

# The Effectiveness of Victim Impact Panel Presentations on Convicted Drunk Drivers

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## **Introduction**

Drunk drivers continue to be a source of devastation, suffering, and frustration as we enter the twenty-first century. Granted, drunk driving accidents continue to decline each year along with the overall crime rate (There were 6,575 alcohol related crashes in Michigan in 2002, 6,246 in 2003). While there are other factors contributing to a reduction in fatalities, including safer automobiles and more forgiving roadsides, there is still merit in pursuing therapeutic interventions to reduce drunk driving.

The justice system responds with increasingly severe penalties, involving monetary sanctions, administrative license actions, and increased use of incarceration. The other approach is treatment and other similar forms of intervention. Sobriety courts are a recent spin-off from the hugely popular drug courts; however the jury is still out on their overall effectiveness. This paper deals with a court-based option that is less intensive than sobriety court but one that is less expensive and perhaps more effective.

Victim impact panels provide a forum for crime victims to tell a group of offenders about the impact of the crime on their lives, their families, friends, and neighbors. Panels typically involve three or four victim speakers, each of whom spends about fifteen minutes telling their story to the audience. While some time is usually dedicated to questions and answers, the purpose of the panel is for the victims to speak, rather than for the victims and offenders to engage in a dialogue.

Victim impact panels were initiated in 1982 by Mothers Against Drunk Driving (MADD) and have not gained wide popularity. It was believed that changing the generally accepted attitude that these incidents were "accidents" rather than crimes would dramatically change the attitudes of apprehended drunk drivers. The key component believed effective in changing attitudes is confrontation of drunk drivers with first-hand testimony from the victims of drunk driving crashes. The underlying theory

is perhaps somewhat analogous to the “Scared Straight” experiment of the 1970’s.

As a result of positive feedback from both victims and offenders who have participated in drunk driving panels, this strategy has been used with other crimes such as property crimes, physical assault, domestic violence, child abuse, elder abuse, and homicide (relatives and close friends of victims serve as panelists). Attendance by offenders at a panel is often court-ordered in juvenile and criminal cases, either at diversion or accompanying a probation sentence. Panels have also been used in prison and jail settings, with parolees, and in treatment programs, defensive driving schools, and youth education programs. Additionally, victim impact panels are often presented at training forums for juvenile and criminal justice professionals to help them better understand the scope and trauma of victimization.

The goals of victim impact panels are to:

- Help offenders understand the impact of their crimes on victims and communities.
- Provide victims with a structured, positive outlet to share their personal experiences and to educate offenders, justice professionals, and others about the physical, emotional, and financial consequences of crime.
- Build a partnership among victim services providers and justice agencies that can raise the individual and community awareness of the short- and long-term impacts of crime. (*NIJ ref needed*)

Many justice agencies, including the 61<sup>st</sup> District Court, have institutionalized victim impact panels as a sentencing option. Sometimes victim service organizations implement the program for the court or work in collaboration with MADD chapters. In the case of the program to be evaluated here, the 61<sup>st</sup> District Court implemented and maintains the victim impact panel. Considerable time is spent ensuring that speakers are sufficiently comfortable and will not be re-traumatized by participating in the panel. Other implementation tasks are to prepare the victims for participation, moderate the panels, gather participant feedback information, and provide records of participants and program activities to the sentencing authority.

## Research

A research study of victims speaking on victim impact panels to convicted drunk drivers found that 82% of victims who told their stories to offenders said that speaking aided them in their recovery (Mercer, 1995). Ten percent felt they were neither harmed nor helped by the experience, and eight percent said they felt the experience had been harmful to them. Most offenders who complete evaluations after listening to a victim impact panel indicate that their experiences were positive and educational, and contributed to a change in their attitudes and perceptions about their crimes. There have been very few longitudinal studies of defendants exposed to victim impact panels. This study seeks to shed some light on that impact.

