Criminal and motoring convictions of high risk drink/drivers

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Abstract
This paper examines the criminal and motoring offence history of drink/drivers who are High Risk Offenders (HROs) and also looks at their future offending behaviour once they are classified as HROs. Drivers with two convictions for drink/driving within three years have a worse history of criminal and motoring offences, and offend more after becoming an HRO than drivers with a high BAC (over 200mg/100ml BAC). In particular, those who refuse to supply a specimen and have one previous offence with a Blood Alcohol Concentration (BAC) between 80 and 200mg/100ml have the worst record and reoffend more often.

Introduction
TRL Limited (the Transport Research Laboratory) was commissioned by the UK Department for Transport, Local Government and the Regions (DTLR) to investigate the offending behaviour of drink/drivers who come under the High Risk Offender (HRO) Scheme. This Scheme is intended to cover those drink/drive offenders whose offences suggest that they pose particular risks to other road users. Since June 1990, there have been three criteria under which a driver who is disqualified for a drink/driving offence may be classified as an HRO:

- **HRO Type 1.** Provision of an evidential sample with an alcohol level exceeding 2.5 times the UK legal limit (equivalent to 200mg/100ml BAC),
- **HRO Type 2.** Provision of an evidential sample with an alcohol level between 1 and 2.5 times the UK legal limit (equivalent to 81-200mg/100ml BAC), having been disqualified for a drink/driving offence in the previous ten years, or
- **HRO Type 3.** Refusal to supply an evidential sample.

The consequence of becoming an HRO is that the driving licence is not reissued automatically at the end of the disqualification period, as occurs with most types of offender. Instead, an HRO must apply for a new licence, and one will only be issued following a positive medical assessment by the Drivers’ Medical Group at the Driver and Vehicle Licensing Agency (DVLA) at Swansea.

This paper presents the results of analyses of the criminal and motoring offences committed by drink/driving offenders before they became HROs, and also examines their offending behaviour afterwards. Information on drivers and motoring offences was obtained from the DVLA and linked to the Home Office Offenders’ Index (OI) which holds the criminal histories of offenders convicted in England and Wales.
Method
TRL maintains a database (the ‘HRO database’), updated twice a year by data from DVLA, of all drivers convicted of a drink/driving offence in Great Britain. Information on the driver such as age and gender are included in the database, along with details of all motoring offences. Offence information can be removed from the DVLA file at the request of the driver, after 11 years for drink/drive offences, and after 4 years for other offences, in accordance with the relevant legislation. Full descriptions of this dataset and its use are included in reports by Davies et al (1) and Broughton (2). Information on HROs’ motoring offences was obtained using DVLA data that was complete up to June 2000. In addition two samples were extracted from the HRO database for linking with the Offenders’ Index:
1. For examination of past offending behaviour: a proportion of offenders who became HROs in 1999, and of ‘ordinary’ drink/drive offenders, ie those who committed their first drink/drive offence in 1999 without becoming HROs. (10,860 HROs and 12,771 ‘ordinary’ drink/drive offenders.)
2. For examination of future offending behaviour: a proportion of offenders who became HROs in 1996, and of ‘ordinary’ drink/drive offenders, ie those who committed their first drink/drive offence in 1996 without becoming HROs. (12,572 HROs and 13,315 ‘ordinary’ drink/drive offenders.)

These two samples were matched with the Home Office Offenders’ Index (OI), using the full surname, first two initials, date of birth and gender of the drivers. The OI is one of the largest criminal databases in Europe and holds the criminal histories of all those people convicted of a standard list offence in England and Wales from 1967 onwards. (Standard list offences include all indictable, ie triable by a judge and jury at a crown court, or ‘triable either way’ offences, ie may be tried either at a crown or magistrates’ court, plus a few of the more serious summary offences, ie triable only at a magistrates’ court or where fixed penalties are given.) More information on the OI can be found at: www.homeoffice.gov.uk/rds/offenderIndex1.html.

