

2015

# Exploring Punishment for Driving While Intoxicated (DWI) and Driving Under Influence (DUI) Offenders

Franklyn Johnson Scott  
*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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Franklyn Scott

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2015

Abstract

Exploring Punishment for Driving While Intoxicated and Driving Under the Influence

Offenders

by

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MA, Southern University at New Orleans, 2002

BS, Southern University at New Orleans, 1997

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Health Psychology

Walden University

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## Abstract

Drinking and driving has been the focus of research since the 1960s, but researchers have not defined the meaning of punishment for offenders who continue to drink and drive. The purpose of this study was to explore the impact of punishment on driving while intoxicated (DWI) and driving under the influence (DUI) defendants to assess the likelihood of preventing subsequent offenses. This study also sought to describe the behaviors of defendants who are perpetrating multiple offenses. The protection motivation theory was the theoretical foundation of this qualitative case study. The sample included a diverse group of 16 men between the ages of 21 and 35 who were recruited via a flyer in traffic court. Participants were interviewed, and interview data were transcribed verbatim and then coded for themes relating to punishments and DWI/DUIs. Initial interpretations were subjected to member checking for greater trustworthiness of the final report. The results of this study showed that the participants accepted responsibility for the frequent behaviors of drinking and driving and for being too intoxicated to make the decision to drive prior to their arrest. The results of the analyses indicated that the participants responded well to the punishment and opted to change their behaviors. Allowing offenders to describe and own their behaviors could positively create social change in these individuals, thus preventing them from incurring future DWI and DUI arrest.

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## Dedication

I would like to dedicate this study to my best friend, Brandye Michelle Jesse. You have always been an inspiration to me. You exhibited great strength during your illness and until your untimely death. I always reflect on your willingness to work despite your situation every time I become weary. All you ever wanted was to return to your job that you loved but your illness prevented you. I miss and love you, and I want you to know that your untimely death was not in vain because I continuously feed off your strength and did so during the entire dissertation process. Thank you for your friendship and love. You are my friend and hero.

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## Chapter 1: Introduction to the Study

### **Introduction**

Driving while intoxicated (DWI) and driving under the influence (DUI) defendants are committing multiple offenses despite their previous punishments. Understanding the impact of punishment from the defendants' viewpoint is essential in helping researchers create punishments that will prevent the reoccurrence of these crimes. Researchers have concluded that at least a third of DWI and DUI defendants are considered likely to repeat the offense (Cavaiola & Strohmets, 2010). In another related article, it was found that a third of DWI and DUI defendants are arrested again for the same offense, which is a strong indication that the punishments being used are not as effective as they should be (Lapham et al., 2007). Rauch et al. (2010) conducted a study that involved evaluating the driving records of 21 million drivers in Maryland. In this study, they found that for every 1,000 drivers per year, 35.9 had a second DWI offense and 50.8 had three or more DWI offenses (Rauch et al., 2010). Furthermore, Impingent et al. (2009) discovered that a third of individuals who are convicted of a first offense DWI are likely to commit another DWI offense within 15 years.

As defendants progress in DWI arrest, they also face stiffer punishments. The third DWI offense is considered a felony that could result in the offender serving a lengthy prison sentence. Moreover, every time this crime is committed, individuals in society are in jeopardy because someone is choosing to be irresponsible. In order to prevent the reoccurrence of these crimes, the punishment must be enforced adequately.

Based upon the deterrence theory, DWI and DUI laws are not effective if they are not properly enforced (Berelli & Richardson, 2008).

According to the National Highway Traffic Safety Administration (NHTSA; 2012), driving under the influence is a major concern that is caused by the improper use of alcohol. They also estimate that alcohol related accidents cost approximately 37 billion dollars per year. In 2010, 10,000 fatalities occurred as a result of drunk driving, which accounted for one death every 51 minutes (NHTSA, 2012).

This chapter begins with an introduction to a study on the impact of punishment on DWI and DUI defendants, including the importance of this study as well as its purpose and significance. I also include the major research questions and the theoretical framework in this chapter. Finally, I discuss the assumptions and limitations...

### **Background of the Problem**

Recidivism amongst DWI and DUI defendants needs to be prevented because many individuals in society are being injured or killed by drunk drivers. According to Barry et al. (2006), DWI and DUI are considered to be important health issues. Researchers believe that drinking and driving have become a dangerous issue for a growing nation (Bartell et al., 2006). Punishment for these offenses needs to be harsh enough to deter recidivism. If these crimes are prevented, injuries and deaths that are the result of drinking and driving will be prevented as well. This study could fill in the gap of knowledge by providing a glimpse of the impact of punishment via the defendants' perspective that could enable researchers to assess the types of punishment that are meaningful to the defendants, thus preventing recidivism.

In a study conducted in 2006 by the NHTSA, it was found that approximately one in every 140 miles is driven in the United States by individuals who are considered to be legally intoxicated. In another related study, Beck and Moser (2006) discovered that there was a reduction in the number DWI and DUI related fatalities since 1982, but then they began to rise again in 2000. By the year 2005, there were 39,189 fatalities in the United States, and 39% were a result of alcohol consumption (Bartell et al., 2006). Researchers believe that this influx of drinking and driving practices is the result of failed preventative measures (Bartell et al., 2006). In an effort to prevent alcohol related injuries and deaths, law enforcement has decided to become more forceful in hopes of deterring these crimes (Beck & Moser, 2006). Therefore, in this study, I seek to understand the impact of punishment through the eyes of the defendants who are actually experiencing the punishment. Understanding the meaning of punishment through the defendants' view could be effective in deciding which punishments act as deterrents which could be helpful in preventing DWI/DUI offenses.

### **Problem Statement**

A teenage girl was killed by a drunk driver who had multiple DWI arrests in the early 80s (Lerner, 2011). William Haddon, Jr. was one of the first scientists to examine drinking and driving, and he believed that this crime caused many fatalities on the highway (Haddon & Kelley, 1968). In 1968, Haddon and Kelley stated that drinking and driving caused approximately 800,000 accidents and was responsible for 25,000 fatalities per year. At this time, they also believed that there should have been harsher laws concerning levels of intoxication and punishments for individuals who drink and drive.

Although there has been a shift in attitudes and behaviors in regards to drunk driving over the last 4 decades, individuals are still choosing to drive at high levels of intoxication regardless of the punishments imposed (White & Gasperin, 2007).

Ahlin et al. (2011) believed that the punishments that have been developed by lawmakers are not adequate to decrease recidivism. They conducted a study in which they evaluated the effects of punishment on preventing recidivism. They reviewed the punishments imposed by the Maryland court system using a proportional hazard model and found that regardless of the punishments imposed, first time DWI offenders were at an elevated risk of receiving a subsequent offense (Ahlin et al, 2011).

A problem has occurred because the meaning of punishment is not clearly understood. In order to prevent recidivism amongst DWI and DUI offenders, the meaning of punishment needs to be defined from the defendant's perspective. This qualitative case study provides data to address the gap existing in self-reporting by allowing first time DWI and DUI offenders to describe their ordeal after they have completed the probationary period so that researchers can examine their thoughts in an effort to develop purposeful punishment strategies.

### **Purpose Statement**

The purpose of this study was to explore the impact of punishment on DWI and DUI defendants to assess the likelihood of preventing subsequent offenses. This study also sought to describe the behaviors of defendants who are perpetrating multiple offenses in spite of the harsh punishments being imposed. This was not an intervention



study but rather a study used to gather information that could be useful in implementing sanctions and punishment that could be deemed effective in the future.

### **Nature of the Study**

In this study, I employed the tradition of qualitative inquiry. This strategy was selected because quantitative strategies do not allow enough time for the researcher to evaluate the participants in depth. In contrast, qualitative methods allow the researcher time to study the behavior through actual experience that includes substantial interaction with participants.

Qualitative research is a frequently used method in psychology papers (Kisely & Kendall, 2011). Qualitative research relies on information from various social settings including written items. More information on the rationale for using the qualitative approach will be discussed in Chapter 3.

In this study, I used the case study research method. Case studies are a form of qualitative research in which the researcher conducts extensive research on one participant or a small group of participants (Creswell, 2009). Case studies are conducted by researchers who spend an abundance of time collecting extensive data while utilizing different compilations of data collection throughout the duration of a broad time frame (Stake, 1995).

Case studies are frequently affiliated with qualitative research because of a need to understand a particular part of a difficult problem (Rudestam & Newton, 2007). Choices in research questions may differ; however, the objective is to develop a clear perception of the case (Rudestam & Newton, 2007). Stake (2005) stated that researchers

should focus on the most complicated part of the issue and use their observation and reflexive abilities to find meaning. According to Stake (2000), there is no need to generalize with case studies because the purpose is to understand the party being studied. Stake believed a case study is designed to explain a situation in more detail or to evaluate a generalized theme instead of focusing on the actual case. Questions asked by researchers who conduct a case study should focus more on how and why as opposed to whom, what, and where, questions that are often included in other research methods (Rudestam & Newton, 2007). It should also be noted that case studies employ numerous techniques to collect information (Rudestam & Newton, 2007).

This study included one-on-one interviews with participants who were on probation for a DWI or DUI offense. The methods of this study included the targeted population and the sample, which is discussed in depth in Chapter 3. The aim of this research was to grasp a better understanding of the impact of punishment on these crimes in an effort to find effective punishments that will prevent recidivism.

### **Research Question**

1. How do DWI and DUI defendants describe their punishment?
2. How do the DWI and DUI defendants describe their lives after completing their punishment?
3. How has the impact of punishment changed these defendants' lives?
4. What are the perceptions of the defendants towards DWI and DUI?
5. How do the defendants describe their DWI and DUI behaviors?

## Interview Questions

Research question (Central question): What is the meaning of punishment for DWI and DUI defendants after the probationary process?

