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DWI

REPEAT OFFENDERS



A REVIEW AND SYNTHESIS OF THE LITERATURE



HIGHLIGHTS

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Ce document est aussi offert en français sous le titre
*Points saillants—Récidivistes d'un délit de CFA—
Examen et synthèse de la documentation*

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Cat. No. H39-413/1997E

ISBN 0-662-25946-7

Highlights

DWI Repeat Offenders: A Review and Synthesis of the Literature

Office of Alcohol, Drugs and Dependency Issues
Health Canada

Preface

In July 1996, the Traffic Injury Research Foundation submitted a detailed technical report entitled, *DWI Repeat Offenders: A Review and Synthesis of the Literature* to the Office of Alcohol, Drugs and Dependency Issues, Health Canada. This report was authored by Douglas J. Beirness, Daniel R. Mayhew and Herb M. Simpson and provides a comprehensive review of the literature on DWI repeat offenders. The report:

- ▶ identifies and summarizes the characteristics of DWI repeat offenders;
- ▶ reviews existing countermeasures for dealing with repeat DWI offenders; and
- ▶ provides recommendations for dealing effectively with this high-risk group.

In addition, the report contains an extensive reference and bibliography section, and an appendix that summarizes the laws currently in effect in Canada which deal with DWI offenders.

In this *Highlights* report, the Office of Alcohol, Drugs and Dependency Issues is making available an overview report which synthesizes some key points and recommendations outlined in the technical report.

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1. Introduction

Background

In recent years, the issue of the repeat DWI¹ offender has received world-wide attention. Recognition of the magnitude of the repeat offender problem has become widespread and been acknowledged by both researchers and policy makers. This interest has stimulated new research into:

- ▶ the dimensions of the problem;
- ▶ the development, implementation and evaluation of new countermeasure programs; and
- ▶ evaluations of the effectiveness of existing programs.

Unprecedented attention, concern and resources have been directed at the issue of the drinking driver over the past 15 years. Countermeasures in the 1980s included attempts to educate the public about the dangers and illegality of drinking and driving, combined with legal and enforcement efforts aimed at detecting and apprehending drinking drivers.

Over time, the general public has become less tolerant of drinking and driving. Throughout the 1980s, the prevalence of drinking and driving and the incidence of alcohol-related crashes decreased. However, this downward trend now appears to have reversed. There is some uncertainty as to what caused the significant decreases during the 1980s and why there has been a reversal in this trend. There is growing consensus that the successes of the 1980s may have been attributable to “easy gains” — that countermeasures had an impact on individuals who were mostly likely to be deterred by the threat of punishment, or who were most likely to change their behaviour as a result of educational or emotional appeals. If this hypothesis is correct, it suggests that a major part of the drinking-driving problem today may be attributed to a group of drivers who are **not** easily affected by countermeasures and, therefore, have continued to drive after drinking (often with a high blood alcohol content [BAC]).

This resistant group of drinking drivers has several traits in common:

- ▶ They repeatedly drive after drinking.
- ▶ They often do so with very high blood alcohol content (BACs in excess of 150 mg%).
- ▶ Many have been previously convicted of an impaired driving offence.
- ▶ Many display signs of serious problems with alcohol abuse.

¹ DWI is an abbreviation for Driving While Intoxicated or Driving While Impaired. In this document, DWI refers to driving while impaired, including driving with a blood alcohol content (BAC) in excess of 80 mg%. In the context of charges, DWI also includes refusing to provide a breath sample. Legal impairment means driving with a BAC in excess of 80 mg%.

Since fines, licence suspensions and even periods of incarceration often fail to prevent repeat occurrences, it is apparent that new and innovative measures are needed to deal with these high-risk offenders. A successful strategy for dealing with the drinking-driving problem may depend on refining our understanding of the problem so that target groups can be identified and appropriate countermeasures be developed.

2. Defining the Problem and Its Magnitude

A number of definitions or labels have been used to describe the DWI repeat offender. Despite the variations in the descriptions, all refer to a group of DWI offenders who drive repeatedly after drinking, often with high BACs. The following working definition of the DWI repeat offender is used in this report:

- ▶ They drive repeatedly after drinking, often with high BACs.
- ▶ Their drinking-driving behaviour is persistent and chronic.
- ▶ They appear to be resistant to persuasive and emotional appeals and are not deterred by the threat of criminal sanctions.
- ▶ They tend to drink frequently and often to excess.
- ▶ They may also have been previously convicted of a DWI offence.

Determining the number of people who fit the definition of the DWI repeat offender is not straightforward. Given the limitations of existing data systems and the challenge of specifying who is part of the group, it is somewhat difficult to determine the magnitude of the problem. However, by examining a variety of Canadian data sources, it is possible to gain some insight into the extent of the problem. Data are available for: convicted DWI offenders; crash-involved drinking drivers; impaired drivers identified at roadside surveys; and self-reported DWI offenders from information gathered during national or provincial population surveys.

