

Keys to Designing and Implementing Effective DWI Policies

Arthur Goodwin
University of North Carolina
Highway Safety Research Center

DWI Training for Magistrates

Chapel Hill, NC
November 3, 2008

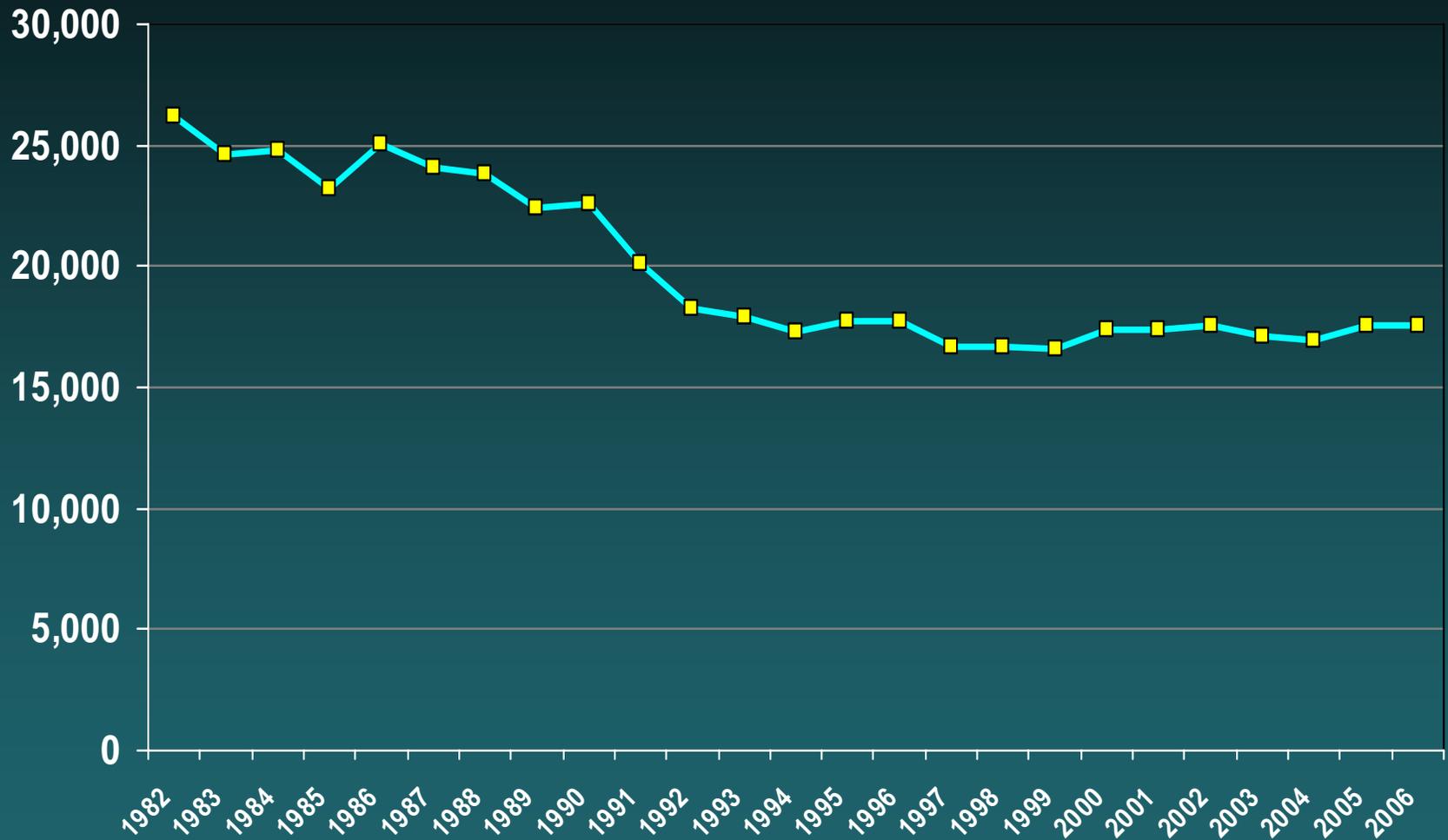


Overview

- Background & statistics
- What works and why?
