

The UK High Risk Offender Scheme: Data analyses

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Abstract

In the United Kingdom, the High Risk Offender (HRO) Scheme covers those drink-drive offenders who are felt to pose a particularly high risk to other road users or themselves because of the severity of the offence committed. This paper (PA 3545/99) presents analyses of an extract of the DVLA (Driver and Vehicle Licensing Agency) driver licence file. It explores the number of drivers who have become HROs, their length of disqualification and rates of reconviction.

Introduction

The Transport Research Laboratory (TRL) and the British Institute of Traffic Education Research (BITER) have investigated the working of the High Risk Offender Scheme for the Department of the Environment Transport and the Regions (DETR). Full details of the analyses carried out by TRL are reported by Davies et al (1). That report also presents details of three in-depth questionnaire surveys carried out by BITER using TRL's team of interviewers. The High Risk Offender Scheme was first introduced in May 1983. At that time it covered offenders with two convictions within ten years with a BAC (Blood Alcohol Concentration) in excess of 200mg/100ml (2.5 times the legal alcohol limit of 80mg/100ml) and offenders convicted of refusing to provide an evidential specimen. The criteria were broadened in June 1990, since when an HRO is any driver who is disqualified having:

1. provided an evidential sample with an alcohol level at least 2.5 times the legal limit
2. provided an evidential sample with an alcohol level between 1 and 2.5 times the legal limit (equivalent to 80-200mg/100ml BAC) and had been convicted of a drink-driving offence in the previous ten years, or
3. refused to supply an evidential specimen.

Once the period of disqualification has ended, an HRO must reapply for a new licence, and one will only be issued after a satisfactory medical assessment by the Drivers Medical Unit at DVLA. Figures from the DVLA show that 30,214 HROs applied to renew their licence during the financial year 1997/98. 1,305 short period licences were issued (4.3 per cent) and 1,063 (3.5 per cent) were refused a licence: full licences were issued in the remaining cases.

Method

The principal source of statistical information used in this report is the Driver Licence File maintained by DVLA, which contains information about all licensed drivers and riders in Great Britain. In particular it contains the following items which are of particular relevance to this project:

- (i) the driver's age, sex and postcode,
- (ii) the dates at which any periods of disqualification began,
- (iii) the HRO Indicator (set for any driver qualified as an HRO since the scheme began)
- (iv) details of convictions for endorsable driving offences including offence type, date of offence, date of conviction, period of disqualification, alcohol level.

As mentioned in the Introduction, there can be three reasons for drivers becoming HROs. Their subsequent treatment is independent of the particular reason, but research summarised by Maycock (2) in a review of drinking and driving has found that the three types of HRO defined by these reasons have distinctive characteristics. The reason can be determined from the driver's offence history, and will be abbreviated as follows:

- | | |
|----------------------|--------------|
| 1 offence ≥ 200 | - HRO type 1 |
| 2nd offence, 80-200 | - HRO type 2 |
| Refusal | - HRO type 3 |

There can be ambiguity about the appropriate type in a small number of cases, eg where a driver is convicted during one court appearance of drink-drive offences committed on various dates. Such cases are assigned to the highest appropriate type (ordered as in the above list). This system of classification will be adopted in this report, but it does implicitly emphasise the role of BAC level or refusal to supply a specimen at the expense of any previous drink-drive offences. The reason for this emphasis is, as discussed by Maycock, the traditional view that alcohol levels of 2.5 times the legal limit or more pose particularly high risks. However, 23 per cent of those becoming an HRO because of such an offence with $BAC \geq 200$ have been convicted in the previous 10 years with BAC between 80 and 200; 33 per cent of those becoming an HRO because of refusing to supply a specimen have been convicted of a drink-drive offence in the previous 10 years. It may be argued that this level of reoffending is more significant than the level of alcohol or the refusal to supply a specimen.

