

BREATH TEST REFUSAL RATES IN THE UNITED STATES – 2011 UPDATE

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Work Performed During Public Health Fellowship

with the

National Highway Traffic Safety Administration's
Office of Behavioral Safety Research

Alcohol-Impaired Driving Facts

- 31 % of traffic fatalities involved an impaired driver
 - Driver with a BAC of .08 or greater
- 1.2 million drivers were arrested for DUI in 2011

Focus of Presentation

- Two studies recently published as NHTSA Research Notes :
 - Breath test refusals
 - Repeat DWI offenders

**NHTSA Research Note on
BAC Test Refusals**

Background

- Challenges enforcing impaired driving laws
- Reasons why people refuse to submit to BAC testing
- Previous NHTSA studies on breath test refusal rates:
 - 19% in 1987
 - 25% in 2001
 - 22% in 2005

**Breath Test Refusal Rates –
2011 Update**

- Objectives:
 - Collect 2011 BAC test refusal data
 - Compare 2011 BAC test refusal rates to previous data
 - Identify challenges that impact BAC test refusal rates

Information Provided by States

- NHTSA obtained 2011 data from 45 States regarding:
 - BAC test requests
 - BAC test refusals
 - BAC test refusal rates

- 34 States provided data sufficient for analysis

- States provided feedback, including challenges, recommendations and examples of State practices

Key Findings

Yearly comparison

	1987	2001	2005	2011
Mean	19%	25%	22%	24%
Median	14%	18%	17%	18%
Weighted Mean	-	24%	21%	19%
Range	1% - 72%	5% - 85%	2% - 81%	1% - 82%

Key Findings

- BAC refusal rates from 2005 to 2011
 - Decreased in 11 States
 - Increased in 12 States
 - No change in 5 States

- The mean refusal rate over time has ranged from been 19-25%

Key Findings

- Two States had refusal rates above 70%
 - Florida (82%)
 - New Hampshire (72%)
- Two additional States had rates above 40%
 - Montana (46%)
 - Kentucky (45%)
- 22 of 34 States had rates below 25%
- Seven States had rates of 10% or less

Breath Test Refusal Changes Over Time

	2005	2011
# of States Above 70%	1	2
# of States Above 40%	3	4
# of States Below 25 %	27 of 39	22 of 34
# of States Below 10%	7	7

BAC Testing Challenges Faced by States

- Improve BAC test record keeping
- Inadequate test equipment and personnel
- Recommendations from States:
 - Stricter sanctions for BAC test refusals
 - Do not count forced blood withdrawals as compliant
 - Document incomplete tests due to equipment failures

Current and Recommended State Practices

- Refusals can be used as evidence of guilt
- Centralized systems for BAC test records
- Quick access to testing equipment in rural areas
- Sanctions for refusing BAC test is as severe as failure
- Forced blood testing (e.g. by obtaining a warrant)

Conclusions and Lessons Learned

- The lowest BAC test refusal rate was in 1987 at 19%
- Since 2005 refusal rates
 - Decreased in 12 States
 - Increased in 12 States
 - No Change in 4 States
- Accurate record keeping and stricter penalties for refusals were noted as promising practices

NHTSA Research Note on Repeat DWI Offenders

Background

- Previous NHTSA study on DWI Recidivism published in 1995
 - One-third of DWI arrests are repeat offenders
 - Data from 12 States
 - Calculated using arrests and convictions

- Statistic continues to be cited although calculated nearly 20 years ago

DWI Recidivism – 2014 Update

- Updated and expanded analysis:
 - 36 States versus 12 States
 - Used weighed means to account for # of drivers in each State
 - Collected information on arrests, convictions and license suspension
 - Examined DWI recidivism by look-back period

Key Findings

- 25% of drivers arrested for DWI are repeat offenders

- State percentages ranged from 11-44%

- States with longer look-back periods had higher DWI recidivism prevalence's

DWI Recidivism – 2014 Update

	Arrested for DWI	Convicted of DWI	License Suspension for DWI
1995	31%	31.5%	-
2014	25%	29.5%	34%

- ### Implications on Policy
- Prevalence of DWI recidivism can help determine resources needed for prevention efforts
 - Specific versus general deterrence
 - Longer look-back periods are important for programmatic purposes
 - Shorter look-back periods produce conservative estimates
 - Centralized systems for record keeping can help States keep track of their current DWI recidivism prevalence
 - Evaluations of interventions can be found in Countermeasures That Work

Thank you

Questions?

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