Long Term Deterrence of Drunken Driver traffic fatalities

E.B.R. Desapriya and Nobutada Iwase,

Institute of Social Sciences, Dept.of Sociology, University of Tsukuba, 1-1-1, Tennoudai, Tsukubashi, Ibaraki 305, Japan.

INTRODUCTION

Alcohol impaired driving is one of the major threats to traffic safety and is also a major cause of fatalities. Therefore, the Japanese government has initiated various strategies to solve this problem. Among them the introduction of deterrence theory based drunk driving laws has been the principal approach. Drunk driving laws seek to deter alcohol impaired driving by improving the factors of certainty, severity and celerity of punishment. (Desapriya and Iwase, 1996) Any serious program to reduce alcohol related crashes must seek to deter the general population from driving while impaired (DWI) (Nichols and Quinlan, 1989)

In 1970, a number of countermeasures were implemented in Japan to control the high percentage of serious-casualty motor vehicle accidents involving alcohol. These countermeasures included a number of legislative measures such as the introduction of lower legal limit(0.05 mg.%) random breath testing and the imposition of relatively severe penalties (including imprisonment ) for driving with a blood alcohol concentration (BAC) greater than .05 mg%. Of concern in this short paper is whether the Japan 1970 drink driving countermeasures have had an impact on fatalities related to alcohol impaired driving and if so, whether the effects have lasted permanently or temporarily. In particular, this paper examines changes in the per-capita alcohol consumption in relation to traffic fatalities. Finally, it explores the effects of legislation on community driving while impaired behavior.(DWI)

DATA

The database utilized in this study is the traffic accident database maintained by the Traffic bureau of National Police Agency. This data base consists of all police reported accidents which have occurred in Japan, since 1960. In addition, per capita alcohol consumption data was obtained from the Tax Administration Bureau of the Ministry of Finance. Longitudinal data of drunken driver involved traffic deaths has been discussed in order to determine the impact of the
1970 legislation on overall traffic safety in Japan. In carrying out longitudinal analysis, it is very important to have trend data for longer than just a few years. The more years for which statistics on alcohol related driver fatalities can be calculated the more confidence we can have in the conclusion.

Figure 1

This study investigated the relationship between per capital alcohol consumption, persons convicted of driving while impaired (DWI) and drivers of motor vehicles killed (alcohol involved fatalities). To obtain a uniform measure the data are converted to index values in which the year 1970 (where countermeasures went into effect) is equated with 100. As appears in the figure, an approximately parallel course of development seems to have occurred from the beginning of the 1960s: the consumption of alcohol, the number of impaired drivers convicted, and the number of drivers of motor vehicles killed have all increased steadily.
This is not the case after 1970 for the relationship between the consumption of alcohol, the number of drivers of motor vehicles killed and convictions for the DWI seems partly to have been ruptured. Inspite of an increase in alcohol consumption the number of alcohol involved fatalities decreased during the 1970s and 1980s and has stabilized in the 1990s. Interestingly, there seems to be a consistent relationship between the decreasing trend of driving while impaired (DWI) and alcohol related traffic fatalities. Moreover, since 1970 in Japan, alcohol related road fatalities have fallen to levels significantly lower than those which were common in the 1960s. The 1995 alcohol related traffic fatality figure of 395 is the lowest recorded since 1961 despite substantial changes in the associated risk factors involved in traffic deaths i.e. a license driver increase since 1960 of 639%, an increase in vehicle numbers of 1602% and vehicle miles traveled (VMT) of 2465% over the same period.

ENFORCEMENT OF THE TRAFFIC LEGISLATION IN CRIMINAL JUSTICE SYSTEM

The rate of prosecution of suspects of the road traffic law increased from 86.5% in 1960 to 97% in 1985. Public prosecutors prosecute almost all suspects of the road traffic law without considering their extenuating circumstances. (Yokoyama, 1990) Since the 1970 legal interventions have been successful in substantially reducing drunk driving related fatalities in the long term. This effectiveness is based upon an inextricable network of factors involving social consensus, stringent laws, vigorous enforcement, and, more than anything else, the consistent application of unambiguous sanctions. The purpose of the laws and their application is to foster a belief that punishment for alcohol impaired driving will be swift, certain and severe. More over, practices such as plea or charge bargaining and DWI treatment programs being utilized as diversion programs do not exist at all. Nichols and Quinlan (1989) observed that in the USA many prosecutors feel that plea-bargaining is essential, it undermines attempts to create general deterrence. Proven sanctions such as license suspensions often cannot be imposed if the offense is plea bargained. Moreover (Jacob, 1989 Pp. 117-118) noted that even mandatory DWI penalties are not fully carried out. Prosecutorial discretion and sentencing discounts are basic features of our legal culture. Many studies have shown that mandatory sentences are circumvented. The American Criminal Justice system does not take fines seriously and mandatory jail sentences will not be carried out. Therefore these threats will not be perceived as credible. Rehabilitation programs have long figured predominantly in the effort to reduce and control drunk driving. This is a natural consequence of the medicalization of alcoholism and alcohol abuse. The United States has a huge alcohol treatment establishment, there is no likelihood that it will be dismantled or discarded in favor of some other approach to alcohol problems. Thus, it is inevitable that drunk driving will relate, in someway, to the treatment networks dealing with alcohol abuse. (Jacob,1989,Pp. 190)
The short term rehabilitation experiments involving eleven ASAP programs produced discouraging conclusions. The 1983, Presidential Commission on drunken driving objected to diversion programs on the ground that they delay both the disposition of the criminal case and imposition of license restrictions and that their effectiveness cannot be demonstrated. This is fair criticism Almost all of the carefully executed evaluation studies of DWI treatment programs have reached the same conclusion as the ASAP evaluators. (Jacob,1989 Pp. 187-190).

