Impaired Driving Risk Assessment of First and Repeat Offenders and Knowledge Transfer in Canada

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Background
Risk assessment of first and repeat impaired drivers is a core function of the criminal justice and driver licensing systems in Canada, yet few risk assessment instruments are specific to impaired driver populations. Research on impaired driver risk assessment generally overlooks that assessments are utilized in different systems with different frequency, for different purposes, and that “risk” has different meanings among practitioners, making research difficult to implement. Practitioners are also unfamiliar with this research. Knowledge transfer is essential to ensure that practitioners receive education and research translates into real world benefits.

Aims
The purpose was to provide: i) an overview of risk assessment practices for impaired drivers across Canadian driver licensing and criminal justice systems, ii) a snapshot of knowledge among practitioners, and iii) insight into barriers that inhibit knowledge transfer and ways to address them.

Methods
Focus groups and key informant interviews were conducted with administrative impaired driver program staff and criminal justice professionals in five Canadian jurisdictions. A small survey of justice professionals representing six jurisdictions was also conducted. Results were analyzed using a Delphi panel approach and peer review.

Results
Results identified some strengths with risk assessment practices in the driver licensing system; fewer strengths were evident in the justice system. Concerns about current risk assessment practices include training, types of instruments used, caseloads, and the measurement of program outcomes and effectiveness. Strategies to improve practices and overcome barriers to knowledge transfer were recommended.

Discussion and conclusions
More research on first and repeat impaired driver risks and risk assessment instruments is needed. Increased efforts among researchers to disseminate research to practitioners, or partner with those who can, would strengthen risk assessment practices. This is essential given the number of impaired drivers processed annually and the profound costs of delivering interventions that fail to address the risk that offenders pose.
Background

Although a general decreasing trend in the number of persons killed in a traffic crash involving a drinking driver has occurred in Canada between 1995 and 2008, the progress achieved since the late 1990s has been nominal and the number of persons killed and injured in crashes involving drinking drivers remains high. In 2009, 32.3% of fatally injured drivers in Canada had a blood alcohol concentration (BAC) over the legal limit of .08 (Mayhew et al. 2011). In addition, in 2009, 714 people were killed in Canada in road crashes that involved a driver who had been drinking and approximately 2,913 drivers (excluding Newfoundland and Labrador) were involved in alcohol-related serious injury crashes in Canada (Mayhew et al. 2011).

Growing economic challenges mean that jurisdictions are seeking ways to use resources more effectively and efficiently to best manage drunk drivers to protect the public. The use of research-based risk assessment tools and practices is one means to attain this goal and a linchpin to making the best use of available resources. There are two types of systems that process impaired drivers in Canada and rely upon, to varying extents, information stemming from risk assessments of these drivers: 1) the criminal justice system; and, 2) remedial impaired driver programs that are an administrative sanction imposed by the driver licencing authority. Although the term “risk” has different meanings among different practitioners, and the goals of risk assessment practices within these two systems differ substantially, both approaches to the risk assessment of impaired drivers are extremely relevant to reduce impaired driving.

Aims

The purpose of this study was to provide an overview of risk assessment practices in Canada for impaired drivers, and to provide a snapshot of the practices used by driver licencing and criminal justice practitioners. Its goals were to summarize current risk assessment practices and to describe the different ways that impaired drivers are assessed for risk in both systems. The study also included some recommendations to inform and/or guide future efforts to develop or improve best practices related to risk assessment in both systems.

