

A Special Issue

Drinking-Driving Laws: What Works?

More than half of all fatal crashes in the United States involve a driver who has been not just drinking, but drinking heavily. Polls show that three out of four Americans perceive drunk driving as the chief highway menace. The cost of crashes involving alcohol-impaired drivers is in the billions of dollars. Yet none of the countermeasure approaches devised and implemented to deter these drivers have been found by competent research to have a permanent influence on reducing deaths resulting from crashes of alcohol-impaired drivers.

One of the most important and comprehensive documents in the alcohol field in years is "Deterrence of the Drinking Driver: An International Survey," by H. Laurence Ross. This work, sponsored by the National Highway Traffic Safety Administration (NHTSA), evaluates the published scientific literature on the effectiveness of drinking-driving laws in more than 12 countries, including the United States, and discusses possible alternatives for deterring the alcohol-impaired driver.

The most promising deterrent approach, according to Ross, involves increasing efforts to apprehend impaired-drivers and give them swift and certain penalties — instead of making penalties more severe.

This special issue of *Status Report* focuses on the Ross survey and on the vital need for programs to reduce the extent to which alcohol use is causing motor vehicle crashes. However, this *Status Report* does not deal with ways to reduce injuries in the crashes that do occur, nor does it address ways to salvage the people who are damaged in crashes.

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Survey Finds Limited Effect Of Drinking-Driving Laws

Although “Scandinavian-type” laws to control alcohol-impaired drivers may have an effect in the short term, they soon lose their deterrent powers, an international survey of the problem has indicated. This conclusion is drawn in a landmark survey, recently completed by H. Laurence Ross of the State University of New York at Buffalo, of the effectiveness of laws directed at the problem of alcohol-impaired drivers. The only real measure of the laws’ effectiveness, according to Ross, is whether deaths and injuries in crashes involving alcohol-impaired drivers are reduced after deterrence programs are enacted.

Drinking-driving laws of the Scandinavian type, which define alcohol-impairment offenses in terms of exceeding a prescribed blood alcohol concentration, have been used in many countries, including the United States, for more than 20 years. In fact, most of the fifty U.S. states, like Norway and Sweden, specify in their statutes blood alcohol concentrations that are given legal status (see p. 4). The findings and conclusions of the Ross survey are therefore highly relevant to continuing efforts in this country to deter alcohol-impaired drivers.

Ross’s survey presents evidence that some Scandinavian-type laws, together with the extensive publicity surrounding their implementation, have reduced the incidence of alcohol-related crashes *in the short run*. This reduction has been achieved, says Ross, when the public believed there was an increase in the risk of being apprehended and convicted. Increasing only the *severity* of punishment has had no effect, and is probably counterproductive, he finds.

Extent of the Drinking-Driving Problem

The Ross report summarizes at the outset the voluminous existing literature on the relationship between alcohol and highway crashes. The review points to the following conclusions:

- “Alcohol is often found in the blood of drivers involved in crashes of all kinds, and proportionately more in the more serious crashes as defined by fatalities and serious injuries.”
- “Alcohol is disproportionately present in the blood of drivers in single-vehicle crashes and in that of drivers judged responsible for multiple-vehicle crashes.”
- “Drivers with alcohol in their blood are more likely to be found at nights and on weekends, at times and places where crash involvement is high, and among people such as young males who are disproportionately involved in crashes.”
- “The more elevated the blood alcohol level, the greater the risk of crashes.”

