

Title: Recidivist drink drivers' self reported reasons for driving whilst unlicensed – a qualitative analysis

Authors: Simon Lenton^a, James Fetherston^a, Rina Cercarelli^b

^a National Drug Research Institute, Curtin University of Technology, Perth, WA, 6845, Australia

^b Injury Research Centre, The University of Western Australia, Crawley, WA, 6009, Australia. Present address: National Drug Research Institute, Curtin University of Technology, Perth, WA, 6845, Australia.

Correspondence: Professor Simon Lenton PhD
Deputy Director
National Drug Research Institute
Curtin University of Technology
GPO Box U1987 Perth WA 6845 AUSTRALIA
Telephone +61 8 9266 1603
Facsimile +61 8 9266 1611
Email: s.lenton@curtin.edu.au

Abstract:

Aim: This paper presents qualitative data from an in-depth interview study of 40 repeat drink drivers in Perth Western Australia to inform countermeasures for these high risk offenders.

Background: Licence sanctions are effective countermeasures for most drink drivers but the small group of repeat offenders are less responsive. Many choose to drive while unlicensed as the probability of detection is low and the social and economic costs of not driving can be high. This undermines other drink drive countermeasures.

Results: Most respondents who had had their licence suspended admitted to driving while under suspension. Employment and social factors were key themes emerging in respondents' accounts of driving while under licence suspension.

Conclusions: While a range of enforcement countermeasures are needed to deter drunk and unlicensed driving, this study suggests that where possible we aim to keep offenders within the system that consists of formal laws and informal social controls, rather than apply penalties in ways that undermine adherence to the law by increasing unlicensed driving. Allowing for interlock installation early in the driving suspension period, and allowing fines to offset cost of interlock installation and monitoring, may maximise community benefit and reduce unlicensed driving.

Key words: Alcohol; DUI; DWI; DWS; Repeat; Recidivist; Interlock.

1. Introduction

1.1 Literature review

Licence sanctions such as suspension or revocation have been shown to be effective countermeasures for the majority of drink drivers (e.g. Nichols & Ross, 1990; Siskind, 1996; Robert B Voas & Fisher, 2001). However, there are a small group of repeat offenders who are less responsive to licence sanctions, and as many as 75% of suspended or revoked drivers continue to drive, at some level, during their period of licence disqualification (DeYoung, Peck, & Helander, 1997). This is consistent with criminological research which has shown that more experienced offenders are less likely to be deterred by sanctions than their less experienced counterparts largely due to having longer histories of punishment avoidance (Freeman & Watson, 2006; Stafford & Warr, 1993).

Drivers can be unlicensed for a variety of reasons including simply failing to pay their licence by the due date; having their licence suspended, disqualified or revoked; or never having had a valid licence (Watson, 2003). Yet, research suggests 90% of those apprehended for driving while disqualified had their licence revoked as a result of driving under the influence of alcohol (Bakker, Hudson, & Ward, 2000).

Unlicensed driving undermines other drink drive countermeasures because many experienced drink driving offenders learn that the risk of detection is low and choose to drive without a licence (Freeman & Watson, 2006). Furthermore, despite unlicensed drivers claims to drive more carefully to avoid detection (e.g. Mirrlees-

Black, 1993), the evidence is that driving to avoid detection does not necessarily result in safer driving (Watson, 2003). Suspended drivers are 3.7 times more likely than drivers with a licence to be involved in a fatal motor vehicle accident (DeYoung et al., 1997).

Studies of repeat drink driving offenders consistently find high rates of alcohol problems. For example, Shafer and colleagues (2007) found 97.6% had a lifetime diagnosis of alcohol use disorder and 73.5% met the criteria in the previous 12 months. Persistence of drink driving among repeat offenders, who are largely unresponsive to legal sanctions, has led to calls for other interventions such as alcohol treatment programs to break the drink-drive sequence among recidivists (e.g. Freeman et al., 2006; Yu, Evans, & Clark, 2006). However, treatment can be complicated by: severe alcohol problems (abuse and dependence) and high rates of co-morbid psychiatric disorders (Sandra C Lapham, Baca, McMillan, & Lapidus, 2008; LaPlante, Nelson, Odegaard, LaBrie, & Shaffer, 2008; Shaffer et al., 2007); personality disorders and elevated hostility, aggression, and impulsiveness (McMillen, Adams, Wells-Parker, Pang, & Anderson, 1992); and extensive criminal histories (LaBrie, Kidman, Albanese, Peller, & Shaffer, 2007).

