

English summary

An evaluation of the 1994 changes in legislation on driving whilst under the influence of alcohol

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The most recent changes in the Swedish legislation on driving whilst under the influence of alcohol entered into force on 1 February 1994. Therewith, the limit for the blood alcohol content (BAC) was reduced from 1.5 per mill to 1.0 per mill (i.e. from 1.5 milligrams per 100 litres of blood to 1.0 milligram) and the maximum punishment for gross drunken driving was increased from one to two years imprisonment. That imprisonment should be the usual punishment for gross drunken driving was stated in the preparatory work leading up to the changed legislation. At the same time a number of other changes were made in the Road Traffic Act with implications for the implementation of changed legislation on drunken driving. Firstly, the scope for the use of a pre-sentence inquiry was increased to include cases of gross drunken driving. Secondly, the law was changed concerning the offence of causing death, bodily harm or illness. Thirdly, the possibility of confiscating a vehicle in cases of gross drunken driving was made simpler. Finally, the powers of the police were increased so as to provide better possibilities for them to undertake control activities.

The National Council for Crime Prevention (BRÅ) was requested by the government to evaluate the 1994 legislative changes concerning various aspects of the offence of gross drunken driving. The evaluation was required to take ac-

count of the costs and consequences of the changes, to give special attention to whether traffic safety had been improved, to ascertain whether the courts' choice of sanction had been influenced by the changed legislation and whether the rate of relapse into drunken driving had changed. An analysis of the use of resources and the costs of implementing the changes for the prison and probation system, the prosecution authorities, legal assistance and the courts was also to be included.

The number of reported drunken driving offences has diminished markedly since 1991. This reduction continued after the 1994 changes had entered into force. Traffic accidents in which drunken driving constituted an important feature have also shown a reduction during the 1990s. Clearly, there are a number of explanations for these decreases. The report, therefore, contains an analysis of the various factors that exercise an important influence on the reporting of drunken driving offences and reports to the police of traffic accidents. These factors are the consumption of alcohol, the numbers of young drivers, total traffic flow, and the intensity of police control activities. Over and above these factors, it seems likely that general public discussion and information campaigns have had an influence on traffic behaviour. These latter factors, however, cannot be analysed in the same way as those mentioned earlier. The reduction in the number of drunken driving offences in all probability reflects a real diminution in drunken driving and this relatively marked diminution can be ascribed to the interaction between a variety of factors and changes. The changes which entered into force in 1994 would seem to have contributed to the fact that the reduction has continued even over recent years.

Following the 1994 changes, the numbers sentenced to imprisonment for gross drunken driving showed no great increase. The absence of an increased number of sentences to imprisonment can in all probability be attributed to changed practice in the use of pre-sentence inquiries. It is primarily through a pre-sentence inquiry that the misuse of alcohol is detected. Alcohol misusers are, to a greater extent than other offenders, suitable for probation, which often involves treatment for the alcohol misuse.

Although the 1994 changes provided for an increase in the maximum punishment for gross drunken driving, the number of longer sentences to imprisonment showed no increase. The average length of sentence both during the period 1990-94 and after 1994 was 1.4 months.

Relapse into drunken driving offences has shown a decrease from the end of the 1970s and up to the beginning of the 1990s. If the recidivism rate following the 1994 changes is to be analysed, the present situation is that this can only be done using a one-year follow-up observation period. Such an analysis suggests that the recidivism rate has increased somewhat since 1993. It is difficult, however, to draw any firm conclusions about recidivism trends since the analysis is impaired by measurement difficulties. In addition to the fact that the observa-

tion period is not sufficiently long, police control activities, for example, have changed.

The cost processing prosecuted gross drunken drivers has in the main doubled since the changes were implemented. In 1995, the average cost per gross drunken driver was 47,000 Swedish crowns (about 5,900 US dollars). The total costs for the prosecution authorities, the courts, legal assistance, imprisonments, pre-sentence inquires and probation amounted in 1995 to just over 277 million Swedish crowns (about 3 ½ million US dollars). This is about 50 million Swedish crowns (about 6 ¼ million US dollars) more than costs in 1991 (using the 1994/95 price index). According to the forecast made when the changes were introduced, the expected costs for dealing with gross drunken drivers were estimated to be nearly 389 million Swedish crowns (about 48.6 million US dollars). The factual costs were thus about 111 million Swedish crowns (or nearly 14 million US dollars) less than the estimated costs. The great difference between the forecast and the factual costs is attributable to the fact that the number of persons sentenced for gross drunken driving was considerably fewer than expected.

Keywords:

Drunken driving; BAC legislation; Traffic safety; Sanctions; Recidivism; Costs of changes for the criminal justice system.