

MAN CHARGED IN FATAL ACCIDENT  
HAD SUSPENDED LICENSE, 3 PRIOR  
DRUNKEN-DRIVING CONVICTIONS

- JOURNAL INQUIRER

MAN FACES HIS 12TH DUI

- CINCINNATI ENQUIRER

FIFTH DUI RESULTS IN INJURIES TO CHILDREN

- THE DISPATCH

FATALITY BRINGS 8 YEARS IN PRISON

- THE NEWS TRIBUNE

# STOPPING HARDCORE DRUNK DRIVING

- WISC-TV (CBS)

OFFENDERS' PERSPECTIVE ON DETERRENCE

POLICE: BLOOD TEST REVEALED

DAD HAD 0.26 ALCOHOL LEVEL

- EL PASO TIMES

DRIVER IN FATAL ACCIDENT HAD  
.454 BLOOD ALCOHOL LEVEL

- WBAY-TV (ABC)



**THE CENTURY COUNCIL**

*Distillers fighting drunk driving  
and underage drinking*

## ELIMINATING HARDCORE DRUNK DRIVING

Look no further than the headlines across this country to see firsthand the carnage caused by hardcore drunk drivers. In 2005, drivers with a blood alcohol concentration (BAC) level of .15 and above were involved in 59% of alcohol-related traffic fatalities. The median BAC level for alcohol-involved drivers was 0.16, twice the legal limit, and 14 percent of all alcohol-related traffic fatalities involved a repeat offender. It is frighteningly clear, high BAC drivers and repeat offenders account for a disproportionate share of the drunk driving problems on our nation's roads.

Results from exciting new research among "real-life" hardcore drunk drivers revealed four out of five of these offenders say if more severe sanctions had been applied after their first drunk driving offense they would have been more likely to change their behavior thus preventing subsequent offenses. There is no single law or simple solution that will be solely effective in combating these most serious DWI offenders – hardcore drunk drivers. Along with being an enforcement and adjudication challenge, hardcore drunk driving is a behavioral challenge as well. I encourage you to take a moment to review this research and hope that you will find the results to be a useful resource in the fight to eliminate hardcore drunk driving.

Sincerely,



The Honorable Susan Molinari  
Chairman, The Century Council  
Former Member of Congress

## HARDCORE DRUNK DRIVING DEFINITION AND PROJECT DESCRIPTION

### What is a hardcore drunk driver?

Hardcore drunk drivers drive with a high BAC level of .15 or above, do so repeatedly, as demonstrated by having more than one drunk driving arrest, and are highly resistant to changing their behavior despite previous sanctions, treatment or education efforts.

### What is the Hardcore Drunk Driver Project

Since 1997, The Century Council's efforts have had a special focus on the most deadly offenders, hardcore drunk drivers, who account for nearly six out of ten alcohol-related traffic fatalities on our nation's roads. The Council has played a leadership role in the identification of the hardcore drunk driver problem and has highlighted effective strategies and tactics for the swift identification, certain punishment and effective treatment of these offenders. Since the project's inception, numerous materials have been developed and distributed including two comprehensive sourcebooks including state specific statistics, a made for TV documentary, a series of community forums that led to the creation of a national agenda, and research on dedicated detention facilities for hardcore drunk drivers.

Out of this project the Coalition to Fight Hardcore Drunk Driving was formed with the Council, the National Transportation Safety Board (NTSB), Mothers Against Drunk Driving (MADD), and the American Automobile Association (AAA). This coalition has provided expertise, effective strategies and tactics, and assisted with comprehensive hardcore drunk driving legislation in states across the country.

Believing that judges, as well as the legislature and law enforcement, are a critical component in eliminating hardcore drunk driving, the Council also formed a strategic partnership with the National Association of State Judicial Educators (NASJE) and other judicial education organizations to provide judges and judicial educators with a comprehensive resource designed to help them effectively adjudicate these hardcore drunk driving cases in their courts. The results of this partnership – The Hardcore Drunk Driving Judicial Guide, which includes research on sentencing strategies from the National Highway Traffic Safety Administration (NHTSA) and information on the National Judicial College's (NJ) DUI programs – is yet another tool in the Hardcore Drunk Driver Project portfolio.