Two criteria are particularly useful for identifying members of this group —

- ▶ There is a history of repeat DWI behaviour.
- ▶ High BACs are in evidence (i.e., over 150 mg%).

When these criteria are applied to the various groups described above, it is possible to estimate the magnitude of the DWI repeat offender problem.

Available data indicate that repeat DWI offenders represent a relatively small proportion of the driving population. However, this small group accounts for a substantial proportion of drinking-driving offences and related problems:

- ▶ Among persons convicted of DWI offences, up to three-quarters are repeat offenders.
- ▶ Among fatally injured drinking drivers, 62% had a BAC in excess of 150 mg%; 68% of injured drinking drivers had a BAC of this magnitude.
- ▶ Among drinking drivers responsible for fatal crashes, one-third have been previously convicted on a DWI offence.
- ▶ Among self-reported drinking drivers, 62% indicated that they drove after drinking on at least two occasions in the previous month and 16% said they had done so five or more times.
- ▶ Ninety percent of all drinking-driving trips are accounted for by persons who report driving after drinking at least twice per month.

Those who repeatedly drive after drinking (particularly at high BACs) are at extremely high risk of serious crash involvement. Efforts to reduce the frequency of drinking-driving behaviour or to lower the BACs among this population could have a tremendous impact on the overall magnitude of the alcohol-related crash problem.

3. Characteristics of DWI Repeat Offenders

Knowing the characteristics of the DWI repeat offender is important in helping to identify and distinguish this group from other drivers and aids in the development of policies and programs to deal effectively with them. It is necessary to examine a variety of elements, such as demographics, personal characteristics, as well as drinking patterns and problems, in order to identify the characteristics of the DWI repeat offender.

▶ **Demographic Characteristics**

- **Gender**

By far the majority of repeat DWI offenders are male. Not only are men more likely to drive after drinking, they are more likely to do so frequently and to have higher BAC levels than women. Approximately 10% of persons charged with an impaired driving offence in 1994 were female. This does represent a slight increase over the past several years.

- **Age**

Repeat DWI offenders span a wide range of ages. While the largest group is between 25 and 44 years of age, a substantial proportion are in the next older and younger age groups. Relatively few are found in the over 55 age group. This is the case regardless of the “window” from which the problem is viewed (i.e., as convicted offenders or fatally injured drivers, or drivers interviewed at the roadside or self-reported drinking drivers).

▶ **Other Demographics**

- **Marital Status**

There are more single, separated and divorced persons in the group. Separated and divorced persons are twice as likely as others to be repeat DWI offenders; single persons are 1.6 times as likely to be in the group.

- **Education**

Education level is not a distinguishing characteristic as the educational levels of repeat DWI offenders vary. By far the majority have at least attended high school and one-third have some post-secondary education.

- **Income**

Information on income among DWI offenders is reported infrequently and inconsistently. However, it does appear that DWI repeat offenders come from all income levels. Few offenders are from the lowest income groups; most have moderate family incomes; and about one-quarter have annual incomes in excess of \$60,000. In general, repeat offenders have lower incomes than first-time offenders. One has to have a fairly significant income to be able to afford to drive a car.

▶ **Psychosocial and Behavioural Characteristics**

Studies have attempted to identify the social and psychological characteristics that distinguish repeat DWI offenders from other drivers. Factors examined include: hostility, aggression, thrill-seeking nature, depression, attitudinal tolerance of drinking-driving and other behaviours, attitude toward driving and health-related behaviours. In general, a common theme that emerges is that DWI offenders tend to exhibit a greater degree of variation on most of these factors than other groups of drivers. This suggests that efforts to prevent DWI behaviour must address more global aspects of a person's lifestyle, not just the driving and drinking behaviour.

▶ **Drinking Patterns and Problems**

• **Convicted DWI Offenders**

Studies of arrested and/or convicted DWI offenders have typically found extremely high BACs at the time of arrest — usually well in excess of the legal limit (i.e., 80 mg%). As well, a substantial proportion of DWI offenders exhibit heavy patterns of consumption over extended periods of time and often display signs and symptoms of alcohol abuse or dependence.

• **Crash-involved Drinking Drivers**

Sixty-two percent of drinking driver fatalities have a BAC in excess of 150 mg%. Drivers with high BACs have been shown to have a previous conviction rate that was eight times higher than fatally injured non-drinking drivers.

• **Self-reported Drinking Drivers**

Studies reveal that self-reported drinking drivers consume alcohol more frequently and in greater quantities than non-drinking drivers. One quarter of frequent drinking drivers reported drinking every day while only four percent of non-drinking drivers reported drinking this frequently.

• **Drinking Drivers on the Road**

Roadside surveys of drivers show that drivers with BACs in excess of the legal limit are more likely to report heavier consumption of alcohol. Forty-two percent of drivers with a BAC over 80 mg% reported having seven or more drinks in the previous week, compared to ten percent of the non-drinking drivers.