Effects of the Scandinavian-Type Law

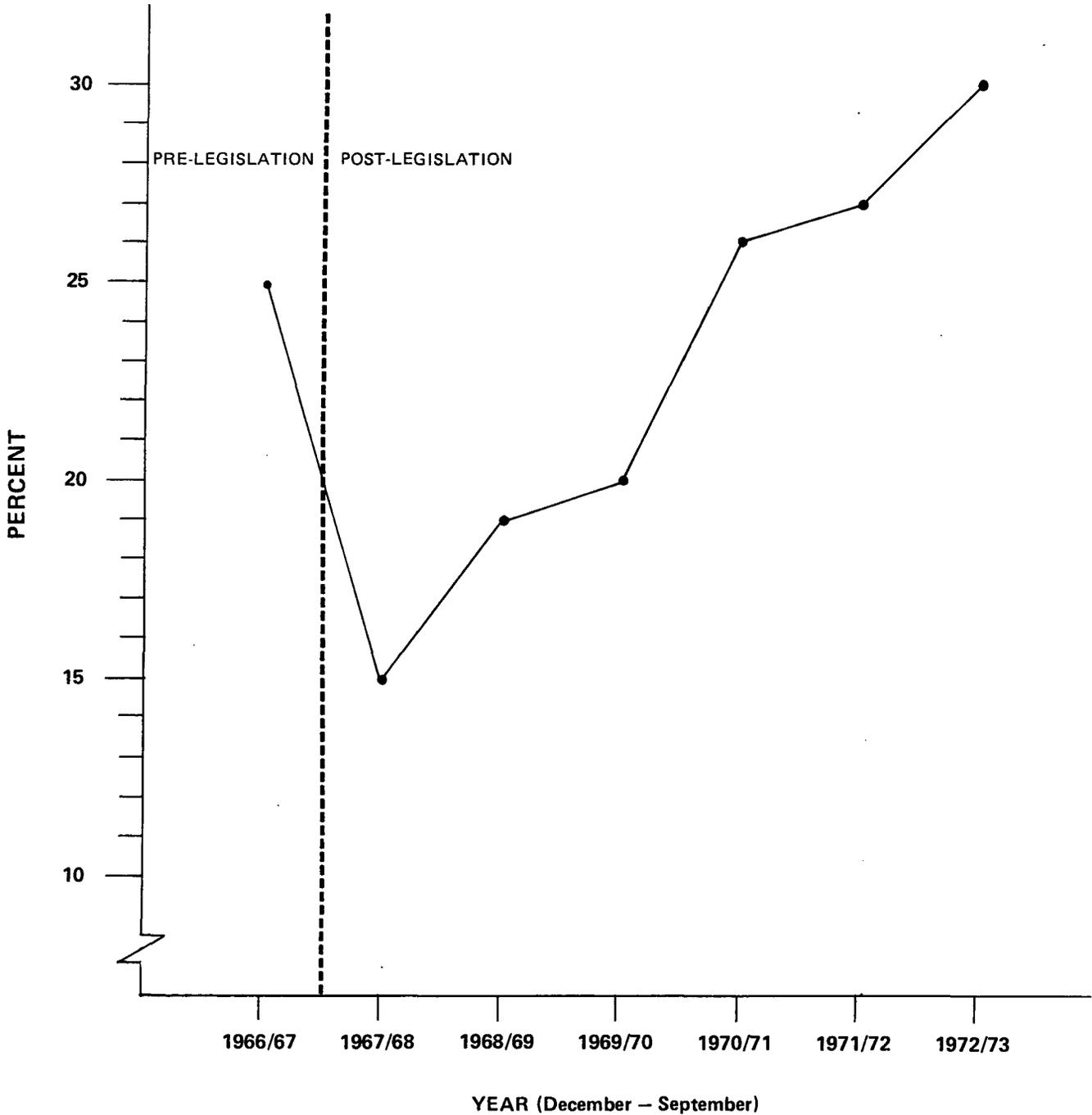
The survey also evaluates many deterrence programs around the world which have been based on Scandinavian-type laws. “Evidence was found (except, paradoxically, for Norway and Sweden) that adoption and enforcement of these laws nearly always has had a deterrent effect” resulting in short-run reductions in serious casualties during the main drinking hours, Ross reported.

Unfortunately, these deterrent effects were consistently found to be of only temporary duration. Ross explains that “the apparent effects began to diminish shortly after” the adoption of Scandinavian-type laws. “Crashes and casualties approached prior trends within a few months or, at most, a few years of the reform.”

The effects of the laws are transient, Ross says, largely because of the discrepancy between the formal provisions of the law – swift, severe, and certain punishment for violators – and the actual unlikelihood of apprehension and conviction. Drivers appear initially to believe that the law will be effectively enforced,

(Cont'd on page 11)

**FATALLY INJURED DRIVERS
WITH BLOOD ALCOHOL CONCENTRATIONS ABOVE THE LEGAL LIMIT
SPECIFIED BY THE BRITISH ROAD SAFETY ACT
A 1967 SCANDINAVIAN-TYPE LAW**



U.S. Drinking-Driving Laws Close To Scandinavian-Type

Drinking-driving laws in all 50 states are tough. In fact, according to H. Laurence Ross of the State University of New York at Buffalo, U.S. laws have been “very deeply penetrated” by the strict Scandinavian model.