## Methodology

Subjects were selected from each panel held beginning January 9, 2001 through November 11, 2001. This controlled for seasonality and provided a significant time period to test the lasting effects of panel participation. The literature suggests that chronic offenders are certainly likely to recidivate in less than 24 to 36 months. (*Refs needed*)

A second group was selected from all drunk driving cases filed in the 61<sup>st</sup> District Court during the same time period. While not a truly randomly selected control group, the 100 subjects selected appeared to have not been ordered to attend a panel presentation during the time period specified. Further investigation revealed that many (N = 58) of the control group subjects did attend panel presentations after the time period presented here and were dropped from the control group. The remaining defendants (N = 42) have not attended any panel presentations. While not a particularly large sample, the Court's standard procedure of ordering attendance for virtually all convicted drunk drivers, made finding a comparable size group of controls very difficult.

During the time frame specified, 2,382 defendants, from thirty-three different courts, were ordered to attend one of twenty-seven separate victim impact panel presentations. This study selected 484 subjects from that group, representing a 20% sample. While a total of thirty-three courts sent defendants to the panels, seven of the courts accounted for 89% of the total defendants. One court in particular, the 61<sup>st</sup> District Court (Grand Rapids),

accounted for 31% of the total. This is easy to understand in light of the fact that this is the second highest volume District Court in Michigan. For many of the courts all defendants who attended were included because of the relatively small numbers. Every fifth attending defendant was selected from the 61<sup>st</sup> District Court sign-in roster, thus creating a 20% sample. Defendants who were ordered to attend but failed to appear were not studied here. In a future iteration of this research it would be useful to investigate whether their future criminal activity differed from other subjects.

Persons selected for the sample had their Michigan Secretary of State reports retrieved. These reports list traffic accident dates and alcohol and non-alcohol related traffic offenses. Reports list offenses from all counties in Michigan as well as other states contiguous to Michigan (such as Illinois and Indiana). Data were coded using only the defendant's driver's license number; no names were coded into the data. All driving records were locked in an office file cabinet when not being used by either researcher.

Each selected defendant's official driving record was used to establish a pre- and post-panel driving profile. Only conviction data were used. This was done to reduce the likelihood of bias in case processing. Using arrest data, for example, can create problems when the conviction charge changes. Officially recorded convictions are considered the most reliable. Driving offenses were categorized as follows:

1. Alcohol related traffic offenses *before* panel participation;
2. Non-alcohol related traffic offenses *before* panel participation;
3. Vehicle accidents *before* panel participation;
4. Alcohol related traffic offenses *after* panel participation;
5. Non-alcohol related traffic offenses *after* panel participation;
6. Vehicle accidents *after* panel participation.

The first group of three categories is referred to throughout as *pre-panel* and the second three as *post-panel*. No attempt was made to evaluate the seriousness of the non-alcohol related offenses. For example, speeding and reckless driving were treated the same. In the future it might be worthwhile to examine whether the character of the offenses changed after panel participation (e.g., more serious moving violations such as reckless driving changed to speeding). Granted, the drivers are still a menace, but a slightly less dangerous menace.

## Results

Table 1 presents a comparison of panel participants based on the number of offenses per individual distinguished on the basis of pre- and post-panel participation.

**TABLE 1**

<i>Offense History</i>	<i>Multiple Offense Categories</i>				<i>Total</i>
	<i>1 Offense</i>	<i>2 Offenses</i>	<i>3 Offenses</i>	<i>&gt; 4 Offenses</i>	
Alcohol pre-panel	349	92	30	12	483
Alcohol post-panel	44	7	8	1	60
Percent Change	-87.39	-92.39	-73.33	-91.67	-87.58
Non-alcohol pre-panel	248	71	26	9	354
Non-alcohol post-panel	159	28	14	3	204
Percent Change	-35.89	-60.56	-46.15	-66.67	-42.37
Accidents pre-panel	182	55	18	10	265
Accidents post-panel	75	11	6	2	94
Percent Change	-58.79	-80.00	-66.67	-80.00	-64.53

The most dramatic reductions occurred in alcohol related offenses. The overall reduction from pre- to post-panel was 87.58% with the greatest single reduction for those defendants with four or more alcohol related offenses *before* attending a panel presentation. An evaluation of how many multiple offenders may have attended a prior panel presentation was not conducted in this study.