Research questions (Subquestions):

1. How do the DWI and DUI offenders describe their punishment?
2. How do the DWI and DUI offenders describe their lives after completing their punishment?
3. How does the impact of punishment change the offenders' lives?
4. What are DWI and DUI offenders' perceptions toward the punishment they received?
5. How do DWI and DUI offenders' describe their DWI and DUI behaviors?
6. How do the DWI and DUI offenders describe their return to driving?
7. What are DWI and DUI offenders' opinions on the punishment they received?
8. How do DWI and DUI offenders describe their alcohol consumption during and after their punishment?
9. How would the DWI or DUI offenders describe their level of intoxication at the time of arrest?
10. How do the DWI or DUI offenders describe their level or intoxication in relation to the effect it has on their driving practices?
11. What precipitates or happens before, during, and after a drink craving?
12. How do the DWI or DUI offenders describe the negatives and positives of alcohol consumption?

13. How do DWI and DUI offenders feel about the possibility of injuring someone as a result of drinking and driving?
14. How does access to 24 hour drinking facilities impact DWI and DUI offenders drinking patterns?
15. What impact does location to bars have on DWI and DUI offenders drinking patterns?
16. How do DWI and DUI offenders describe their drinking setting prior to their offense?

### **Conceptual Framework**

The process of self-reporting from the offenders' perspective needs to be free of bias (Schell et al., 2006). The offenders must feel comfortable enough to share their true feelings about their experience. However, there is a gap that exists in the literature in regards to offenders providing the truth about their punishment and their future behavior during self-reporting (Schell et al., 2006). In this study, I found that the defendants withheld the truth because they were still in the court setting and had not been sentenced. DWI/DUI defendants frequently fail to report because they do not want to be categorized as having a problem nor do they want to be ordered into treatment (Lapham, 2006). Because offenders often underreport, they are often not properly evaluated for treatment (Lapham, 2006). Schell et al. (2006) asserted that underreporting has been the most common limitation in many DWI and DUI studies.

The thoughts about punishment must be examined from the offenders' perspective in an effort to develop the most beneficial punishment and or treatment strategies.

Freeman et al. (2006) revealed that DWI/DUI defendants believed their punishment to be harsh but not convincing. They also discovered that based upon the self-reporting about drinking habits of the DWI/DUI defendants, they were able to predict and determine future drinking and driving behaviors. These results indicated that DWI/DUI defendants are not deterred by the punishments that are given for their offenses, and other actions need to be taken such as treatment (Freeman et al., 2006). However, in another study conducted by Freeman, Losses, and David (2006), the defendants believed that their punishment was adequate and thought that they were given due process in court, but they did not feel as though the law was fair nor that the government in attempting to control their behaviors. In a study conducted by Schell et al. (2006), the DWI/DUI defendants who believed alcohol to be a positive attribute in their lives were not influenced by the sanctions that were imposed. Schell et al. alleged that based on the thoughts of the DWI/DUI defendants, researchers can develop sanctions and treatment options that can deter this at risk driving practice.

Yu et al. (2006) seemed to agree with the thoughts of Schell et al. (2006) because Yu et al. asserted that generalized sanctions for DWI/DUI offenses may not affect all offenders in the same manner, which is why they supported self-reporting in predicting the effects of deterrence as opposed to just relying on sanction information. Moreover, Rider et al. (2006) conducted a study employing the Preventing Alcohol-Related Convictions (PARC) program. Though they agreed that their study was limited because it

was based on self-reporting, they still thought that the thoughts expressed by the DWI/DUI defendants would be helpful in aiding in preventing recidivating (Rider et al., 2006). Additionally, Lapham and England-Kennedy (2011) conducted a study in which DWI/DUI defendants self-reported on punishment and treatment. Lapham and England-Kennedy stated that the opinions and thoughts about punishment and treatment from the defendants could be the answer to developing meaningful solutions to this problem.

### **Definition of Terms**

*Multiple offenses:* Repeat offenses of the same type over a criminal career (Felson & Lane, 2009).

*Recidivism:* The laying of any new charge (excluding violations of parole or of other conditions; Carpentier & Proulx, 2011).

*Response bias:* The tendency for answers to questions to be influenced by something other than true feelings, beliefs, and behaviors (Monette et al., 2011).

*Repeat offenses:* An entry in the criminal record for an offense in the same offense category as the index offense (Rossegger et al., 2011).

*Self-reporting:* Data obtained by asking respondents to report something about themselves and completed by respondents themselves (Chan, 2009).

### **Assumptions, Limitations, and Delimitations**

#### **Assumptions**

There were three assumptions made during this study. The first assumption was that punishment is not effective, which is causing defendants to commit multiple offenses. This assumption was attenuated by providing previous studies that supported

this premise. Second, the information provided from the participants was reliable and true. This assumption was attenuated because the participants provided their own perception of punishment. Third, I established rapport with the participants in this study who were therefore honest and revealed their opinions and beliefs during the interview process. This assumption was attenuated by assuring the participants that their responses would be strictly confidential and would not be used against them in court, which I signed. These assumptions were necessary because they aided in creating the success of this study. In this study, probes were used to enhance recall from the participants and to encourage them to communicate more.

### **Limitations**

There are four limitations that could have negatively influenced this study. The group of participants was diverse; therefore, participants who did not speak English were excluded. It is possible that some information could have been lost in the translation from English to Spanish. This limitation could have negatively influenced this study; therefore, non-English speakers were excluded.

Another limitation was the possible selection bias. Many defendants declined the offer to participate in this study because they feared that the information that they shared could have affected their probation. Only those motivated to change participated. To avoid the selection bias, participants were provided with the informed consent form, which provided them with the required confidentiality to prevent any retaliation or consequences as a result of their participation.

Moreover, response biases were a limitation. Participants may not have been completely honest with their responses due to their current probation status. The participants were skeptical about responding honestly because they assumed that their thoughts could have caused them to face a harsher punishment. Chapter 3 includes an in depth discussion on biases. The checks that will attenuate for these limitations were confidential assurance.

### **Delimitations**

In this study, I evaluated the impact of punishment on DWI and DUI defendants. The scope of this research population was limited to defendants who pleaded guilty to a DWI or DUI and were placed on probation. The narrowed scope was defendants who pleaded guilty to a DWI or DUI in the Greater New Orleans area.

Delimitations for this study focused on male participants who pleaded guilty to a DWI or DUI and were placed on probation for 6 months to 1 year in the Greater New Orleans area. They also were individuals who could participant in the study without interruption to their probation and their daily schedule.

### **Significance of the Study**

This study was significant because it could aid in understanding the impact punishment has on DWI and DUI offenders' future behavior. More information needs to be gathered from the individuals who are experiencing the punishment. There is a plethora of information that has shown that DWI and DUI arrest cases are on the rise (Gjerde et al., 2013). Although lawmakers are constantly implementing punishments, these crimes are still being committed repeatedly. DWI and DUI defendants will make



the best policy makers in regards to these crimes because they can adequately discuss the influence their punishment has on their lives.

To understand the role that punishment plays in these crimes, it is also necessary to understand the motivation that is causing defendants to commit these crimes repeatedly. The punishments that are currently employed are not acting as deterrents. This study could be helpful in providing lawmakers with punishments that will be effective in preventing the reoccurrence of these crimes.

### **Implications for Social Change**

An interest in the effects of punishment on first time DWI and DUI defendants in reducing driving practices is what prompted this study. Driving while intoxicated is a very serious and oftentimes fatal situation. Adequate punishment could help to reduce the continuance of drinking and driving, which could cause a reduction in alcohol related injuries and deaths. Many people are injured and even killed because of irresponsible individuals who choose to drink and drive. As a scholar practitioner, creating social change by conducting research that can be effective in understanding what role punishment of first time DWI and DUI offenders play in reducing these crimes were necessary.

### **Transition and Summary**

Chapter 2 will include a literature review and an in depth discussion on the protection motivation theory that is relevant to the study. In Chapter 3, the qualitative method will be discussed along with a discussion on the targeted population, sample size, and processes of data collection and analysis. Chapter 3 will also include measures to

resolve ethical issues that may affect the participants. Chapter 4 will include a discussion on the results of the study, and Chapter 5 will provide an analysis of the results and recommendations for future studies.

## Chapter 2: Literature Review

### **Introduction**

Recidivism amongst DWI and DUI defendants needs to be prevented because many individuals in society are being injured or killed by drunk drivers. There is a need to study the sanctions and punishment being employed.

I begin this literature review with an introduction to the theoretical framework and a conceptual foundation of information related to this research. Next, studies related to the characteristics of DWI and DUI offenders are included. Then, the literature related to studies on recidivism in relationship to DWI and DUI offenders is evaluated. Studies that investigate DWI, DUI, and sanctions are discussed. Potential themes such as the effectiveness of self-reporting as a means of exploring the impact of punishment are identified. Finally, the history related to qualitative research and its methods with an emphasis placed on cases studies is discussed.

### **Theoretical Framework**

#### **Protection Motivation Theory**

The protection motivation theory (PMT) is the theory that is the foundation of this study. The PMT was developed by Rogers (1975) and was designed for the purpose of understanding the role of fear. Rogers (1983) revamped the theory into one that focuses on threats and how it aids in changing negative behaviors. Fear can aid in the prevention of drinking and driving if individuals understand that the consequences of drinking and driving are real and can affect their lives adversely. Rogers (1975) discussed the PMT in depth and how it differs from other theories. In addition, he included the limitations of

the PMT and what is needed to make it a theoretical framework. Following the theory on PMT, included are two studies that show the characteristics of DWI and DUI offenders. The characteristics of DWI and DUI offenders could provide information about recidivism and allow researchers and the criminal justice system ways to identify the individuals with alcohol problems. Rogers included the work of Watts (1966), who alleged that the use of a video and a discussion of fear did not cause a change in behavior, but rather the discussion without a video was more influential. In fact, it was concluded that studies that incorporated role playing prove to be most beneficial in creating behavior changes. Rogers also included the work of Janis and Mann (1965), who asserted that role players found the threat of harm to be more believable than other forms of fear prevention.