Drinking drivers drink more frequently and consume greater quantities of alcohol on each drinking occasion than non-drinking drivers. In many cases, these patterns of alcohol consumption have been maintained over long periods of time. Many persons who come to the attention of the authorities as a result of DWI behaviour report one or more indications of alcohol abuse. Approximately one quarter of first-time offenders and almost half of repeat offenders meet the criteria for a diagnosis of alcohol dependence. These characteristics are more pronounced among those with multiple DWI offences.

▶ **Driving-related Problems**

Driving after drinking may not be the only traffic safety problem posed by DWI repeat offenders. Some drinking drivers have a history of other non-alcohol related, high-risk traffic violations, such as (non-alcohol related) crashes or traffic tickets that compromise safety on the road.

▶ **Comparison with Other High-Risk Groups**

Studies have compared DWI offenders with other groups of “high-risk” drivers based on demographic, social, personal and behavioural factors. It has been shown that drivers with poor driving histories are at significantly higher risk of subsequently being arrested for DWI behaviour than drivers in the general population who do not have this background.

▶ **Typologies of DWI Offenders:**

Based on the characteristics of DWI repeat offenders, it is possible to develop a profile of the most prominent features of this group. This profile characterizes DWI repeat offenders as being male, between 25 and 45 years of age. They display high levels of aggression, hostility and thrill seeking behaviours and are frequent and heavy users of alcohol. The DWI repeat offender may also have been previously arrested for impaired driving, as well as other driving infractions and have both alcohol- and non-alcohol related crash involvements.

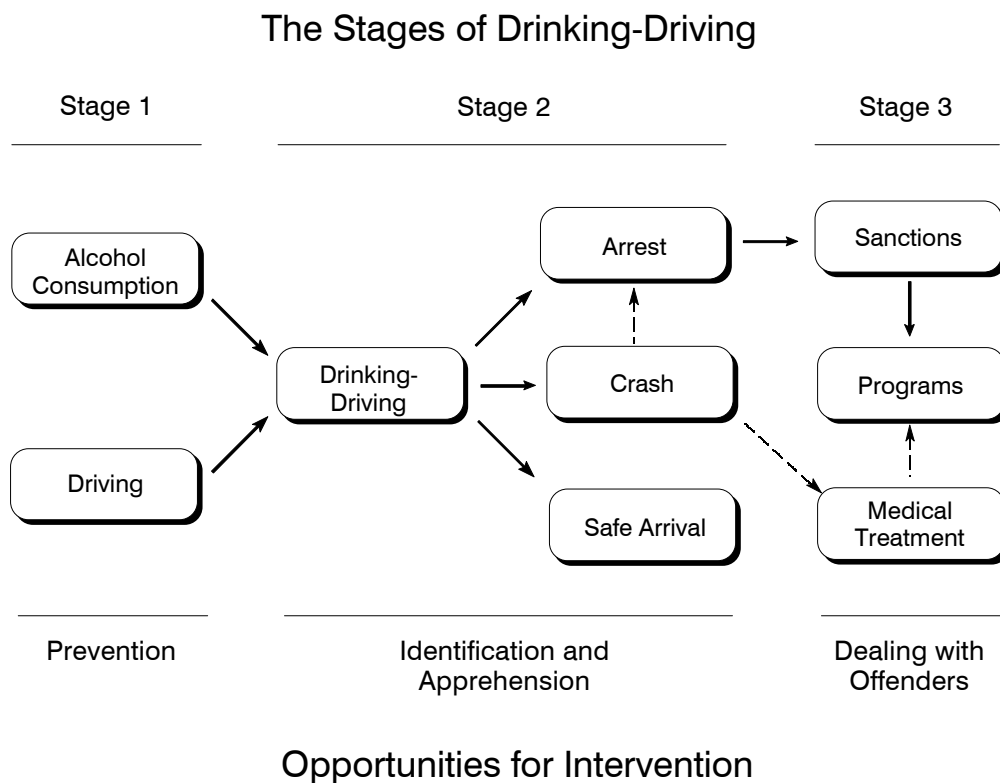
This profile, however, can be misleading. While certain characteristics can be used to distinguish DWI offenders from other drivers, it is incorrect to describe all DWI offenders as having these characteristics. DWI offenders are in fact a very diverse group with different backgrounds, problems and different reasons for engaging in DWI behaviour. This suggests that countermeasures designed to treat all DWI offenders in a similar way will be less effective than those directed at specific subgroups. Interventions should be designed to match the characteristics and needs of specific high-risk groups.

4. Approach and Perspectives

It has been established that DWI repeat offenders account for a substantial portion of the impaired driving problem. DWI repeat offenders also belong to a diverse group that include a broad cross-section of people. Before looking at possible countermeasures to deal with the problem, it is important to have a clear understanding of the nature of the problem, how it occurs and where there are opportunities for intervention.