Alcohol ignition interlock devices, which require the driver to provide a sample of breath to start the vehicle and continue driving, have been shown to reduce drink driver recidivism by 35 to 75% while the interlock is installed in the vehicle (Coben & Larkin, 1999; Willis, Lybrand, & Bellamy, 2005). There is also new evidence suggesting that recidivism may also be reduced even after the device is removed from the vehicle. In a comparison of interlock devices combined with regular medical

checkups, Swedish researchers found a 60% reduction in drink driving recidivism in the interlock group compared to standard licence revocation control (Bjerre & Thorsson, 2008). However, a major shortcoming with interlocks is that only a small proportion (10-20%) of repeat offenders who are eligible to have interlocks installed in their vehicle actually do so, with the cost of their installation being one of the major barriers (DeYoung, 2002; Roth, 2007; Simpson, Beirness, Robertson, Mayhew, & Hedlund, 2004; Robert B. Voas, Blackman, Tippetts, & Marques, 2002; R. B. Voas, Roth, & Marques, 2005). As a consequence, the potential road safety benefit from having interlocks installed in the vehicles of these high risk offenders is significantly undermined.

A number of previous studies found that only a small proportion of drivers who lose their licence due to driving under the influence of alcohol had resultant employment and income problems, primarily because many drivers continued to drive while suspended (e.g. Knoebel & Ross, 1997; Ross & Gonzales, 1988; Wells-Parker & Cosby, 1988). In another Western Australian study Ferrante (2003) found the greatest impact of licence disqualification was on employment and family responsibilities. Consistent with the earlier work, she found that those who had family support or were easily able to use public transport were least affected, while those who required mobility in their work (e.g. tradespeople), who needed to drive in their employment (e.g. truck drivers or couriers) or shift workers, were most adversely affected.

1.2 Theoretical underpinnings

Deterrence theory (G. Becker, 1968; Gibbs, 1975), which focuses on the certainty, celerity and severity of punishment, has guided the development of many road safety

and drink driving countermeasures (Watson, 2003). Yet in the drink driving literature (e.g. Homel, 1988, 1993), and more broadly in criminology (Heckathorn, 1990), as problems with deterrence theory accrued, it became apparent that understandings of responses to sanctions needed to take into account the social context in which sanctioning occurs. Consequently, a number of non-legal, normative factors were identified which can affect adherence to the law (Sherman, 1993; Tyler, 1990). Two such factors of central relevance to the current paper were peer attitudes and engagement in society (Sherman, 1993; Vold, Bernard, & Snipes, 1998). In a number of studies peer attitudes were shown to be far more powerful predictors of future offending, than sanction risk (Demers & Lundman, 1987; Keane, Gillis, & Hagan, 1989; Tittle, 1977). Sherman (1993) emphasised that the individual's engagement in society – the strength of the social bond with the sanctioning agent, the community and others is a central determinant of the law breakers response to a sanction. According to the *labelling* (H. Becker, 1963) and *deviance amplification* perspectives (Keane et al., 1989), those who are marginalised can become defiant and adopt a deviant identity, moving closer to other similarly marginalised individuals, and seeing themselves as 'law breakers', rather than 'good citizens'. Another major critique of *deterrence theory* was made by Stafford and Warr (1993) who noted that many offenders have more experience with breaking the law and *not* being caught, than they do with breaking the law and being apprehended. Consequently they argued that this "*punishment avoidance* does more to encourage crime than punishment does to discourage it" (p. 125).

1.3 Methodological issues

The existing literature on recidivist drink drivers is largely quantitative in nature including analysis of existing accident and offending databases (e.g. DeYoung, 1999; DeYoung et al., 1997; Gould & Gould, 1992; LaBrie et al., 2007; Sandra C. Lapham, Kapitula, C'De Baca, & McMillan, 2006; Siskind, 1996), and a small number of quantitative mail questionnaire and face-to face interview studies (e.g. Freeman & Watson, 2006; Greenberg, Morral, & Jain., 2005; Ross & Gonzales, 1988; Williams, Hagen, & McConnell, 1984). There have been some qualitative interview studies with unlicensed drivers (e.g. Clark & Bobevski, 2008; Ferrante, 2003; Knox et al., 2003; Mirrlees-Black, 1993; Ross & Gonzales, 1988; Silcock, Sunter, van Lottum, & Beuret, 1999), some quantitative mail questionnaire studies (Chang, Woo, & Tseng, 2006; Robinson & Kelso, 1981; Smith & Maisey, 1992; Williams et al., 1984), a quantitative interview study (Wells-Parker & Cosby, 1988) and classroom completed questionnaire study (Knoebel & Ross, 1997). It has been noted that much of the research on unlicensed driving is purely descriptive and fails to illuminate the personal, social and environmental factors underpinning the behaviour and consequently why, employment, family or social factors lead some to drive without a valid licence (Watson, 2003).