Maddux and Rogers (1983) conducted a study on the PMT and self-efficacy. The findings indicated that the material that the college students read did invoke a sense of fear which caused them to consider the thought of quitting smoking. In another related study, Stainback and Rogers (1983) used this theory in connection with deriving a manner in which to reduce alcohol consumption. As a result, the students in the group who was exposed to grave consequences and higher than normal occurrences showed a greater effort to abstain from alcohol as oppose to the other group.

### **Characteristics of DWI/DUI Offender That Recidivate**

Hubicka et al. (2010) explored the trend of DWI and DUI and the persons who commit these offenses. The actual offenses DWI and DUI and the offenders need to be evaluated in the following areas: psychological traits, consumption of alcohol, thoughts

on drinking and driving, personal qualities, and their sentiment concerns. Hubicka et al. also sought to understand if there is a definite DWI or DUI persona or a rather some DWI or DUI characteristics that individuals possess. Hubicka et al. conducted a study in which they evaluated the personally and mental characteristics of individuals who are considered to be drunk drivers in Sweden. The results of the personality test showed that there were variations between the defendants and other members of Sweden society. This mental assessment also showed variations with the defendants having more mental problems than Sweden's general population. In regards to the NEO-PI-R, depression was considered to be a factor in defendants being repeat offenders within 2 years.

While Hubicka et al. (2010) believed mental characteristics has an effect on drunk drivers; Jones and Holmgren (2009) believed that there are age and gender effects on the amount of alcohol that an individual drinks. They conducted a study on the blood-alcohol concentration (BAC) of individuals who were arrested for drinking and driving in Sweden. The results of this study found that in the subjects test, regardless of age or gender, their BAC was greater than 4.0g/L, which is considered to be a dangerous level that could result in death. The results of this study also indicated that the DWI and DUI offenders in Sweden are heavy drinkers. They believe that alcohol educational classes and treatment could prove to be more beneficial than routine sanctions that are being used (Jones & Holmgren, 2009).

Furthermore, Gustin and Simons (2008) believed that the way in which individuals view the consequences of drinking and driving is a strong indicator of their decision to commit the crime. They conducted a study on college students using three

factors. The factors included distance to home, their own thoughts about their level of intoxication, not considering self to be intoxicated, and not believing that they would be arrested. The results indicated that 42% of the subjects did drink and drive within the last 6 months of the study. Those who did drink and drive did not believe that they were likely to be arrested nor would they be involved in a traffic related accident. The results of this study indicate that the subjects from this study would be less likely to participate in any preventive treatment classes because they felt that they did not have far to drive home (Gustin & Simons, 2008).

Barry et al. (2006) conducted a study to understand the traits and alcohol tendencies of DWI/DUI defendants. They stated that DUI is a detriment to society. Barry et al. believed that by identifying the individuals who commit these crimes, sanctions can be well matched to the crime to decrease these crimes. This study was designed to evaluate the persona of individuals who drink and drive and possible alcoholism using the Numerical Driving Profile (NDP).

Caetano and Clark (1998) conducted a study in which they evaluated the drinking habits amongst Whites, Blacks, and Hispanics during the years of 1984 and 1995 for a comparison. They obtained the data by conducting probability samples. They found that Whites did abstain during the years while Blacks and Hispanics showed an increase in drinking consumptions. Based on these findings, Blacks and Hispanics are considered to be more problematic drinkers than Whites. The results indicated that understanding the various drinking practices and problems with alcoholism amid particular cultural clusters can be beneficial in finding potential violators in that group setting (Caetano & Clark,

1998). Galvan and Caetano (2003) thoughts echoed those of Caetano and Clark because they believed that knowledge of the racial disparity in regards to drinking behaviors and the rationale for drinking can aid in developing culture sensitive treatment programs.

Liu (1993) conducted a study of the Texas Commission on Alcohol and Drug Abuse. The study was conducted from 1987 to 1990. Liu found that a third of the individuals assessed had no difficulty with alcoholism. The results of this study indicated that individuals who participated in a DWI educational class would reduce their chances of recidivating by 50% as opposed to other DWI offenders who pleaded guilty and were convicted or offenders who did not take the class. It should also be noted that during the time of this study, there was a decrease in recidivism. The decrease in recidivism during this time frame was attributed to the DWI educational classes being offered (Liu, 1993). However, Barry et al. (2006), using the similar measurements, showed that 23% of individuals did have an alcohol related problem.

Centers for Alcohol and Drug Education Studies (2001) at Texas A&M University conducted a study. This study was conducted on youths who were charged with a DWI as a minor and were placed in an alcohol education program. The youths were followed into adulthood and were evaluated for the likeliness of receiving a DWI offense as an adult. It was found that of the 328 youths subjects, 2% received a DWI as an adult. They noted that the youths who were charged with a subsequent offense more than likely had a drinking problem. Moreover, the findings of this study indicated that the youths who exhibited a drinking problem were at an increased risk to have multiple DWI or DUI offenses (Center for Alcohol and Drug Education Studies, 2001). Dennis (2000)

added that it is naive to think that a six-hour education class could truly change a youth with an alcohol addiction.

### **Sanctions**

Yu et al. (2006) reported that previous research that has used sanctions as a deterrence factor for DWI/DUI offenses has shown erratic outcomes in regards to recidivism. Yu et al. believed that many sanctions are ineffective in regards to DWI/DUI offenses because alcoholism is often ignored. They also concluded that no matter how much fines and sanctions escalate, recidivism is still increasing. In a study conducted by Yu et al., the results showed that although sanctions can aid in the prevention of individuals receiving a subsequent DWI/DUI charge, other issues such as alcoholism or substance abuse could cause them to ignore the consequences. Findings of this study suggest that alcoholism has an effect on deterrence. In addition, it was found that deterrence was only effective when there was not presence of alcoholism. However, this study did provide a better understanding of the role of deterrence on drunk drivers (Yu et al., 2006).

Lapham et al. (2007) conducted a study with repeat impaired-driving offenders. This study evaluated the effects of eradicating the electronic monitoring (EM) and the required selling of automobiles to determine if these sanctions have an effect on an increase in subsequent DWI/DUI offenses. In this study, Lapham et al. assessed the impact of EM and required selling of the defendant's automobile on subsequent offenses. Lapham et al. included a study conducted by Jones and Lacey (2000) in which Jones and Lacey evaluated studies on recidivism after DWI/DUI offenders were order to relinquish



their automobiles. The results of the study by Jones and Lacey indicated that the impounding of vehicles had an effect on recidivism. One of those studies was conducted by Deyoung (1997b) in which a comparison between DWI offenders who had their vehicles impounded to those who did not. The findings showed that there was a decrease in the number of DWI arrests and other traffic related incidents as a result. The other study was conducted by Voas et al. (1997) in which they compared recidivism rates of DWI offenders who had their vehicles impounded compared to those who did not. They found that 1.8% had a subsequent offense upon completion of their impoundment sanction. On the other hand, 3.8% of the DWI offenders who did not have their vehicles impounded received subsequent offenses. The results of these studies indicated that impounding of the vehicles had an effective on recidivism (Jones & Lacey, 2000).

However, Lapham et al. (2007) stated that there is a plethora of literature that finds the EM to be an effective sanction for DWI/DUI offenders. Meanwhile, there is not enough literature that supports the effectiveness of EM without the usage of other conditions. Lapham et al. chose to conduct a study with a randomized design. They wanted to investigate the sanction modules that have been used by driving under the influence of intoxicants (DUI) Intensive Supervision Program DISP (State of Oregon, 1995). The findings for this study indicated that the two conditions that were measured show some influence over recidivism but do not seem to be consistent.

Schell et al. (2006) conducted a study for the purpose of understanding the traits that can be predictors of recidivism in DWI offenders. Schell et al. stated that many individuals who are charged with DWI/DUI offenses are receiving a subsequent offense,

which is a serious threat to society. Wiliszowski et al. (1996) conducted a study in which they surveyed 125 DWI and DUI defendants. Wiliszowski et al. found that many of the defendants admit to still drinking and driving while they were being sentenced for their current offense. In addition, of the defendants surveyed, 54% confessed to drinking and driving with a suspended license. I believe that the results of the study by Wiliszowski et al. revealed that the punishments being imposed are not effective in deterring DWI and DUI behaviors.

Schell et al. (2006) attempted to understand recidivism through verifying the traits that DWI and DUI defendant exhibit. Some related studies have asserted that psychosocial behaviors can aid in distinguishing DWI defendants from other drivers (Cavaiola et al. 2003; Donovan et al., 1985; Jones & Lacey, 1998; McMillen et al. 1991, 1992b; Perrine, 1990). However, other related studies have found that psychosocial behaviors are not able to decipher between first time and repeat offenses (Cherpitel & Tam, 2000; McMillen et al. 1992a). Schell et al. (2006) conducted a study for the purpose of identifying DWI and DUI repeat offenders through their personal traits. They used the driving after drinking (DAD) as their testing measurement for the purpose of identifying the traits exactly correlated with drinking and driving. They found individuals who chose to drink and drive viewed alcohol consumption in a positive manner. Schell et al. believed that understanding the beliefs of these repeat offenders can be very valuable in creating possible treatment and sanctions to reduce recidivism.

## **DWI, DUI, and Sanctions**

Oswalt et al. (2007) discussed a study they conducted on college students in regards to DWI and DUI sanctions. They employed an educational approach as a form of sanction for college students who were drinking and driving. Oswalt et al. noted that other colleges have used this same approach, but the programs were not assessed properly. Oswalt et al. enhanced the study by asking the students about their experience with being sanctioned for drinking and driving. Oswalt et al. addressed the students' thoughts on the sanctions that they received for drinking and driving. Oswalt et al. designed this study to address the lack of research that is supporting this type of in school sanction. Oswalt et al. cited the work of Barnett and Read (2005), who stated that the methods section on this type of research in previous studies is limited. Upon completing the course, students showed a reduction in their alcohol consumption, a reduced risk, and improvement in their thoughts about the risk of alcohol consumption. Oswalt et al. stated that students' thoughts about the risk of alcohol consumption showed a decline a few months after the sanction.