Norwegian and Swedish drinking-driving statutes of 1936 and 1941, respectively, were the world’s first examples of *per se* laws — laws which define the offense as driving with a blood alcohol concentration at or above some specified level. “The essence of these laws,” says Ross in his recent survey of the alcohol and highway crash problem, “is definition of the drinking-and-driving offense in terms of exceeding a prescribed blood alcohol level, which is established by objective measurement of blood or other bodily substances.”

In an earlier study, Ross noted that in both Norway and Sweden, “the punishment for violating the *per se* law has been imprisonment along with the loss of the driver’s license. In the context of the general criminal systems of these two countries the punishment for drinking and driving is extraordinarily severe, and the principal justification of this severity has been in terms of the deterrent effectiveness of the laws.” (See *Status Report*, Vol. 10, No. 9, April 28, 1975.)

Uniform Code Model

While it has been widely assumed that laws aimed at impaired drivers are far less stringent in the United States than in Scandinavia, Ross points out that — on the books, at least — the Scandinavian model “is firmly embedded in the [United States’] Uniform Vehicle Code and, to a varying and lesser degree, in the traffic laws of the fifty states.”

The Uniform Vehicle Code is a model *per se* law in which the offense is defined as driving with a specified concentration of alcohol in the blood. Chemical testing for blood alcohol is provided for in the Code. An optional section of the Code states that refusal to provide appropriate samples can be used as evidence in a drinking-driving prosecution; refusal may also result in a license suspension under the Code. A prison term may be given on the first conviction; a subsequent conviction results in a mandatory term, although exceptions may be permitted for diversions to rehabilitation programs, under the Code.

While the Code serves as a model, the actual specifications of drinking-driving laws are determined by the states. Aspects of the Scandinavian model have been adopted in all American jurisdictions. A fixed blood alcohol concentration is specified in the laws of all states. The level is 0.10 percent or higher everywhere, except in Utah and Idaho where it is 0.08 percent or higher. In Maryland, the General Assembly this week passed a new drinking-driving law, under which 0.08 percent or higher is considered evidence of impairment, and 0.10 percent or higher is considered evidence of intoxication, a more serious offense. (In Norway and Sweden, the level is considerably lower, 0.05 percent, but this must be *exceeded* instead of merely *attained* or *equaled* in order to constitute a violation.)

Indiana was the first state to enact legislation making chemical tests admissible as evidence for prosecuting drivers accused of alcohol-impairment violations. In 1953, New York introduced the concept of “implied consent,” so that when a person drives he implicitly consents to a chemical test if asked to do so *after* being arrested. The requirement to submit to chemical testing after arrest now is accepted in all 50 states; failure to submit to the test may result in suspension of the driver’s license.

Several states provide for mandatory imprisonment upon the first conviction of alcohol-impaired driving. All states provide for prison for repeat offenders, with special consideration for those who undergo rehabilitation. License suspension is mandatory almost everywhere, though usually for second and subsequent offenses only.

Differences From the Scandinavian Model

There are, however, differences between U.S. drinking-driving laws and those in Norway, Sweden, and many western European countries. One difference involves the lack of a provision for pre-arrest testing in U.S. laws. Many countries permit the police to administer a chemical test for alcohol before a driver is arrested, if there are reasonable grounds for suspicion that alcohol is involved. Since 1975 the Swedish law, as well as those in France and the Netherlands, have *not* required suspicion of alcohol influence to justify the demand for a breath test by police.

The subject of pre-arrest breath testing and empowering police to demand a test before arrest is not a settled issue in the United States. In 1971, the Insurance Institute for Highway Safety urged the National Committee on Uniform Traffic Laws to adopt a proposal to put pre-arrest test provisions into the Uniform Vehicle Code; however, to date the Committee has not done so. There is also a body of opinion that finds such provisions constitutionally objectionable, although since 1971 some states have provided for pre-arrest testing.

Another difference between U.S. and Scandinavian-type drinking-and-driving laws involves the concepts of presumptive evidence and *per se* violations. In Norway, Sweden, and other western nations – but excluding most states in the U.S. – exceeding a prescribed blood alcohol concentration automatically is a violation of the law. In the United States, attaining the prescribed limit in most states is presumed to be sufficient evidence that the driver was impaired. Unlike *per se* laws, presumptive laws allow drivers to present evidence in court to rebut the presumption of impairment. Only 14 states have *per se* laws; these are Delaware, Florida, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Carolina, Oregon, South Dakota, Utah, Vermont, Wisconsin, and Washington.

