Drinking-Driving Law Enforcement in France from 1973 to 1993: Backgrounds, Trends and Evolution

Marie-Chantal Jayet

INRETS, 2 Avenue du General Malleret-Joinville, 94114 Arcueil Cedex, France

INTRODUCTION

Drinking-driving law enforcement from 1970 to 1993 in France is featured by a process of numerous law reforms and by a very clear improvement of law implementation after 1986 due to a shift in Police and Courts practices giving rise to a sharp turned up in the amount of BAC and BrAC tests, convictions and severe sentences. The other main feature is the lack of evident feed-back on fatal accident which questions the deterrent argument of severe repression while deep changes in life-styles, drink habits and traffic safety monitoring suggest more diversified modes of prevention and more complex models of understanding drinking-driving regulation. With reference to some historical points or socio-political events and to recent in-depth local studies, the paper resumes findings and questions emerging from French background, trends and evolution of law enforcement.

FRENCH BACKGROUND

Drink-driving policy began in France by 1970 when a “legal blood alcohol concentration threshold” was substituted to the ill-applied “driving under alcohol influence” law (Act of 1965) that was completing the former “drunk driving” law (Act of 1958). After that, the effort of the government to reduce alcohol contribution to road hazard has mainly consisted in numerous criminal law reforms intending to increase deterrence by reinforcing or diversifying provisions of criminal law enforcement. Therefore, apart from some national and intermittent publicity campaigns going with law revisions, drinking-driving policy has been quite exclusively developed on the ground of repression till the new point system licence applied in July 1992 and including education and rehabilitation programs. At the roots of the legislative arsenal now set up (quite unique in the French legal system, if not in most of Western European countries), two systems of definition and proof are superimposed: “drunk driving” (Act of 1958) ruled by the presumption of guilt and circumstantial evidence (common French criminal law), and, the “legal proof” system involving a legal threshold of BAC and BrAC (Acts of 1970 and 1983), technical detection devices, compulsory testing (accidents, main road offences, 1970) and checkpoints (Act of 1978) now at the discretion of Police (Act of 1991). This is why an attempt to evaluate the present situation implies necessarily to see how the repressive willingness of the government has been followed in practice by Police and Courts, both of them being since 1970 the main agents of drink-driving policy enforcement.

Law enforcement backgrounds and contexts are firstly marked by a national consensus on the free circulation of alcoholic beverages joined to the time-long socio-economic and cultural
weight of wine on drink habits and alcohol intake attitudes (first wine producing, exporting and consuming country in the world, wine as an emblematic drink, social habits of eating and drinking cultivated as an art of living). French Police and Courts practices are not quite independent from French common drink habits and attitudes deep-rooted in common wine culture: in a way, statistics of drinking-driving detection, conviction and sanction inform indirectly about every one’s awareness and commitment related to the drinking-driving stake in the country. A precedent analysis on development and results of drinking-driving policy in France from 1960 to 1990 showed that social awareness and commitment were long to manifest, particularly on the side of Justice and Police, 1986 being the turning point of change. At the same time, marked changes during the eighties in both French life-styles and traffic safety policy were profiling new contexts for drinking-driving prevention (Jayet, 1994), in particular:

- new alcohol intake patterns aligning the French drinking habits with the Anglo-Saxon model, with the result that the pattern of alcohol hazard shifted towards more demographically identifiable population groups and towards less diffuse pattern of alcohol consumption.

- changes in national management of traffic safety policy following a reshuffle of the French political and administrative scene (Decentralisation Bill of 1982) and giving rise to a series of preventive actions at the discretion of local authorities (drinking-driving targets included), the outcome being a great amount of diversified operations of proximity involving a great variety of local actors (media, disco, sport club, college, Courts, associations, etc.) and a large spread all over the territory, both of them favourable to a better responsible behaviour towards road hazard factors and regulations, but not yet studied. The other major change for future analyses comes from the administrative reform of driving licence applied by July 1992 and instituting a penalty point system of 12 points, drink-driving offence penalty being of 6 points withdrawal.

