

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 DUI 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).