The difference between *per se* and presumptive laws has in fact been more procedural than substantive. Presumptive laws tend to lead to more jury trials, because they allow those who are charged with alcohol-impaired driving to try to rebut the presumption of impairment. However, the enforcement of drinking-driving statutes is so low everywhere that there has been little benefit from either *per se* or presumptive laws in any state in terms of reducing the number of alcohol-related crash fatalities.

Ross also notes perception differences between Scandinavian and U.S. laws “in the matter of the informal law or law in action. It is generally felt that the American laws are not vigorously applied.” According to Ross, however, Scandinavian deterrence laws actually are not as vigorously applied as many people suppose. The success of such laws has depended on publicity and news coverage creating in the public’s mind an *illusion of enforcement*. Actual levels of apprehension and conviction of alcohol-impaired drivers have been extremely low in Scandinavia, as they have been in the United States.

Ultimately, both U.S. and Scandinavian drivers (as well as drivers in other countries where “strict” *per se* laws exist, at least formally) have perceived that the threat of punishment for alcohol-impaired driving is empty. This perception has substantially undercut any deterrent effects of the laws.

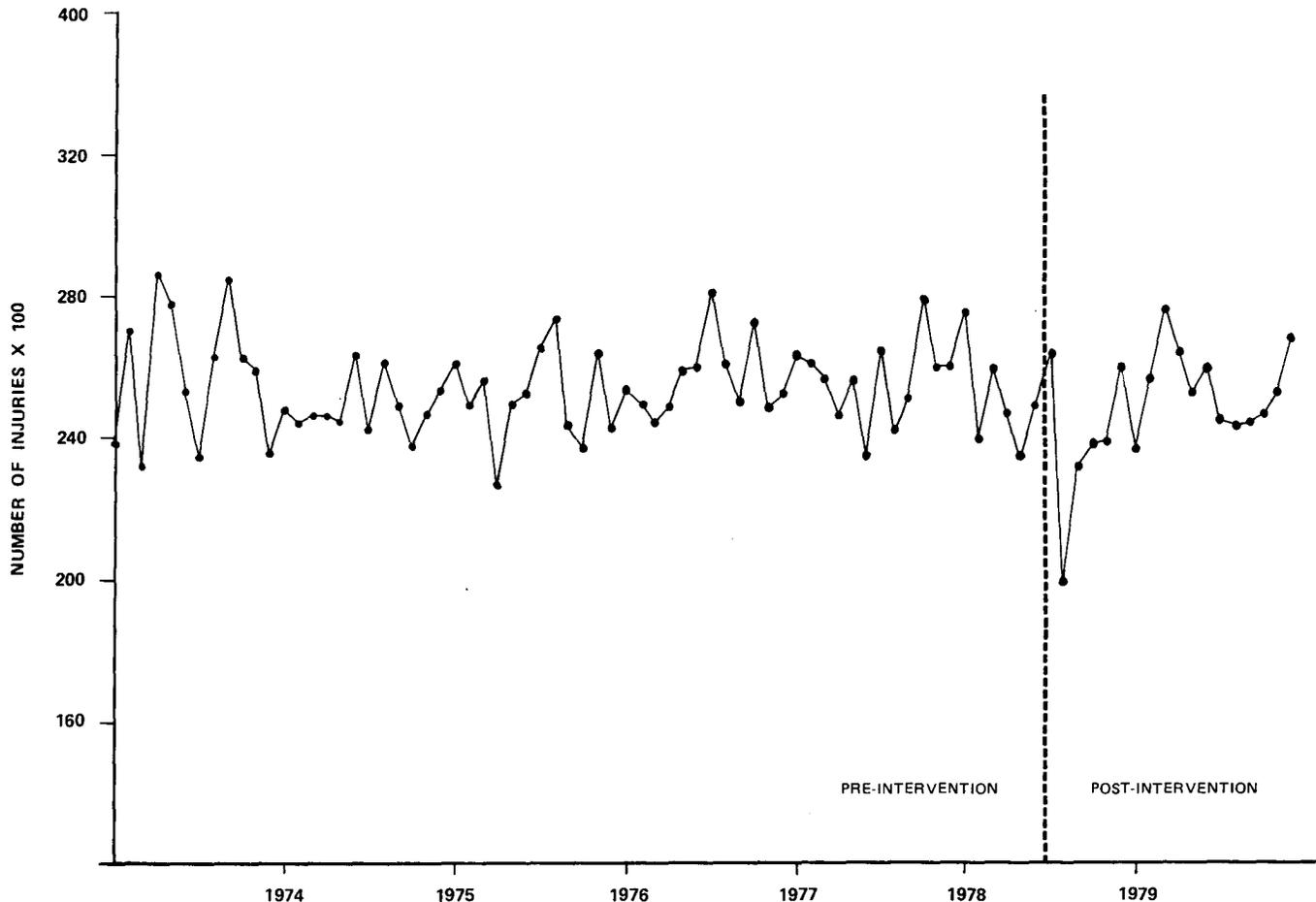
French Law Evaluated

A new analysis of a major drinking-driving deterrence program shows familiar results: a short-term effect but no ultimate change in the number of people killed in crashes involving alcohol-impaired drivers.

The French drinking-driving law of July 12, 1978 is among the most recent examples of the Scandinavian approach. It provides for the testing of drivers passing through roadblocks scheduled for this purpose, without the need for police to suspect that a driver has been drinking or is in any way irregular in driving. In addition, the law makes a screening test for blood alcohol obligatory for drivers or others implicated in causing an injury-producing crash, as well as for drivers accused of any of a large number of traffic violations.

In spite of these tough provisions, current analysis of data on crash-related injuries and fatalities in France indicates that "the 1978 law had a notable deterrent effect, but the effect has not been permanent." This analysis, conducted by H. Laurence Ross and sponsored by the Insurance Institute for Highway Safety, concluded that a well-publicized deterrence program may be effective in the short run "because its threat is exaggerated in the perception of the subject population. If, however, the perception rests on an unrealistic basis, the learning process will undermine it until it becomes, in the colorful French term, a 'wooden shoe'."

CRASH-RELATED INJURIES IN FRANCE



Review Of Deterrence Programs Indicates New Approaches Needed

The alcohol-impaired driver problem has proven to be as intractable as it is large. Deterrence programs have been tried all over the world, but few have been shown by competent research to produce even small positive effects. None have proven effective in the long run.