There are several types of drink/drive offences; while all of these are recorded in the DVLA file, only one (Driving or attempting to drive a motor vehicle with alcohol level above the prescribed limit) is currently recorded in the Offenders’ Index. However, someone who committed another type of drink/drive offence (eg Driving or attempting to drive then failing to supply a specimen for analysis) may appear on the OI if convicted of other offences, so his or her criminal history can be investigated. The study has found some uncertainties in the matching process, and results should only be taken as indicative because of these.

Results
Earlier investigations of HROs (Davies et al (1)) have found that those who had committed previous drink/drive offences were more likely than others to re-offend, more likely even than those who had been driving with high alcohol levels (ie levels more than 2.5 times the legal limit). This brought into question the widely held view that high alcohol levels pose particularly high risks, rather than re-offending behaviour. The subsequent convictions for a further drink/drive offence of those who became HROs in 1995 were studied in detail (Broughton (2)). It was found that the proportion of HROs who were re-convicted after they became an HRO was higher for offenders who had a drink/drive offence in the three years before they became an HRO, than for other HROs. Table 1 shows the proportion of men who were convicted for a further drink/drive offence during the first two years after becoming an HRO. (Most HROs were disqualified from driving for at least two years after becoming an HRO.)
Male offenders with two or more drink/drive offences within three years form a particularly high risk subset of HROs. This group tended to be younger than other HROs, and were mainly men. They tended to be disqualified from driving for longer periods than other HROs, by nine months on average, although they are often fined less than other HROs.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Percentage committing a further drink/drive offence within two years AFTER becoming an HRO</th>
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<tbody>
<tr>
<td></td>
<td>Drivers who had committed an offence up to 3 years BEFORE becoming an HRO</td>
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<td>HRO type 1: High BAC</td>
<td>10.3%</td>
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<tr>
<td>HRO type 2: 2 offences between 1 and 2.5 times the limit in ten years</td>
<td>10.6%</td>
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<tr>
<td>HRO type 3: Refused an evidential sample</td>
<td>12.8%</td>
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<td>First time drink/drive offender: BAC between 1 and 2.5 times the limit</td>
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$^1$ Data from Broughton (2)  
$^2$ Data from Davies et al (3)

It was surprising to find that mean fines and disqualification periods for most types of HRO fell between 1995 and 2000. The mean fine was greatest for HRO type 1, and the mean disqualification period was longest for HRO type 2s. HRO type 3s received the smallest fines and shortest disqualification periods. Thirty three per cent of new HROs received an additional sentence – mostly Probation (14 per cent of HROs, Community Service order (11 per cent) and Imprisonment (5.8 per cent). HROs with a previous drink/drive offence within three years were more likely than other offenders to receive an additional sentence, and about one fifth were imprisoned.

Other driving offences were examined. The commonest types were Insurance and Licensing offences, many of which were committed before the drivers became HROs. Thus many HROs were already driving illegally before becoming HROs.

**Offending background of HROs**

This section describes the results obtained by matching the two samples described above with the Offenders’ Index. Offence records of HROs were compared with those of a sample of first time drink/drive offenders who were not HROs (ie They had one offence only with BAC between 80 and 200mg/100ml). Women form a relatively small group (around 11 per cent) of HROs so their background is reported in less detail than for men.
The male offenders with the best (or rather, least bad) record are the HROs with a high BAC, but no drink/drive offence in the three years before they became an HRO. Their rate of offending in the previous three years is smaller for nearly every criminal or motoring offence than even that of the ordinary offender.

Offenders who have committed two or more drink/drive offences within three years have particularly bad records. In particular, drivers who refused to supply a specimen and had a previous drink/drive offence have the worst record, with particularly high levels of convictions for theft of, or from a vehicle, for violence against the person and for robbery, burglary and other theft.

Speeding is the one motoring offence for which the rate varies little between the groups. Although differences are small, it is the ordinary drink/drive offenders who committed slightly more speeding convictions in the three years before their reference offence than the HROs.