The latest effort of the Project, presented here, is research among actual hardcore drunk drivers. This first of its kind research project was completed in cooperation with the National Drug Court Institute and DUI Courts across the country. This research is based on perceived-deterrence theory, that is, the likelihood that a drunk driver will continue to engage in this illegal behavior is directly related to their perception of being caught, arrested and convicted for their behavior, the perceived certainty of receiving sanctions for such actions, and the magnitude of the sanctions imposed. Surveying actual current DUI Court clients provided insights into their perception of being caught and sanctioned, including what sanctions would motivate them the most to change their behavior and thus prevent recidivism. The research also explored perceptions of effective deterrence and outcome strategies to prevent incidents of repeat drunk driving behavior.

# RESEARCH HIGHLIGHTS

73% of hardcore drunk drivers think it is likely a drinking driver will be stopped by authorities; 95% feel that if a driver is stopped for drinking and driving they will be arrested and 97% think it is likely those arrested will be convicted, too.

An overwhelming majority (81%) of hardcore drunk drivers say that more severe sanctions after their first DUI conviction would have made them change their behavior to prevent from being arrested and convicted again.

Mandatory one year jail time (76%), mandatory \$10,000 fine (75%), indignation interlocks (70%) are viewed by hardcore drunk drivers as the most effective sanctions and interventions in stopping drinking and driving.

Aside from legal consequences, family and friends top the list of reasons why hardcore drunk drivers stop drinking and driving.

80% of hardcore drunk drivers say they worry about other drivers who might be driving drunk.

“The Century Council’s most recent survey for The Hardcore Drunk Driver Research Project adds a unique and essential perspective by obtaining feedback directly from the offenders themselves who committed the crime. The findings have great potential for forging effective prevention techniques, clinical interventions, and policy solutions for the future.”

Dr. Douglas Marlowe  
Director of the Division on Law & Ethics  
Research at the Treatment Research  
Institute at the University of Pennsylvania

# DETAILED FINDINGS

## Drinking and Driving

Respondents from the participating DUI Courts had a self-reported average of three drunk driving arrests and 2.6 drunk driving convictions. The average blood alcohol concentration (BAC) level for these drivers was nearly 0.20, more than twice the legal limit.

In the 30 days prior to their last DUI arrest, more than eighty percent of DUI Court clients reported drinking and driving at least a few times a month. Alarmingly, 11% said they did so almost every day, while 16% said in the 30 days prior to their last DUI arrest they never drank alcohol and drove. Eight out of ten DUI Court clients said they worry about other drivers who might be driving drunk; 20% said they do not worry about such drivers (Figure 1).

The vast majority of hardcore drunk drivers (86%) did not wait more than an hour after their last drink before getting behind the wheel on the day of their last DUI arrest. Dangerously, 32% admit they did not wait at all and either finished their last drink while driving or immediately before driving (Figure 2). Three out of five hardcore drunk drivers report having consumed six or more drinks on the day of their most recent DUI arrest; on average, DUI Court clients reported consuming 8.2 drinks.

## Hardcore Drunk Driver Perceptions

A majority of DUI Court clients believe drunk drivers will be apprehended and prosecuted across the country. Seventy-three percent of respondents said they think it is likely a driver who has been drinking will be stopped if they are driving with a BAC higher than the state's legal limit – 26% think this is very likely if you drive drunk. An overwhelming majority (95%) of DUI offenders think if you are stopped for drinking and driving you will be arrested – 75% believe arrest is very likely. Furthermore, 97% of respondents think a driver arrested for drunk driving will be convicted (Figure 3) – 82% feel a drunk driving conviction is very likely. Nine out of ten DUI Court clients think drivers convicted of drunk driving will spend some time in jail – 54% believe jail time is very likely for convicted offenders.

## Role of Law Enforcement and Courts

Hardcore drunk drivers feel the leading role for law enforcement in fighting drunk driving is to keep the roads safe (78%), followed by arrest drunk drivers (68%), enforce state laws (66%), stop people from driving drunk (61%), and reduce repeat offenses (50%). Additionally, one-quarter of respondents think law enforcement should limit alcohol consumption.