Previous deterrent approaches have been of three major types: legal crackdowns on alcohol-impaired drivers involving increased police detection activity and/or more severe penalties for offenders; rehabilitation programs designed to treat rather than punish offenders; and public education campaigns to discourage drinking and driving.

A number of specific deterrence programs have been evaluated. The following is a brief review of the major findings:

- **Alcohol and Highway Safety Report, 1968:** Recognizing that the use of alcohol was leading to some 25,000 deaths and at least 800,000 crashes in the United States every year, the Department of Transportation studied the relationship between alcohol and highway safety and reviewed countermeasures to reduce the drinking-driving problem. A significant finding of the DOT report was that "many control efforts have been based on at least partially incorrect assumptions. For example, the apparent assumption that most highway crashes involve ordinary social drinkers has led to the use of 'shotgun' approaches directed toward the entire population that drinks, instead of toward problem and other heavy drinkers — whose crash involvement constitutes such a disproportionate percentage of the problem."

- **Alcohol Safety Action Projects, 1971-76:** In response to the 1968 *Alcohol and Highway Safety Report*, the Department of Transportation initiated 9 and ultimately 35 Alcohol Safety Action Projects (ASAPs) with the goal of demonstrating and evaluating "the feasibility, methodology, and impact of comprehensive multifaceted countermeasure programs designed to reduce the incidence of alcohol as a causal factor in motor vehicle crashes." Individual ASAPs were conducted at the local level, emphasizing improved law enforcement, traffic court procedures, public information, and special efforts to counsel, assist, and rehabilitate alcohol-impaired drivers. These programs cost \$88 million between 1971 and 1976.

An evaluation of ASAPs, conducted by the Insurance Institute for Highway Safety in 1974, compared year-to-year variations in highway crash fatality patterns in 28 ASAP locations with those in comparable, non-ASAP locations, both before and during the ASAPs' operational period. No reductions in fatalities unique to the ASAP areas were found by Institute researchers. They observed that "in the absence of any evidence of an overall reduction in fatalities, it is only possible to conclude scientifically that ASAPs, as large-scale social programs, have been ineffective." (See *Status Report*, Vol. 9, No. 13, July 8, 1974.)

The National Highway Traffic Safety Administration (NHTSA) disputed the Institute's findings, claiming that "some evidence of reduced numbers in alcohol-related fatal crashes could be attributed to ASAPs." However, a 1979 General Accounting Office (GAO) report corroborated Institute findings. According to GAO, various ASAP programs "are spending millions of dollars on various drinking-driving programs. Yet statistics continue to indicate that, overall, one-half of highway fatalities in the United States are related to alcohol." The GAO report concluded that ASAPs did "not show any overall national results." (See *Status Report*, Vol. 14, No. 6, April 9, 1979.)