A Model of Impaired Driving

In the following model, impaired driving is divided into the three stages that lead up to and follow an impaired driving incident — prevention, identification and apprehension, and dealing with offenders. These three stages of impaired driving also correspond to the three areas for intervention opportunities.



- **Stage One**

The first stage begins prior to either alcohol consumption or before the individual takes control of a vehicle. At this stage, the individual has several options available to avoid driving and drinking (e.g., not driving, not drinking, consuming less alcohol or arranging a safe ride home). Persuasive approaches to dissuading persons from drinking and driving appeal to a sense of better judgment and encourage another alternative that does not involve drinking and driving. Deterrent approaches attempt to accomplish this dissuasion through fear of negative consequences. Most repeat offenders are aware of the possible consequences of drinking and driving, but experience has taught them that the chances of being caught are extremely low. They have driven after drinking and have arrived home safely. Although opportunities for intervention are possible at this stage, few have been demonstrated to be effective with the DWI repeat offender.

- **Stage Two**

Stage two involves the actual drinking and driving event. It begins when the drinker takes control of a vehicle and is completed when the trip ends. There are three ways the trip can end: safe arrival at the destination, arrest or crash involvement. About one in every 445 trips results in the impaired driver being arrested; about one in every 30 000 trips results in a fatal crash. Although DWI repeat offenders engage in this behaviour often, studies have shown that half of all impaired drivers escape detection in police spot checks.

- **Stage Three**

The third stage begins after the trip ends, either as the result of collision, arrest or both. Arrested offenders may face immediate sanctions that are intended not only as punishment, but also as a deterrent. In some cases, convicted offenders may be required to attend educational programs aimed at changing the offender's attitudes, or treatment and remedial programs to help the offender recover from alcohol dependency. Many DWI repeat offenders may not have reached this stage because the absolute probability of being arrested or being involved in a crash is quite low. At this final stage of impaired driving, many opportunities for intervention are available.

Opportunities for Intervention

The three stages of impaired driving also correspond to the three points where interventions may occur.

- **Prevention**

At the prevention stage (i.e., Stage One), a broad range of interventions is available to prevent the occurrence of impaired driving (e.g., public education and awareness, server intervention and designated driver programs). Prevention also includes deterrent initiatives such as policies and programs intended to dissuade persons from driving and drinking through fear of negative consequences. The possibility of successful intervention with DWI repeat offenders at this stage is often questioned; however, there are some success stories.

- **Identification and Apprehension**

Identification and apprehension measures correspond to the active stage of impaired driving (i.e., Stage Two). The objective of these measures is to remove offenders from the road before they cause harm to themselves or others. These measures involve enforcement by the police, such as random police spot checks, enhanced methods of detecting and apprehending offenders and improved training for law enforcement personnel.

- **Dealing with Offenders**

Measures at this stage are aimed primarily at those who have been identified as DWI offenders (Stage Three). The principal intent is to prevent repeat occurrences among those who have already been identified either through arrest or crash involvement. These measures have been divided into two groups: sanctions (punitive) and remedial programs (education and treatment). Some sanctions, such as licence suspension, are designed to remove the opportunity for the offender to repeat the behaviour. Remedial refers to programs designed to change the factors and conditions in the person's life that contribute to the behaviour. For some, the negative experience of arrest, courts and sanctions is sufficient to prevent the behaviour from recurring; for others, it appears to be merely an inconvenience before resuming the behaviour.

Perspectives on the Problem

Impaired driving has implications for many areas of interest and fields of study such as health, psychology, social work, criminology, public health and safety. Each area has a somewhat different perspective on the problem of impaired driving and how to deal most effectively with the issue. The following examples illustrate this point:

- **Criminal Justice System**

Society's primary response to the impaired driving problem has been through the criminal justice system — implementing increasingly severe penalties for offenders, as well as more and more effective means of enforcement. In keeping with its mandate, the criminal justice system applies sanctions to punish offenders for their crimes and prevents and discourages similar behaviour through deterrence or impoundment of a vehicle and remedial programs.

- **Addictions**

The addictions perspective views impaired driving as one possible manifestation of a substance abuse disorder. The concern of the addictions professional is to establish if alcohol/drug dependence is present, and, if so, to engage the person in a program of treatment and rehabilitation. From an addictions perspective, treating DWI repeat offenders as criminals is not the most effective way to deal with the problem. It is felt that helping an individual deal with an alcohol problem can resolve the impaired driving problem.

- **Traffic Safety**

Within the field of traffic safety, the primary concern is the safe and efficient movement of persons and goods. Factors and conditions that affect safety are dealt with through promotion of safe practices, regulation, enforcement and/or engineering. Problem drivers are dealt with through sanctions, demerit points, licence suspensions and driver improvement programs. In recent years, however, the traffic safety community has sought the cooperation and assistance of the health care system, social services and the justice system to deal effectively with repeat DWI offenders.