Lenton et al. (2010) conducted a study that focused on recidivist drunk drivers' self-reported reasons for driving whilst unlicensed. They conducted a study on individuals who were charged with drinking and driving. They interviewed individuals for the purpose of understanding the effects of sanctions. Freeman and Watson (2006) stated that revoking the license of DWI and DUI defendants is not effective in deterring them from driving and they learn how to effectively drive without getting caught. Lenton et al. (2010) noted that studies that have been conducted on individuals that commit

multiple offenses of drinking and driving indicate that the individuals have alcohol related issues. Shaffer et al. (2007) echoed Lenton et al. (2010) thoughts by adding that 97.6% of individuals that were repeat offenders had an alcohol problem. Lenton et al. believes that the interlock should be used as oppose to suspending the license of these defendants because they are still drinking and driving.

### **Potential Themes to Explore**

Alcohol consumption is a factor to consider in regards to recidivism among DWI and DUI offenders. Marczynski et al. (2008) believed that binge drinking is associated with drunk driving and traffic accidents. They conducted a study that evaluated the effects of binge drinking to non-binge drinking on driving efforts. They found that both binge and non-binge drivers that were under the influence of alcohol had difficulty with normal driving practices. However, the binge drinkers reported that they did not feel intoxicated by alcohol and believed that they were suitable to drive after alcohol consumption. Because binge drinkers do not understand their levels of intoxication and driving impairment, they are at a greater risk for being involved in traffic accidents (Marczynski et al., 2008).

Scheier et al. (2008) believed that there are cognitive issues that influence binge drinking episodes. They conducted a study in which they evaluated the influence of cognitive issues on binge drinking. They used four factors in determining if there is a correlation between cognitive issues and binge drinking. The factors included the desire to drink or craving, circumstances, and the positive and negative effects of binge drinking. The results of this study indicated that although all of the factors were

associated with binge drinking, circumstances prove to be the greatest prompter (Scheier et al., 2008).

Attempting to deter DWI and DUI recidivist is extremely necessary to society (Freeman & Watson, 2009). They conducted a study in an effort to understand the effect that punishment has on deterring individuals from drinking and driving based on self-reporting. They found that although the subjects in this study reported that they did have concerns about the various sanctions and thoughts of injuring others, they seem content with their heavy drinking and positive outcomes in regards to alcohol. Based on these results, Freeman and Watson believed that these subjects have an increased risk of receiving a subsequent offense.

Based on the information that was gathered for potential themes to be explored, a better understanding of the level of intoxication and the effects it has on driving is essential to this research. The rationale for the desire to drink or craving, circumstances, and the positive and negative effects of binge drinking is a potential theme to explore. Also, the concern about the various sanctions and thoughts of injuring others is another theme that should be thoroughly explored. These themes should be explored in an effort to reduce the risk associated with drinking and driving.

### **Significance of Research**

There has been some improvement in decreasing drinking and driving practices within the last 20 years, however, individuals are still choosing to drink and drive despite the harsh sentences that they are receiving (Rauch et al., 2010). The 50 states have all decided that a blood alcohol level of 0.08% or higher is illegal, and a person can be

charged with a DWI or DUI. When a person is convicted of these offenses, their license is suspended, and other punishments are imposed (Rauch et al., 2010).

There are major concerns that exist in regards to the effectiveness of the punishments that are being imposed on individuals that have subsequent DWI and DUI charges (Freeman et al., 2006). Freeman et al. conducted a study to test the effect that punishment has on repeat drunk drivers, and they believe that the assumption about punishment being ineffective on this population is true. It is the assumption of Freeman et al. that the issue lies in the various countermeasures that are being used to prevent future DWI and DUI arrest.

Mills et al. (2008) believed that treatment programs along with the suspension of driving rights can be effective in reducing drinking and driving arrest cases. Moreover, Mills et al. felt that the best results can be achieved by placing DWI and DUI offenders in programs that focus on the following: “education, therapy and follow-up visits with a probation officer.” However, Mills et al. believed that sanctions without treatment programs are ineffective.

Freeman and Watson (2009) believed that countermeasures are vital in preventing drinking and driving practices especially in regards to the impact it has on society. They conducted a study in which they collected information via the telephone. They surveyed random drivers about drinking and driving practices. They found that drinking and driving is a routine occurrence among many drivers, and there is a serious need for sanctions that will reduce this practice.

Understanding the impact of punishment on these offenders is vital in reducing these crimes. Self-reporting by DWI and DUI offenders has been used to reveal punishments that are effective. Freeman et al. (2006) conducted a study which DWI and DUI offenders self-reported on their drinking and driving practices and sanctions. They found that because the offenders were on probation, they were more inclined to state that their punishment would impact their decision about drinking and driving in the future. By offenders being on probation, researchers question if their thoughts about the impact of punishment are long term. Freeman et al. believed that this group has the potential to reoffend.

Exploring the impact of punishment through self-reporting is a common measurement used to assess drinking and driving (Schell et al., 2006). The main problem with self-reporting is response biases. Therefore, researchers should focus on measuring response biases. The measurement of self-reporting could be threatened if response biases are not eliminated (Schell et al., 2006).

Freeman and Watson (2006) conducted a study which used self-reporting. The sample group admitted that they are aware that drinking and driving is wrong, but they still persisted in the behavior. However, the sample group also stated that they would continue drinking and driving more often if the sanctions were not as prominent (Freeman & Watson, 2006).

If response biases are reduced, then the information provided by the DWI and DUI defendants could be helpful in understanding the role that punishment plays in preventing drinking and driving practices.

### **Summary of Literature Search**

A literature search was completed using the following computerized databases: Academic Search Complete, PSYARTICLES, and PSYINFO. An advanced search was conducted on the three databases, 4 articles were identified with the keywords characteristics of drinking and driving, 999 for sanctions, 3091 for punishments and 36 for laws of drinking and driving, 3 for recidivism and drinking and driving, 27 for prevention and drinking and driving. Of the articles founded 30 were included in this study and all were quantitative. Articles chosen and evaluated from the articles reviewed were consistent with the study, have proven to be purposeful to this study, and enhanced my thoughts on positive social change. By manipulating and combining key terms, other articles were found: characteristics of drinking and driving offenders revealed 2 articles, recidivism amongst DWI and DUI offenders revealed 2 articles. The search covered the time periods of 2006 to 2011. Scholarly peer-reviewed articles were found during an advanced search and the references were written in the English language.

In searching for the characteristics of DWI and DUI offenders, there was a plethora of information. All of the articles related to characteristics of drunk drivers focused on attempting to understand the traits that exist in individuals that commit DWI and DUI offenses. The articles also attempted to categorize these individuals for the purpose of prevention and deterrence.

There was a search for information related to sanctions and punishments that were imposed on drunk drivers. A lot of information on the various forms of sanctions that have been used and the rates of their success were found. Although there were many



sanctions discussed, the research still found that the sanctions and punishments were not enough to deter drinking and driving. The literature also continued to show that recidivism is still continuing, and sanctions are not enough because many of the DWI and DUI offenders are in need of treatment for alcoholism and psychological problems, as well.

Recidivism amongst DWI and DUI offenders was also used in literature search. In many studies, it was found that recidivism is a problem that is persistent amongst DWI and DUI offenders. The sanctions that are being used are not effective because the behavior is continuous. In some of the articles read, researchers have tried to predict recidivism and understand it, as well. Many researchers believed that there are actual traits and characteristics of repeat offenders that can be identified.

Finally, a search on DWI, DUI and sanctions was conducted. There were sanctions that were discussed that could possibly be effective on individuals if there was no evidence of a drinking addiction. Some sanctions such as alcohol and drug educational programs were considered to be useful if the individuals were not alcohol dependent.

This literature search provided an understanding that a real problem with drinking and driving exist in society. Many individuals are viewing the positive outcomes of alcohol which is seemingly outweighing the negative. The sanctions are not effective enough, and they are not influencing a change in individuals that continue to drink and drive. More research needs to be done in this area to understand the sanctions and treatment options that will influence this behavior. Using the case study method allowed a closer look at the subjects that were experiencing a particular problem. The case study

method was conducted in a personal environment which excluded many of the biases that are often present in other types of studies. In a more intimate setting such as a case study, subjects may be more inclined to disclose their true feelings and thoughts about their choices and the consequences thereof.

### **Chapter Overview**

In this chapter, studies that are unique to understanding the problems associated with drinking and driving and the influence of sanctions on this behavior are discussed. There is a plethora of research that discusses the different type of sanctions and punishments that have been imposed on individuals that commit this crime. As of today, and based upon the research, there is no definite answer for this problem.

Even research that does support the sanctions still add that they believed there is an underlying problem that makes punishment and sanctions meaningless to individuals that have potential drinking problems. There is evidence that supported the thought that individuals who choose to drink and drive seem to view the positives of drinking and driving and the positives are of a greater asset to them than the consequences of being sanctioned for a drinking and driving. Even invoking the use of fear as a deterrence does not prevent individuals from choosing to drink and drive because they are seemingly overwhelm by the positives they feel from drinking and they are oblivious to the consequences of their actions.

Moreover, much research has been devoted to labeling these individuals that could commit these crimes again in the near future. Researchers believed they we will be able to better understand and treat these individuals by identifying their characteristics.

However, whether these individuals are first time or multiple offenders, research has proven that there is no difference and more often than not, first time offenders are given lighter sentences because this is their first time being arrested for drinking and driving. In fact, it is believed that these individuals need to be assessed for a drinking problem and given harsher punishments.

