

The Effectiveness of Licence Restriction For Drink Driving Offenders: The Australian Experience

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Abstract

In many jurisdictions, licence restriction is used as an alternative to full suspension for certain drink driving offenders. However, this may undermine both the specific and general deterrent effect of licence loss, by reducing the perceived certainty and severity of the sanction. To explore this proposition, an analysis was undertaken of the records of almost 22,000 male drivers initially convicted of drink driving during 1988 in Queensland, Australia. At a process level, it was found that licence restriction was relatively common, with 12% of offenders being granted a restricted licence for employment purposes. Contrary to legislative guidelines, these licences were sometimes granted to offenders with a recent history of drink driving. At an outcome level, it was found that the restricted drivers were involved in a similar proportion of alcohol-related crashes, but more non alcohol-related crashes, during the term of the sanction than drivers who had been fully suspended. This is consistent with previous research by the authors indicating that restricted drivers do not commit any more drink driving offences than suspended drivers. Therefore, while full suspension produces greater overall road safety benefits, restricted licences appear no less effective as a specific deterrent to drink driving.

Introduction

The available evidence indicates that loss of licence for drink driving is a very effective deterrent, compared with other penalties and sanctions commonly applied to drivers (1,2). It is also evident that licence suspension reduces overall offences and crashes among offenders, despite the fact that some continue to drive during the term of the sanction (3). For example, a Queensland study examining the records of over 25,000 suspended drink drivers found that crash and offence rates during suspension were about one third of the rate incurred during legal driving (4).

A common concern raised about licence suspension is that it can be overly punitive, particularly if it prevents offenders from earning a living. Recent research in the United States suggests that only a small minority of suspended drivers experience employment or income losses (5). Nonetheless, many jurisdictions utilise restricted licences for offenders who can demonstrate that they (and/or their family) would overly suffer from the loss of their licence. Restricted licences typically permit offenders to drive for specific purposes, such as

travelling to and from employment or treatment (1). In some countries the use of restricted licences is quite widespread. For example, in the United States, 29 states permit some restoration of driving privileges during the suspension period (6).

While restricted licences were once more common in Australia, they are now utilised in only three of the eight states and territories: Queensland, Western Australia and the Australian Capital Territory (7). In Queensland, the relevant traffic legislation permits Magistrates to grant restricted (Provisional) licences to drink driving offenders for 'work' purposes. The sanctions may include restrictions on the class of vehicle and the time when it can be driven. While this legislative provision was originally designed to protect against economic hardship, its application has become quite common with about one in six convicted drink drivers obtaining a restricted 'work' licence by 1995 (8).

Two major concerns have been raised about the use of restricted licences (7,8). Firstly, it is unclear whether restricted licences represent an adequate specific deterrent, since offenders do not experience the full impact of the punishment. In particular, the granting of a restricted licence fails to completely break the nexus between a person's lifestyle choices (including their drinking behaviour) and their reliance on driving. This may be exacerbated by the difficulties inherent in enforcing restricted licences. An Australian survey of offenders found that almost 30% of the restricted drivers admitted successfully driving outside the conditions of their licence (9). The second major concern about restricted licences relates to the possibility that they may undermine the *general* deterrent impact of suspension, by creating the impression that licence loss is neither certain nor severe. In other words, the availability of restricted licences may minimise the perceived consequences of drinking and driving among the general driving public.

While little evidence is available about the impact of restricted licences on general deterrence, the picture is somewhat clearer in relation to specific deterrence. Following a review of the literature, McKnight & Voas (10) concluded that full licence suspension was no more effective in deterring alcohol-related offences and crashes than licence restriction. However, full suspension was more effective in reducing total offences and crashes among offenders. This suggests that licence suspension is no more effective as a specific deterrent to drink driving than a restricted licence. Rather, suspension appears more effective as an exposure control measure, thereby producing greater overall road safety benefits.