- **Mental Health**

The mental health perspective on impaired driving involves persons with concurrent mental and substance abuse disorders. Diagnosis can be difficult because symptoms of a substance abuse disorder may be similar to those of other psychiatric disorders. For the DWI offender, the mental health perspective would recommend that closer attention be paid to the possibility of such concurrent disorders.

- **Public Health**

The public health perspective emphasizes the promotion and protection of health within a broad environmental framework. In the context of impaired driving, the public health perspective views drinking and driving as the combination of two larger public health issues: alcohol problems and traffic crashes. The focus is not on the moral aspects of drinking and driving, but rather on the causes of the behaviour. As a result, policies to reduce drinking and driving are less concerned with punishing drivers and more concerned with reducing the factors conducive to engaging in this behaviour (i.e., availability and cost of alcohol, use of private motor vehicles). Under a public health perspective, measures are not specifically targeted at the DWI repeat offender, but would affect everyone through broad-based policies and programs.

Each area has a somewhat different perspective on the problem of impaired driving in general and DWI repeat offences in particular. Some perspectives focus on primary prevention measures while others concentrate on dealing with the problems that give rise to the behaviour after the individual has come to the attention of the courts or driver and vehicle licensing authorities.

5. Intervention at Stage One: Prevention

A wide variety of approaches has been used to deal with drinking drivers in general and the problem of the DWI repeat offender in particular. The various types of interventions have been classified into three groups according to the stage of drinking and driving they are intended to address.

Prevention

Intervention at Stage One refers to measures that reduce the likelihood that an individual will actually drive after drinking. These approaches are key components of current and past countermeasures, including:

- ▶ informing the public about the dangers of driving after drinking and raising awareness;
- ▶ providing information about the laws regarding drinking and driving; and
- ▶ suggesting strategies to avoid driving after drinking.

For the most part, prevention initiatives have been directed largely at the person who might, on occasion, drive after consuming too much alcohol. It has been suggested that the DWI repeat offender has not been greatly influenced by these media campaigns. However, by targeting messages and modifying some existing prevention measures to reflect certain characteristics and concerns associated with such offenders, it may also be possible to have an impact on the DWI repeat offender. Several measures that could be directed to the DWI repeat offender are:

▶ **Targeted Advertising**

By using the same principles and techniques used in developing media ads, prevention messages can be developed for the DWI repeat offender. Mass media communications have the potential to reach and have an impact on DWI repeat offenders; however, the messages must be specifically targeted to this high-risk group. As yet, there have been no convincing approaches suggested as to how this could be done effectively.

▶ **Server Intervention Programs**

“Server intervention” refers to any appropriate action taken by an employee of a licensed drinking establishment either to limit the amount of alcohol served to an individual and/or to take steps to deter an intoxicated driver from operating a vehicle. Server intervention has the potential to be an effective program to prevent DWI repeat offenders from driving while intoxicated. However, if this potential is to be realized, it is important to include specific information about the characteristics of the DWI repeat offender and how to deal with them effectively in server intervention program curricula.

▶ **Designated Driver Programs**

Designated driver programs are intended to ensure that one member of a group agrees not to drink and to accept responsibility for driving the other members of the group. Designated driver and alternative transportation programs have the potential to be effective with DWI repeat offenders; however, this would require gaining acceptance for these programs within this group as opposed to persons who would conscientiously adopt this approach so as to avoid driving while impaired.

▶ **Alcohol Control Policies**

Policies to restrict the availability of alcohol (e.g., higher minimum drinking age, price increases, reduced hours of sale) have been identified as a means to reduce the overall alcohol-related crash problem. However, most of these policies would not necessarily have a specific impact on DWI repeat offenders. While there may be innovative and creative ways to use alcohol control policies to specifically target the alcohol consumption of this group, such measures have not yet been identified.

While prevention measures appear to have influenced many people to stop drinking and driving during the 1980s, there is little indication that such measures have had a substantial impact on the DWI repeat offender.

6. Intervention at Stage Two: Identification and Apprehension

Intervention at Stage Two refers to measures targeted at drinking-driving behaviour while it is occurring and before it results in harm. The two principal methods used to detect and remove drinking drivers from the roadways are through routine police surveillance and specialized, high-visibility spot checks.

Approximately 90 000 persons are charged with impaired driving each year. However, in light of research demonstrating that a substantial proportion of high-BAC drivers are able to escape detection by the police (i.e., less than half of one percent of drivers are apprehended), better means of detection are necessary if this kind of intervention is to be effective.