Drinking and driving must be prevented. In this literature review, many different types of sanctions are discussed as well as evidence that will support the possibility of alcoholism. Researchers have also been geared toward creating a profile of a DWI/DUI offender. At any rate, individuals are still choosing to drink and drive and research suggests that this is an increasing problem. The sanctions that are being imposed are being ignored by this population. In order to combat this problem, the sanctions that are being used need to be explored in an effort to find ways to deter individuals from drinking and driving. Any in-depth case study would allow the researcher to understand the thoughts and views about the sanctions and punishments from the subject's perspective. Thus, I could better understand the disconnection that existed in regards to punishment and future occurrences by asking the relevant questions. Moreover, researchers could be more equipped with the knowledge that could aid in prevention by thoroughly studying the responses that the subjects provide.

## Chapter 3: Research Method

### **Introduction**

The purpose of this study was to explore the impact of punishment on DWI and DUI defendants to assess the likelihood of preventing subsequent offenses. In this study, I sought to describe the behaviors of defendants who are perpetrating multiple offenses in spite of the harsh punishments imposed. This study was not an intervention study but rather a study used to gather information that could be useful in implementing sanctions and punishment that could be deemed effective in the future.

I began this chapter with a brief introduction that stated the purpose of this study. I discussed the research design and rationale for this study. I defined my role in this study, and I explained the methodology for this study in depth. Issues of trustworthiness were provided along with ethical procedures; followed by the summary which concluded this chapter.

The qualitative research question research design for this study were based upon questions that could aid in understanding the impact of punishment on DWI and DUI offenses. The questions asked addressed DWI and DUI offenders who were experiencing the punishment during their probationary period. Their thoughts and feelings about the punishment being imposed were explored so that the findings could be used to reduce the incidence and prevalence of DUI and DWI.

### **Role of the Researcher**

As the observer-participant, I documented the participants' communication and conduct myself in a very impartial manner while employing qualitative query instruments

(Connelly & Clandinin, 1990). I was aware that because I live in society and previously worked as a DWI and DUI probation officer, I already had thoughts and a stance about this problem. I examined my own thoughts and biases and took in account that my participation could influence the group in a negative manner (Connelly & Clandinin, 1990). In addition, my role as the researcher focused on collecting data necessary to the study by employing devices that were helpful in finding pertinent information, beliefs, and biases at the beginning of the study (Creswell, 2009).

I advised the defendants/participants that their participation in the study would not have an impact on their current DWI/DUI punishment. In other words, they would not receive any special consideration for their participation in the study and they were still required to complete their punishment, and if they failed to meet the requirements, they would be incarcerated. On the other hand, I made sure that the participants understood that the research questions that were asked during the study were strictly confidential and were not reported to the judge nor were they used against the participants during the probationary period. I provided a written statement to them in the consent form assuring them that I was merely the researcher gathering information.

Although I performed case studies on defendants who were undergoing punishment, I assured them that their responses to the questions were confidential and were not shared with the court. Moreover, the defendants volunteered for the case study, which eliminated my power over them because they had a choice. I also informed the participants in writing that they would not be given preferential treatment because of their

participation. I signed a confidential agreement with the defendants at the onset of the study, and the participants had to give me informed consent to proceed with the study.

### **Participants**

The participants were recruited for this study based upon the criteria that were designed for this study. All participation was voluntary. Interested individuals contacted me by using my contact information on the flyer that was posted in Traffic Court. The participants were asked if they would like to participate in a study that will discuss their current DWI/DUI case. Sixteen participants were recruited for this study.

### **Research Method and Design**

This study used the tradition of qualitative inquiry. This strategy was selected because quantitative strategies do not allow enough time for the researcher to evaluate the participants in depth. Qualitative strategies allow the research time to study the behavior through experience that will include interaction. Qualitative studies allow the researcher to gather enormous proportions of information rather than statistical data like that of quantitative studies (Creswell, 2009). Through qualitative research, the participants can be heard, and they can often feel a sense of power because they are playing a part in solving their problem by participating in research that is significant to them. By allowing the participant to be heard, they feel more eager to participate and communicate with the researcher, which proves to be valuable because the participants feel that they have a voice regardless of their social standing (Creswell, 2007).

Qualitative research is necessary for the creation of societal changes (Creswell, 2007). In studying DWI and DUI offenders, qualitative research is highly suitable

because drinking and driving are social problems that affect many in society. A plethora of time and effort must be devoted to studying this problem for the purpose of reducing these crimes. Qualitative research involves various concepts that have been used since the late 1900s and are still being used today. The most prevalent approaches include narrative research, phenomenology, ethnographies, grounded theory studies, and case studies. Although all of the different qualitative approaches were evaluated for this study, case study was proven to be the most effective.

This study used the case study research method. Case studies are a form of qualitative research in which the researcher conducts a profundity of research on one participant or a small group of participants (Creswell, 2009). Cases studies are conducted by researchers who spend an abundance of time collecting extensive data while using different compilations of data collection throughout the duration of a broad time frame (Stake, 1995).

A case study was chosen over because the participants needed to be studied for a lengthy amount of time. Studying the participants over a period of time will allow the researcher to become more familiar with them. A case study will allow the researcher the luxury of gathering more in depth information about the participants' views on the punishment imposed because the group will be considerably small. Although the other methods of qualitative research are popular and noteworthy, case studies have a unique design that is geared toward the purpose of this study, which is to explore the impact of punishment on DWI and DUI defendants.

### **Population and Sampling**

The targeted age group included individuals between ages of 21 and 35. The gender of choice was males and ethnicity of the group was diverse. This study was conducted on individuals living in the Greater New Orleans area. The group had a minimum of a high school diploma with some college experience and had steady employment. This demographic was chosen because if the participants are working toward a goal such as a college degree or have longevity at their place of employment, then perhaps they would want help so as not to jeopardize their careers by receiving a second DWI/DUI offense.

### **Sampling Strategy**

Criterion sampling was the sampling strategy for this study. According to the Nastasi (1998), criterion sampling is frequently used in qualitative studies because this form of sampling exhibits traits that are essential to the research inquiries. The participants were chosen solely by meeting the criterion based upon the research questions, which saved the research a plethora of time. Nastasi believed that by not using criterion or purposeful sampling, the researcher is wasting time. Criterion sampling was useful in this study because the participants were selected based upon the criteria of the study (Nastasi, 1998). Moreover, this form of sampling is often used when addressing essentially crucial problems. With criterion sampling, the researcher should select cases that provide a wealth of significant data (Nastasi, 1998).



**Criterion Selection**

Criterion selection was based upon the following: The participants had to be males between the ages of 21 and 35, resided in the Greater New Orleans Area, had a high school diploma, some college experience, and steady employment, actively on probation for 3 months or more, on probation in Division C of Traffic Court, and spoke English.

**Meeting Criterion**

The participants who were chosen for this study had at least one DWI/DUI arrest and pled guilty to the charge. They were also placed on probation and were under the supervision of a probation officer. Defendants who met the criterion were recruited and volunteered to participate in the case study.

**Number of Participants and Rationale**

For this case study, 16 participants were selected. Sample size was based upon the qualitative method that was chosen (Nastasi, 1998). The time duration for an interview was also based on the number of participants. In the case of interviewing 16 interviewees, the length of the interview was 1 hour (Nastasi, 1998).

**Recruitment of Participants**

The participants were recruited based upon the criterion that was designed for this study. All participation was voluntary. Interested individuals contacted the researcher using the contact information in the flyer that was posted in Traffic Court Division C. Volunteering participants completed the consent form prior to the commencement of the interview and handed it to the researcher.

### **Sample Size**

Three case studies were conducted by McGrail and Davis (2011), Sylvester, (2012), and Thompson (2011) in which they had sample sizes of 16. The three studies were all peer reviewed journal articles. Based upon usage of 16 participants in the previous case studies, 16 participants were an adequate number for this case study. Because case studies can be lengthy, the time that needs to be invested does not make allowances for a large population. I recruited 16 participants from various backgrounds, which fostered diversity in the study while achieving saturation. According to Nastasi (1998), there is no set rule when considering the size of a sample during qualitative research. He suggested that the researcher use a sample size that will help the research achieve saturation or the level at which the information seems to repeat. Nastasi stated that many researchers feel that they have achieved saturation when there is no new information to learn or no new strategies formed. The sample size should be large enough to address the diverse group of participants (Nastasi; 1998).

### **Ethical Research**

At all times, I made sure that the participants were protected and respected (Creswell, 2009). Because of the nature of the confidential information that was collected, the research invaded the privacy of the participants (Spradley, 1980). To protect the confidential information, I did the following: wrote and verbally gave a detailed account of the research plan and the usage of the information obtained, collected a written letter of consent from the participants before the of the start of the study, submitted an exemption form to the Institutional Review Board, informed the participants

of all the material that was used to receive data, made available all forms of communications to the participants, provided the participants with a choice in relation to the release of their information, and gave the participants a choice in deciding if they wanted to remain confidential (Creswell, 2009).

The participants were informed of the reasons for and objectives of the research, research procedures, and how their participation would be beneficial to the cause. The participants were told that their information was of great value, and by participating, they would be able to express themselves and see their worth in this study. The participants were also made aware of the sensitivity of the issues that would be discussed during the case study. They were also informed through informed consent and via the invitation to participate in the study that the study was strictly voluntary, and they could choose to leave the study at any time, and their decision not to participate would not have been held against them.

The participants were made aware of their freedom to express themselves during the study with me. During the interviewing process, I maintained an open mind, was respectful to the participants' thoughts, and promoted the participants to express themselves and their ideas. They were also advised of the importance of their input and the impact their opinion could have on the reduction and prevention of at risk driving practices and punishment.

Once the study was completed, all written, oral, and other forms of material that were used were safely housed and only used by me. Materials that were considered to be raw were converted to Microsoft Word and secured with a password protection. The raw

materials were stored on a USB flash drive and locked securely in a file cabinet. The data will be housed for a maximum of 5 years and will be disposed of at that time. To further safeguard the privacy of the participants, fabricated names were used on all paperwork connected to this study.