Results

Table 1 shows the annual totals of new HROs between June 1990 and December 1997. Note that this report adopts the convention that a driver can only become an HRO once, so that a subsequent disqualification after regaining the driving licence does not lead to a new HRO and hence does not contribute to Table 1.

These results show that the number of new HROs fell until 1994-95, and has since varied very little; this pattern largely reflects the changing level of drink-drive accidents shown in official figures (3). The first group of HROs (1 offence ≥ 200) is the largest, and has grown while the other two have tended to decline. Since the new HRO scheme began in June 1990, about 39 per cent of drink-drive offenders have 'qualified' as High Risk Offenders.

Table 1: Number of new HROs per year

	Number of new HROs (thousands)	Distribution of HROs (%)		
		1 offence ≥ 200	2nd offence 80-200	Refusal
1991	37.8	44	34	21
1992	35.5	46	33	21
1993	33.9	44	33	23
1994	33.1	46	32	22
1995	33.1	47	32	21
1996	33.2	49	32	19
1997 ^x	33.6	50	31	19

^x data for 1997 are incomplete

Analysis of the age distributions of drink-drive offenders showed that HROs tend to be older than Ordinary Offenders (for the purposes of these analyses, these are defined as drivers who were convicted in 1992 of their first drink-drive offence which was not sufficiently serious for them to become an HRO, i.e. the offence was not a refusal and the alcohol level was under 2½ times the legal limit). Among men, there is a clearly-defined peak age of 21 for Ordinary Offenders, whereas the three HRO graphs have much broader peaks in the 26-30 age range. The distribution for HRO types 1 and 3 (1 offence ≥ 200 and refusers) are similar; HRO type 2 (2nd offence 80-200) are more common between the ages of 23 and 34, but less common among younger and older drivers. The peak ages for women are higher, 26-28 for Ordinary Offenders and 32-34 for HROs.

In addition to being older on average, women HROs also differ from men in the distribution of HRO types. Only 13 per cent of women HROs are of type 2 (2nd offence 80-200) compared with 34 per cent of men, while 62 per cent are of type 1 (1 offence ≥ 200) compared with 45 per cent of men. (This may be influenced by the fact that a woman drinking the same amount as a man will normally reach a higher BAC.) The differences are less for HRO type 3 (refusers) - 26 per cent for women and 21 per cent for men. Overall, 7.8 per cent of HROs are women, compared with 8.7 per cent of Ordinary Offenders.

The driving licence file contains no information relating to a driver's social background, but this type of information can be introduced using a system that is widely applied for market research purposes. The system, known as the ACORN directory (4), was supplied by CACI Ltd. The directory assigns each post code in the country to a category (which gives a summary description of the people living in that area). The six categories are labelled by CACI as A: 'Thriving'; B: 'Expanding'; C: 'Rising'; D: 'Settling'; E: 'Aspiring'; F: 'Striving'.

A driver who became an HRO several years ago may since have moved, in which case the current category may differ from the category at the time of disqualification. To minimise bias while maintaining a sufficient sample of HROs to study, the following results are based on HROs who were disqualified in or after 1996. 88 per cent of HROs could be linked to a specific postcode in the ACORN directory. The remainder could not be linked because either:

- (a) the HRO postcode was unknown or incomplete, or

- (b) the postcode was not present in the directory.

The question of which Categories are over- and under-represented among the population of HROs is of particular interest. Detailed analysis (1) shows that the relative incidence of HROs rises rather steadily as social status - as shown by the ACORN codes - declines. A 'Thriving' driver (from a category A area) is almost one third less likely than a typical driver to be an HRO, whereas a 'Striving' driver (from a category F) area is roughly two-fifths more likely than a typical driver to be an HRO.

The HRO-type also varies with ACORN code. Over 55 per cent of HROs in the Thriving and Expanding categories were disqualified with $BAC \geq 200$, compared with 45 per cent from the Striving category. The latter had correspondingly many disqualifications for refusals and repeat offences. Some of these variations may be influenced by variations between ACORN categories of the proportions of HROs in different age groups or proportions of males and females.