Direct federal funding of Alcohol Safety Action Projects has been discontinued.

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Review Of Deterrence Programs Indicates New Approaches Needed (Cont'd from page 7)

● **Chicago Crackdown, 1970-71:** A highly publicized campaign against alcohol-impaired drivers was conducted in Chicago during late December 1970 and the first half of 1971. In it, the city's traffic courts sentenced drivers convicted of alcohol impairment to seven days in jail, and recommended that their licenses be suspended for one year. The program was based on an assertion that the bulk of alcohol-impaired driving arrests were of social drinkers rather than very heavy drinkers, and that the jail sentences would deter them in the future from drinking amounts likely to involve them in crashes. Claims of great effectiveness were made for the city's "get tough" program.

However, three researchers later found that the decrease in motor vehicle fatalities during Chicago's crackdown was "mistakenly" attributed to the enforcement program. In fact, they said, the reduction was well within the bounds of typical chance variation. In a comparison city, Milwaukee, the researchers found similar reductions during the same period even though Milwaukee was not being subjected to the campaign against alcohol-impaired driving. (See *Status Report*, Vol. 7, No. 10, May 22, 1972.)

● **British Road Safety Act Studied, 1973:** In 1967, the British government adopted a Scandinavian-type law affecting alcohol-impaired drivers. Immediately after passage of this law, researchers found that drivers in Great Britain separated drinking and driving because they perceived a realistic likelihood of being apprehended and punished. However, according to H. Laurence Ross's 1973 evaluation, the effects of the law began to diminish as "the public began to learn that they had over-estimated the certainty of apprehension and conviction . . . The behavior changes induced by the former perception proved evanescent, and the casualty rates moved upward."

● **The Cheshire "Blitz", 1975:** Concerned about the dwindling deterrent effect of the British Road Safety Act of 1967, the chief constable of Cheshire in 1975 ordered increased enforcement in his county to see if the law's deterrent effect could

be regained. During the blitz, the level of breath testing for alcohol in Cheshire County rose to six times the national average. H. Laurence Ross's study of this "breathalyzer blitz" concluded that the project "demonstrates important deterrent results for increased enforcement of a modern drinking-and-driving statute in a short-term and well-publicized campaign." However, the effects of the blitz were not permanent. The enforcement resources needed to implement the campaign on a continuing basis were not available, and without such enforcement alcohol-impaired driving returned to previous levels. (See *Status Report*, Vol. 13, No. 1, January 16, 1978.)

● **The Scandinavian Myth, 1975:** Drinking-driving laws in Norway and Sweden, passed in 1936 and 1941 respectively, generally have been regarded as strict because of their use of imprisonment and license revocation as routine penalties. However, research by H. Laurence Ross found that these laws had no effect on fatal motor vehicle crash rates.

Sponsored by the Insurance Institute for Highway Safety, Ross evaluated the effects of Scandinavian laws by analyzing before-and-after data on fatal motor vehicle crashes in Norway and Sweden. The data yielded "no evidence for effectiveness" of the laws, Ross said, since there were no significant changes in the number or rate of fatal motor vehicle crashes associated with the introduction of the laws or with later changes lowering the blood alcohol concentrations that constitute offense. "The impression that there is strong and convincing evidence to believe that Scandinavian laws have deterred drinking and driving . . . may be fairly characterized as 'The Scandinavian Myth'," Ross concluded. (See *Status Report*, Vol. 10, No. 9, April 28, 1975.)

● **Breath Alcohol Study in Finland, 1977:** In Finland, driving "when drunk or under the influence of alcohol" is punishable by a maximum sentence of four years, six years if a fatality results from alcohol-impaired driving. Convicted drivers lose their licenses for two or three years, and licenses are revoked for repeated offenses. A 1977

from alcohol-impaired driving. Convicted drivers lose their licenses for two or three years, and licenses are revoked for repeated offenses. A 1977 study based on a three-part roadside survey combining breath alcohol tests and interviews found that approximately one percent of the drivers tested had positive breath alcohol concentrations; of these 59 percent had concentrations above 0.10 percent.