Methods

The study was comprised of focus groups involving 28 remedial impaired driver program practitioners and criminal justice professionals in Alberta, Ontario, Quebec and Nova Scotia as well as conference calls with a judge and a probation officer in the Yukon and Northwest Territories. Topics of discussion in the focus groups were identified based on a best practices review of the literature and discussion guides for this purpose were developed. The study also included a survey of 65 justice professionals (Crown attorneys, defence attorneys and probation officers) representing six jurisdictions that responded to the survey (Alberta, Manitoba, Saskatchewan, New Brunswick, British Columbia and Ontario). A draft version of the survey was reviewed by experienced criminal justice professionals before it was finalized and fielded across Canada. Results from the focus groups were analyzed using a Delphi panel approach and peer review. Survey results were analyzed using univariate and bivariate analyses.
Results

Remedial programs and services. Historically, staff members may or may not have been required to hold a university degree, diploma or certification in a relevant discipline but they often possessed vast personal and/or practical experience that was relevant to the job. Conversely, today, a university degree, a diploma or certification is a standard requirement for all new hires (either undergraduate and/or post-graduate) in these programs. A minimum level of practical experience and regular accreditation may also be requirements.

The level of hands-on training and supervision that new staff members receive varies substantially across jurisdictions. Orientation, training and mentoring is very structured in some jurisdictions; efforts are more ad hoc in others. Continuing education opportunities are often a function of resources. Perceptions among staff members regarding their level of knowledge, particularly with regard to appropriate theories of behaviour, the validity and reliability of risk assessment instruments used, and the interpretation of results can vary across jurisdictions. Of interest, staff members generally agreed that the ability to properly score the instruments is paramount, particularly because the interpretation of scores can be subjective and based heavily on a clinician’s judgment. It is unclear whether and to what extent the knowledge of staff members regarding the use of risk assessment instruments is objectively measured at hiring or on an ongoing basis.

Based upon focus group discussions with staff, program participants across Canada are perceived to share some common characteristics, including: a majority of offenders do complete the requisite program; offenders would not otherwise seek treatment services if not for their conviction and are “embarrassed” (that they were caught); most delay participation in programs; offenders initially minimize their substance use; and, they engage in unlicensed driving to some extent. Differences include: breath alcohol concentration (BAC) levels ranging from low to high; a range of reported drinking behaviours with different diagnoses; different levels of involvement with drugs; and, different stages of change at the time of program entry.

The number of participants served by remedial impaired driver programs varies from a few hundred offenders each year in smaller jurisdictions up to several thousand offenders in larger jurisdictions. In recent years, it appears that the number of participants has grown across jurisdictions and this is believed to be a function of changes in impaired driving laws and administrative penalties in particular. It is estimated that 70-85% of offenders who are mandated to participate in these programs and services do so.

The risk assessment instruments that are utilized by remedial impaired driver programs across Canada are selected according to available research evidence and the specific goals of the program. Due to the strengths and weaknesses associated with many of them, a majority of jurisdictions rely on several instruments during the assessment process to produce a more complete picture of an offender. A key factor in the selection of instruments is cost due to limited resources although there is a strong desire to adopt instruments that have been rigorously evaluated on this specific population.

In most jurisdictions, assessment outcomes are used to assign offenders to appropriate services and develop a tailored treatment plan to address their specific needs. Offenders may play an
active role in its development to encourage a higher level of commitment and ensure objectives are achievable. There may be additional recommendations for offenders post-program that are forwarded to the appropriate licencing authority, as required, such as alcohol/drug counselling services, self-help groups, medical consultation, employment counselling or mental health services. However, remedial program agencies have no authority or mechanisms to follow-up with offenders and the only consequence for those who fail to complete requirements is that they are not re-licenced.

A key limitation of the assessment process reported by staff members is that they are often unfamiliar with the outcomes associated with the assessments they conduct and recommendations that they make in each case. This makes it difficult for them to determine whether their assessment and recommendations reduced future offending or for agencies to evaluate their programs.

According to focus group participants, there is strong consensus regarding the strengths associated with impaired driver remedial programs and services in Canada, as well as some limitations. Strengths exhibited by some programs include: an individualized approach and diversity of available services; well-designed, research-based programs and services; quality assurance protocols; well-trained clinicians and program staff; affiliation with research institute or university; and, communication with other agencies. Limitations exhibited by some programs include: the quality of risk assessment instruments; access to information; availability of time; availability of resources; lack of transportation options; implementation of new legislation; inconsistent awareness among justice professionals; and, lack of tailored remedial programs for youth.