A previous study undertaken by the authors in Queensland provided partial support for this conclusion (7). This study was based on the traffic offence records of 17,000 people initially convicted of drink driving in 1993. No statistical difference was found between the alcohol-related reoffence rates of offenders granted restricted licences and those receiving full licence suspension, during the term of the sanction. This suggested that restricted licences were no less effective as a specific deterrent to drink driving than full suspension. However, there remains a need within the Australian context to examine the relative effectiveness of restricted licences in reducing road crashes (both alcohol-related and non alcohol-related). This is the focus of the current study.

Method

The study was based on a cohort of drivers charged with at least one drink driving offence in Queensland in the calendar year 1988. (Unfortunately, the relevant crash data was not accessible for the 1993 cohort of offenders mentioned above.) The file, supplied by

Queensland Transport without names, contained demographic data, details of the offender's alcohol level and the punishment imposed for the index drink driving offence, the number of drink driving offences committed in the previous five years and a record of all subsequent involvement in traffic offences and road crashes up to February 1992. In particular, the duration and type of licence sanction (suspension or restriction) imposed for the index offence was recorded. (While the term suspension is used in this paper for consistency with the international literature, the sanction is referred to as a disqualification in Queensland.)

From this information it was possible to determine whether any road crashes had been recorded within the nominal sanction period, which was taken to commence on the day following the relevant court hearing and to end after the initial sanction period had expired (or at the end of February 1992, if this was earlier). No subsequent sanction periods were considered even if they overlapped the initial one (4). Where a driver was charged with more than one drink driving offence in 1988, the first to be heard in court rather than the first to occur was selected as the index offence.

The outcome measure was the rate, per unit time, of occurrence of crashes within the sanction period. A crash was classified as alcohol-related if its date of occurrence coincided with the date of a drink-driving offence. Drivers with out-of-state postcodes (2.1%) and those for whom no sanction period was recorded (2.5%) were excluded from the analysis. A handful of individuals under 17 years old (the legal driving age in Queensland) were also excluded, as were persons of retirement age, that is, those aged 65 years or older.

Drink driving recidivism is known to be higher among men, repeat offenders and younger drivers (2,4). In this cohort restricted licences were more often given to men, to first offenders and to somewhat older drivers of working age. Thus age, sex and previous drink driving history were potential confounders of the relationship between type of licence sanction and crash risk. Crashes were rare among female drivers and results are confined to males. Restricted licenses were not issued uniformly across the State, so geographic region was an additional potential confounder.

Results are presented firstly as alcohol-related and non alcohol-related crash rates per thousand person-years of sanction for suspended and restricted male drivers, standardised for age and prior drink driving record. For comparative purposes, the crash rates for males of working age in the cohort during periods of unsuspended/unrestricted driving are also reported. Secondly, results are presented from a Poisson regression analysis of male crash rates (alcohol-related and non alcohol-related) using a model that included licence sanction type, age, prior drink driving record, geographic region and blood alcohol level at the index offence; length of sanction was incorporated as an offset. Age was categorised as 17 to 24 years, 25 to 39 years and 40 to 64 years. History of prior drink driving offences in the previous five years was dichotomised as none or at least one, blood alcohol level as less than or at least 0.15 g/100ml and region as South-East Queensland versus the remainder.

Results

As shown in Table 1, the cohort of eligible male drivers consisted of 21,825 offenders. Of these, a total of 2,668 (12.2%) were granted a restricted licence. Among the restricted drivers, 9.9% had a previous drink driving offence within the last five years, compared with 35.0% among the suspended drivers. Only 18.7% of the restricted drivers were aged 17 to 24 years, compared with 45.4% of the suspended drivers.

Table 1: Characteristics of male drink drivers sentenced to licence restriction or suspension in Queensland during 1988

Characteristic	Restricted offenders	Suspended offenders
Number	2,668	19,157
% of total	12.2	87.8
Age distribution (%)		
17 - 24 years	18.7	45.4
25 - 39 “	47.2	36.8
40 - 64 “	34.1	17.8
Previous drink driving history (%)		
	9.9	35.0
Number of crashes during sanction period		
Alcohol-related	6	27
Non alcohol-related	59	82

Table 2 presents crash rates and standard errors per thousand years of licence sanction by sanction type, standardised by age and prior drink driving history. While the rates are very similar for alcohol-related crashes, the restricted drivers were involved in substantially more non alcohol-related crashes than the suspended offenders. By comparison, over the four years covered by the data, the crash rates among males of working age during periods in which the sanction did not apply were: 1.9 and 13.6 per thousand person-years of licensed driving for alcohol-related and non alcohol-related crashes, respectively.