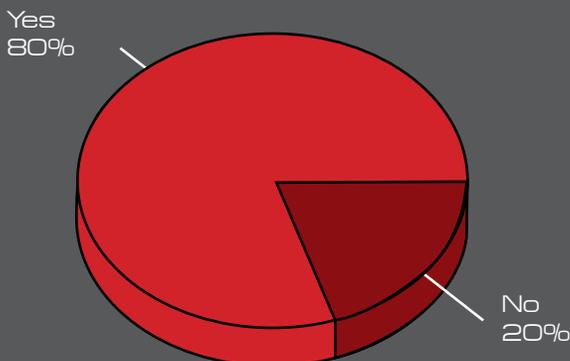
DUI offenders believe the role of the courts should be to treat and punish drunk drivers. Three-fourths of hardcore drunk drivers think the courts should be responsible for prescribing treatment to DUI offenders (Table 1). Less than one-third believe courts should sentence offenders to jail (29%); additionally, two-thirds think the courts should identify offenders with serious alcohol problems and order appropriate treatment.

Given the feeling among drunk driving offenders that courts should not sentence DUI offenders to jail, it is not surprising that 91% think the courts should be restricted to a look back period of ten years or less for how long they can consider drunk driving offenses on an offender's record. Only eight percent said the look back period should be an offender's lifetime.

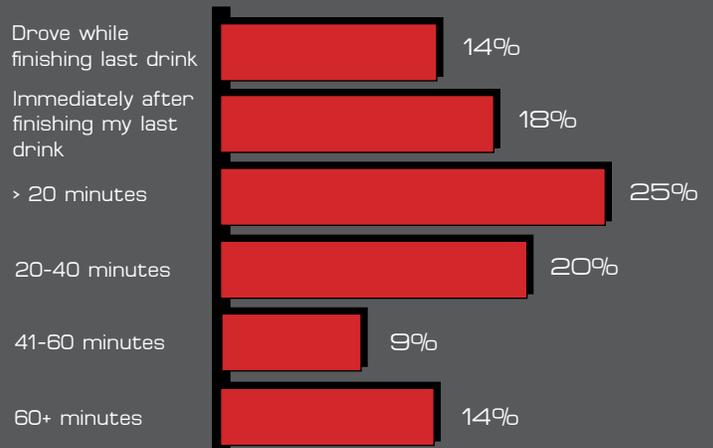
## Sanctions and Interventions

In an effort to better understand what sanctions might prevent drunk driving offenders from repeating their illegal behavior, participants were asked a series of questions regarding jail, vehicle-based sanctions, fines, treatment, community service and other effective sanctions and interventions to determine which, if any, would have had an impact on the individual and made them stop drinking and driving prior to their last DUI arrest. Mandatory jail, heavy fines and ignition interlocks were the interventions most likely to influence a DUI Court client's behavior prior to their last DUI arrest. There appears to be a direct correlation between an increase in mandatory jail time and mandatory minimum fines with stated intent to stop drinking and driving (Table 2).

Do you worry about other drivers who might be driving drunk? (Figure 1)



How long after you had your last drink did you drive? (Figure 2)



(Table 1)

**Top Role for Courts**

Prescribe treatment to DUI offenders	75%
Identify offenders with serious alcohol problems	68%
Order appropriate punishment	65%
Apply sanctions/fines to drinking drivers	63%
Prevent repeat offenses	63%

In short, the potential of longer jail time and stiffer fines increases the likelihood that DUI offenders would not drive drunk again. Ignition interlocks also appear to be an effective deterrent with 70% of respondents saying the devices would definitely have made them stop drinking and driving. While compliance with ignition interlocks is often low, the threat of a heavy fine and mandatory jail time could increase the installation and use of ignition interlocks, thus making it an even more effective tool in the fight against drunk driving and reducing recidivism.

Other sanctions and interventions that were perceived to have a deterrent effect on drinking and driving among the DUI Court clients included DUI Courts (64%), home confinement/electronic monitoring (64%), vehicle seizure (62%), intensive supervision/probation (61%), specially marked license plates (59%), longer jail terms and higher fines for drivers with BAC levels of 0.15 and above (58%), prisons specifically dedicated to the needs of convicted drunk driving offenders (56%), vehicle impoundment (51%), and suspending/revoking driver's license (50%). Less than one-third believe courts should sentence offenders to jail (29%). Court ordered assessments, mandatory treatment, and court ordered community service regardless of duration were three tactics that were not perceived to be a deterrent by a majority of the DUI Court clients.