**Justice system results.** Approaches to sentencing impaired drivers, according to the nature of the offence and the BAC level, were fairly consistent across jurisdictions, although the level of consistency generally declined as the severity of the offence increased. National results revealed that: 51% of respondents in the six jurisdictions reported that the typical sentence for a first offence with a BAC below 0.15% was a fine of $1,000-$1,500 with a one-year driving prohibition; 40% of respondents indicated a fine of $1,200-$1,800 and a one-year driving prohibition for a first offence with a BAC above 0.15%; and, approximately one-third (34%) of respondents reported that the typical sentence given to a repeat offender was a fine, jail and probation.

More generally, knowledge and training among attorneys about impaired drivers is generally inconsistent and often a function of the types of educational opportunities that are available. According to justice practitioners who participated in focus groups, very few impaired drivers undergo risk assessment in the criminal justice system and a majority of respondents were unaware of the tools used to assess risk in their respective jurisdictions.

When assessments are ordered, the Level of Service Inventory (LSI) instrument is used and the assessment is part of the pre-sentence investigation. It may be completed by a social worker, a treatment professional, or possibly a probation officer. Focus group participants estimated that only 5% of offenders are assessed; survey results showed that nationally, 71% of respondents estimated that 0-10% of their impaired driver cases involved a risk assessment. There are a number of factors that can impede the volume of or quality of risk assessments for accused
drivers/offenders. These include: a lack of resources (74%), available time (65%) and financial costs (63%) and more than half of respondents (62%) nationally reported that they believe a larger percentage of impaired driving offenders should undergo a risk assessment.

A minority of respondents was aware of the risk assessment instruments used in their jurisdictions, and even smaller proportions were aware if these instruments account for important differences across offenders relating to gender, cognitive deficits, ethnicity, psychiatric disorders or level of education. Approximately half (51%) of respondents nationally reported that they did not know what kinds of information are generally gathered about offenders to inform a risk assessment with approximately 40% identifying criminal history and self-reported information. In sum, important gaps were observed in relation to the knowledge among criminal justice professionals concerning the types of information used for risk assessment purposes.

Within the criminal justice system, assessment outcomes are important and, when available, these outcomes are often utilized in sentencing. Almost half (48%) of respondents reported that it is important that assessment reports are available in relation to sentencing. Nationally, a strong majority (89%) of respondents reported that criminal history is given the greatest weight to inform sentencing recommendations and/or sentencing. When queried about the most useful factors to predict recidivism among impaired drivers, 92% of respondents nationally reported that drinking/drug history was the most useful factor, followed by criminal history (85%).

Recommendations for remedial programs include: improvements in the quality of risk assessment instruments utilized, increased training for staff, a greater emphasis on prevention activities; and encouraging the use of best practices. Recommendations for the justice system include the consistent use of alcohol interlock devices; efforts to better target unlicenced drivers, creating affordable options for offenders and increased communication and information-sharing.

**Conclusions**

More research on first and repeat impaired driver risks and risk assessment instruments is needed to fill important knowledge gaps. In addition, increased efforts among researchers to disseminate findings to practitioners, or partner with those who can, would strengthen risk assessment practices. This is essential given the number of impaired drivers processed annually and the profound costs of delivering interventions that fail to address the risk that offenders pose.

Principle barriers to knowledge transfer of research regarding risk and risk assessment include: the lack of time, the lack of resources, the lack of access to publications, journals and academics themselves, and the heavy caseloads that define the environment that criminal justice and driver licencing practitioners encounter on a daily basis. More widely available research would help increase understanding of risk in relation to impaired drivers and inform approaches to the use of these instruments. This is an essential priority in light of the sheer number of impaired drivers that are processed in each system annually and the profound economic and social costs.

**References**