**TRENDS AND EVOLUTION THROUGH STATISTICS FROM 1960 TO 1990**

By the time of “drunk driving” and “driving under alcohol influence” rules (before 1970), convictions affected only drunk driving offences, their amount being of 10,491 by 1960, 17,049 by 1965 and 20,780 by 1970 while unconditional prison sentence represented more than one out of three penalty. Once the “per se” system applied (July 1970), a first study carried out on time series of penal statistics already available (1967 to 1978) had shown that the implementation of the new law had required 3 years to become effective on the whole territory and 2 more years for a stable increase in the number of drinking-driving convictions. Moreover, the new system had entailed a dual effect on the national territory: a more homogeneous distribution of drinking-driving convictions amongst the 95 French “Départements”, and, at the same time, a reinforced difference between two regions, one being the more repressive, the other the least. The other main findings concerned the changes in both age group and type of penalty structures: young drivers (18-25 years) previously very few in drunk driving convictions, represented hereafter the majority of convicted drivers; decrease in unconditional prison sentence and increase in suspended prison denoted a greater lenience of judges towards illegal BAC than towards drunk driving (Jayet, 1988, 1989). A second study carried out on longer time series of Justice data (1960-90)
showed the stability of the precedent effects and confirmed the impetus given by the “per se” system to drink-driving repression (Jayet, 1993): each legal threshold enacted (BAC in 1970, BrAC in 1983) doubled the number of convictions in the following ten years. However, the most spectacular increase followed the socio-political event of a considerable national controversy caused by a drinking-driving sentence by 1986 (A. CELLIER case): Table 1 and Table 2 show the sharp turn up after 1985 in test, conviction and severe sentencing figures, 7,285 unconditional prison sentences being applied by 1990 (2,566 by 1985). Long time-series of fatal accident, alcohol consumption and production studied on the same period and results from periodic national surveys on life-style and drink habits enlightened some major other trends (Jayet 1994):

1 a negative correlation between drinking-driving repression (increase) and fatal accident (decrease) from 1960 to 1985 that paradoxically disappears by 1986 and after, fatal accident figures staying quite stable when repression is increasing in very great proportions.

2 a parallel and reverse evolution between general alcohol consumption per capita (decrease) and drinking-driving repression (increase).

3 new drinking styles concentrating alcohol intake on social activities involving car driving (eating out, night clubs, festive occasions, etc.)

4 a demographically structure of new drinking styles concentrated on groups of population most concerned by both drinking-driving risk and repression (young men under -35s).

Point 1 related to points 3 and 4, question both preventive argument based on the effectiveness of intense repression and preventive strength of isolated intense criminal policy, unless the better scores of drinking-driving repression after 1986 hold back fatal accidents under the level that new drink styles could entail (points 3 and 4). Point 2 joined to points 3 and 4 call for paying more attention to the weight of active underlying relationships between common social habits (lifestyles, drinking styles) and specific behaviour (drinking and driving) while points 3 and 4 clear up drinking-driving risk patterns and prevention priorities issuing from new alcohol intake styles. At last, the superimposition of life-styles, drink habits, severe repression and hardly changed road risk stresses the complex and long term social process basically involved in drink-driving regulation.

LAST STATISTICS

The three last years confirm the trends above observed through law implementation and alcohol consumption statistics: decline in alcohol consumption per capita and progress in repression are continuing, drinking and driving reaching nowadays more than 22% of the whole lot of indictable offences convicted by the Courts (DSCR 1994). A decrease in figures of fatal accidents (from 10,289 to 9,052) is observed and follows a bunch of safety measures enforced from October 1991 to July 1992 (speed limit in built-up area brought down to 50km/h, checkpoints at the discretion of Police, penalty point system). According to the Statistics Department of Justice (DSCR, 1994), convictions of fatal accident related to alcohol (566) whose figures were stable from 1990 to 1992, register by 1993 a decrease of 7% while injured accidents record the lowest conviction figures since 1984 (5,279).
In Table 1, columns 1 and 4 show that the sharp increase in test and conviction figures is going on after 1986 while the positive test return of drink-driving control continue to decrease (Table 1, column 3), the annual ratio of conviction numbers reported to positive test numbers being stable (Table 1, column 5). Leaving on one side the reliability of test figures detailed by type of enforcement in Police statistics, the quite endless intensification of drink-driving control frequency profits mainly from the law revision of October 1991 giving checkpoint initiative to police forces whereas it was at the discretion of the Public Prosecutor before.

<table>
<thead>
<tr>
<th>Year</th>
<th>tests</th>
<th>positive tests</th>
<th>positive %</th>
<th>convictions</th>
<th>conviction %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>1 093 184</td>
<td>58 384</td>
<td>5,34</td>
<td>34 876</td>
<td>59,74</td>
</tr>
<tr>
<td>1975</td>
<td>1 133 590</td>
<td>64 438</td>
<td>5,68</td>
<td>37 755</td>
<td>58,59</td>
</tr>
<tr>
<td>1980</td>
<td>1 742 088</td>
<td>55 786</td>
<td>3,20</td>
<td>41 574</td>
<td>74,52</td>
</tr>
<tr>
<td>1985</td>
<td>2 203 440</td>
<td>66 560</td>
<td>3,02</td>
<td>57 271</td>
<td>86,04</td>
</tr>
<tr>
<td>1990</td>
<td>4 868 579</td>
<td>113 012</td>
<td>2,32</td>
<td>99 416</td>
<td>87,97</td>
</tr>
<tr>
<td>1993</td>
<td>7 439 078</td>
<td>122 779</td>
<td>1,65</td>
<td>105 713</td>
<td>86,10</td>
</tr>
</tbody>
</table>

