



Traffic Safety Facts Banner

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Extent of Driving While Suspended for DWI

Driver license suspensions are an effective countermeasure to reduce impaired driving. Many DWI offenders, however, continue to drive on a suspended license, though apparently less often, or more carefully, than when licensed. The National Highway Traffic Safety Administration (NHTSA) sponsored a study to observe whether drivers convicted of Driving While Intoxicated (DWI) actually continued to drive while their license was suspended. This study was the first time direct unobtrusive observations were made of suspended drivers. Focus groups gathered additional information about offenders' experiences of driving while on a suspended license. Preusser Research Group conducted the study in Milwaukee, Wisconsin and Bergen County, New Jersey. The two sites have very different DWI laws.

Milwaukee, Wisconsin

Wisconsin imposes both an administrative and a court-imposed mandatory 6-month suspension for the first DWI offense (called operating while impaired or OWI). First-time offenses are treated as civil rather than criminal offenses and may be adjudicated by municipal courts. Wisconsin statutes prohibit prosecutors from reducing OWI offenses to lesser offenses. There are no special sanctions or mandatory minimum penalties if a driver is convicted of driving while suspended or revoked based on an OWI. Eligible first-time offenders can obtain an occupational license.

Bergen County, New Jersey

New Jersey law does not provide an administrative license sanction for the first DWI offense. There is no administrative license sanction for those who fail the test by exceeding the illegal blood alcohol concentration (BAC) level. Upon conviction of a first-time DWI offense, the court imposes a mandatory minimum "hard" 6-month license suspension. There are also mandatory minimum penalties if a person is caught driving while suspended for DWI, including a 1-2 year license suspension, a 1-2 year revocation of the vehicle registration, stiff fines, and a 10-90 day jail term. No occupational license is available.

Observational Study

Surveillance professionals from Pinkerton Investigative Services, Inc. observed persons who had recently lost their driver's license as a result of their first DWI conviction. The subjects were observed for two 4-hour periods during their suspension on one weekday morning when they might be going to work or school and one Friday or Saturday evening when they might be participating in social or recreational pursuits.

To determine if the driving behavior was related to the suspension, two more 4-hour observation periods were conducted for those with reinstated licenses. Milwaukee offenders who had obtained an occupational license were excluded because there were only a few hours of the day when driving was not allowed at all.

Observed Driving Themselves

Investigators gathered 1,000 hours of observational data for 93 subjects, none of whom had an occupational license (57 in Milwaukee and 36 in Bergen County), 8 hours per subject on two occasions near the end of the suspension period, plus another 8 hours for those who had reinstated their licenses. During the observations, 56 of the 93 subjects were observed to travel in some way.

Percent Driving on a Suspended License
(of those observed traveling)

	Milwaukee	Bergen County
Drove at least once	88.2% (n=30)	36.4% (n=8)
Used alternate transportation/Did not drive	11.8% (n=4)	63.6% (n=14)
Total	n=34	n=22
Travel not observed	(n=23)	(n=14)

Almost nine out of ten (88% or 30 of 34 drivers) of the Milwaukee subjects who were observed to travel drove themselves at least once while their license was suspended and 12% (4 drivers) were observed to use alternative transportation (rode as a passenger, walked, biked, or used public transportation). About one third (36% or 8 of 22 drivers) of the Bergen County subjects who were observed to travel drove themselves; 64% (14 drivers) used alternative travel. The difference between sites was statistically significant.

Reinstating the License

Very few (5%) of the Milwaukee drivers had their license reinstated while most (78%) of the Bergen County drivers did. Of the Bergen County drivers with reinstated licenses (28 of 36), 54% drove themselves and 7% used alternative transportation *after* their license was reinstated, compared to 24% and 43% *during* the suspension. This statistically significant difference suggests that the license suspension had an impact on the subjects' driving patterns.

Focus Groups

Participants who were attending alcohol or drug assessment and education programs (as part of their sanction as a first-time offender) were recruited at each site. There were three groups each in Milwaukee and Bergen County.

Many admitted they knew they were intoxicated

In deciding whether or not to drive impaired on the occasion that led to their DWI charge, participants said they weighed various factors such as the distance home, the need to get to work the following morning, and considered other alternatives.

In both sites, the majority of participants said the worst sanction was the shame and humiliation of having been arrested and their efforts to hide the arrest from their employers and friends. The license suspension was a greater hardship for the New Jersey offenders. Many Bergen County offenders reported that they had made major changes in their work and personal lives to comply with the suspension and disparaged New Jersey's insurance surcharge and higher insurance costs that their DWI conviction required them to pay. Because of the availability of the occupational license, few Milwaukee offenders made changes in their lives to deal with the suspension. New Jersey laws are much stronger, the fines are higher, and there is a higher perceived risk of apprehension and punishment for driving while suspended.

Conclusions

The prevalence of driving while suspended among first-time DWI offenders is high. License suspension can have an impact on the driving patterns of offenders; there was substantial variance between these jurisdictions. The report includes case studies of the DWI offenders in each site.

HOW TO ORDER

For a copy of *Observational Study of the Extent of Driving While Suspended For Alcohol-Impaired Driving* (53 pages), write to the Office of Research and Technology, NHTSA, NTI-130, 400 Seventh Street, S.W., Washington, DC, 20590; or send a fax to (202) 366-7096. Amy Berning was the project manager for this study.

Traffic Tech is a publication to disseminate information about traffic safety programs, including evaluations, innovative programs, and new publications. Feel free to copy it as you wish. If you would like to receive a copy contact: Linda Cosgrove, Ph.D., Editor, fax (202) 366-7096 email: lcsgrove@nhtsa.dot.gov