Table 2 is a more detailed comparison of first-time offenders with chronic offenders with data similar to that seen above in Table 1. There are some additional data presented here, however. For example, the idea that a small number of offenders is responsible for a disproportionate percent of known offenses is not completely supported. The so-called 20/80 or 30/70 rule states simply that twenty percent of the offenders are responsible for eighty percent of the crime. Chronic offenders are responsible for, on average, 2.45 alcohol related offenses and 3.42 non-alcohol related offenses.

Both groups are indistinguishable in the area of accidents. In the post-panel follow-up period, both groups appear to completely level out.

**TABLE 2**

<i>Offense History</i>		<i>First Time Offenders</i>		<i>Chronic Offenders</i>	
		Offenders	Offenses	Offenders	Offenses
<b>A</b>	Alcohol, pre-panel	349	349	134	328
<b>C</b>	Alcohol, post-panel	44	53	16	19
	A:C Percent Change	-87.39	-84.81	-88.06	-94.21
	Average pre-panel	1		2.45	
	Average post-panel	1.20		1.19	
<b>B</b>	Non-alcohol, pre-panel	248	726	106	362
<b>D</b>	Non-alcohol, post-panel	159	298	45	76
	B:D Change	-35.89	-58.95	-57.55	-79.01
	Average pre-panel	2.93		3.42	
	Average post-panel	1.87		1.69	
<b>E</b>	Accidents pre-panel	182	271	83	143
<b>F</b>	Accidents post-panel	75	91	19	22
	E:F Change	-58.79	-66.42	-77.11	-84.62
	Average pre-panel	1.49		1.72	
	Average post-panel	1.21		1.16	

Tables 3 and 4 permit a comparison of First Time Offenders and Chronic Offenders, respectively, with a specially selected Control Group. The comparison here must be evaluated outside the definition of experimental and quasi-experimental research for two major reasons. First, it was not possible to acquire a control group from the other participating courts due to the unavailability of their total database. In other words, a list of all convicted drunk drivers in the 61<sup>st</sup> District Court was very easy to generate. Once done, it was a simple matter to compare that list with all of the panel lists. The original number selected as controls was one hundred defendants. However, more extensive research revealed that in the two years following the end of the time period under study, 58 of the defendants participated in a panel presentation. To continue to use them would

obviously introduce an unacceptable bias into the study. The remaining forty-two defendants are used as a proxy control group. This creates another methodological issue because all defendants are compared to the control group.

TABLE 3

	<i>Offense History</i>	<i>First Time Offenders</i>		<i>Control Group</i>	
		Offenders	Offenses	Offenders	Offenses
<b>A</b>	Alcohol, pre-panel	349	349	42	60
<b>C</b>	Alcohol, post-panel	44	53	2	2
	A:C Percent Change	-87.39	-84.81	-95.24	-96.67
	Average pre-panel	1		1.43	
	Average post-panel	1.20		1.00	
<b>B</b>	Non-alcohol, pre-panel	248	726	32	140
<b>D</b>	Non-alcohol, post-panel	159	298	16	41
	B:D Change	-35.89	-58.95	-50.00	-70.71
	Average pre-panel	2.93		4.38	
	Average post-panel	1.87		2.56	
<b>E</b>	Accidents pre-panel	182	271	23	42
<b>F</b>	Accidents post-panel	75	91	6	7
	E:F Change	-58.79	-66.42	-73.91	-83.33
	Average pre-panel	1.49		1.83	
	Average post-panel	1.21		1.17	

In the absence of truly robust statistical analysis the use of specially selected controls does not substantially weaken the general analysis of the results. For example, when the control group is compared to first time offenders, the controls netted greater reductions in all of the post-panel cells. They also scored highest in the pre-panel average of non-alcohol offenses at 4.38; much higher than chronic offenders in Table 4 below. The other anomaly in Table 3 is that the control group did not level out to the same degree as first time offenders in post-panel non-alcohol related offenses.