- Big picture

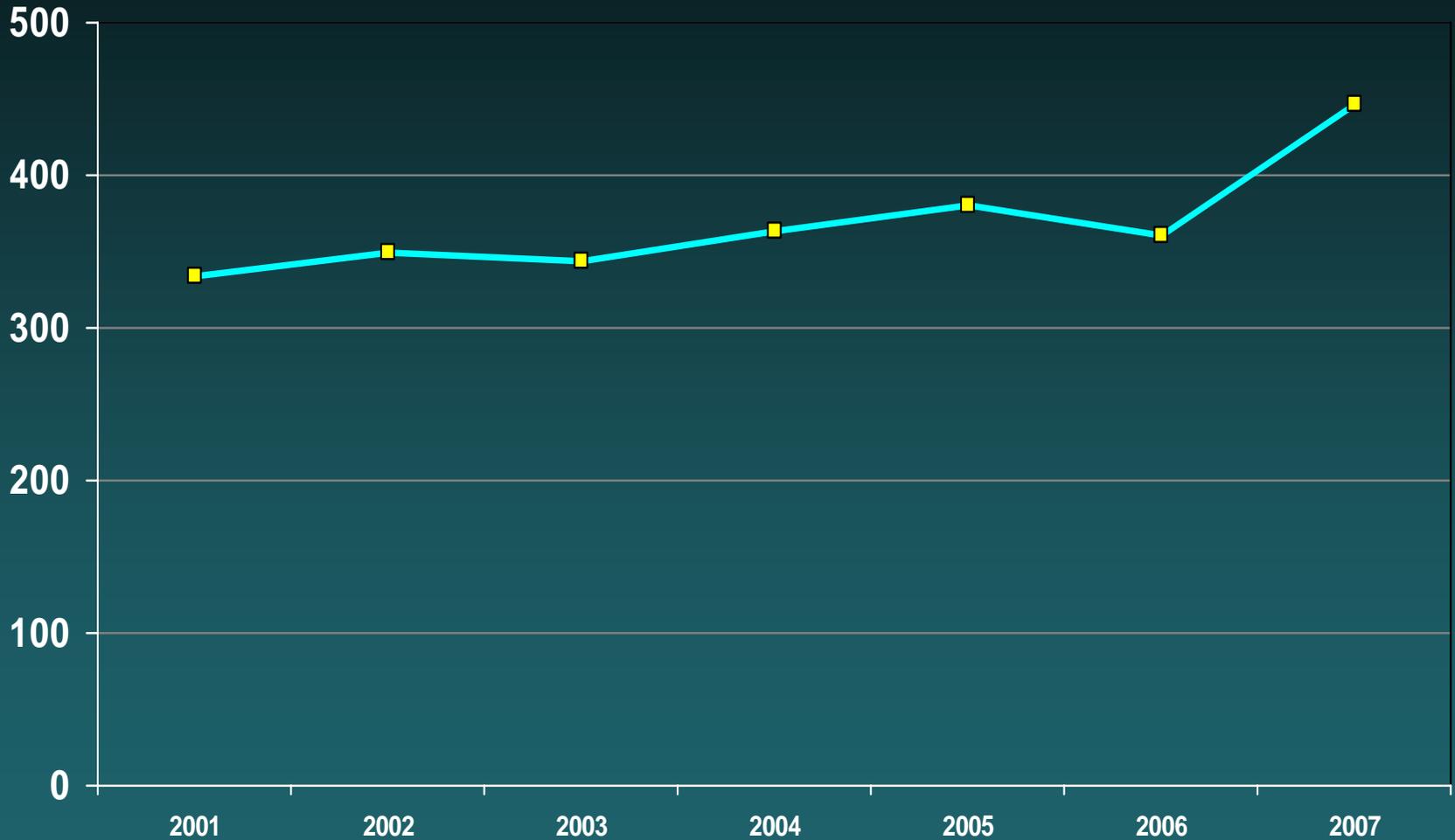


U.S. Alcohol-related Traffic Fatalities



Source: NHTSA, 2007

Alcohol-related Fatal Crashes, North Carolina

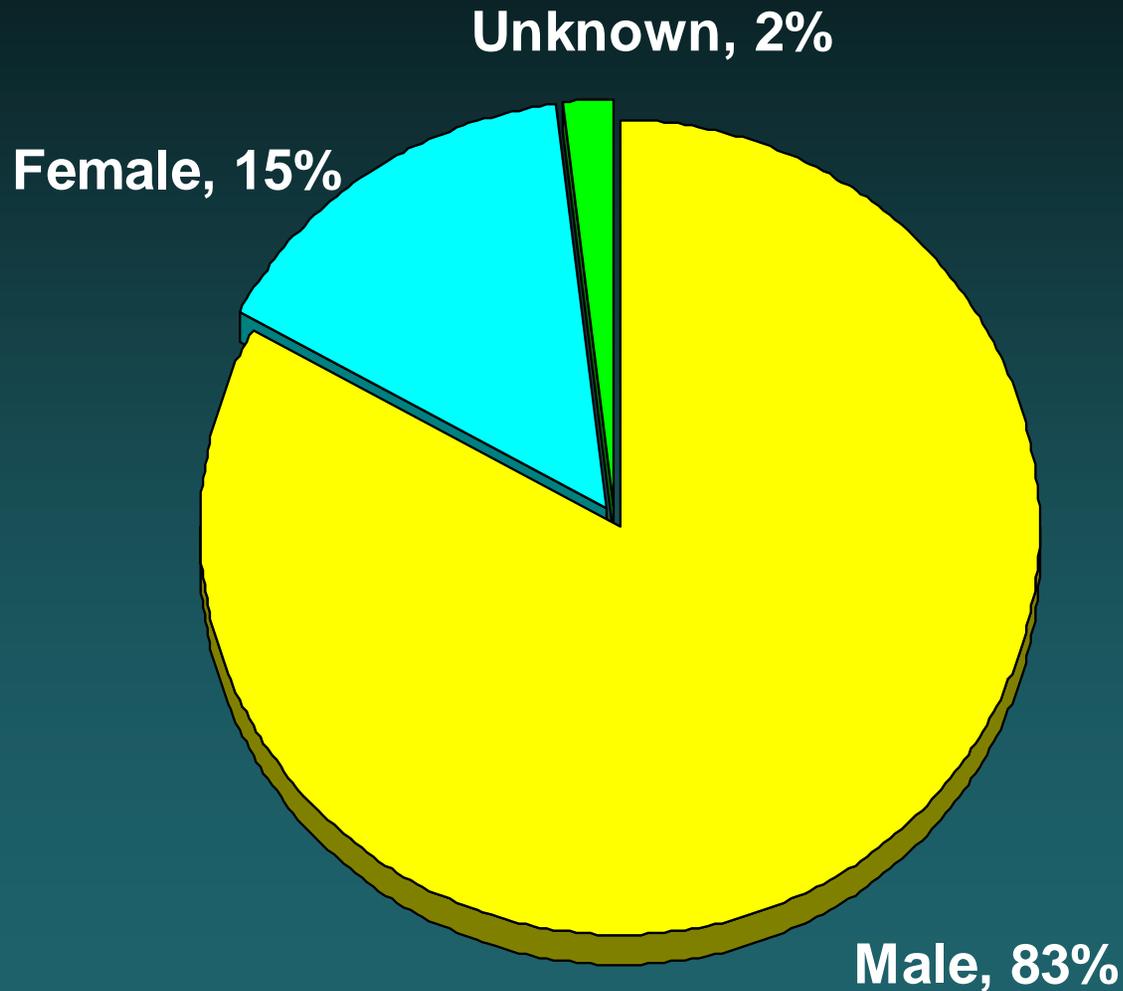


Source: NCAF, 2008

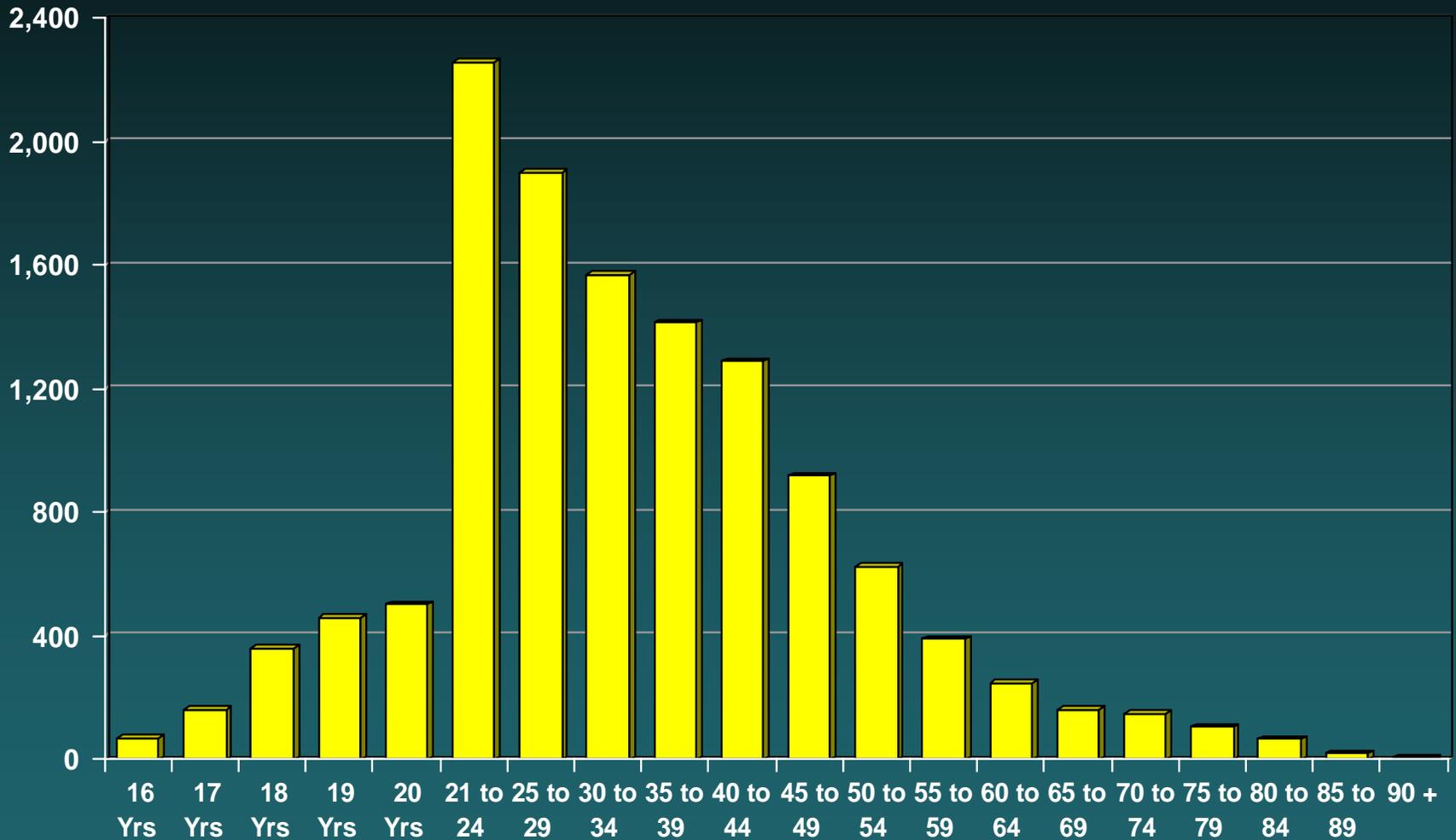
Drinking & Driving Characteristics

- Frequency of drinking and driving
 - Each year, about a quarter (26%) of the general public drink and drive
 - At least **80 million** trips annually by drivers with a BAC over .08
 - Arrests are rare – one arrest for every **50 - 200 trips** by drivers over .08 BAC

