

Standardizing DWI Deterrence Strategies

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Purpose

1. Provide a basic understanding of the sanctions associated with alcohol-impaired driving;
2. Discuss the overall impact of these laws; and
3. Identify the need for these sanctions to be implemented across the nation.

Nature of the Problem

- “Driving after drinking and the related fatal crashes associated with it is a major societal concern” – Bacon, 1968
- Still True Today
 - Nearly half (41%) of those fatally injured in a traffic crash are alcohol-related
 - 21% of the driving-aged population drove within two hours of drinking

Nature of the Problem

- Individuals may drive drunk anywhere between 300 and 2,000 times before being arrested
- City of one million people = four million occasions per year of driving over the BAC limit
- Approximately 5,000 miles of alcohol-impaired driving for every offense charged

Nature of the Problem

- A major health concern:
 - 1995 - The United States Department of Transportation's *Partners in Progress*
 - Healthy People 2010 national health objective
- 97% of the National Survey of Drinking and Driving participants perceived drinking and driving by others as a threat to their own personal safety as well as that of their family

Preventing Alcohol Impaired Driving

- Emerging Legal Sanctions
 - General Deterrence Laws
 - Specific Deterrence Laws
- Deterrence is based upon the assumption that individuals will modify their behavior in response to incentives

General Deterrence: Lower Legal BAC Limits

- Legal adult BAC limit ranges from 0.08-0.10%.
 - Highest BAC limit for an Industrialized nation
 - 46 States have 0.08% Limits
 - Colorado, Delaware, Minnesota, & West Virginia
 - Transportation Appropriations Bill - States had until October 1, 2003 to pass 0.08 BAC laws or be subject to a 2% withholding of highway construction funds

General Deterrence: Lower Legal BAC Limits

- Comparison of first five states with 0.08% BAC laws
 - A 16% reduction in the proportion of crashes involving fatally injured drivers whose BACs were 0.08 or higher
 - An 18% decline in the proportion of crashes involving fatally injured drivers at 0.15 BACs and higher

General Deterrence: Administrative License Revocation

- Immediate seizure of a driver's license if the driver is tested and found to have a BAC over the legal limit.
 - ALR laws are currently in place in 40 of 50 states
 - Evaluations reveal reductions in both alcohol-related fatal crashes as well as repeat alcohol-impaired driving offenses

General Deterrence: Sobriety Checkpoints

1. Apprehend impaired drivers; and
2. Increase perceived risk of apprehension
 - Tennessee (April 1994 – March 1995)
 - Highly publicized program
 - Stopped more than 150,000 drivers across 900 different checkpoints
 - 17% reduction in alcohol-related fatal crashes in Tennessee compared to five contiguous states during the same time period

General Deterrence: Zero Tolerance Laws

- 1995, Congress mandated that Federal highway funds be withheld from states that did not adopt zero-tolerance laws
 - 91% of US adults endorsed the idea of uniform laws which teenage drivers who test positive for alcohol would immediately have their license revoked
- However, it was not until July of 1998 that all fifty states had passed zero-tolerance laws

General Deterrence: Zero Tolerance Laws

- First 12 states to enact zero tolerance laws experienced a 20% reduction in the proportion of single-vehicle nighttime fatal crashes among drivers 15- to 20-year old drivers

General Deterrence: Lower Limits for DWI Offenders

- 1995, Maine made it illegal for an individual convicted of a prior DWI offense to drive a motor vehicle after engaging in any alcohol consumption
 - DWI offenders apprehended with a positive BAC receive one-year ALR and may be subject to court-imposed penalties

Specific Deterrence

- Voas & Fisher (2001) classify measures to reduce recidivism as penalties to produce:
 - Deterrence
 - Rehabilitation
 - Incapacitation

Specific Deterrence: Deterrence

- Fines
- The purpose of a fine is to place the offender under a financial hardship
 - Uncollected and Installments
 - Scandinavian Countries
 - Fines can also support DWI criminal justice systems to become self-sufficient
 - New York

Specific Deterrence: Deterrence

- Jail Time
 - The authority of the court to incarcerate is a powerful measure
 - Jail sentences may provide placement in residential treatment programs
 - Maryland's Prince George County

Specific Deterrence: Rehabilitation

- Education Programs
 - Provide information on important alcohol-related issues, alcohol absorption and elimination, as well as the nature of DWI laws, as well as attempt to impact the decision making process
 - Delivered in a classroom setting ranging from 10 to 14 hours

Specific Deterrence: Rehabilitation

- Remedial Interventions
 - Wells-Parker and colleagues (1995) contend remediation of alcohol-impaired offenders has a positive effect of at least 7-9% reduction in DWI recidivism and alcohol-related crashes.
 - Remedial strategies that combined education, counseling and some sort of follow-up (i.e. probation) were most effective

Specific Deterrence: Rehabilitation

- As of 2002, only 32 states had laws that require people convicted of drinking and driving to be assessed for alcohol abuse or dependence and ordered to attend alcoholism treatment

Specific Deterrence: Incapacitation

- Vehicle Immobilization
 - Up to 75% of DWI offenders report that they have driven while their license was suspended
 - 1993, Ohio implemented a 3- to 6-month vehicle immobilization/impoundment sanction for repeat DWI offenders. Reduced recidivism among fully suspended offenders by as much as 50%.

Specific Deterrence: Incapacitation

- Transportation Equity Act for the 21st Century (TEA-21) - incentives for states to pass either a vehicle impoundment or a vehicle interlock penalty for second time offenders

Specific Deterrence: Incapacitation

- Ignition Interlocks
 - No higher than 0.025% BAC
 - Reduce DWI recidivism from 50-90% *while on the vehicle*
 - 80% of states have passed ignition interlock legislation

Specific Deterrence: Incapacitation

- House Arrest
 - Alternative to jail sentence
 - May work or attend other court approved activities
 - Restricts recreational and nighttime driving
 - Electronically monitored
 - Los Angeles County reduced DWI recidivism approximately 33%

Discussion

- “Legal measures are central to modern efforts to reduce the societal toll of injuries and fatalities which are the result of alcohol-involved collisions” (Mann et al., 2001).
 - Minimum Legal Drinking Age
 - NHTSA estimates that between 1975 and 1996 this law saved approximately 15,000 lives

Discussion

- How to meet the goals of *Partners in Progress* and Healthy People 2010
 - Utilizing effective, research based sanctions such as:
 - Lower per se limits
 - ALR Laws
 - Lower limits for convicted DWI offenders
 - Immobilization and Incapacitation strategies

Discussion

- To lower alcohol-related motor vehicle fatalities
 - “State legislation is still needed to bring administrative license revocation, lower per se limits, and other general deterrence strategies to all 50 states. Experience with the minimum drinking age law continues to provide reason for optimism” (DeJong & Hingson, 1998).