PERMISSIVE DRINKING CULTURE AND DRUNKEN DRIVING

Drinking norms among Japanese are considered to be permissive and drinking plays a more important role in doing business and socializing with friends and colleagues in Japan than it does in the United States (Kono and Ikegami, 1980) Japanese are often said to be tolerant of heavy drinking and public inebriation (NIAAA and NIAJ, 1991). However, study results show that their tolerance does not extent to all drinking situations and that their tolerance for heavy drinking is selective. Japanese have strict drinking attitudes “during working hours” and “before driving a car”. 100% agreed that they should not drink and drive. In contrast only 77% Japanese Americans answered that they should not drink and drive. Drinking before driving seems more acceptable to Americans. Tsunoda et al (1992) observed that the differences in drinking attitudes between Japanese and Japanese Americans in this situation may be a reflection of drunk-driving laws and law enforcement policies. Despite the increased availability and consumption of alcohol in the post world war II period, tough drunk driving laws in Japan seem to have had a significant impact on the drinking attitudes among Japanese. Kono (1991) states that this strict attitude toward drunken driving is further reflected in the actual number of traffic casualties caused by drunken drivers, the number is extremely low.

Although accident statistics provide a measure of the consequences of drinking driving, roadside surveys of the BAC’s obtained from breath samples of randomly stopped drivers (i.e. random breath tests) provide an estimate of the extent of drinking driving (Wilson (1993). Roadside surveys conducted in 1987 at 295 locations throughout the country, including 60,287 drivers, found only 1.7% of drivers stopped randomly, were over the legal limit of 0.05mg% (Shimizu(1991). Japan has achieved remarkably low levels of drunken driving, typically around one percent of weekend night time drivers were over the legal limit. It has been noted that the BAC values of drivers serve as an intermediate measure between action programs and the ultimate criterion of accident prevention.

Just as the drunk driving laws have been gradually strengthened overtime, law enforcement has also shifted in scope and intensity as public support has grown and as the law has become easier to apply. (Desapriya and Iwase, 1996). Clifford (1976) observes that public participation
in the prevention of traffic violations in Japan has significant. The police, social authorities and voluntary organizations are developing broad and comprehensive co-operation. In addition, the government budgeted considerable finance for facilities to secure traffic order. Education on traffic safety was carried out systematically over the entire country. (Yokoyama, 1990) Police have moved from a traditionally isolationist position to a corporate approach mixing enforcement with education and publicity. As observed in Japan this method has merit in terms of traffic safety. It seems probable that the truly effective social control of drunken driving will make judicious use of education and rehabilitation in addition to other deterrent based countermeasures and not necessarily as a substitute.

CONCLUSIONS

Many positive trends have become apparent since implementation of the new laws enacted in 1970 and 1978. Especially with respect to long term improvement of drunken driver involved fatalities in Japan, criminalization strategy alone has been effective in the absence of strong alcohol control policies. (Desapriya, 1996) There is an emerging consensus among governmental and scholarly elites that criminal law should be the major weapon against drunken driving (Zimring, 1988). There is no doubt about the preventive effects of Criminal Law. But a law that is not enforced does not inspire fear. If the probability of punishment is so low as to be negligible, then severity celerity of the threatened punishment cannot be expected to influence behavior.

In other countries, drunken driving penal sanctions, have been centralized in education, treatment and rehabilitation of drunken drivers, while strongly de emphasizing criminal sanctions. The increasing medicalization of drunken driver behavior and the medical institutions role as an agent of social control of drunken driver has gained considerable attention. The medicalization of drunken driver behavior is part of a larger phenomenon that is prevalent in our societies-the individualization of social problems. We tend to look for causes and solutions to complex social problems in the individual rather than in the social system. Finally, Japanese policies based on the criminalization strategy, and reinforced by education and rehabilitation clearly contrived very favorable results in relation to the prevention of drunken driving. Similar positive results have been shown where drunken driving policies are based on the lower legal limit, heavy fines and strict enforcement. Two examples of these are Australia (Homel, 1994) and the Nordic countries (Andenaes, 1988). These examples of evidence further supportive to the Japanese success story.
REFERENCES

American Japan Alcohol Epidemiological Survey (NIAAA and NIAJ) 1991


Desapriya, E.B.R. Minors Alcohol Prohibition Law, Alcohol Consumption Patterns and Alcohol Availability. Tsukuba Annals Of Sociology, (8) 45-70, 1996


Kono, H. Drinking Patterns and Alcohol -Related problems in Japan-Paper presented at the WHO Regional meeting on Alcohol related problems-Tokyo Japan 1991.


Wilson, R.J. (1993) Drinking and Driving. Al. health and research world 17(3) 212 - 220.