The mean length of an HRO's disqualification is presented in Table 2, and varies markedly with the type of offence for which they are disqualified (which determines the HRO type) as well as the number of previous drink-drive convictions. Previous convictions clearly lead to longer disqualifications. HROs convicted for refusing to supply a specimen tend to receive shorter disqualifications than other HRO types, relative to the previous number of drink-drive convictions.

Table 2: The mean length of disqualification for HROs (months)

HRO type	Number of previous drink-drive convictions				Overall mean
	0	1	2	>2	
1 offence ≥ 200	23.9	37.0	42.4	45.0	27.6
2nd offence 80-200	24.5 ^x	35.2	39.5	42.1	35.7
Refusal	17.0	32.9	35.9	39.0	22.6

Note: ^x these drivers have been convicted of separate offences on the same date, so they had no previous conviction when they came to court

The main point of disqualifying drivers convicted of drink-driving is presumably to keep these dangerous drivers off the road, and this must be especially true of High Risk Offenders - there is also the deterrent effect. The following analysis considers the extent to which HROs appear to continue to drive after they have been disqualified. The available evidence consists of convictions of HROs for *drink-driving while they were disqualified*, also for the specific offence of driving while disqualified. Table 3 presents this in the form of rates per driver-year, calculated by dividing the number of HROs convicted while in a particular state by the number of driver-years that HROs spent in that state.

The high proportion of male HROs who have been caught driving while disqualified is disturbing. In any year, approximately 1 in 10 male HROs of types 2 and 3 will be convicted - and presumably many more will escape detection. The much lower level among type 1 HROs is intriguing: those who disobeyed the drink-driving laws more flagrantly, in the sense of having high alcohol levels, appear more willing to accept the penalty imposed.

One might have predicted that the rate of drink-driving would increase after the end of disqualification, since drivers can then drive freely and hence have (in theory) greater opportunity to drink and drive. In fact, the table shows no clear difference between the rates while disqualified and after the end of the disqualification period, once effects of sex and HRO type are taken into account.

Table 3: Rate of convictions per driver-year for HROs while they were disqualified

HRO type	Drink-driving convictions when:		Driving while Disqualified convictions
	Still disqualified	after end of disqualification ¹	
<u>Male HROs</u>			
1 offence ≥ 200	.026	.027	.047
2nd offence 80-200	.043	.042	.104
Refusal	.040	.037	.101
<u>Female HROs</u>			
1 offence ≥ 200	.011	.013	.022
2nd offence 80-200	.024	.020	.062
Refusal	.016	.019	.042

Note: ¹ includes both drivers whose licences have and have not been renewed

In order to standardise upon the time when drivers were convicted, and consequently the period over which they may have reoffended, Table 4 is confined to those who became HROs in 1991-92: it includes Ordinary Offenders for comparison, i.e. those who were convicted during this period of their first drink-drive offence which was not sufficiently serious for them to become an HRO. It shows the mean number of convictions per driver for drink-drive offences committed after the original conviction; the period over which these subsequent offences were committed ranges from about seven years for those originally convicted early in 1991 down to just over five years for those originally convicted in late 1992.

Table 4: Mean number of subsequent drink-drive convictions by offenders convicted in 1991-92

	HRO type:				Ordinary offender
	1 offence ≥ 200	2nd offence 80-200	Refusal	Any	
Men	0.21	0.41	0.31	0.30	0.14
Women	0.09	0.31	0.13	0.13	0.06

Note: these figures show the *mean* number of convictions per drink-drive offender over the period between the original conviction in 1991-2 and the end of 1997.