(Table 2)

**Mandatory Jail Time Definitely make me stop**

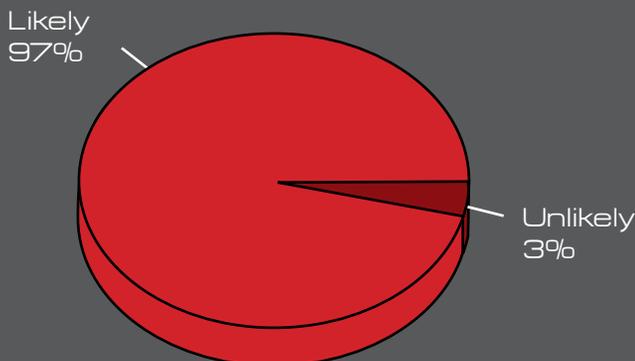
2 weeks	44%
2 months	58%
6 months	68%
1 year	76%

**Mandatory Fines Definitely make me stop**

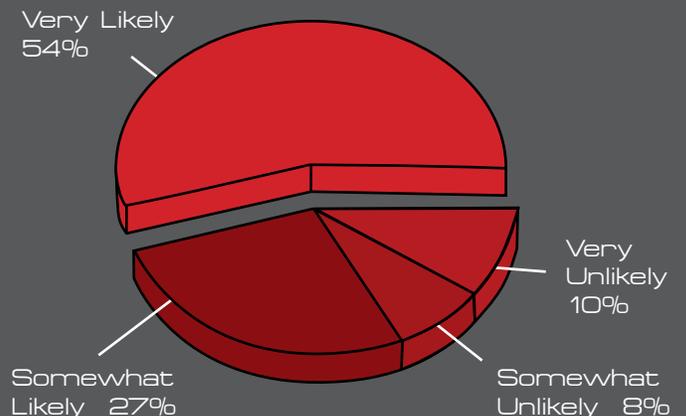
\$500	27%
\$1,000	42%
\$5,000	64%
\$10,000	75%

Eight in ten offenders believe more severe sanctions for their first DUI conviction would have prevented subsequent drunk driving arrests and convictions. A majority of DUI Court clients (54%) said they would have been very likely to change their behavior to prevent from being arrested and convicted of subsequent drunk driving offenses if more severe sanctions had been applied after their first DUI conviction (Figure 4). Nineteen percent of hardcore drunk drivers said they would be unlikely to change their behavior even if more severe sanctions had been applied after their first conviction.

How likely do you think it is that a driver who has been arrested for drunk driving will be convicted of drunk driving? (Figure 3)



If more severe sanctions had been applied, how likely would you have been to change your behavior to prevent subsequent drunk driving offenses? (Figure 4)



## Methodology

A survey of 353 DUI Court clients from ten courts across the country was conducted between October and December 2006. The DUI Court clients were recruited in-person to participate in the survey at their respective DUI court, participation was completely voluntary; participants were provided with a unique access code to complete an on-line survey. The on-line survey was used to keep their responses completely confidential from the courts, as well as, part of standard research protocol.



[www.ndci.org](http://www.ndci.org)

## NDCI

The National Drug Court Institute (NDCI) was created as a branch of the National Association of Drug Court Professionals (NADCP). The mission of NDCI is to provide education, research and scholarships to assist states and communities in the planning and development of drug courts and other problem-solving court programs including DWI courts. As a result, over the past several years over 1,100 drug court programs and 300 DWI court programs have been established throughout the country.

## THE CENTURY COUNCIL

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## The Century Council

The Century Council, launched in 1991, is a national not-for-profit organization funded by America's leading distillers: Bacardi U.S.A., Inc., Brown-Forman, Constellation Brands, DIAGEO, Future Brands LLC, Hood River Distillers, Inc., and Sidney Frank Importing Co., Inc. The Council's mission is to promote responsible decision-making regarding drinking or non-drinking of beverage alcohol and discourages all forms of irresponsible consumption through education, communications, research, law enforcement and other programs. For more information on the Council, log onto [www.centurycouncil.org](http://www.centurycouncil.org).



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