1.4 Aim

The present study aimed to provide further understanding of the recidivist drink drivers' lived experiences in their own words, in an attempt to provide new insights to the existing body of research to inform the development of countermeasures for this group who are responsible for significant road trauma, but resistant to changing their behaviour.

2. Method

This study comprised in-depth interviews employing both qualitative and quantitative methods with a community recruited sample of recidivist drink drivers.

2.1 Sample Recruitment

A convenience sample (Barnard, 1995) of 40 recidivist drink drivers were recruited from within the metropolitan area of Perth, Western Australia, via advertisements and articles placed in the local media and at all metropolitan vehicle licensing centres. To be eligible, subjects had to have received at least 2 charges for drink driving ($BAC \geq .05$ mg%). Respondents were reimbursed 30 Australian dollars for their time, travel and other expenses in attending the study interview. It should be noted that Perth has been described as one of the most car dependent cities in the world with 81% of all trips undertaken by car (Government of Western Australia, 2004)

At the time the study was conducted, there were no requirements for the use of alcohol ignition interlocks in Western Australia. Programs were operating in other parts of Australia (such as Victoria and South Australia), however these programs had limited uptake and were based on a user-pays system.

2.2 Materials and Procedure

The semi-structure interviews included a number of self completed and interviewer completed instruments. The interviewer administered questionnaire of basic demographic data, designed for this project. This was followed by a semi – structured

qualitative interview exploring their experiences of and attitudes to drink driving. Qualitative responses were audio-taped for later transcription and analysis. This included accounts of their behaviour leading up to and including their most recent and first drink driving charge experience, and for those with more than two such charges, an account of their penultimate drink driving charge. The interviewer then asked participants a range of questions to elicit their responses to drink driving in general. This included strategies they would use to reduce road injuries for people of their age, why they thought people drink and drive, situations in which they drink and drove, alcohol and other drug use, impacts of their charges on their perception of their own drinking, potential 'downsides' of drinking and driving and what they thought about a range of potential drink driving countermeasures. The interviewer then administered an incident report sheet quantifying details of each drink driving charge the subject had described above. Subjects self completed an 11 item 5-point Likert scale questionnaire on general attitudes to law the law and law enforcement was employed to examine attitudes towards the actions of the Western Australian Police Service and to laws relating to drink driving. Subjects rated on 3-point Likert scales the likelihood and level of concern about 17 possible consequences of their drink driving behaviour. Subsequently they rated the usefulness and level of impact on their own behaviour of 18 possible drink driving countermeasures on similar 3-point Likert scales.

The World Health Organisation AUDIT Questionnaire (Saunders, Aasland, Babor, Fuente, & Grant, 1993) was used to screen for alcohol related problems, and the Alcohol Dependence Scale (Skinner & Horn, 1984), used to assess the severity of alcohol dependence as defined by ICD-10 criteria. Recent alcohol and drug consumption over the previous 3 months was investigated using the drug use section of the Opiate Treatment Index (Darke, Ward, Hall, Heather, & Wodak, 1991). In

addition, the study sought to look at psychological and personality factors of the subjects, however, as these are not addressed in this largely qualitative paper, they are not described here.

Ethics approval for the study was granted by the Human Research Ethic's Committee at Curtin University.

2.3 Analysis

As the total sample was limited to 40 cases quantitative analysis was limited to descriptive statistics. Qualitative analysis was undertaken using QSR NUD*IST 4 (Qualitative Solutions and Research Pty. Ltd., 1997). Due to time and funding constraints and to eliminate inter-coder differences, all qualitative data were coded by the same individual (Lenton). This was possible as the qualitative information was collected as part of a structured mixed-method qualitative and quantitative interview and consequently the coding structure was more straight-forward than coding of unstructured interview data. Thematic analysis was initially conducted within the transcripts of responses to of each of the structured interview questions with the 'individual question and response' as the smallest unit coded. In the second coding phase, in an iterative process, data relating to the individual coded themes were then analysed for sub-themes and recoded, with multiple coding possible both within and between responses to each of the structured interview questions.