Table 4 compares the chronic offenders with the control group. In this case both groups behaved much the same. The percentage reductions

between pre- and post-panel were virtually identical between the groups. The only difference is the one mentioned above: Average pre-panel non-alcohol related offenses were highest per defendant in the control group (4.38) versus the chronic offenders (3.42). The chronic offenders were closer than the first time offenders (2.93). The control group was almost one full offense per defendant higher than the chronic offenders and one and one-half over the first time offenders. This is counter-intuitive and requires follow-up in future studies. It would be unwise at this point to suggest that the victim impact panel is no more effective than traditional probation coupled with fines. Further analysis into the composition of the control group, as well as a larger number of defendants, will be needed to answer some of these methodological issues.

TABLE 4

	<i>Offense History</i>	<i>Chronic Offenders</i>		<i>Control Group</i>	
		<i>Offenders</i>	<i>Offenses</i>	<i>Offenders</i>	<i>Offenses</i>
<b>A</b>	Alcohol, pre-panel	134	328	42	60
<b>C</b>	Alcohol, post-panel	16	19	2	2
	A:C Percent Change	-88.06	-94.21	-95.24	-96.67
	Average pre-panel	2.45		1.43	
	Average post-panel	1.19		1.00	
<b>B</b>	Non-alcohol, pre-panel	106	362	32	140
<b>D</b>	Non-alcohol, post-panel	45	76	16	41
	B:D Change	-57.55	-79.01	-50.00	-70.71
	Average pre-panel	3.42		4.38	
	Average post-panel	1.69		2.56	
<b>E</b>	Accidents pre-panel	83	143	23	42
<b>F</b>	Accidents post-panel	19	22	6	7
	E:F Change	-77.11	-84.62	-73.91	-83.33
	Average pre-panel	1.72		1.83	
	Average post-panel	1.16		1.17	

Table 5 shows the breakdown of cases coming each of the top seven courts. Together they represent 89% (N=428) of the cases in this study. The remaining twenty-six courts contributed the remaining fifty-five cases. There

is some distinct variety in the pre- and post- analysis across the courts in Table 5. For example, Courts G and B show the greatest reduction in alcohol related offenses in the post-panel follow-up. Court G netted the greatest reduction of non-alcohol related offenses in the post-panel follow-up. Courts A and E display the lowest post-panel success rates. Court G is again the top performer in post-panel accidents.

TABLE 5

		<i>Top Seven Courts in the Study</i>						
		Court A	Court B	Court C	Court D	Court E	Court F	Court G
<b>A</b>	Alcohol, pre-panel	108	91	75	52	45	37	20
<b>C</b>	Alcohol, post-panel	14	8	10	7	8	8	0
	A:C Percent Change	-87.04	-91.21	-86.67	-86.54	-82.22	-78.38	-100.00
<b>B</b>	Non-alcohol, pre-panel	76	64	56	40	33	27	16
<b>D</b>	Non-alcohol, post-panel	58	27	26	24	26	18	3
	B:D Percent Change	-23.68	-57.81	-53.57	-40.00	-21.21	-33.33	-81.25
<b>E</b>	Accidents pre-panel	56	49	48	28	22	19	15
<b>F</b>	Accidents post-panel	21	18	16	13	8	9	1
	E:F Percent Change	-62.50	-63.27	-66.67	-53.57	-63.64	-52.63	-93.33

Table 5 clearly demonstrates the need to conduct a more detailed study of individual courts so that some of the distinct differences shown might be explained.

## Summary

Only a brief summary is required: If the victim impact panel process is as successful as it appears above, then eventually there will be fewer repeat offenders on the road. That said, the reason we will never be completely free of drunk drivers is that so few are actually apprehended. Unofficial estimates by law enforcement range from 1:500 to 1:2000 depending on the state and how aggressively they pursue alcohol related offenses generally. In Michigan in 2003 there were 55,746 alcohol-related driving arrests. Using the simplest math and the lowest ratio, that puts the “enforcement opportunity” at 1:27,873,000. This does not take into consideration the repeat offender who drinks and drives four out of seven nights per week.