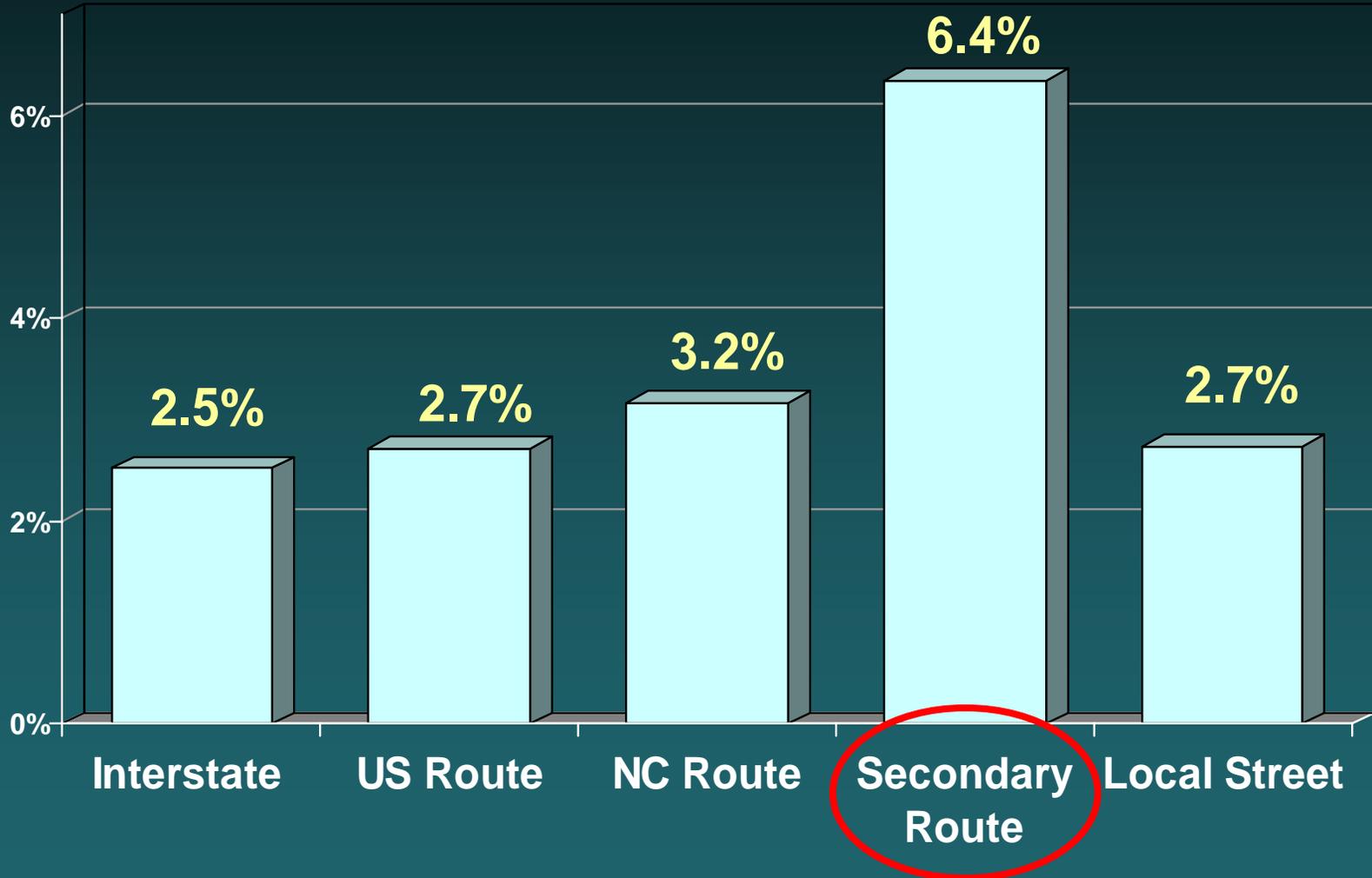
Alcohol-related Fatal Crashes, By Sex



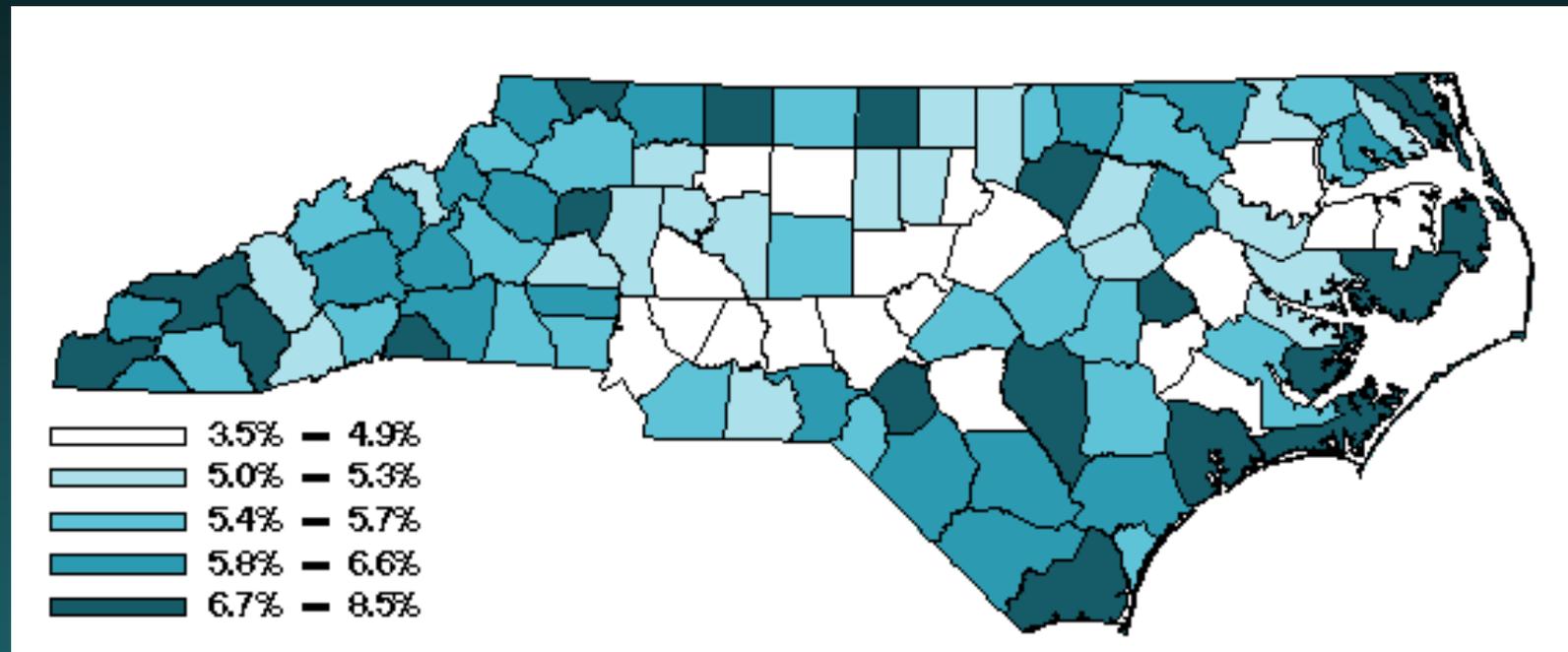
Number of Crash-involved Drivers Who Had Been Drinking by Age, NC 2001-03