## **Data Collection**

### **Instruments**

Schell et al. (2006) conducted a study on predicting recidivism by assessing defendants that have had multiple DUI offenses personal traits. In studying this group, it was found that they usually do not report the whole truth and their responses are usually based on what they perceive to be the right answer. Schell et al. used the Driving after Drinking (DAD) as their testing measurement for the purpose of identifying the traits that exactly correlate with drinking and driving. They found individuals that chose to drink and drive viewed alcohol consumption in a positive manner. Schell et al. believed that understanding the beliefs of repeat offenders can be very valuable in creating possible treatment and sanctions to reduce recidivism. Schnell et al. also added that DUI defendants that felt the positives associated with drinking and driving are less likely to embrace punishments that are imposed. They also believed that the views expressed by these defendants can be very valuable to the designing of a beneficial treatment and prevention program. Although this study is extremely supportive of self-reporting, they are aware of the response biases that exist and feel that they must be limited for the success of this type of research (Schnell et al., 2006).

Researchers have found that alcohol does influence behavior, and in the manner that the consumption is viewed positively, then consumption will increase (Jones et al., 2001 & Devine & Rosenberg, 2000). Schnell et al. (2006) stated that the relationship between the positives of drinking and drinking and drive has not been studied widely, however, Del Boca et al. (2002) believed that the positive attitudes about drinking will lead to mixed emotions about the incentives and punishment which means individuals that view consumption in a positive manner will continue to drink and drive. Schnell et al. (2006) stated that their study has been designed to restudy the correlation amongst the attitudes and drinking and driving practices of individuals that have been recently charged with a DWI or DUI. The fact that these individuals have already charged with a DWI or DUI may indicate that they have a positive view of drinking and driving. The study that was conducted seeks to understand the defendants' thoughts and attitudes about their punishment. We wanted to understand the effectiveness of punishment, and if it had in anyway impacted the defendants' lives for the better. Through the research that was conducted by Schell et al. they are asked questions about the activities that led to the DWI or DUI charge which becomes less important because the crime has been committed and the punishment needs to be efficient enough to prevent a subsequent offense. Schnell et al. believed that the gap in this research exists in the bias in their responses. In addition, it was found that underreporting has been the most common limitation in many DWI and DUI studies (Schell et al., 2006). This research sought to ask the questions that can aid in making sure that punishment influences the behavior associated with drinking.

The questions asked of the participants revealed their true feelings about their punishment. Their answers allowed the researcher to understand the actual view of punishment through the individuals that actually had to experience the process. The answers also revealed many of the problems that existed with punishment and the researcher was able to better understand the disconnection which caused repeat offenses of DWI and DUI. Researchers were also able to find punishments and treatment options that could reduce these crimes by the feedback provided by the participants.

### **Data Collection Technique**

#### **Setting**

This study was conducted in the Greater New Orleans area. In the city of New Orleans, the bars and stores that sell alcohol are open 24 hours a day. Access to alcohol is always readily available. Currently, DWI and DUI arrest case in the Greater New Orleans area are constant.

#### **Actors**

The informants were recently convicted DWI and DUI defendants that were placed on supervised probation for a period of 6 months to 1 year. The primary informants were the defendants that were recruited for this case study. Information was gathered from the DWI and DUI offenders that chose to volunteer for the study.

#### **Events**

Using the case study research method, the focus of the study was on the defendants' responses to punishment. The primary informants discussed their feelings about every aspect of their punishment which included the following: procedures of the

trial, their sentences, explanation of probation requirements, their task of completing the requirements and the aftermath of completion.

### **Processes**

Much attention was paid to the way in which the defendants adapt to their punishment. Adaption to the changes that occurred, organization of scheduling to complete the probationary requirements and the manner in which the defendants completed their punishment was learned.

Data was collected during a 30 to 60 minute interview session by the researcher. The length of the interview was determined by the richness of the data which was no less than thirty minutes. The interviews were at least 30 minutes to 60 minutes in length and conducted weekly. Permission from the participants to record the interview was required because they would be sharing their experiences about their punishment. A log was kept regarding the time spent interviewing, evaluating and analyzing the data. The researcher also maintained detailed notes regarding his or her experience during the research process

If saturation of themes and reliability between participants responses during cross checking would not have occurred, more participants would have been recruited for the study. Selection of more participants would have been based on the criterion that was used for the first set of participants.

Participants were debriefed at the end of the study. The study was explained to the participants in detail and they were also made aware of the purpose of their participation, and how the information was used. They were also reassured that their names and

identity would remain confidential, and their participation would not adversely affect their current court proceedings. The participants were thanked for their participation and advised that their participation could be helpful in the prevention of DWI and DUI offenses. The following interview questions were used to answer the research questions:

### **Interview Questions**

1. How do you describe the punishment?
2. How do you describe your life after completing your punishment?
3. How has the impact of punishment changed your life?
4. What are your perceptions towards DWI and DUI?
5. How do you describe your DWI and DUI behaviors?
6. How do you describe your return to driving after punishment?
7. What are your opinions on the punishment you received?
8. How do you describe your alcohol consumption during and after punishment?
9. How would you describe your level of intoxication at the time of arrest?
10. How do you describe your level of intoxication in relation to the effect it has on your driving practices?
11. What precipitates or happens before, during and after a drinking craving?
12. Can you describe the negative and positives of alcohol consumption?
13. How will you feel if you injured someone as a result of drinking and driving?
14. How does access to 24 hour drinking facilities impact your drinking patterns?
15. What impact does location to bars have on your drinking patterns?
16. How do you describe your drinking setting prior to your offense?



### **Data Organization Techniques**

The data was collected based upon the research questions. All of the questions asked during the research process discussed the punishment and driving practices during and after DWI and DUI offense.

The data was coded by categories which were parallel to the questions asked during the study. I established patterns amongst the participants based on their answers to the questions which could aid in understanding the impact of punishment on their behavior.

### **Data Analysis Technique**

I used an interview protocol when asking questions and documenting responses during the interview process (Appendix A). This information included a header which has the name of the interviewer and the location and time. There was a standard format that each interview followed to make the interview consistent. The questioning begun with questions that were considered to be starter questions, which were asked first, and they were followed by actual research questions. Probing questions were also asked to encourage the interviewees to communicate more. Questions were asked in intervals to provide time for the interviewer to document the data. Finally, I thanked the interviewees for their participation (Creswell, 2009).

The following potential themes were used to code the data: perceptions about punishment for DWI/DUI, perceptions about punishment in general, and perceptions about DWI/DUI. A better understanding of the level of intoxication and the effects it has on driving was essential to this research, the rationale of the desire to drink or craving,

circumstances, and the positive and negative effects of binge drinking was a potential theme explored, and concern about the various punishments and thoughts of injuring others were amongst the themes explored.

I used Excel to code the data. I also reported discrepant cases, which did not fit the themes identified by other participants. All data was maintained in the manner in which it was collected. At the end of the interview process, the data was immediately analyzed. The data was viewed, reviewed and checked several times for the purpose of sorting.

Once the first draft of the research results was completed, I organized the results into themes. Member checking also took place by all of the participants for the purpose of checking for reliability of the results and any inaccuracies. Based on the feedback from the participants, adjustments were made.

This was an embedded analysis (Creswell, 2007 p. 75). I provided a detailed description of the case which included the history of the case and chronology of events. I also focused on a few key issues or analysis of the themes to understand the complexity of the case. I provided a detailed description of each case and theme within the case analysis followed by analysis between case in cross case analysis and also as well as assertion or interpretation of the case meaning.

### **Reliability and Validity**

Validity was checked using the data triangulation and members checking (Creswell, 2009). The triangulation collection method consisted of the researcher gathering data via interviews, evaluations and documentation from the participants about

their DWI and DUI punishment. The validation measure was member checking in which the participants reviewed the data that was collected and made sure that the I presented the information that represented the participants' true thoughts and had assured reliability. There was a plethora of research observations conducted throughout the research process. Many lengthy and recapped examinations took place at the research location. Frequent and recurring observations of likely phenomena and situations continued at the research site for a six to twelve month period. The participants were an intricate part of the research from the beginning until the end. There was also a clarification of any bias that the research may have, and this was discussed under the subheading, "The Role of the Researcher (Creswell, 2009)"

### **Transition and Summary**

This study was rooted in the qualitative tradition which used the case study method that encourages participation, offers support and encourages feedback which could aid in creating social change. This methodology was relevant to illustrate the problem that existed and plausible solutions that could be useful in understanding the constant offenses of DWI and DUI charges regardless of punishments imposed. This chapter is followed by chapter 4 and 5 which interpret the data and provides an in depth discussion of the results.

## Chapter 4: Results

### **Introduction**

Largely traditional thoughts and activities associated with drunk driving have adjusted drastically over the last 4 decades; however, with treatment, sanctions, and edification offenders persist in driving with heightened intoxication levels (White & Gasperin, 2007). Studies have shown that punishment methods to reduce drinking and driving by the criminal justice system have not been successful in decreasing the reoccurrence of these crimes (Ahlin et al., 2011). The purpose of this study is to describe the effect punishment has on DWI and DUI defendants to explore the possibility of impeding offenses. Through this study, I also aim to explore the conduct of defendants who are committing repeat offenses despite the severity of punishment given. This is not a mediation study but rather a study used to gather information that could be helpful in employing punishments that could possibly aid in decreasing/inhibiting future offenses. This study provides responses from DWI and DUI offenders about their lives during and after punishment. Sixteen participants were interviewed for this study. They were all actively on probation for a DWI or DUI and they provided their perceptions of the punishment they received. In this chapter, I discussed the method of recruitment. I viewed the participant profiles. I explained process by which the data were gained, stored securely, and examined. I shared the manner in which the verification process used to guarantee precise and valuable data were gathered and I discussed the development of themes. The most meaningful way to understand the meaning of punishment is to gather the meaning from the offenders.