3. Results

3.1 Sample characteristics

The sample consisted of 36 males and four females and ranged in age from 19 to 68 with a mean age of 31.9 years. Seventy three percent of subjects had never been married while 18% were either 'married or living in a de facto relationship', the remainder being either divorced or separated. The vast majority of respondents (73%) reported that they had no children under 16 years of age living in their care. Only 20% had any education beyond secondary school (10% apprenticeship or trade certificate and 10% tertiary qualification such as from a University). Thirty percent of the sample were in full time employment, 38% held some form of casual or part-time employment and 32% were engaged in seeking work, study, home duties or were welfare recipients. Only 28% of respondents reported an annual income of greater than AU\$30,000.

On average, respondents had been charged with 3.4 drink driving offences with a range of between two and 12 charges. At interview 60% reported they held a valid drivers licence, 25% were currently under temporary suspension and 13% had a life suspension from driving. Some 65% of the sample admitted committing an illegal act in the previous year, primarily road traffic offences (47%) and drug offences (45%), however, other more serious offences were rarely reported.

3.2 Measures of alcohol dependence and problems

Some 55% of respondents scored as 'alcohol dependent' on the Alcohol Dependence Scale. Ninety percent of the sample scored as having a World Health Organization (ICD) defined 'alcohol-related disorder' on the AUDIT. Thus, on standardised

measures, nine out of ten of these respondents probably had a significant alcohol problem at the time of interview and about half were dependent on alcohol.

3.3 Driving whilst under licence suspension

Twenty-six (74%) of the 35 respondents who had had their licence suspended on at least one occasion admitted to driving while under suspension during at least one of these suspensions.

Some respondents seemed to drive under suspension only occasionally, but others regularly drove whilst under suspension. A number described ceasing to drive in the period first after suspension, then a return to driving. For example one respondent, who drove to the interview under suspension was given a 12 month suspended jail sentence for his 5th drink driving charge explained that for a few weeks after his court case he stopped driving but this quickly changed:

Yep, bit by bit, just to the shops and then. Started getting a bit wet, the weather, so. Oh not that wet but anyway. So yeah just started going little bit little bit and then further and further and now I just. Basically ignore it I s'pose.

*So now you just basically drive around as you would normally if you had a licence, is that correct?

Yeah, my car is not even licensed. (ID04 male aged 41, most recent charge)

Consistent with other research, the importance of employment and social factors were key themes emerging in respondents' accounts of returning to driving while under licence suspension. For example, one female respondent, who lived in an outer suburb poorly serviced by public transport and lost her licence for 18 months after her 3rd

charge, said that she did not drive for about a month. Then multiple social factors, namely education and parenting responsibilities, contributed to her decision to drive whilst under suspension:

There was a period of time when I got a bit scared and I said 'no, I'll go to jail if I get picked up' ... I just thought, well I'll be careful. [be]cause I got a new car so its like well, they can't pick on that really ... I didn't drive at night and I didn't drive drinking at all [and] ... I stuck to the speed limit. [I] did what I could and took my chances. Yeah. Not just 'cause I'm a lawless rebel or anything. [I] had to drive anyway, purely out of necessity, you know what I mean? I was going to [Uni]. ... Even something as basic as going down the road to get bread and milk ... I couldn't be making my daughter ... walk 3km to school and back again. That's just not done, I don't stop my life you know. (ID12, female aged 29, 3 drink driving charges)

The need to drive to obtain and keep employment was often a key factor, in the accounts. One respondent with a life disqualification explained how difficulty finding work had led him to routinely drive without a licence, and how the reinforcing properties of getting work this way and employers not routinely asking for proof of a valid drivers licence maintained this behaviour:

When I lost my licence ... for life, I tried getting around without driving and everything like and just how unbelievably difficult it is to get around, without your licence, it has made it really hard, and that is why in the end, I just realised living in Perth and how difficult it is getting around, that is why I went back to driving. I tried it for a couple of months without driving, after I had been through the courts and everything, got out of the can (prison), I tried it for about a month and a half and I realised that I couldn't find any work at all. Nobody was willing to take me on, so I just kept it quiet that I didn't have a drivers licence and it was amazing how much work I had coming in, you know none of them wanted to see a drivers

licence so most of them never even asked if I had a drivers licence. I would roll up for an interview and in the car, and they just presumed I had my licence, nobody ever checked ...and once I got work I was just driving to and from work and doing the occasional deliveries and stuff like that ... I always thought you know that being in a company car, it was you know, the coppers would see that you were in a company car and think 'ah yeah, he is obviously working' so they wouldn't check.(ID21, male aged 25, 4 drink driving charges)

