

# FIRST, REPEAT & PERSISTENT IMPAIRED DRIVERS

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The Sober Smart Driving education program is produced by the **Traffic Injury Research Foundation** with funding from **Beer Canada**. It shares knowledge and science to answer common questions about alcohol, its effects on driving skills, and impaired driving.

## What is the difference between first and repeat offenders?

There has been considerable debate about first-time impaired driving offenders. Research demonstrates that many drunk driving offenders can drink and drive more than 200 times before being detected and apprehended (Beck et al. 1999, Voas & Lacey, 2011). Therefore, the term first offender often refers to the first time the driver has been caught, as opposed to the first time they have driven while impaired. The reality is that many so-called *first offenders* are in fact repeat offenders who have managed to avoid detection and arrest.

First offenders have also been found to make up a large portion of the impaired driving problem as they account for a majority of drunk driving offences in many jurisdictions. Research has shown that about two-thirds of these offenders will be deterred by their experience with the criminal justice system and will not be apprehended again (Voas and Fisher 2001). In other words, these individuals recognize that

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they made a mistake and will not repeat it in the future. For these people, the administrative and criminal penalties they faced combined with the embarrassment of being arrested for impaired driving serves as a learning experience.

Repeat offenders are more difficult to deter using traditional administrative or criminal penalties as demonstrated by their continual offending even when faced with the threat of additional punishment. These individuals do not learn from their negative experiences and continue to drink and drive, often with a suspended or revoked licence. As a result, this group of offenders is more challenging to deal with because consequences seemingly have no effect on their behaviour.

One potential explanation for the continued drunk driving of repeat offenders is alcohol dependency. These offenders typically suffer from some degree of alcohol abuse or addiction which explains their reduced capacity to control their behaviour and reluctance to change. While research has found that many first offenders also suffer from alcohol addiction (Rauch 2005), the occurrence of dependency is much higher among repeat offenders. In an effort to address this problem, it is suggested that all



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offenders arrested for impaired driving undergo screening for alcohol abuse to determine if assessment and possibly treatment are needed. To reduce the likelihood of any impaired driving offender recidivating, proper steps such as these should be taken to address underlying issues that may be causing the illegal and dangerous behaviour.

The distinction between first and repeat offenders is further complicated when taking Blood Alcohol Concentration

(BAC) level into account. High-BACs (.15 or above) are one of the identifying characteristics of repeat and persistent impaired driving offenders. However, many first offenders also frequently drive with high-BACs that are more than twice the legal limit and, therefore, have a significant risk of crashing (Rauch 2005). This risk does not, however, match that of repeat offenders who are responsible for a larger proportion of alcohol-related deaths and injuries (Borkenstein et al. 1964; Simpson et al. 2004; Blomberg et al. 2009).

As such, impaired driving offenders do not necessarily fall into clearly defined categories. The debate will continue with regard to which offender population should remain the primary area of focus; first offenders who account for a greater portion of impaired driving offences or repeat offenders who are responsible for a larger proportion of alcohol-related deaths and injuries.

### **What proportion of impaired driving offenders re-offend?**

An estimated 30% of impaired driving offenders are repeat or persistent offenders. These offenders are more likely to:

- > drink and drive frequently;
- > often at high-BACs;
- > have a history of prior convictions; and,
- > may have alcohol dependency issues.

They are also relatively resistant to changing their behaviour as evidenced by continued offending even after they have faced penalties and other negative consequences. Even though these offenders represent a relatively small portion of the driving population (an estimated 1% of nighttime drivers on the road), they account for nearly two-thirds (65%) of all alcohol-related driver fatalities and are

responsible for making 84% of all drinking and driving trips. In other words, they drink and drive more frequently than any other type of impaired driver.

### **a) Why do repeat offenders pose a greater risk on the road?**

Repeat offenders tend to drink excessively which puts them at very high risk of causing a serious crash. To illustrate, research shows that drivers with a BAC of 0.15 are about 150 times more likely to have a fatal crash than the average non-drinking driver. At a BAC of 0.20 or higher this risk increases to some 460 times (Simpson et al. 1996). Although such drivers account for only a small proportion of all night-time drivers on the road (less than 1%), their high risk makes them a significant threat (Simpson and Mayhew 1991).