## **Recruitment**

The participants were recruited by a flyer that was placed in Division C of the City of New Orleans Traffic Court. The participants volunteered for the study by contacting me via the telephone number listed on the flyer. The participants were DWI or DUI defendants that pled guilty and were currently on probation for their offense. The participants, who contacted me after seeing the flyers in Traffic Court Division C, were recruited by self-identification. The flyer had the inclusion criteria listed. When contacted by the volunteering participants, I asked the participants if they satisfied the inclusionary criteria again before the appointment for the interview was established. I screened non-English speakers so they could be excluded. Defendants who did not speak English were excluded. It is possible that some information may have been lost in the translation from English to Spanish. This limitation could have negatively influenced this study; therefore, non-English speakers were excluded.

Recruiting participants in this format had its challenges because many participants were not interested in participating in a study that asked questions about their crime. For example, some who made contact with me declined to participate because they did not trust that participating in this study would not adversely affect their probationary status. Moreover, many participants were intimidated by the 3-page consent form. I reassured the participants that the study was strictly confidential and that they did not have to sign their name; instead, they could sign as participant and numerical identifier. They were also told that they could give their email address as their contact information. Furthermore, I reassured the participants about confidentiality by giving them a copy of

the consent form and sealing my copy in an envelope in front of the participants. Many of these methods aided in gaining the confidence of the participants. The procedures of recruitment are discussed more in detail under the subheading of limitations in this dissertation. Sixteen participants participated in this study, which was the number selected as adequate for the sample size in this study. The participants who consented in this study were male. The implications of this study will be discussed in this chapter as well.

### **Setting**

This study was conducted in the city of New Orleans. The participants who volunteered for this study were defendants in a section of the City of New Orleans Traffic Court. The interviews for this study were held in a private room in the public library. The library is centrally located in the Greater New Orleans area and is very easy to access by any means of transportation. The timeframe for this study was from November 2013 to August 2014. The participants lived throughout the Greater New Orleans area. The city of New Orleans has businesses that serve alcoholic beverages 24 hours a day and 7 days a week. The continuous access to alcohol is a possible rationale for the numerous DWI and DUI convictions. This rationale is supported by Gruenewald et al. (2014), who stated that alcohol availability and alcohol consumption patterns of individuals have an effect on the levels of alcohol consumption and drinking setting. These conditions can cause an escalation in the danger and consequences associated with alcohol consumption in many settings such as bars as opposed to other settings such as at the home of family members and acquaintances.

The participants were recruited for this study if they met the specified criteria. Originally, I was recruiting in one section of Traffic Court only, but the participants were not contacting me. I was then granted a change in procedure and was allowed to conduct the study in another section of Traffic Court. The response was better and I experienced an increase in response to the study. Thus, I was able to successfully interview 16 participants for the study.

### **Participant Profiles**

The participants were male DWI and DUI defendants who were between the ages of 21 and 35. They all had at least a high school diploma with some college experience and were gainfully employed. The total number of participants was 16 males. Participation of only males was chosen because males make up the majority of DWI and DUI arrest cases in the City of New Orleans. The group of males was also diverse. They all seemingly answered the questions truthfully and to the best of their knowledge. Table 1 shows the participants' profile.

Table 1

*Participant Profile*

Participant	Age	Race	Education	Employment
1	35	White	Some College	Construction
2	25	Hispanic	Some College	Construction
3	34	Black	Some College	Truck Driver
4	35	Black	Some College	Stock Clerk
5	32	Black	Bachelor Degree	Accountant
6	28	Black	Bachelor Degree	Teacher
7	26	White	Some College	Personal Trainer
8	29	Black	Some College	Bus Boy
9	24	White	Some College	Waiter/Actor
10	31	White	Some College	Barber
11	28	Black	Juris Doctorate	Lawyer
12	22	White	Some College	Customer Service
13	33	White	Bachelor Degree	Teacher
14	25	Black	Some College	Military
15	25	White	Some College	Mail Carrier
16	31	Black	Some College	Pharmacy Tech

**Data Collection**

The participants were interviewed in person at the interview site. There was only one interview site, and to establish privacy, the interviews were held in a private room. The interviews were conducted at the public library. Each participant was given a consent form at the beginning of the interview. The participants read the consent form thoroughly and were asked if they had any questions prior to signing. The participants were also informed that the study was strictly voluntary, and they had the right to leave the interview at any time. The questioning began with starter questions, which were asked first followed by actual research questions. Probing questions were also asked to encourage the interviewees to communicate more. Questions were asked in intervals to



provide time for the interviewer to document the data (Creswell, 2009). I wrote each participant's response to the questions and I made sure to repeat the participants' responses to them to ensure they were adequately documented. Finally, as per the protocol for an interview, I thanked the interviewees for their participation (Creswell, 2009). The participants' written responses were securely protected and only viewed by me. All raw materials were transferred to Microsoft Word and protected by a password. The methods for securing the raw materials from this study were described in detail in Chapter 3 of this dissertation. The interviews lasted approximately 30 to 60 minutes. Some interviews were shorter because the participants did not elaborate on their responses, and one participant in particular did not truly believe that he was guilty of his DWI; therefore, he gave shorter responses to the questions asked. He did, however, plead guilty and complete his punishment, but he still maintained that he was innocent. One of the biggest challenges during the interview process was encouraging the participants to share more information. I believe that although the participants were told that their responses were confidential, they were still somewhat apprehensive about providing detailed information during the interview. I reassured the participants that their information would not be shared with Traffic Court, and the information that they provided was strictly for research purposes only. Information that could lead to the identification of the participants was deleted from the paperwork prior to the verification process.

### **Data Analysis**

The interview data were organized and printed in a large print with adequate spacing so that I was able to analyze the data using the multistage process. The first stage in analyzing the data was carefully reading the interview responses thoroughly for the purposes of finding meaning in the data (Giorgi & Giorgi, 2003; Moustakas, 1994). I thoroughly read the responses of each participant to each question asked during the interview process. I noted the responses, patterns, and themes that were emerging amongst the participants. The next stage incorporated paying special attention to the responses made by the participants that were important to understanding the thoughts and views of the participants who were currently undergoing probation for their DWI or DUI conviction (Giorgi & Giorgi, 2003). I charted the responses that were similar in nature amongst the participants to develop a general meaning of punishment. The participants' responses were placed on a chart as I noted the common emerging themes. The participants' responses were the foundation for the formation of the themes necessary to finding punishment that is effective in helping to reduce future DWI and DUI arrest cases. The individual responses of the participants' thoughts and views were placed with the themes that they echoed in order to create a collaborated group consensus (Moustakas, 1994). I developed tables based upon the common themes that emerged from the participants' responses. I was also able to provide general meanings of punishment based upon the collaboration from the participants' responses. More data on the participants and collaborated group consensus continues in the latter part of this chapter.

I used an interview protocol when asking questions and documenting responses during the interview process (Appendix A). This information included a header that had the name of the interviewer and the location and time. There was a standard format that each interview followed to make the interview consistent.

The following potential themes were used to code the data: perceptions about punishment for DWI/DUI, perceptions about punishment in general, and perceptions about DWI/DUI. The participants' perception about punishment for DWI/DUI was expressed as being "fair" and "justified." The participants stated that they "accepted" the punishment for their DWI/DUI but they thought that "cost was a factor." However, they believed that the punishment for their DWI/DUI was "life changing" and they "learned their lesson" from the punishment. The participants' perception about punishment in general was expressed as being "fair" and the participants stated that they "agreed with the punishment." The participants also stated that the punishment was "appropriate," but they found it to be "costly and "time consuming." The participants' perceptions about DWI/DUI were expressed as a "zero tolerance" attitude toward drinking and driving. The participants stated that they "will not drink and drive" and they are "aware of the dangerous." They stated that the consequences are "severe" and "costly." They also stated that DWI/DUI is "stupid" and "irresponsible." Moving forward, the participants stated that they will tell others "don't drink and drive" and "call for a ride." A better understanding of the level of intoxication and the effects it has on driving is essential to this research, the rationale of the desire to drink or craving, circumstances, and the positive and negative effects of binge drinking were potential themes explored, and

concern about the various punishments and thoughts of injuring others is another theme that was explored.

I used Excel to code the data. I also reported discrepant cases, which did not fit the themes identified by other participants. All data were maintained in the manner in which they were collected. At the end of the interview process, the data were analyzed. The data were viewed, reviewed, and checked several times for the purpose of sorting. Once the first draft of the research results was completed, I organized the results into themes. Member checking also took place by all of the participants for the purpose of checking for reliability of the results and any inaccuracies.

This was an embedded analysis (Creswell, 2007, p. 75). I provided a detailed description of the case that included the history of the case and chronology of events. I also focused on a few key issues or analysis of the themes to understand the complexity of the case. I provided a detailed description of each case and theme within the case analysis followed by analysis between case in cross case analysis and as well as an assertion or interpretation of the case's meaning.

## **Results**

The rationale for this study was to understand the meaning of punishment in relation to DWI and DUI defendants. The results are exhibited by viewing the individualized responses shared by DWI and DUI defendants and their personal encounters shown through the process of analysis. The research questions which addressed the meaning of punishment in regards to these participants were analyzed. The manner in which the participants responded to the research questions and the method in

which the responses were analyzed structured the transcription of the results. Lastly, the responses were viewed to check for differences in the meaning of punishment for the participants in the study.

### **Perceptions of Punishment**

In this section, the punishment that the participants experienced will be discussed. In an effort to understand the meaning of punishment, the thoughts expressed by the participants will be analyzed. I will also look at the responses to Research Questions 1, 7, 8, 2, 3, and 6. In an effort to illustrate the history of the case and chronology of events, these questions are listed chronology as opposed to numerically.

Question 1. How do you describe the punishment?

Question 7. What are your opinions on the punishment you received?