Table 2: Standardised crash rates (and standard errors) for alcohol-related and non alcohol-related crashes, per thousand person-years of sanction for male drink driving offenders in Queensland

Crash type	Restricted offenders	Suspended offenders
Alcohol-related	2.2 (1.3)	1.7 (0.3)
Non alcohol-related	30.7 (5.9)	5.3 (0.6)

Poisson regression analysis yielded substantially similar results to those in Table 2. For non alcohol-related crashes the ratio of the rates among restricted drivers to the rates among suspended drivers was 4.8 (95% CI: 3.3 – 7.0). For alcohol-related crashes this ratio was 1.3 (95% CI: 0.5 – 3.4). Other than licence sanction type, only age was significantly associated with the risk of crashing, with drivers under 25 having higher rates for both alcohol-related and non alcohol-related crashes.

Discussion

While there are limitations in using routine administrative data for research purposes (4), it is hard to imagine that these would be serious enough to affect our analysis. It is unlikely that any unsystematic recording errors could have obscured or produced differences between suspended and restricted drivers. While both groups of drivers would have been motivated to conceal any crash involvement during illegal driving, this may not have been the case for the restricted drivers during legal driving hours. However, the extent of any under-reporting of crashes is unclear and is unlikely to have differed in the case of alcohol-related crashes. This is an issue requiring further examination.

A second limitation of the data relates to its relative age, being based on events that occurred during the period 1988 to 1992. Some major road safety countermeasures have been introduced in Queensland since this time, such as the widespread use of speed cameras. However, it is unclear how any subsequent developments could have affected restricted and suspended drivers in different ways.

The results indicate that a sizeable proportion (12%) of eligible drink driving offenders received restricted licences in Queensland during the study period. Indeed, this proportion had increased to 17% by 1995 (8). At a process level, it is a concern that restricted licences are sometimes granted to offenders with a history of drink driving within the last five years. This is contrary to the legislative guidelines specified for their use (11). Other research has also confirmed that restricted licences are not applied uniformly across the state (11).

At an outcome level, the results support previous research suggesting that restricted licences perform no worse as a specific deterrent to drink driving than full suspension. The restricted drivers in this study were not involved in a significantly higher rate of alcohol-related crashes than their suspended counterparts. However, suspension does produce greater overall safety benefits, as evidenced by the significantly lower rate of non alcohol-related crashes experienced by the suspended drivers (about one-fifth the rate for restricted drivers). In addition, the results indicate that the non alcohol-related crash rate among the restricted drivers was appreciably higher than that experienced by all offenders during periods of non-sanctioned driving. This may be a product of higher exposure resulting from the use of a motor vehicle for employment purposes. This is an issue requiring further examination. Overall, the benefits of restricted licences would appear minimal, other than providing an opportunity for offenders to retain their capacity to earn a living.

Furthermore, the results do not necessarily countenance the wider use of restricted licences. Those offenders granted 'work' licences in Queensland tended to be older and less likely to have a recent history of drink driving compared to those who were fully suspended. This reflects the legislative constraints placed on Magistrates, as well as their own perceptions about who would be less likely to reoffend. As such, the restricted licensees may represent a special sub-group with a lower risk of reoffence and/or crashing. Any wider use of restricted licences may draw upon a pool of less appropriate offenders.

Finally, this study has not investigated the implications of restricted licences for general deterrence. The concern remains that the threat of licence loss for drink driving will be undermined if the public perceive that there is a relatively 'good' chance of being granted a restricted licence. While it is likely that a range of factors influence public perceptions in this area, the most important is probably the level of restricted licences granted each year. In this

regard, the current level of restricted licences (over 1 in 6 offenders in 1995) arguably creates the impression that the granting of these licences is relatively common (8). Consequently, further research is required to establish whether the use of restricted licences on the scale currently practiced in Queensland undermines the perceived threat of licence loss for drink driving among the general driving population.

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