After a subsequent charge for driving under suspension after four drink driving charges the same respondent explained how social acceptance among peers and vicarious punishment avoidance experiences contributed to his continuing to drive unlicensed. Also apparent was driving to avoid detection:

I only drove to and from work, but ... I was driving you know, on the speed limit or just under, constantly looking in my rear view mirror I would drive, yeah I was very wary of what I was doing, I knew I shouldn't have been doing it but I had no choice, so I just did it, but I, the possibility of getting caught never really fazed me that much because [know] a lot of people, I have heard of a lot people getting away with driving but, six, ten, fifteen years without a driver's licence so, I sort of thought that if I just did the right thing then I wouldn't get caught, but I managed to go through a licence check and that is where I stuffed up. (ID21, male aged 25, 4 drink driving charges)

Another explained how economic circumstances and family responsibilities led him to drive whilst under suspension, making a calculated decision based on the low likelihood of apprehension on the one hand and the need to earn a living and to support his family on the other:

Given the opportunity a bloke's going to get behind the wheel of a car and drive under suspension if it means that he can't earn 'a quid', if he is not going to earn a living and he has got a family to support, you know we've all had mortgages and debts and everything else, and you weigh up the certain amount of risk involved and wait 12 months and apply for an extraordinary driver's licence, but in the meantime you've still got to get out there and have that income coming in, especially if you've got kids, you've got to survive, otherwise you'd just fall over in a hole. (ID01 male aged 45, 8 drink driving charges)

3.4 Social impacts of their drink driving conviction

There were 30 respondents who commented on the social impacts of their drink driving convictions. Again, consistent with the above accounts, most common were employment problems which were identified by 16 (53%) of those who identified social consequences.

Some lost jobs and described the compounding financial impacts resulting from loss of employment whereas others reported difficulties in finding jobs. For example:

**So how'd you feel about that experience?*

Terrible. Shocker. I'd just started a job about a month beforehand, and yeah, it was as a truck driver bobcat operator, and without a licence I couldn't do my job. So I lost my job over it as well.

**Do you think that's a fair consequence?*

Yes and no, yes and no. I think if you get done for drink driving, you know you're in the wrong - well I did, felt bad for it - but to lose my job and cop a thousand dollar fine, where I'd just started work, to lose a job over that, all I could do was go on the dole and try and pay the fine

off like that. Which makes it a bit hard for you when you're trying to get ahead and stay on top, it just drags you straight back down. (ID16, male aged 30, 3 drink driving charges)

The first time I lost my licence I didn't have a job and it was really hard to find employment no-one was really going to employ someone without a licence. (ID06, male aged 19, 2 charges)

There were 18 (60%) respondents who described the general inconvenience of being unable to drive as one social impact. Typical was this respondent:

It was a real hindrance, I couldn't drive to work, I couldn't go anywhere. I had to have my girlfriend drive me everywhere I had to go. It felt like I'd really stuffed up. But I couldn't do anything about you know. Affected me personally and work-wise or whatever for 6 months. (ID08 male aged 26, most recent charge)

No other social impacts were identified by respondents, suggesting that many may be unaware of the impact on international travel of having a criminal conviction, even one for drink driving.

3.5 Attitudes to selected countermeasures

Respondents were shown a card with 10 possible drink driving countermeasures and, after a brief explanation where needed, were asked to give their reaction to these.

Results for those related to 'licence suspension', 'permanent loss of licence', and 'alcohol interlocks' are given here. Because of the qualitative nature of the enquiry, not all respondents made comments on each of the possible countermeasures.

3.5.1 Short term licence suspension

There were 31 respondents who commented on the effectiveness of short term licence suspension, as a drink driving penalty. Some 22 (71%) of these saw a period of licence suspension as positive (i.e. likely to cause them and other people to improve their behaviour), six (16%) saw it as negative (i.e. unlikely to cause them or other people to improve their behaviour) and three (10%) made neutral or equivocal comments. Most of those who saw a period of licence suspension as positive saw it as encouraging reflection on drink driving behaviour and that it was an effective deterrent for most people. There was acknowledgement by a number of participants that licence suspension was an effective deterrent for most people. However, the theme of the period of the suspension and the duration of the impact on livelihood were something that was seen as mitigating their effectiveness:

I reckon taking my licence off me for two years that is enough, but licence suspension it works, I reckon it does teach people surely, although I feel in my case too it would have been good to have maybe the possibility of after a year to go back to the courts and apply with reference and get some sort of like probationary licence, sort of like an extraordinary but actually having your licence back. (ID29, male aged 21, 2 charges)

