

Dangerous Drivers or any Driver?

Claire Corbett describes an unsuspected source of potential danger.

Stereotypical constructions of 'dangerous offenders' tend not to conjure up images of 'dangerous drivers', and yet several thousand of them are convicted each year in England and Wales, mostly for causing crashes and less frequently for causing death. The small number convicted for causing death by dangerous driving (around 200 in 2001) is a continuing and contentious matter, as is the view of many — including bereaved and lobbying groups — that sentences for such offences typically are inadequate and incommensurate with penalties for deaths caused elsewhere. However, change is in the air. The Home Office's Road Traffic Penalty Review in 2000 has led to various recommendations including the intention to raise the maximum penalty to 14 years for causing death offences, and the Home Office has convened a Road Deaths Working Group to consider a collaborative national service to provide for the needs of road crash victims. Further, the Sentencing Advisory Panel recently produced advice for the Court of Appeal proposing new sentencing guidelines for causing death by dangerous driving offences.

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So who are these dangerous drivers? The growing research literature suggests that no homogenous group of them exists. Rather they tend to divide into those with no or very few previous convictions and those with several or more for a range of serious traffic and mainstream offences. For instance, Rose (2000) found that just over half his sample of convicted dangerous drivers already had a criminal record. Almost 30% had a previous conviction for car theft, and at the last court appearance 15% had been convicted of a mainstream offence together with the dangerous driving offence. Most convicted dangerous drivers were young and overwhelmingly male, and among those with a previous record other serious traffic convictions were common, indicating that dangerous drivers can be generalists.

These findings are broadly supported by Dutch research suggesting that drivers judged to have committed one or more risky driving actions immediately preceding a traffic crash were significantly more likely to have a criminal record for violent and property offending and serious traffic offending than did the general population (Junger, West and Timman, 2001). The implications are that those with a tendency or preference for risk-taking may engage in a range of risky activities including dangerous driving and mainstream offending, reminiscent of predictions from Gottfredson's and Hirschi's general theory of crime, and that people

tend to drive as they live – a conclusion of several early studies.

A further implication is that because some dangerous drivers are serious mainstream offenders, there is good potential here for intelligence-led offender targeting and roads policing to disrupt mainstream crime. A focus on certain types of 'minor' traffic offender might also be fruitful. To illustrate, Chenery *et al* (1999) showed that those parking illegally in disabled bays were significantly more likely to have previous convictions for serious traffic and mainstream offences than others, and 21% of their vehicles warranted immediate police action.

Yet it may be as important to recognise that dangerous drivers do not only constitute the hardcore with mature criminal records and those who have been otherwise convicted probably following a crash. Arguably they comprise many (or is it most?) drivers who occasionally drive while fatigued, use a mobile phone to answer or receive calls while driving, or who sometimes drive inappropriately fast for the circumstances, and to whom nothing adverse has yet happened while doing these things.

Driving while fatigued is dangerous and held to account for between 10%-25% of crashes depending on road type (Horne and Reyner, 1995). It is not specifically illegal to drive while tired though the consequences of it can be if a crash occurs, as for example, happened at Selby in 2001, when a driver who fell asleep was convicted of causing the deaths of ten rail passengers and staff by dangerous driving. Horne and Reyner have concluded elsewhere from extensive research that drivers are forewarned about feeling sleepy but they still continue, reasons for which can be manifold.

Recent research finds that hand-held and hands-free mobile phone usage while driving lowers concentration and slows reaction times to hazards (to become more dangerous than drunk-driving as shown by one study). And yet a sizeable minority of all drivers admit they do it sometimes – possibly since it is not yet illegal though advised against, and probably because they think they are being careful rather than careless when using their phones.

In a similar vein, how many of us exceed limits and believe that when doing so it is dangerous, and how often do we feel our speeds are inappropriate for the circumstances? Probably rarely, if at all since we only travel at speeds that feel comfortable and at which we feel in control. Indeed, speeding has become the problem of the 'other driver' as we tend to think we are better than other drivers and that our



own chosen speeds are always appropriate and safe. However, this does not help explain why inappropriate speed for the conditions is the single most common contributory factor to road crashes, featuring in up to a third of them (see Corbett, forthcoming, for more on this and other topics discussed here).

Moreover, how many of us have not driven when emotionally upset, with flu, with impaired mobility restricting movement or visual field, or with over-the-counter medicines or other legal drugs that unwittingly or otherwise produce drowsiness or impaired concentration? Driving in this state could at best reduce ability and at worst make some positively dangerous, and yet we continue to drive, as do 'one in ten drivers who would fail the standard driving test if retaken today' through impaired vision (Eyecare Trust, 2002). Further, one might contend that British motorists' widespread ignorance of the Highway Code, where many road signs are misinterpreted, amounts to impairment that could place themselves and others in great danger.

In other words, while there may be a hard core of 'dangerous drivers' identifiable from their criminal records, arguably there are many other 'ordinary, upright citizens' who occasionally or more frequently drive dangerously. So while all drivers fear the error, omission or lapse of attention that could cause tragedy and lead to a dangerous driving conviction, we can increase that risk through employing inappropriate speed, driving while tired, using a mobile phone behind the wheel or driving in other ways when impaired.

Yet debates on dangerous driving should not end at the level of individual drivers, and wider society is implicated. Dangerous driving can be promoted by employers' failure to maintain their vehicles in roadworthy condition or to provide specialist training

for drivers, by the setting of work schedules likely to encourage unsafe speeds, fatigued or distracted driving, and by the lack of an adequate safety culture generally. Motor vehicle manufacturers are not out of the frame either with the tendency of some to promote profit before safety, and governments have responsibility to the public to ensure their road safety as far as is practicable. Thus any inadequacies in the extent, nature or enforcement of regulatory processes connected with road safety that could lead to increased danger to road users inevitably concern the state. ■

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References:

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