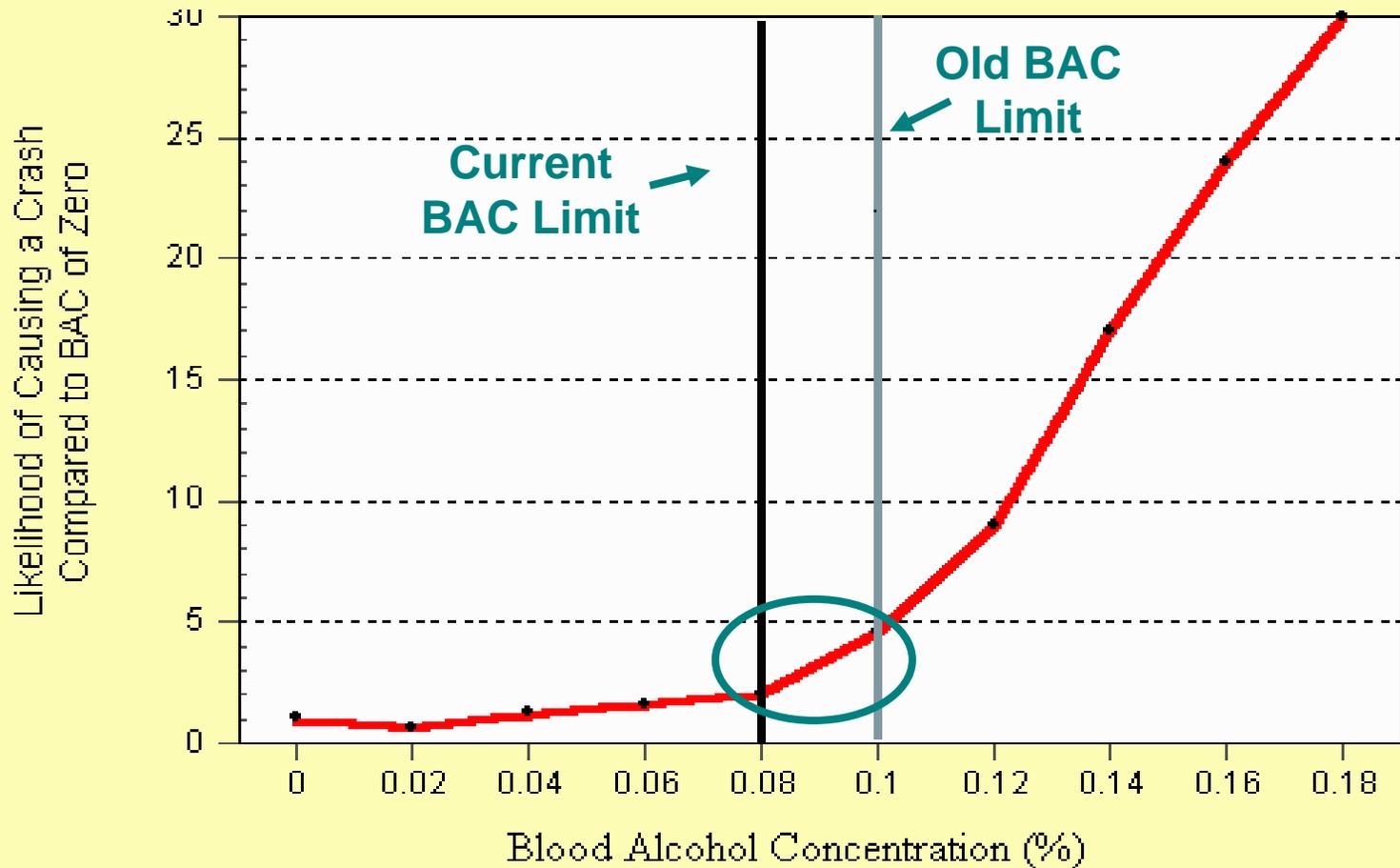
Percent of Crash-involved Drivers Who Had Been Drinking by Crash Location, NC



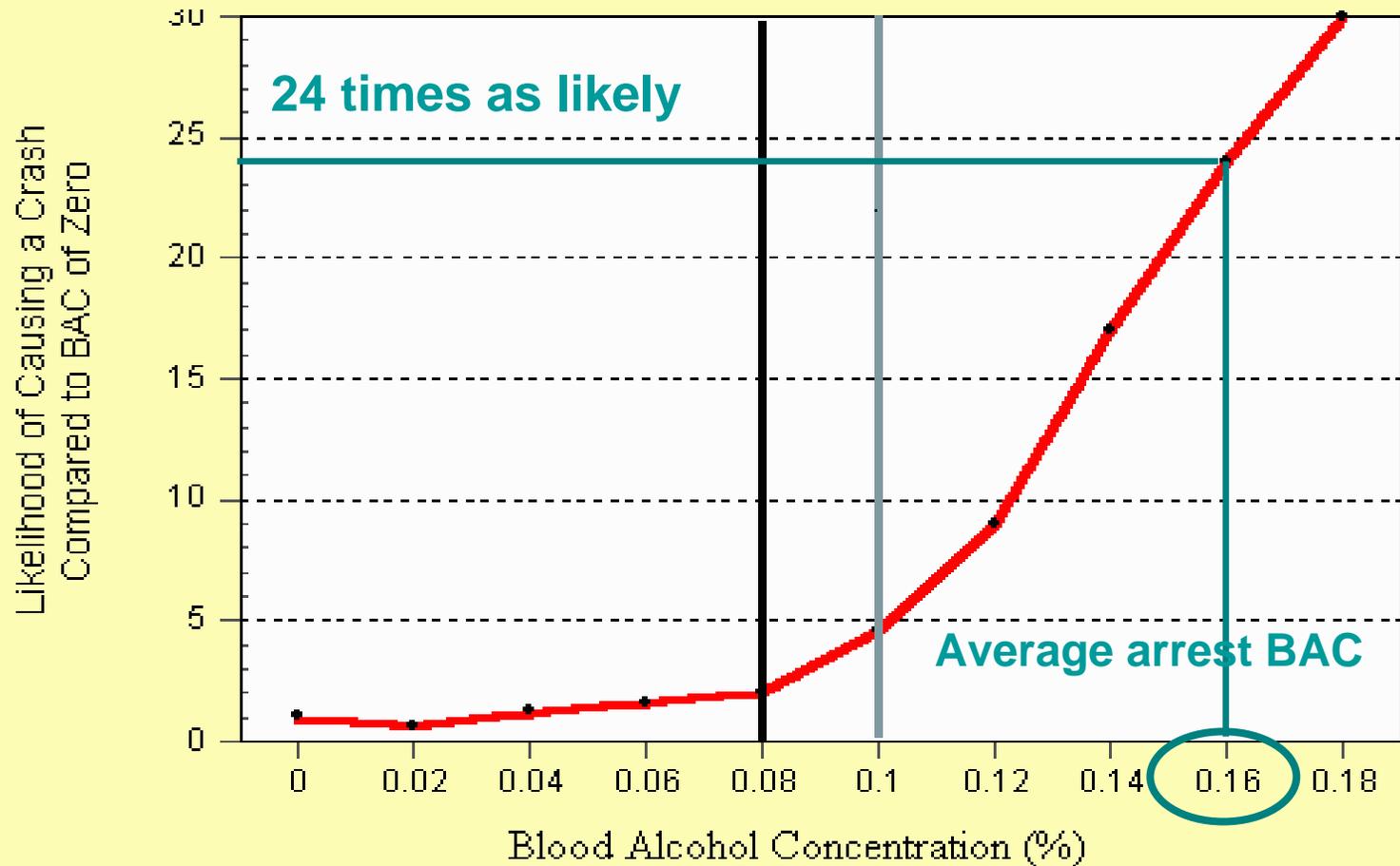
Percent of Crashes Involving Alcohol, North Carolina 2003-2007



