0%
No Rev or Susp Noted	9.0%	12.4%	12.5%	4.8%	5.7%	5.4%

Table 6 summarizes the other penalties that were imposed on the convicted drivers. In 2018 and 2019, fine information was available for six out of 10 of the drivers arrested for drug-impaired driving and convicted, compared to eight out of ten of the drivers arrested for alcohol-impaired driving and convicted, regardless of the conviction charge. Overall, as indicated in Table 6, fine amounts are on a downward trend for each driver group, with the proportion of convicted drug-impaired drivers fined less than \$1,000 rising from 90% in 2018 to 93% in 2020 and the proportion of convicted alcohol-impaired drivers being fined less than \$1,000 increasing from 87% in 2018 to 90% in 2020.

TABLE 6 TSLED: Other Penalties Imposed on Convicted Impaired Drivers						
	Drug-Impaired Drivers			Alcohol-Impaired Drivers		
	2018 (N=3,189)	2019 (N=2,871)	2020 (N=1,326)	2018 (N=25,519)	2019 (N=23,846)	2020 (N=10,500)
Fines						
Reported	n=2,033	n=1,760	n=675	n=20,041	n=18,539	n=7,204
<i>Less than \$1,000</i>	90.5%	90.7%	92.9%	86.6%	87.8%	89.7%
<i>\$1,000</i>	8.2%	7.4%	5.9%	10.7%	9.7%	8.7%
<i>\$1,001 - \$2,000</i>	1.2%	1.4%	1.0%	2.1%	2.0%	1.3%
<i>More than \$2,000</i>	0.1%	0.5%	0.2%	0.6%	0.5%	0.3%
Probation Only	13.9%	12.8%	8.5%	0.4%	0.4%	0.3%
Probation & Ignition Interlock	5.1%	3.3%	3.2%	16.4%	13.6%	9.4%
Ignition Interlock Only	3.7%	3.8%	2.8%	30.4%	28.9%	30.3%
Jail Sentence	13.7%	11.2%	6.3%	8.3%	6.1%	3.2%
Victim Impact Panel (VIP)	24.7%	22.8%	24.5%	27.1%	27.0%	27.9%
Impaired Driver Program (IDP)	11.9%	10.3%	10.3%	14.4%	13.9%	13.2%

Other penalties imposed are shown in Table 6:

- **Probation:** Of the drivers arrested for drug-impaired driving and convicted, the largest proportion (9%) received a sentence to “Probation Only” in 2020, down from 14% in 2018. As might be expected, of the drivers arrested for alcohol-impaired driving and convicted, the largest proportion received a sentence to “Ignition Interlock Only” each year (29%-30%).
- **Jail:** Drivers in the drug-impaired group were much more likely than drivers in the alcohol-impaired group to be sentenced to jail each year. However, for both groups, the proportions of drivers sentenced

to jail were on a steady downward trend, dropping more than 50% in each group between 2018 and 2020 (14% vs. 6% for the drug-impaired group and 8% vs. 3% for the alcohol-impaired group).

- **Victim Impact Panel (VIP):** Drivers in the drug-impaired group were somewhat less likely than drivers in the alcohol-impaired group to be sentenced to a VIP in each of the three years (23%-25% vs. 27%-28%, respectively).
- **Impaired Driver Program (IDP):** In each of the three years, 2018-2020, convicted drug-impaired drivers were less likely than convicted alcohol-impaired drivers to be required to participate in the IDP (10%-12% vs. 13%-14%, respectively).

SUMMARY AND CONCLUSIONS

Based on an August 2021 snapshot of the TSLED file, the number of drivers arrested for alcohol-impaired driving and the number arrested for drug-impaired driving dropped between 2018 and 2020 (32% and 9%, respectively). These decreases most likely reflect the impact of the Covid-19 pandemic which caused enforcement agencies to shift priorities and resources to support the transport and protection of health care providers, equipment and supplies.

Based on the cases in 2018-2020 that had been adjudicated as of August 2021, key findings from the comparison of drivers arrested for alcohol-impaired driving and drivers arrested for drug-impaired driving are summarized below.

Alcohol-Impaired Drivers were:

- More likely to be convicted on an 1192 charge each year (84% vs. 91% in 2020).
- Much more likely to be convicted on a different 1192 charge (71% vs. 47% in 2020); they were primarily convicted on a charge of 1192.1 (Driving While Ability Impaired)

Drug-Impaired Drivers were:

- Much more likely to be convicted as charged each year (38% vs. 21%, in 2020).
- More than twice as likely to be convicted on a non-1192 (i.e., non-impairment) charge each year (12% vs. 5%, in 2019 and 2020).
- More likely to have their license revoked each year (44% vs. 41% in 2020), be fined less than \$1,000 each year (93% vs. 90%, in 2020) and twice as likely to be sentenced to jail (6% vs. 3% in 2020).

These findings should be valuable to the GTSC and the Advisory Council on Impaired Driving in their efforts to identify and develop more effective policies related to the adjudication of cases involving impaired drivers. New York's recent passage of legislation legalizing the adult use of Cannabis accentuates even further the importance of continuing to ensure that the general public is made aware of the dangers of driving while under the influence of drugs, as well as alcohol.

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