Identification and Apprehension

Interventions targeted at drinking-driving behaviour while it is occurring generally involve the identification and apprehension of offenders by the police. Such interventions include:

▶ Police Spot Checks

High-visibility police spot checks for impaired drivers have become a regular provision in Canada, particularly during the Holiday Season. The most effective programs appear to involve intensive enforcement combined with an extensive media campaign. Police spot checks seem to be questionable as a means of detecting high-BAC drivers as many have become adept at avoiding detection. Such programs also require a tremendous commitment of personnel and resources. Routine enforcement may well be more efficient as a means of detecting DWI repeat offenders.

▶ Saturation Patrols

It has been suggested that roving patrols of police officers within a limited geographical area may be a more efficient and effective means of apprehending DWI repeat offenders. These “saturation patrols” combine the desirable features of both spot checks and routine police patrols. Officers are able to identify potential impaired drivers by observing driving performance and stop only those who appear to have been drinking. “Saturation” of an area also makes it more difficult for impaired drivers to avoid detection. This approach provides for a more efficient use of resources and appears to be more effective than spot checks.

▶ Operation Lookout

This is a community-based program aimed at encouraging citizens to report suspected impaired drivers to the police. The objectives of the program are:

- to make drinking drivers aware that not only the police, but all members of the public are watching; and
- to assist police in identifying impaired drivers on the road.

Well-placed posters ask the public to call police immediately with details and police then follow up to apprehend the suspect. When weaving or erratic driving is observed by a member of the public, this can be a sign of a driver with an extremely high BAC (one characteristic of the repeat DWI offender). With informed citizen involvement, this program may prove to be valuable in identifying DWI drivers, including DWI repeat offenders. Its overall deterrent effect, particularly on repeat offenders, is yet to be determined.

► **Enhanced Detection Methods**

The fact that a high proportion of drivers with high BACs are able to avoid detection when stopped by police as part of a spot check program is a matter of concern. Two means of enhancing the ability of police to detect and apprehend impaired drivers are random breathtesting and passive alcohol sensors.

- Random breathtesting gives police the power to demand a breath sample from a driver at any time, even without suspicion of alcohol use. Although this approach is being used in other countries, Canadian law requires a police officer to have a “reasonable suspicion” that the driver has consumed alcohol before demanding a breath test. Nevertheless, under this measure, drivers can be asked to provide a breath sample at any time if reason for suspicion exists.
- A passive alcohol sensor is a small device that can detect the presence of alcohol near a driver's face without the driver having to provide an actual breath sample. The presence of alcohol provides the police officer with a “reasonable suspicion” of alcohol use that could be sufficient justification for proceeding with an actual breath test. Field tests with passive sensors have shown them to be extremely effective in detecting drivers with both low and high BACs.

Several options exist for improving the efficiency and effectiveness of procedures used to identify and apprehend the DWI repeat offender. While some measures involve major changes to current laws and procedures, others would require relatively minor modifications.

7. Intervention at Stage Three: Dealing with Offenders

Intervention at Stage Three refers to measures for dealing with DWI repeat offenders once they have been identified through some type of remedial program (i.e., educational or treatment for alcohol dependency), the criminal justice or driver licensing systems. These systems have the authority to impose sanctions and require offenders to attend a program as a condition of licence reinstatement. Sometimes treatment for alcohol dependency is an option provided by the court as an alternative to incarceration. The overall objective of interventions at this stage is to reduce the likelihood that offenders will engage in drinking-driving behaviour on subsequent occasions. Policies and programs for dealing with DWI repeat offenders have been divided into three categories:

- ▶ driver-based sanctions;
- ▶ vehicle-based sanctions; and
- ▶ assessment and remedial programs.

▶ **Driver-based Sanctions**

Sanctions directed at the driver are intended to punish offenders for their crime, deter offenders from subsequent offences and to prevent or limit the opportunity to commit the offence again. Four sanctions directed at drivers are:

- **Licence Suspension**

Removing the driving privileges of persons convicted for DWI is a simple, straightforward and seemingly appropriate sanction. Although licence suspension is a valuable option, it is not known what length of suspension is most effective or what impact this sanction has on the DWI repeat offender.

- **Incarceration**

In Canada, second and subsequent DWI convictions carry a mandatory period of incarceration. For repeat DWI offenders, long periods of incarceration do not appear to serve as a deterrent to drinking and driving. However, there are cases where stricter measures are necessary either because of public demand, the need to punish repeat offenders or the need to ensure public safety.

- **Electronically-monitored Home Confinement**

As an alternative to incarceration, some jurisdictions are using home confinement and electronic monitoring. Offenders are assigned to home confinement during specified hours and may leave only for pre-approved activities (e.g., work, school, treatment, community service). Although some technical and operational problems have been encountered with this option, it may have potential in reducing the recidivism rate. The use of an electronic monitoring program instead of incarceration also has economic benefits.

- **Intensive Supervision Probation**

In this type of program, surveillance is more intensive, contacts with offenders are more frequent and there are more frequent referrals to treatment services than with regular probation. The intent is to reduce overcrowding in prisons, but still keep offenders under control in the interests of public safety. This approach appears to be a possible means of reducing the recidivism rate.