Why a BAC of .08?



Why a BAC of .08?



“Hard Core” Drinking Driver

- Repeat offender or those with a BAC of .15 or higher
 - One-third of those arrested are repeat offenders
 - One-half of those arrested have a BAC > .15
- Resistant to change
- Up to 80% meet criteria for alcohol abuse or dependence

Reducing Alcohol-impaired Driving



Reducing Alcohol-impaired Driving

- **Deterrence** – “Enacting laws that prohibit driving while impaired, publicizing and enforcing those laws, and punishing offenders”
 - Drivers must believe they will get caught
 - Consequences must be **swift, sure** and severe

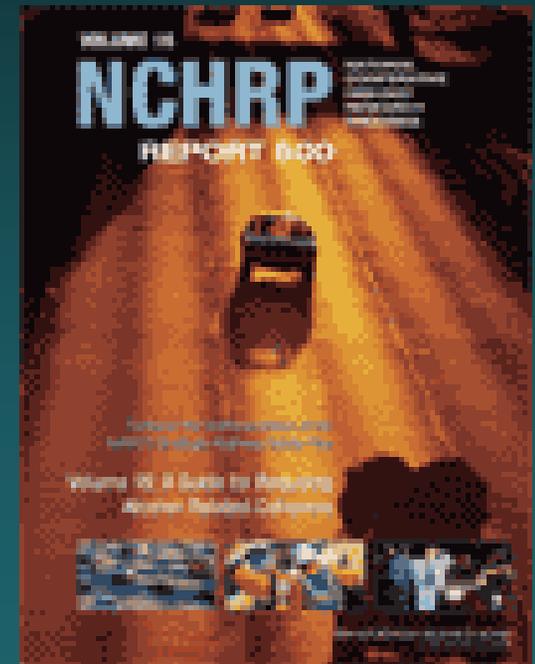
Reducing Alcohol-impaired Driving

➤ Deterrence

- **General deterrence** – Strategies aimed at the general population
- **Specific deterrence** – Strategies aimed at those who have been arrested for DWI

Expert DWI Research Panel Recommendations

- Guide for reducing alcohol-related crashes
 - Focus first on **deterrence**, then arrest/sanction
 - Do as much as possible **administratively**
 - Recommended **15 countermeasures**



Reducing Alcohol-impaired Driving



Reducing Alcohol-impaired Driving

- Strategies to Reduce Underage Drinking and DWI
 - Minimum legal drinking age 21
 - Compliance checks
 - Responsible beverage service
 - Alternative transportation and designated drivers

Reducing Underage Drinking and DWI

➤ Minimum Legal Drinking Age 21

➤ All states since 1987

➤ Strong evidence...

➤ Raising the MLDA:
17% ↓ in fatal crashes

➤ Lowering the MLDA:
8% ↑ in fatal crashes

➤ NHTSA estimates that MLDA 21 saves **700 to 1,000** lives annually



Reducing Underage Drinking and DWI

- Compliance Checks of Retailers
 - Teens successfully purchase beer in 44% to 97% attempts
 - Penalties are minor
 - Louisiana study
 - **Publicity** is key
 - Penalties should be **administrative**



Reducing Underage Drinking and DWI

➤ Responsible Beverage Service

➤ Server training programs

➤ Oregon

➤ Must be mandatory (not voluntary)

➤ Enforcement

➤ “Dram Shop” laws

➤ Marketing practices

(e.g., happy hour specials)



Reducing Underage Drinking and DWI

- Alternative Transportation and Designated Drivers
 - Alternative transportation
 - Programs must be large scale
 - Designated drivers
 - Evidence insufficient
 - May encourage drinking



Reducing Alcohol-impaired Driving



Reducing Alcohol-impaired Driving

- **Strategies to Enforce DWI Laws**
 - Well-publicized sobriety checkpoints
 - Enforcement of zero-tolerance laws
 - BAC test refusal penalties