Those who saw licence suspension as negative mainly addressed two themes. One was the adverse social impacts of long periods of licence suspension. The other was that suspension was ineffective because of the temptation to drive while under suspension:

I think losing your licence is not, it's not a practical punishment. I mean certainly I believe in punishment. But it is so difficult [not] to drive, it's almost encouraging [you] to go driving

without a licence. It's very difficult to get to continue your life without it. So even though 18 months is not very long, it's just totally impractical. (ID36 male aged 30, 3 charges)

3.5.2 Licence cancellation

There were 29 respondents who commented on the effectiveness of permanent loss of licence or, licence 'cancellation'. Seven (24%) of these saw permanent loss of licence as positive, 17 (58%) saw it as negative and five (17%) made neutral or equivocal comments. The vast majority of those who thought permanent loss of licence was positive, saw it as an appropriate penalty for repeat offenders, although there was variation about what level of repeat offending should qualify for life suspension.

Permanent loss of licence; that is definitely a must. After three licence suspensions ...

Permanent loss of licence, three strikes you're out. That's fair enough. (ID22 male aged 26, 2 charges)

Among those who disagreed with permanent licence suspension as a penalty, some simply saw it as too harsh:

And permanent loss of licence is pretty hard, [be]cause it can effect the person's self esteem and all that I think. Depends on the type of person it is. (ID03, male aged 24, 2 charges)

Others saw it as ineffective as it led people to drive while disqualified:

Permanent loss of licence, that would hurt but then, people, how do you stop them from driving if they want to drive they can they just jump in the car. (ID30 male aged 24, 2 charges)

3.5.3 Alcohol interlocks

There were 31 respondents who commented on interlocks and 24 (77%) of these thought they would be a good idea, and 7 (23%) did not. Most saw interlocks as most appropriate for repeat offenders.

Yeah excellent idea. Excellent idea. Very good idea. I'd have one fitted in my car. Which means I couldn't drive if I'd had a drink at all. Which is what you want, when I'm a repeat offender. That's the best way of stopping me from doing it again. (ID16, male aged 30, 3 charges)

There was a concern from most respondents in both of these groups that the device could be misused or manipulated, primarily by having a non-intoxicated person blow into it. The vast majority of those that were in favour of interlock use emphasised that it was important that the technology avoided this problem. Most of these were reassured by a description of how the devices work, in particular the requirement to give a breath sample periodically throughout the journey.

The notion that part of offender's fine might go towards having an interlock fitted to their vehicle was seen positively by many, especially given the cost of the device. Also evident was that a number of respondents were more supportive because, in part they saw the money would go towards something towards helping them to avoid drunk driving rather than being absorbed into central state revenue.

Yep, that would be a good idea, definitely. Yes because you would see that your money is going somewhere for something because normally I pay 1200 bucks and would 'have a bitch'

(complain) saying 'it is going to government, to the landlord', but if you could see that it is actually working for you, yeah, ... that would be a really good idea. (ID31 male aged 26, 2 charges)

Respondents were given a description of the situation in South Australia where, under some circumstances, those who chose to have an interlock fitted could get a reduction in their period of disqualification. Some respondents saw this as a workable strategy to prevent people driving while under suspension. Apparent in the description below was that having an interlock was seen as enabling offenders to meet their day-to-day needs without resorting to unlicensed driving

Yeah, good idea. Very good thinking as well. [Be]cause people can get back to their normal life and back into their routine again. [Be]cause if you lose your licence it's a constant reminder to you every day, you can't get in your car and do it, you know. And you just get annoyed with it, so you will just get into your car and you'll just drive. (ID16, male aged 30, 3 charges)

On the other hand there were 7 respondents who did not think that interlocks were a good idea. Four of these pointed to them not being foolproof and being able to be subverted, while two saw interlocks as singling them out:

It is discriminating you know, showing everyone you know that he has got a problem with alcohol or something, you don't need to show everyone. (ID35 male aged 27, 5 charges)

3.6 The value of a driver's licence

Respondents were prompted to comment on the value of a driver's licence to them.

Some 23 discussed this issue and 19 (83%) of these described it as very valuable.

Responses such as these were typical:

It is extremely [important] ... I am not so sure, what you could compare it to, I just have to say it is probably one of the most important facets of your learning or your studying or your trying to get work, is just unbelievable how much you miss out, so many jobs you need an A-class licence just to get your foot in the door. To travel there or to travel during work hours.

(ID29 male aged 21, 2 charges)

Of the Four who said it was not that valuable, three said that they would drive without it anyway, and one said that they had managed well without it.