Driver-based sanctions will undoubtedly continue to play a prominent role in efforts to control DWI repeat offenders. In general, licence suspensions are both appropriate and effective. The incarceration of DWI repeat offenders may be appropriate, but its effectiveness in reducing recidivism has not been demonstrated. Other less restrictive options such as electronic home monitoring and intensive supervision probation appear promising.

- ▶ **Vehicle-based Sanctions**

Vehicle-based sanctions are intended to limit the opportunity for the offender to engage in drinking-driving behaviour by restricting access to the vehicle. These sanctions have become more popular as a result of recent research which indicates that many suspended drivers continue to drive even during their period of suspension. Therefore, recent efforts to control suspended drivers have focused on measures that restrict the operation of the vehicle by the offender. These measures include:

- **Vehicle Impoundment, Immobilization and Confiscation**

The primary purpose of these actions is to deny access to a vehicle or make it inoperable. These measures are being used primarily to reinforce licence suspensions. The initial evaluations of these types of measures have shown encouraging results.

- **Actions against the Vehicle Registration**

These measures (e.g., cancellation of the registration, special plates and sticker programs) also serve as a means to prevent driving while under suspension. Marking the vehicles of suspended drivers with special licence plates appears to have a positive impact; however, formal evaluations have not yet been conducted.

- **Autotimers**

The autotimer is a motion detector and recording device installed in a vehicle that provides a record of all vehicle use. This record is reviewed by a program officer and violations of the licensing restrictions are brought to the attention of the authorities for further action. The impact of this system has not yet been evaluated.

- **Alcohol Ignition Interlocks**

An alcohol ignition interlock is a small breath-testing device installed in a vehicle and linked to the vehicle ignition. In order to start the vehicle, the driver must provide a breath sample that registers a BAC less than a pre-set maximum level. BACs in excess of this value prevent the ignition of the engine. This system ensures that DWI offenders do not engage in drinking-driving behaviour once they have been relicensed. Several evaluation studies report beneficial effects of ignition interlock programs.

- ▶ **Assessment and Remedial Programming**

The rationale for assessment and rehabilitation of DWI offenders is based on the hypothesis that impaired driving can best be resolved by an educational program or, depending on the results of the assessment made, by treating an alcohol dependency problem. The approach recognizes that alcohol can become a powerful, dominating influence in the lives of those who abuse it.

DWI offenders are a very diverse group who engage in drinking-driving behaviours for a variety of reasons. Many programs focus on personal and social problems that can cause or contribute to excessive alcohol consumption, such as depression, hostility, marital or employment difficulties and inadequate coping skills. It is now recognized that DWI offenders are a diverse group, not only in terms of alcohol abuse, but also with respect to a variety of other social, psychological and behavioural characteristics. Offenders who display different characteristics will also display different outcomes when exposed to specific interventions. Therefore, the most effective strategy is to assess all DWI offenders and use the results to match offenders to the most effective type of intervention.

Several approaches to the assessment and rehabilitation of DWI offenders follow:

- **Assessment**

The assessment of all DWI offenders is a critical step for matching an offender to an appropriate program. It is essential to obtain a thorough and complete understanding of the nature and extent of the offender's involvement with alcohol, as well as the nature and extent of other contributing factors. This will determine the most efficient and effective course of remedial action to follow. A thorough assessment must include an evaluation of the social, environmental, attitudinal, interpersonal and psychological factors in order to develop a better understanding of the factors that contribute to the offender's DWI behaviour. By combining these factors into "typologies," it is possible to determine the type program that may be most beneficial for certain subtypes of DWI offenders. Assessment techniques continue to be expanded and refined. The development of more valid and reliable instruments specifically designed for DWI offenders will enhance the matching of offenders with appropriate and effective interventions.

- **Remedial Programming**

Existing approaches to the programming for DWI offenders vary in their orientation, guiding philosophy, duration, intensity, content, goals and objectives. They range from brief educational encounters to intensive treatment for alcohol dependence. In general, they can be divided into two groups — those that are educational in nature; and those that are treatment based. The effectiveness of education programs for convicted impaired drivers may be diminished by the diversity of the group. In general, the effectiveness of alcohol rehabilitation programs for DWI offenders varies. Programs that make use of combined approaches (e.g., education with monitoring) were more effective than single-focus approaches. Although the impact of programs may not yet meet expectations, the demonstration of small, positive effects is encouraging and warrants further study and continued efforts.

Matching Individuals to an Appropriate Program

Studies indicate that the effectiveness of various intervention strategies varies according to offender characteristics, but provide little guidance as to which types of interventions are most beneficial for specific types of offenders. Considerable research remains to be done in this area.