### **b) Do repeat offenders share common characteristics?**

While impaired drivers as a whole are often very different and come from all walks of life, repeat offenders tend to share several common characteristics:

- > male;
- > aged 25-45;
- > have a high school education or less;
- > lower socioeconomic status;
- > tend to be single, divorced, or separated;
- > aggressive and hostile;
- > sensation-seeking;
- > have driving problems; and,
- > have alcohol dependency and abuse issues (Robertson et al. 2014).

Dealing with these highest-risk offenders requires a strategy anchored in a combination of punishment, surveillance, and treatment. Strategies to reinforce positive behaviour should also be implemented to encourage behaviour change.

### **c) How much do repeat impaired drivers contribute to the problem?**

Although persistent impaired drivers are a relatively small group in the total driving population, they continue to account for a very large portion of the impaired driving problem, including fatal and serious injury crashes. They account for almost one-third (25%) of all fatally injured drivers and about two-thirds (65%) of all fatally injured drivers who are drinking (Simpson et al. 1996; Robertson et al. 2010). To illustrate the impact that this subgroup of offenders has, consider the following:

- > repeat impaired drivers account for only 1% of all drivers on the road at night during the weekend, but they represent nearly half of all fatal crashes that occur during that time;
- > among fatally injured drivers who were legally impaired, 65% had a blood alcohol concentration in excess of 0.16 (Brown et al. 2020);
- > over 60% of seriously injured drivers have a blood alcohol concentration in excess of 0.15;
- > repeat impaired drivers are estimated nationally to account for 15-20% of all drivers injured in all road crashes;
- > drivers with high-BACs are over 200 times more likely to be involved in a fatal crash than the average non-drinking driver and those with a blood alcohol concentration in excess of 0.20 are 460 times more likely to be involved in a crash; and,
- > about 84% of all drinking and driving trips are accounted for by only 10% of all drivers who by their frequent driving after drinking behaviour are considered to be persistent.

#### d) What strategies are available to deal with repeat impaired driving offenders?

Given that the repeat offender poses such a significant risk on the road, attention should be focused on how to prevent them from getting behind the wheel after consuming alcohol. Some strategies for dealing with the repeat offender are as follows:

- > develop a progressive sentencing system that would apply more severe penalties to repeat offenders as well as to first offenders with high BACs;
- > require mandatory clinical assessment for all repeat offenders and first offenders with high BACs to determine whether or not there are alcohol dependency issues present;
- > require treatment for offenders found to have moderate to serious alcohol dependency issues and pose a high risk of recidivating;
- > impose a substantial licence suspension period in conjunction with the use of an alcohol ignition interlock to obtain a limited driver's licence;
- > ensure the seizure and impoundment of vehicles at roadside for all offenders found to be driving while suspended; and,
- > impose a mandatory interlock sanction for all offenders.

The repeat offender represents a constant and serious threat to the safety of everyone on the road. As a result, it is important to identify these individuals and not only separate their drinking from driving but to also target the underlying causes of their criminal behaviour by prioritizing them for referrals to treatment services that are tailored to their individual needs (Williams et al. 2000).



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## What does the Sober Smart Driving Education Program (SSD) contain?

The Sober Smart Driving Education Program contains facts to help Canadians learn about the risks associated with drinking and driving and encourages everyone to speak up and talk about why they choose not to drink and drive.

Key topics discussed on this site include:

- > Drinking and its effects on driving
- > Magnitude & characteristics of drinking & driving
- > Basics of the impaired driving system
- > Impaired driver programs & penalties

- > Myths & misconceptions about drinking and driving

Each of these topics contains a series of fact sheets structured in a question and answer format which are available for free download and sharing (with attribution). These resources are designed to support the education and prevention efforts of communities, schools, health and road safety professionals and advocacy organizations.

To view more fact sheets, or to get more information about alcohol, its effects on driving skills, and impaired driving, visit [SoberSmartDriving.tirf.ca](http://SoberSmartDriving.tirf.ca).



### Traffic Injury Research Foundation

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries. TIRF is a national, independent, charitable road safety research institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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