The relationship between the age and social group and the offending history of HROs has also been investigated (Figure 1). Information on social groups was derived using the ACORN directory (CACI (4)), a system widely employed in market research. It classifies each postcode area in Great Britain into six categories A (‘Thriving’) to F (‘Striving’). Offenders were divided into three social groups, A+B, C+D+E and F. For each social group, the younger drivers have a worse record than the older ones. For the younger age group, the offence record is worst for the lowest social group and ‘best’ for the highest. For the older offenders this pattern is less clear: although group F has the worst record, that of group C+D+E is similar to group A+B.

When age and social group are controlled, the past record of HROs with BAC over 200mg/100ml, and with no drink/drive offences in the previous three years is very similar to, or better than, that of the ordinary drink/drive offender. As indicated in the earlier analyses, HROs with a previous offence within three years have the worst record.

Young male offenders in ACORN category F are likely to have committed a number of criminal and motoring offences in the three years before the reference offence. The rate for ordinary drink/drive offenders under 30 years old and from social group F, is more than 1 criminal offence per offender in three years; that for HRO multiple offenders is around 3, that is an average of about one criminal offence per year. For motoring offences, the rates over the previous three years are 1.5 for ordinary offenders and around 4 for multiple offenders.

The offending rates for women of all ages are comparable with those for men of 30 years or older. Women HROs with BAC over 200mg/100ml, and with no drink/drive offences in the previous three years have the ‘best’ offending history for both criminal and motoring offences. Their record is very similar to that of the ordinary drink/drive offender, while the multiple drink/drive offenders have the worst record. Compared to the other groups, women multiple offenders have experienced more than twice the number of Court appearances and been sentenced for more than twice the number of criminal offences in the three years before their reference offence.

**Future offending behaviour**

All the groups of drink/drive offenders (HROs and non-HROs) are sentenced to fewer offences (motoring and criminal) in the three years after the reference offence compared to the three years before. We should consider what conclusions may reasonably be drawn from this finding. Does the fact that an offender has become an HRO (ie is likely to have a longer disqualification period
and also will have to pass a medical examination before driving legally again) affect his or her reoffending behaviour?

In considering this question, the two groups with the lowest offending rates are the ‘ordinary’ drink/drive offenders (who have not become an HRO at the reference offence) and the HROs with BAC over 200mg/100ml, and with no drink/drive offences in the previous three years. Both of these groups show a broadly similar improvement after sentencing for the reference offence. It cannot therefore be argued that becoming an HRO is the cause of such an improvement; it could be a natural consequence of ageing.

Examination of the groups with a high offending rate shows a large improvement after the reference offence, which may be caused in part by ageing. The small numbers in the groups examined and the problems experienced when matching the data with the Home Office Offenders Index also mean that care should be taken when interpreting any difference.

Discussion
This study has shown that first time drink/drive offenders with a BAC of 81-200mg/100ml have a similar motoring and criminal history to that of drivers who become an HRO because they have been convicted of drink/driving with a BAC exceeding 2.5 times the UK legal limit (that is a BAC of over 200mg/100ml), and who have no earlier convictions for drink/driving. The latters’ record of offending after becoming an HRO is also similar to that of the ‘ordinary’ drink/drive offender.

In contrast, it is the offender who has at least two offences within three years who has the worst record of motoring and criminal offences. In particular repeat offenders who refuse to supply a specimen after their second offence are likely to have committed a greater number of criminal and motoring offences before becoming an HRO. They are also more likely to commit further criminal offences after being sentenced for the second drink/drive offence.

When their re-offending behaviour is examined, HROs with two drink/drive offences within three years form a particularly high-risk group, and many were likely to drive while disqualified.

References

2. Broughton J. High Risk Offenders’ reconviction patterns. TRL report TRL524, 2002 Transport Research Laboratory, Crowthorne, Berks, RG45 6AU.


Figure 1. Offence rates in previous three years, men only, by age group and ACORN category

**Under 30**

ACORN Categories A+B

**30 years or over**

ACORN Categories C+D+E

**Acorn Category F**