

A SHORT QUIZ ABOUT DUI RECIDIVISM

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A FIRST TIME DUI OFFENDER IS:

- 1. Less likely**, than a second-time offender, to commit a subsequent DUI
- 2. About as likely**, as a second-time offender, to commit a subsequent DUI
- 3. More likely**, than a second-time offender, to commit a subsequent DUI

The STUDY OBJECTIVES

- **”We sought to determine the statewide impact of having prior alcohol-impaired driving violations of any type on the rate of first occurrence or recidivism among drivers with 0, 1, 2, or 3 or more prior violations in Maryland.”**

METHODS

- **“We analyzed more than 100 million driver records from 1973 to 2004 and classified all Maryland drivers into 4 groups: those with 0, 1, 2, or 3 or more prior violations. The violation rates for approximately 21 million drivers in these 4 groups were compared for the study period 1999 to 2004.”**

RESULTS

- **“On average, there were 3.4, 24.3, 35.9, and 50.8 violations per 1000 drivers a year among those with 0, 1, 2, or 3 or more priors, respectively.”**

Stated Differently....

With 1 prior alcohol impaired driving violation, **24.4 out of 1,000** drivers would go on to have a second.

With 2 prior alcohol impaired driving violations **35.9 out of 1,000** drivers would have a third offense.

With 3 or more prior alcohol impaired driving violations, **58.5 per 1,000** drivers would have a fourth offense.

AFTER COMMITTING A DUI OFFENSE:

- 1. Men** are more likely to commit a subsequent DUI
- 2. Women** are more like to commit a subsequent
- 3. Men and Women are equally** at risk to commit a subsequent DUI

RESULTS

- “On average, there were 3.4, 24.3, 35.9, and 50.8 violations per 1000 drivers a year among those with 0, 1, 2, or 3 or more priors, respectively. The relative risks for men compared with women among these groups of drivers were 3.8, 1.2, 1.0, and 1.0, respectively.”

THEIR CONCLUSIONS

“The recidivism rate among first offenders more closely resembles that of second offenders than of nonoffenders.”

“Men and women are at equal risk of recidivating once they have had a first violation documented.”

“Any alcohol-impaired driving violation, not just convictions, is a marker for future recidivism.”

Other Findings....

- “Of the 8 possible ways a driver can be sanctioned administratively, criminally, or through a diversion program, only 3 result in a final adjudication of conviction. Thus, focusing public policy on convictions underestimates the true prevalence of alcohol-impaired driving.” **This is true in Florida**
- “Among drivers who are finally apprehended and convicted, our findings call into question the state policies that allow the segregation, expungement, and purging of alcohol-impaired driving histories and the lenient sanctions that so-called first offenders often receive from the judiciary.- In a survey of respondents participating in DUI courts, over 80% said they would have been less likely to recidivate if their sanctions for a first offense had been more severe.⁵”

MY OBSERVATION....

Every Florida DUI diversion program allows diverted DUI offenders to again become a first-time offender when they commit a second DUI.

If sanctions really discourage recidivism, then the most important change in Florida Law would be to subject previously diverted DUI offenders to second or repeat DUI penalties when they commit a subsequent DUI.