Sources: Ministère de l’Intérieur, Justice

Penalties confirm globally the inflexion of judge attitude towards more severe punishment since the prison penalty affects now 8 out of 10 drink-driving offence (1/2 by 1984) and the decrease in fine and alternative sentence (Community Service) go on. However, Table 2 shows none sensible variation in prison sentence structure after 1990 and indicates that...
change does not affect the supremacy of suspended prison sentence more and more applied (3 out of 4) : unconditional prison sentence is in light progress (column 1), both alternative sentence decrease and fine decrease continue to benefit firstly to suspended prison sentence (column 2).

According to the Statistics Department of Justice, prison penalty over 1 month length is more frequently applied to illegal BrAC (4 out of 5 by 1993 against 3 out of 5 by 1984), the mean length of unconditional prison is around 2 months while 1.6 month is the one of suspended prison. At last, the duration of offence sentencing process has decrease till 4 months in average (more than 9 months by 1984). As to drivers involved in crashes with illegal BrAC or BAC, the inflexion towards severe sentencing is much more marked in case of fatal accident (manslaughter) since by 1993 unconditional prison sentence reaches 1 out of 2 prison sentence (1 out of 4 in 1984) and 7.4 month length on average (DCSR, 1994).

LOCAL IN-DEPTH STUDY

The findings of recent local surveys carried out in a French “Département” on road offence Police reports (1991, 1992) reveal that illegal BrAC (over 0.4mg) represent 3% of all road offences reported by Police and are mainly detected during week-end by night among drivers under 35 years of age (Jayet, 1994). However, the time and demographic structure of drink-driving offending is not homogenous and refers to two different profiles both reflecting differentiated life-styles and populations. One profile seems a fallout of the generation phenomena related to new alcohol intake patterns above mentioned and reflects main alcohol related accident categories : going with a majority of BrAC under 0.8mg, it concerns young active and unemployed males (under -30s) driving during weekend by night and it often involves other road offences (seat-belt, licence, insurance) particularly in case of unemployment

The second profile that seems to get on together the old-fashioned drink habits of French people (and alcohol health hazard), involves more frequently BrAC over 1mg and concerns men over 35 years of age particularly from 45 to 55s, mainly blue-collars, shopkeepers or tradesmen driving during weekdays in late afternoon or early evening.

Another study carried out in the same area on drivers prosecuted for drink-driving offences confirm the above offending clusters and complete them about drink habits (ONISR, & al. 1994):

- **illegal BrAC during weekend by night** concern mainly young bachelor men, active or unemployed, under 30 years of age, whose BrAC are often under 0.8mg and that drink mainly on night out occasions.

- **illegal BrAC during weekdays in early evening** group men over 30 years of age, a part of them (over -40s) who have high BrAC (and addiction suspicion) drink every day and are often widowed, divorced or unemployed, the other men, active and married (30-40s), rather drink on family and business festive occasions;

The second group is more often stopped by the Police in built-up areas less than 15 km from their residence, the first group is caught on open roads and more than 15 km from their home place. Life difficulties (long unemployment, widowhood or divorce, psychological problems) go often with both more regular alcohol intake and high BrAC (over 1.5mg) and involves some women (if not underlying alcohol pathology).
Generally speaking, the main trends observed in France by 1990 are still working by 1993 and resumed in “a diversified social evolution producing a global and ill-identified regulating effect on drinking and driving” (Biecheler, Jayet, 1994). Noting that the hard core of alcohol related accident categories seems quite left as before (single vehicle, night, weekend, young drivers), the repressive policy line in force and the law enforcement progress seem unfitted for regulating all alone both well-identified present patterns of drink-driving offending (new generation and remnant old-fashioned drink life-styles) and social habits influencing law compliance behaviour (drink life-styles predominance). The complex and social structure of drink-driving regulation requires diversified and modulated prevention actions whose basic ground is on the side of local traffic safety policies (variety and proximity), that capacity of local policies having been ill-exploited till now (under-monitoring). As to regular habits of alcohol intake, they suggest to associate the alcohol health sector (research, policy and civil associations) to drink-driving policy and research developments.

REFERENCES

Biecheler-Fretel, M.B., Jayet, M.C., 1994, Alcohol and driving in France : why we have seen changes and what is next ? In, The nature and reasons for the world-wide decline in drinking and driving, TRB Circular n° 422, TRB Washington.


ONISR, 1994, Bilan annuel, statistiques et commentaires.

ONISR, ORSR, INRETS, 1994, Les conducteurs interpellés pour conduite sous l’empire d’un état alcoolique dans la région Nord/Pas de Calais, rapport final.