The study suggested that while Finland's stringent drinking-driving laws may curb some of the social drinkers, they are relatively ineffective in controlling problem drinkers. The study also reported that a third of the drivers arrested for drinking and driving in Helsinki in 1974 were without a valid driver's license. (See *Status Report*, Vol. 13, No. 1, January 16, 1978.)

● **License Revocation vs. Rehabilitation, 1977:** Dr. Roger E. Hagen of the California Department of Motor Vehicles reported that the frequencies of alcohol-impairment convictions or crashes among multiple driving-under-the-influence offenders who participated in rehabilitation programs were "at a minimum, 50 percent greater" than those for drivers whose licenses were suspended or revoked. Hagen further noted that "although it is evident that many drivers drove during their term of license suspension/revocation, the positive effect due to the licensing action could emanate from reduced or more cautious driving." (See *Status Report*, Vol. 13, No. 1, January 16, 1978.)

The results of Hagen's study are consistent with a Nassau County, New York, experiment in which drivers invited to take part in a rehabilitation program in lieu of license suspension/revocation had worse subsequent crash records than those who lost their licenses. The evidence in these two studies suggests that despite the fact that those with suspended or revoked licenses sometimes drive illegally, *suspension/revocation does have a significant impact on loss reduction.*

● **Blood Alcohol Concentrations in Norway Studied, 1978:** Analyzing the results of two studies of blood alcohol concentrations in drivers admitted to hospitals following crashes, Olav Bø, head surgeon of the Central Hospital of Rogaland, Stavanger, Norway, said that Norway's tough

drinking-driving laws had at best "only a very weak impact" on reducing the presence and levels of alcohol in drivers involved in crashes. Bø's conclusion was based on analysis of studies in which a group of injured and hospitalized drivers from crashes was tested for blood alcohol concentrations; these results were compared to concentrations from a group of comparable non-crash-involved drivers who were not seeking medical care and who had no knowledge that their blood alcohol concentrations would be measured. Almost half of the crash-involved drivers had blood alcohol concentrations above the statutory limit, while only 3.4 percent of non-crash-involved drivers had ingested alcohol before driving. (See *Status Report*, Vol. 13, No. 10, July 14, 1978.)

● **Update of the 1968 'Alcohol and Highway Safety Report', 1978:** A DOT-funded review of the state of knowledge about alcohol and highway safety concluded that there were no alcohol countermeasures "whose efficacy has been objectively established." In part, this finding may be attributed to the general lack of evaluation of programs aimed at reducing alcohol-related crash losses, the study said, noting a tendency for all levels of government to assume that their drinking-driving programs work without first carefully evaluating their probable effectiveness. (See *Status Report*, Vol. 14, No. 6, April 9, 1979.)

● **Canadian Approach, 1977 - present:** In Vancouver, British Columbia, the province's attorney general launched a "Drinking-Driving Counterattack." Police use mobile breath testing vans, surprise roadblocks, and intense publicity to convince drinking drivers that the risk of apprehension and conviction is high. In addition, any policeman, whether working a roadblock or not, can suspend a driver's license *on the spot* for 24 hours without a test, arrest, or trial. The driver is not fined, nor does he or she spend any time in jail.

As of December 1980, there had been about 20 percent fewer motor vehicle fatalities in Vancouver than would have been expected without the deterrent program. A spokeswoman for Counterattack attributes this success to publicity about the high risk of apprehension and to the threat of a 24-hour license suspension.

An Alternative Approach

New approaches to the problem of alcohol-impaired driving are needed. The Ross survey indicates that not one approach has been found — including the passage of laws with tough penalties — that has had a sustained influence in reducing the number of people being killed by alcohol-impaired drivers. To make matters worse, some deterrence programs have been implemented on a wide scale — at a cost of millions of taxpayers' dollars — without their effectiveness first being evaluated.

The Ross survey points to two as-yet-untried approaches to deterring alcohol-impaired drivers.

One alternative approach involves increasing and especially maintaining driver perceptions that wide-scale enforcement is in effect, and that severe, sure, and swift punishment will follow all drinking-driving offenses. Actual arrests and convictions would have to be increased to foster this perception. Publicity about enforcement would have to be stepped up. In short, a “Cheshire blitz”-type experience would have to be maintained on a permanent basis. In addition, there might also have to be more obtrusive enforcement measures such as frequent police roadblocks at which all drivers are tested for alcohol. The huge political and economic costs of an enforcement program of this magnitude could be prohibitive.