The Table confirms that HROs are genuinely High Risk Offenders in the sense of subsequently committing far more drink-driving offences than the Ordinary Offenders. For example, male drivers who became HROs because of a second offence have, on average, committed about three times as many subsequent offences as the Ordinary Offenders. This shows that the regulations have proved effective in identifying those offenders who genuinely pose a high risk. On the other hand, they seem to have proved ineffective in curbing those risks.

Discussion

In 1991, the first full year of the new HRO scheme, there were about 38 thousand new HROs. The annual number fell to just over 33 thousand in 1994, but has since risen gradually to about 34 thousand in 1997. About two fifths of drink-drive offenders over the period of the new scheme have 'qualified' as High Risk Offenders. The proportion of all HROs who are of Type 1 has risen gradually over these years, while the proportion of Type 2 has fallen and the proportion of Type 3 has varied only slightly.

HROs tend to be older than 'Ordinary Offenders', defined for this paper as drivers who were convicted in 1992 of their first drink-drive offence which was not sufficiently serious for them to become an HRO, i.e. the offence was not a refusal and the alcohol level was under 2½ times the legal limit. Among men, the age distribution for Ordinary Offenders has a sharp peak at 21, while the distributions for HROs have broader peaks in the range 26-30. The peak ages for women are higher, 26-28 for Ordinary Offenders and 32-34 for HROs. Only about 8 per cent of HROs are women, compared with nearly 9 per cent of drink-drive offenders.

The analyses demonstrate a strong socio-economic influence upon the rate of HROs in an area. A driver from a category A area (labelled in the ACORN system as Thriving) is roughly one third less likely than a typical driver to be an HRO, whereas a driver from a category F area (labelled as Striving) is roughly two-fifths more likely.

The period of disqualification varies with the type of HRO as well as the number of previous convictions. For a given number of previous convictions, the mean disqualification for Type 3 HROs is shorter than for Types 1 and 2 - especially when there is no previous conviction.

Significant numbers of HROs are convicted of driving while disqualified: on average, almost 1-in-10 HROs of Type 2 or 3 are convicted per year of disqualification, but the rate is only half as great for HROs of Type 1. Significant numbers are also re-convicted of drink-driving, i.e. further offences committed after they became HROs. The mean number of subsequent convictions for men who became HROs in 1991-92 is 0.41 (Type 2), 0.31 (Type 3) and 0.21 (Type 1), compared with 0.14 for Ordinary Offenders. Thus, the HRO regulations are successfully identifying drivers whose subsequent behaviour shows that they pose a genuine high risk.

Questionnaire survey

The aim of the survey which is fully reported by Davies et al (1) was to examine the drinking habits and attitudes of HROs, and their experiences of the scheme. The following section presents a summary of some of the results.

Most offenders recognised that they were over the legal limit at the time they were stopped by the Police, however most felt they were still fit to drive. Around half the group that said they had consumed more than 20 units (roughly 4 times the legal limit) still felt they were fit to drive. Their willingness to consider an alternative form of transport to return home increased with their perceived lack of fitness to drive.

Aside from the penalties imposed by the Court, four fifths of offenders claimed to have suffered additional effects as a result of their conviction. Nearly two thirds of the principal effects related to employment and one fifth related to domestic and social issues, such as the effect on home or social life.

Only a small number of respondents claimed to have heard of the term *High Risk Offender* prior to their appearance in Court and a few more claimed to have learnt the term since appearing in Court. However, over two thirds claimed that they were aware that they would need to pass a medical examination before getting their licence back. The level of awareness was significantly higher amongst those over 35 years of age.

Since conviction, the drinking habits of about half the offenders have stayed *about the same*. About one offender in twelve stated that they were now drinking more – largely because they no longer needed to worry about driving afterwards. Over a third were drinking less. Amongst this group, a quarter were concerned about their drinking. Compared with a sample of ordinary drivers, HROs are less likely to favour being imprisoned for their offence, particularly as they tend to believe that bad luck plays a part in their arrest. HROs are more likely to play down the role of alcohol.

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