Strategies to Enforce DWI Laws

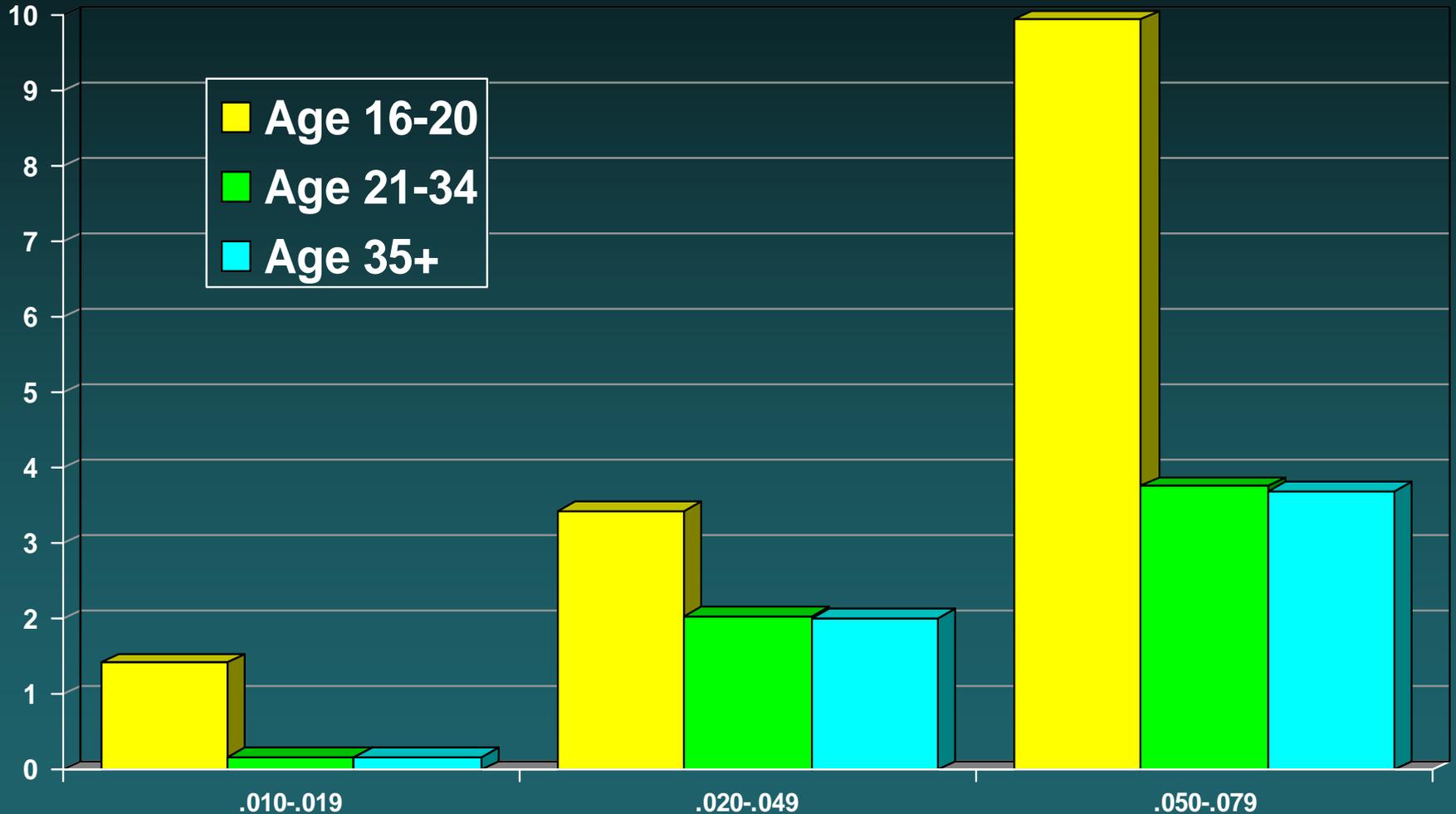
- Well-publicized sobriety checkpoints
 - May be the single most beneficial countermeasure known
 - Reduce fatal & injury crashes by 20%
 - Main goal: **deterrence**
 - Must be **publicized**
 - Passive Alc. Sensors
 - Can be **low-staffed**
 - Saturation patrols



Strategies to Enforce DWI Laws

- Enforcement of zero-tolerance laws
 - Since 1998, all states have a BAC limit of .02 or less for drivers under 21
 - Why zero tolerance?

Likelihood of Being in a Fatal Crash Compared to a BAC of Zero (males only)