8. Program and Policy Implications

It is clear that DWI repeat offenders represent a serious public health and safety concern. They account for a substantial portion of the alcohol-crash problem. Traditional countermeasures also appear to have little impact on this high-risk group. Therefore, new, innovative programs and policies are needed to deal effectively with these offenders.

DWI repeat offenders are not a homogenous group. Although they are united by one common characteristic — persistent impaired driving — they display a wide range of demographic and personal characteristics. This indicates that it is inappropriate and ineffective to deal with all DWI offenders in the same way. A variety of programs and flexibility are required when addressing this group.

Some of the programs and policy options for dealing with DWI repeat offenders efficiently and effectively are presented below. It should be noted that no one measure by itself — or set of measures used independently — will address the problem. Rather, a comprehensive countermeasure strategy with a range of program options is required.

Recommendations

Recommendations made provide guidance for developing a comprehensive strategy on the DWI repeat offender in four areas:

1. Prevention
2. Identification and Apprehension
3. Sanctions
4. Programs

1. Prevention

The purpose of prevention is to stop impaired driving before it occurs. However, many of these policies and programs would have little impact on the problem of DWI repeat offenders (e.g., raising the drinking age, reduced hours of sale). Nevertheless, the potential of primary prevention measures on the DWI repeat offender should not be overlooked. In the prevention area, it is important to:

- ✓ **Encourage the development, refinement and adoption of server training programs.**
- ✓ **Encourage designated driver and alternative transportation programs for DWI repeat offenders, with the provision that those participating do so conscientiously.**
- ✓ **Develop and distribute anti-drinking-driving messages targeted at the DWI repeat offender.**

2. Identification and Apprehension

The courts in Canada have permitted police officers to stop drivers without cause for the purpose of determining whether or not the driver has been drinking. Such campaigns, when combined with publicity, have been shown to have a significant impact on drinking and driving. However, the effectiveness of these campaigns as a means of detecting the DWI repeat offender is questionable. Given the tremendous commitment of resources necessary to conduct such a campaign and the small proportion of high-BAC drivers detected in spot checks, it is not efficient to use this technique to identify DWI repeat offenders. In the area of identification and apprehension, it would be beneficial to:

- ✓ **Implement the use of passive alcohol sensors for screening drivers.**
- ✓ **Implement police saturation patrols for impaired drivers.**

3. Sanctions

Finding the optimal sanction(s) to deal with the DWI repeat offender is challenging. The available research provides little guidance in determining what level of severity is most appropriate. Furthermore, in light of the variability in the characteristics of this group, different types and levels of sanctions may be more appropriate for the subgroups that comprise this group. Therefore, flexibility in sentencing options may be a key factor in developing effective sanctions. Sentencing options that could be effective deterrents to DWI are:

- ✓ **Implement an alcohol ignition interlock program for high-risk offenders.**
- ✓ **Implement a program of vehicle-based sanctions for persons who violate licence suspensions.**
- ✓ **Implement a system of “graduated re-licensing” that incorporates flexible licence suspensions and a systematic re-introduction to full driving privileges.**
- ✓ **Use home arrest and electronic monitoring in cases where incarceration is deemed warranted and appropriate.**
- ✓ **Implement tiered or graded BAC limits that would tie sanctions to the severity of the offence.**

4. Programs

The overall objective of assessment and remedial programs is to identify and deal with the personal factors that give rise to continued DWI behaviour and to prevent its subsequent occurrence. There are numerous examples of good assessment and remedial programs available; however, an overall *approach* is being recommended. Six approaches that could be adopted to help ensure DWI offenders do not repeat the behaviour follow:

- ✓ **Develop and implement a procedure to assess every person arrested for and/or convicted of an impaired driving offence.**
- ✓ **Require DWI offenders to complete a recommended remedial program as a condition of licence reinstatement.**

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- ✓ **Implement a case management system to monitor offenders and facilitate their access to programs and services.**
 - ✓ **Develop and implement a system of screening and referral for drivers treated in hospital emergency departments for injuries sustained in motor vehicle crashes.**
 - ✓ **Require all drivers who have accumulated two or more short-term licence suspensions (i.e., 12 to 24 hours) to undergo an assessment.**
 - ✓ **Require all drivers who come to the attention of licensing authorities for multiple violations/crash involvements to undergo an assessment.**

A Countermeasures Strategy

The recommendations listed above are not intended to be independent countermeasures. Rather, many of the options are closely associated with other programs and their effectiveness depends on coordination among them. Therefore, for jurisdictions considering changes in the system for dealing with the DWI repeat offender, one final recommendation is offered.

- ✓ **Develop a comprehensive DWI countermeasures strategy to guide the implementation of a series of coordinated and interrelated programs to deal effectively with DWI repeat offenders.**

By itself, each program may have beneficial effects. Together, they can create an integrated, coordinated system of programs to maximize their overall efficacy in reducing recidivism and preventing alcohol-related crashes.