4 Discussion

4.1 Study limitations

Studies incorporating in-depth qualitative interviews of this kind usually employ small samples because the focus is to understand the rich detail of the people's experience rather than get population estimates. As such readers should avoid extrapolating the results of the in-depth interview component to drink drivers in general. Because of limited statistical power, it was not possible to test all the possible associations between quantitative variables and qualitative data. Respondents were reimbursed for participation in the study and while other research has found such monies are not an inducement to participate (Festinger et al., 2005) it is possible that for some respondents of limited income this may have been a factor. However, it is worth noting that the income level of respondents was similar to other Australian

studies of unlicensed drivers (e.g. Watson, 2003). As has been described, Perth is very car dependent and it is possible that, in other jurisdictions with better public transport, alternatives to unlicensed driving may be more available and attractive to disqualified drivers.

4.2 The sample

Notwithstanding the above caveat, the demographic characteristics (age, sex, socio economic etc) of the sample appear to be comparable to those of repeat drink drivers found in previous studies both in Australia (e.g. Cercarelli, Hendrie, Ryan, Legge, & Kirov, 1998) and internationally (e.g. Beirness, Mayhew, & Simpson, 1997; Jones & Lacey, 2000). Similarly, rates of alcohol problems and unlicensed driving were similar to those reported elsewhere in the literature on recidivist drink drivers (e.g. Bakker et al., 2000; Sheehan, 1993). Compared to other literature on repeat drink drivers (Beerman, Smith, & Hall, 1988; LaBrie et al., 2007) there was a low rate of self-reported criminal activity in this sample, once driving and drugs charges were excluded. This may have been a result of the convenience sampling employed. However, although respondents were happy to describe their law breaking with regards to drink driving, it cannot be ruled out that a social desirability response bias may have been operating with regards to other criminal activity.

4.3 Unlicensed driving

Consistent with more representative studies of disqualified drivers (DeYoung et al., 1997) 74% of the 35 respondents who had had their licence suspended on at least one occasion admitted to driving while under suspension during at least one of these periods. Some seemed to drive under suspension routinely, while others did it

occasionally. It was not possible to say what proportion drove occasionally while under suspension and what proportion drove routinely. However, it was apparent from the qualitative data that, consistent with the *deviance amplification* hypothesis, (Keane, Gillis et al. 1989) there were a number with long suspensions, or disqualifications who chose to routinely drive under suspension. Consistent with previous research, many of this group used strategies to minimise the risk of detection such as limiting the situations when they drove, such as not in the evening when they perceived they were more likely to encounter a random breath test roadblock, or driving very carefully. It is possible that some of those who drove under suspension did so more carefully than they otherwise would have, which might be seen as positive from a road safety point of view. However, the accounts given in this study suggested that many were also anxious and hyper-vigilant, which may be incompatible with safe driving. This is consistent with other research showing that unlicensed drivers may drive try to avoid detection (Watson 2003). However, this does not necessarily make their driving safer when considering drink driving, speeding and seat belt wearing (Watson, 2003).

Furthermore, as would be predicted by *classical deterrence theory* (Becker 1968; Gibbs 1975), the low perceived and actual likelihood of apprehension for driving without a valid drivers' licence, i.e. *punishment avoidance* (Stafford and Warr 1993; Freeman and Watson 2006), contributed to many deciding to take the risk and drive under suspension. As a community we need to weigh-up two competing considerations. On the one hand, the potential general and specific deterrent value of licence suspension or disqualification, and the need to be seen to protect the public from repeat offenders. On the other hand, the reality of high rates of driving under

suspension by repeat offenders and the marginalisation and likelihood of further law breaking that may occur.

4.4 Social Impacts of driving conviction

Commenting on the impact of lifetime licence revocation in Taiwan, Chang 2006 noted: “Many economic and social activities, such as working, commuting, shopping, etc., rely heavily on a means of transportation. Driving a vehicle is thought to be a basic human right for people living in a modern society” (p. 270) and concluded that “If there is no effective means of enforcement or persuasive motivation, offenders may ignore the suspension because of their day-to-day needs” (p. 275). Similar themes were reflected in many of the accounts of the repeat drink drivers in this study. Subsequent to their loss of licence many had problems with the day-to-day demands of life such as securing and maintaining employment, shopping and transporting children to school and other appointments.

4.5 Licensing countermeasures

As already noted, licence sanctions are effective at deterring drink driving in the majority of drivers, however, among the high risk group of offenders licence sanctions are less effective.