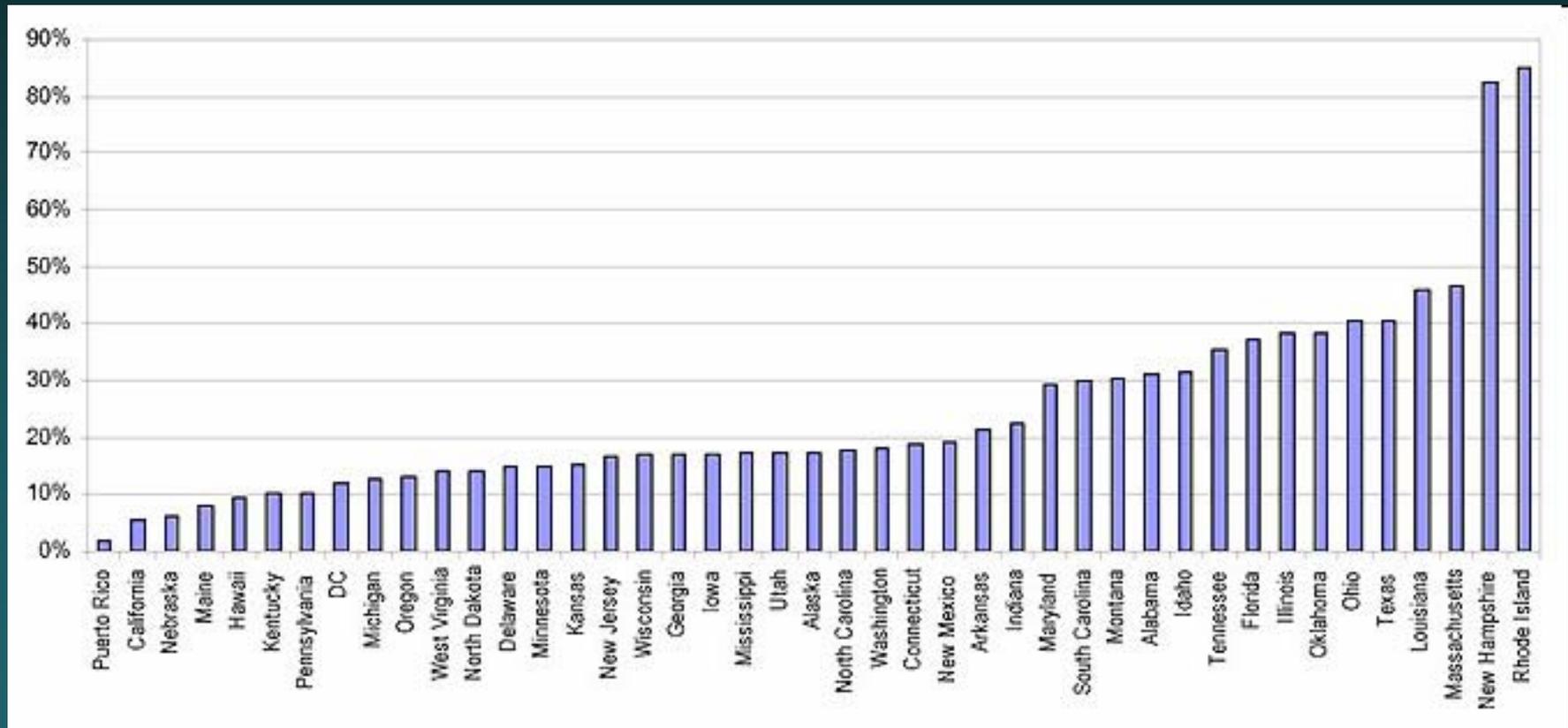


Strategies to Enforce DWI Laws

- Enforcement of zero-tolerance laws
 - Surveys:
 - One-third of teens in CA, NY unaware of law
 - Half say it's not enforced
 - Research: MD study
 - 21% drop in alcohol-involved crashes
 - Dropped 30% more after publicity
 - Deterrence!

Strategies to Enforce DWI Laws

➤ BAC test refusal, by state



Strategies to Enforce DWI Laws

- BAC test refusal penalties
 - BAC is a critical piece of evidence
 - Less severe penalties for test refusal = higher refusal rates
 - Repeat offenders have higher refusal rates

Reducing Alcohol-impaired Driving



Reducing Alcohol-impaired Driving

- Prosecution and Adjudication
 - Diversion & plea agreements
 - DWI courts

Prosecution and Adjudication

➤ Diversion & Plea Agreements

➤ Diversion programs

- Defer sentencing while a DWI offender completes education/treatment

- Research: No evidence for reduced recidivism

➤ Plea agreements to non-alcohol offense

➤ Undermine the DWI system

- Avoid sanctions/treatment – punishment “lite”

- Won't be recognized as repeat offenders

- Offender and public's perception

Prosecution and Adjudication

➤ DWI Courts

- 81 DWI courts nationwide
 - Prosecutors/judges specialize in DWI cases
 - Extended judicial monitoring
 - Treatment of underlying alcohol problem
 - Requirement to maintain sobriety
 - Restrictions relaxed over time
- Effectiveness: evidence for lower recidivism
- Cost: less than jail

Reducing Alcohol-impaired Driving



Reducing Alcohol-impaired Driving

- Sanctions, Treatment and Monitoring
 - Administrative license suspension
 - Vehicle & license plate sanctions
 - Ignition interlocks
 - Alcohol assessment/treatment
 - Offender monitoring
 - Incarceration

Sanctions, Treatment & Monitoring

- Administrative License Suspension (ALS)
 - Most states have ALS laws
 - Research: alcohol-related crashes ↓ 13%
 - Deterrence
 - Swift and certain
- Other issues
 - Unlicensed driving
 - Hearings
 - “Double jeopardy”



Sanctions, Treatment & Monitoring

➤ Vehicle/license plate sanctions

➤ Several options—

- Plate impoundment
- Special license plates
- Vehicle impoundment
- Vehicle immobilization

➤ Research: some evidence of success

➤ Repeat & high BAC offenders



Sanctions, Treatment & Monitoring

➤ Ignition Interlocks

- Purpose: to prevent impaired driving
- Research: reduces recidivism by 50%
while installed
- Allowed, but seldom used
 - Should be a condition for license reinstatement
 - Alternatives should be more inconvenient



Sanctions, Treatment & Monitoring

- Alcohol Assessment & Treatment
 - Alcohol dependency is common
 - 25% of first-time offenders
 - 50% of repeat offenders
 - Screening
 - Assigned treatment
 - Research: reduces recidivism/crashes
 - Best when individually tailored

Sanctions, Treatment & Monitoring

➤ Offender Monitoring

➤ Critical to ensure follow through

➤ Intensive supervised probation

➤ Home confinement w/electronic monitoring

➤ Dedicated detention facilities

➤ Research: reduce
recidivism by ~50%

➤ Expensive, but less
so than jail



Sanctions, Treatment & Monitoring

➤ Incarceration

- Research: little evidence of effectiveness
- Very expensive (\$15k-\$30k per year)
- “Last resort”



DWI Law Review

- Establish a task force
 - Operationally sound
 - No structural flaws
 - No internal inconsistencies
 - Affordable & logistically feasible
 - Thoroughly & faithfully implemented

Summary

- **Successful System / Program:**
 - Deterrence, deterrence, deterrence!
 - Education not enough, **motivation** needed
 - **Certainty** of punishment (*not severity*) provides motivation (e.g., license revocation)
 - Compliance with sanctions requires **effective control** (e.g., interlocks, elec. monitoring)
 - **Treat** the underlying alcohol problem



What Data Would You Like to See?

Select year(s):

2000 2001
 2002 2003
 2004 2005
 2006 2007

Select a county

Statewide

Crash Data

Overview
 Crash Injuries
 Alcohol Crash Map

Impaired Driving Court Cases

County Data
 Statewide Outcomes by Original Charge

DWI

About the North Carolina Alcohol Facts (NCAF) Website

This website contains information about alcohol-related crashes and injuries as well as convictions for impaired driving in North Carolina. You will find a variety of county-specific and statewide data about drinking and driving in North Carolina.

You may read about the topics listed across the top, or explore data by using the options on the left.

Statistical information was obtained from the NC Administrative Office of the Courts (AOC) and the NC Division of Motor Vehicles (DMV) for the years 2000 through 2007. The AOC reporting year runs from July 1 through June 30; thus, AOC data presented here are not based on the traditional calendar year as is the case with DMV crash data.

This site was created by the Highway Safety Research Center at the University of North Carolina at Chapel Hill with funding provided by the North Carolina Governor's Highway Safety Program.

For more information or slides:

Email: arthur_goodwin@unc.edu

www.hsrb.unc.edu

www.hsrb.unc.edu/ncaf/