A second untried approach to the alcohol-impaired driving problem would involve administrative handling of first-offense cases. Punishment could be made to follow closer upon the violation, Ross explains, if the criminal definition of alcohol-impaired driving is abandoned and the offense is handled with dispatch by a civil agency.

By avoiding the prolonged process of arrest and criminal conviction, the administrative approach would serve to manipulate the important factors of *certainty* and *speed* in dispatching alcohol-impaired driving cases, instead of making punishment more severe. As Ross notes, “the mere retraction of the driver’s license for a few weeks might be a noticeable and presumably effective punishment in an automobile-dependent society,” *if drivers perceive that their chances of being caught are high and that the penalty is mandatory*. On the other hand, severe penalties have not been shown to be effective deterrents if they are perceived as unlikely to be imposed. Severe penalties can even be counterproductive if they result in police leniency in arresting drivers for alcohol-impairment, plea bargaining, or increased findings of not guilty.

Only repeat offenders and drivers in crashes involving injuries would be subject to criminal charges, if the administrative approach were adopted. *The purpose of this approach would not be to excuse the alcohol-impaired driver from possible severe penalty, but to insure that a high proportion of such drivers always receive a penalty.*

A further benefit of the administrative approach might be to reduce the economic costs of programs aimed at the alcohol-impaired driver. Such programs currently tie up huge amounts of public money in law enforcement and court expenses.

At present, more is known about what does *not* work to deter alcohol-impaired drivers than about what works. The effects of long-term stringent enforcement of Scandinavian-type drinking-driving laws have not been tested; nor have the effects of an administrative program to handle alcohol-impaired drivers. These programs could be effective and should be implemented and evaluated on a *trial* basis, so that sound decisions about their possible long-term utility can be made.

Survey Finds Limited Effect Of Drinking-Driving Laws (Cont'd from page 3)

during which time there is a deterrent effect on alcohol-impaired driving, Ross explained. However, as time goes on and drivers accurately perceive that the risk of apprehension is in fact low, the deterrent effect is reduced and ultimately lost altogether.

Ross cites earlier studies suggesting that a driver would have to commit from 200 to 2,000 driving-while-intoxicated violations to be caught. And after apprehension there still would be only a 50-50 chance of the driver's experiencing anything more than a mild punishment such as a small fine.

In country after country – including Norway, Sweden, Great Britain, New Zealand, Australia, Canada, the Netherlands, France, Austria, Czechoslovakia, West Germany, Finland, Denmark, and the United States – Ross's survey indicates that "the long-run picture seems bleak. Even the most successful of deterrent interventions appears in the course of a few years to have lost its entire beneficial effect. My interpretation of these facts is that the level of threat in fact achieved in adoptions of the Scandinavian model is too low to maintain an important deterrent effect over the long run. Moreover, we do not know what level, if any, of certainty and severity of threat will suffice to maintain deterrence of drinking and driving through law."

Ross stops short of advocating the abandonment of Scandinavian-type laws. He says these laws might reduce crashes involving alcohol-impaired drivers if they are vigorously enforced on a permanent basis. However, this raises the question "of whether the level of enforcement needed for long-term effects is politically feasible." Ross further notes that "in the present state of the world there is every reason to adopt and evaluate modifications, which may yield important interim benefits while the ultimate solution is awaited."

Most efforts to modify laws aimed at alcohol-impaired drivers have centered on manipulating the *severity* of legal punishment without changing the *certainty* of such punishment. This does not work, Ross warns. In fact, "it appears that increased severity of the prescribed punishment results in changes that lessen the certainty of its application which may in turn even reduce the deterrent effectiveness of the law." Ross adds that recourse to heavy fines and mandatory jail sentences seems likely to encourage deformations in the legal system: police leniency and even corruption, plea bargaining, and increased findings of not guilty. "These adjustments may have the effect of reducing the certainty of punishment and diminishing rather than increasing the total deterrent effect of the law."

Ross indicates that, in devising an effective deterrence program, there are actually four factors to be considered. In addition to the certainty, severity, and swiftness of the punishment, there is the public's *perception of the likelihood* of being apprehended to be considered. If alcohol-impaired drivers do not perceive that they are likely to be apprehended for their offenses, then even the threat of certain punishment if caught will not stop them from driving or stop the tragedy of human suffering from crashes they cause.

The study, "Deterrence of the Drinking Driver: An International Survey," is being published by the Department of Transportation.

— **Special Issue** —

This special issue of *Status Report* deals exclusively with the subject of drinking-driving laws.

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