4.5.1 Licence cancellation

Consistent with the theories of *punishment avoidance* (Stafford and Warr 1993) and *deviance amplification* (Keane, Gillis et al. 1989), this study suggests that once suspended from driving for long periods (in Western Australia ‘permanent’ licence suspension means 10 years), the low risk of apprehension for driving without a

licence combined with family and employment demands, inconvenience, and the sense that they won't get their licence back in the foreseeable future, if at all, led to a significant number of suspended drivers to drive without a licence. It is recommended that the effectiveness of long periods of licence suspension be reviewed, and options explored and trialled which encourage compliance with the law and earning back one's driving privileges.

4.5.2 Licence suspension

The study suggested that even finite periods of licence suspension can provide a considerable burden on employment and family responsibilities. Alternative transport options such as taxis, getting a lift, or public transport appeared impractical for many repeat offenders. For example, a number of respondents who worked in the building trades or labouring sectors had frequent changes of work venue, and required their own vehicle as a necessity for carting tools and materials. Also, parents, especially those with young children, faced with abrupt loss of ability to lawfully drive and few other viable options chose to drive whilst under suspension. This pressure is probably greater for those with other social and economic disadvantage, and those living in outer metropolitan areas where facilities are sparse and public transport less available. These findings are consistent with other research which has emphasised the importance of social context in understanding responses to sanctions (Homel 1988; Heckathorn 1990; Homel 1993).

4.6 Carrot as well as stick – the role of interlocks

It may be that it is possible to maintain the deterrent value and public support of licence suspension and disqualification by introducing some measures which also

reduce the likelihood of driving under suspension by employing a ‘carrot and stick’ approach, rather than simply increasing the certainty, swiftness and severity of penalties.

We agree with other commentators who have called for a range of enforcement countermeasures to be implemented which deter drunk driving and reduce the likelihood of punishment avoidance, through unlicensed driving (e.g. Knox et al., 2003; Simpson et al., 2004; Watson, 2004). Impoundment, confiscation and other vehicle sanctions for repeat drink driving offenders, compulsory carriage of licence, widespread random licence checks, encouraging employers to regularly check the licence status of their employees who drive as part of their employment and other ‘stick’ measures to clamp down on repeat drink drivers and unlicensed drivers are all appropriate countermeasures. Clearly also severe penalties such as imprisonment need to be among the suite of drink driving countermeasures, along with alcohol treatment and other remedial interventions.

However, this study suggests that as well as using these ‘stick’ strategies to deter unlawful driving behaviour; we should also consider ‘carrot’ strategies which, as much as possible aim to keep offenders *within the system* that consists of formal laws and informal social controls, rather than apply penalties in ways that undermine adherence to the law and reinforce unlicensed driving. It is clear that while many repeat drink driver’s recognise the value of their driver’s licence, faced with the demands of life, long suspensions, or disqualification and the low risk of detection many chose to drive unlicensed on a regular basis because they had ‘no choice’ and ‘nothing to lose’. Using ‘stick’ approaches on their own may have the practical,

though unintended, consequence of *deviance amplification* (Keane, Gillis et al. 1989) by pushing the offender into further law breaking by driving without a valid licence, further marginalising the person into further offending and undermine the specific deterrent effect of the law on the individual's subsequent offending.

Alcohol interlocks provide a 'carrot' mechanism to encourage these offenders to behave lawfully. Allowing for interlock installation early in the driving suspension period, may undermine *punishment avoidance* (Stafford and Warr 1993), while at the same time separating drinking from driving and providing a way for offenders to drive within the law. Allowing for or a significant reduction in the licence disqualification period for drink-drivers that agree to voluntarily participate in the interlock scheme will provide a further incentive for lawful behaviour. As discussed earlier, the cost of the installation, maintenance and monitoring of interlocks is a significant barrier to their use. Yet the greatest individual and community gain is likely to come from interlocks being installed in the vehicles of those who are least able to pay. Some 58% of the current sample of repeat drink drivers reported an annual income of less than \$30,000. There may be considerable community as well as individual benefit from making interlocks available even to those of limited financial means. One option could be that all, or part of a fine, be used to offset the installation and monitoring of the device. This has the potential to be a win-win for the individual and the community. Fines are primarily instituted as a penalty and a deterrent, rather than a revenue raising measure. Maintaining the level of the fine but allowing this to discount in part, or in full the installation of an interlock device should maintain the deterrent value of the fine, while providing financial support for instituting a proven strategy to reduce drink-driving recidivism in a high risk group.

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