Participants were asked to describe the punishment. The most common themes were that the punishment was “fair” and that they “agreed with the punishment that was given.” The punishment was deemed by the participants as being appropriate. The participants did feel that the punishment was “costly and time consuming.” The term “expensive” was used by more than one participant to describe the cost aspect of the punishment. Some of the participants even expressed that they felt embarrassed and humiliated and the punishment was a bit overwhelming and harsh. Overall, the participants seemed to feel that their punishment was appropriate and just.

The participants expressed their opinion on the punishment they received. The most common themes that emerged were that the punishment was fair and justified. The participants stated that they “accepted the punishment” and the “punishment fit the

crime.” The participants expressed that cost was a factor and the requirements of probation should have cost less. Although the participants agreed with the punishment, they did still feel that the punishment was time consuming. However, the participants found the punishment to be life changing in a positive way and they learned their lesson about drinking and driving through their punishment. Table 2 list the most common themes that emerged from the participants’ opinions on the punishment they received for their DWI and DUI.

Table 2

*Opinions on the Punishment Received*

Fair/Justified
Accepted the punishment
Punishment fit the crime
Costly/Cost was a factor
Harsh/Overkill
Life Changing
Lesson Learned

Question 1 and 7 asked participants to describe the punishment and their opinion about the punishment they received. There were some common themes that emerged from participants’ responses to these two questions. Table 3 list the most common themes that emerged from the participants’ responses to questions 1 and 7.

Table 3

*Opinions of Punishment and Punishment Received*

Fair/Just
Agreed/Accepted
Costly/Expensive

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Question 8. How do you describe your alcohol consumption during and after punishment?

Participants were asked to describe their alcohol consumption during and after punishment. The most common themes that emerged when asked about drinking during punishment were that the participants “did not drink” and some could not drink because they had a device called a Smart Start in their car which would instruct them to blow into a tube and if their alcohol limit was high, their car would not start. Those that stated that they did drink during punishment stated that they “did not drive while drinking.” The participants stated that they did drink less than normally during their punishment.

The most common themes that emerged when asked about their alcohol consumption after punishment were that they ‘will not drink and drive’ and ‘will be more careful.’ The participants expressed having a drinking limit after punishment and a decision to drink less. The participants believed that the punishment made them “wiser” and “more responsible” about their drinking and driving practices. Although the participants expressed that they will still drink even after punishment, they did stated that

they will not drive and offered calling for a cab as a solution to getting home after a night of drinking.

Similar themes emerged when the participants were asked about alcohol consumption before and after punishment. Most participants stated that they “did not drink and drive during or after punishment.” They admitted that they continued to drink during and after punishment but they would drink less and did not drive. Table 4 list the most common themes that emerged from the participants’ responses to alcohol consumption during and after punishment.

Table 4

*Alcohol Consumption During and After Punishment*

During	After
Did not drink during punishment	Did not drink and drive
Could not drink because of conditions of probation	Now have a drinking limit
Did drink but did not drive	Drink less
Drink less than normally	More responsible/wiser about drinking and driving practices
	Will still drink but will call for a cab

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Question 2. How has the DWI / DUI punishment changed your life?

Question 3. How has the punishment changed your life?



Participants were asked to explain how the DWI/DUI punishment changed their life. The most common themes that emerged were that they “will not drink and drive anymore” and that they are “wiser about DWI and DUI”. The participants expressed a great awareness of the consequences and their actions for drinking and driving. They also felt that “the punishment for their crime changed their lives for the better” and they now have a different view about drinking and driving. While the participants learned a lesson from their DWI and DUI punishment, they were extremely happy that the punishment was over.

The participants were asked how the punishment changed their lives. The themes that emerged were that they are “wiser” and “more aware of the consequences” as a result of their punishment. Some of the participants stated that they “will not drink and drive anymore, will not drink as much or will simply drink at home.” The participants expressed a sense of knowing better moving forward and creating positive change in their lives. The overall consensus from the participants was that they will be “smarter” and “more responsible” as result of their punishment. The participants expressed that their punishment taught them a lesson and the behavior that resulted in their punishment will not happen again. Table 5 list the most common themes that emerged from the participants’ responses to questions 2 and 3.

Table 5

*Response to DWI and DUI Punishment and Punishment Changed Their Lives*

DWI/DUI Punishment and Punishment

More aware of consequences
Will not drink and drive anymore
Learned lesson
Changed their lives for the better

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Question 6. How do you describe your return to driving after punishment?

Participants were asked to describe their return to driving after punishment. The most common themes that emerged were that they feel “appreciative” and “glad” to have their driving privileges restored. They expressed their gratitude for getting their license reinstated and they will make better decisions because they do not want lose their license again. Moving forward, the participants stated that they will be “more careful driving.” As a result of losing their driving privileges, the participants stated that they “will not drink and drive anymore” because having a drivers’ license is a privilege. Table 6 list the most common themes that emerged from the participants’ responses to returning to driving after punishment.

Table 6

*Response to Returning to Driving After Punishment*

Feel appreciative/gratitude
Glad to driving privileges restored
Will make better decisions
Careful about driving
Will not drink and drive anymore

**DWI and DUI Perceptions and Behaviors**

In this section, questions 4 and 5 will be discussed. The questions as well as the responses are listed:

Question 4. What are your perceptions towards DWI and DUI?

Question 5. How do you describe your DWI and DUI behaviors?

Participants were asked about their perception towards DWI and DUI. The most common themes were a pledge to not drink and drive in the future and making others aware of the dangerous of drinking and driving. Most of the participants described drinking and driving as being wrong and dangerous. The participants seemingly understood the seriousness of their crime because of the consequences. They described the consequences as being severe and costly. They affirmed that they learned their lesson by basically stating that they “learned their lesson” and expressing a “zero tolerance” attitude towards drinking and driving in the future. Their advice for others as well as

themselves was simple, “call for a ride” and “don’t drink and drive”. The participants expressed a negative view of drinking and driving adding that it is “irresponsible” and “stupid” to drink and drive.

In regards to DWI and DUI behaviors, there were more themes that emerged. The participants expressed that their behaviors showed “bad judgment” and was “not smart.” They admitted to being too intoxicated to identify their behaviors during their DWI or DUI. Those that could recall their behaviors, discussed being “reckless.” Through the interviews, it was revealed that the DWI and DUI defendants frequently engaged in drinking and driving until they were eventually arrested. The participants asserted that they agreed with their DWI and DUI behaviors as long as they were not caught. At the point of arrest they learned of the consequences and the punishment. By being arrested and punished for their behaviors, the participants seemingly realized that they were acting irresponsible and wrong for operating a vehicle in that manner.

In regards to DWI and DUI perceptions and behaviors some common themes emerged. The participants believed their perceptions and behaviors to be “irresponsible.” They also expressed a negative view of their DWI and DUI perception and behavior. The participants used words like “stupid” and “dumb” to express their thoughts about DWI and DUI perceptions and behaviors. The consequence of punishment was another common theme that emerged with perceptions and behaviors. The punishment for the participants DWI and DUI behaviors seem to have an influence on their behaviors moving forward.

### **DWI and DUI Participants Themes Compared**

Seemingly based on table 7, DWI and DUI offenders that participated in this study seem to own the fact that they were intoxicated at their time of arrest. The following responses are in reference to question number nine, “How would you describe your level of intoxication at the time of arrest?” The majority of participants described their level of intoxication in the same manner. Intoxicated, “drunk” and high were the most common words used amongst the participants to describe their level of intoxication at the time of arrest. Some of the participants further described their level of intoxication by adding either their Blood Alcohol Content (BAC) level or simply by adding that they were twice the legal limit, three times the limit or even triple the limit. Table 7 follows with responses by participants when asked to describe their level of intoxication at the time of arrest.

Table 7

*Level of Intoxication during Time of Arrest*

Intoxicated
Drunk
High
Twice/Three times the legal limit

### Cravings, Positives and Negatives

When asked about drinking cravings and what precipitates or happens before, during and after, the most common theme was that many participants did not believe that they experienced drinking cravings. They simply said they did not think they had drinking cravings but they, “just drink.” Overall, the participants were not sure if they had a craving for alcohol or rather they just had not placed a label on their drinking activities but admitted to drinking at will. Table 8 follows with the most common themes that emerged in regards to drinking cravings.

Table 8

#### *Drinking Cravings Most Common Responses*

Did not experience drinking cravings
No label, just drink
Not sure about cravings just drink at will

Table 9

#### *Most Common Responses Related to Before, During or After Drinking Cravings*

Before	During	After
Happiness about Drinking	Sense of Intoxication	Intoxicating Feeling

Table 9 describes the most common responses to before, during and after drinking cravings. The participants described their before, during and after drinking cravings. The most common themes expressed about before a drinking craving was happiness about drinking. During drinking cravings, the most common theme was a sense of satisfaction. After drinking craving, the most common theme expressed by the participants was an “intoxicating feeling.” Although many could not identify or describe their drinking cravings, they were honest in stating that they “just drink” while some were able to describe their drinking cravings and own the fact that they do exist this is helpful in understanding more about the DWI and DUI defendants’ thoughts about their drinking activities.

The participants seem to have described more positives than negatives in regards to alcohol consumption. In regards to the positives the theme that emerged was an expression of having a “good time” with friends while feeling relaxed. Only a few stated that there were no positives and a few simply stated that they were not sure about the negatives or positives of alcohol consumption. However, it is important to note that the positives of alcohol consumption poses as a serious barrier for DWI and DUI defendants moving forward.

Most of the participants believed that there were “no positives to alcohol consumption,” while others described the negatives and positives. Amongst the negatives, there was a theme that emerged. The defendants expressed a concern about receiving a DWI or DUI and they discussed the consequences that their arrest and conviction could have caused. The participants seem to have described more positives

than negatives in regards to alcohol consumption which is not encouraging because more positives could lead to future offenses of DWI and DUI. Only a few stated that there were no positives and a few simply stated that they were not sure about the negatives or positives of alcohol consumption. However, it is promising to know that there are DWI and DUI defendants that are aware of the negatives of alcohol consumption.

### **24 Hour Drinking Facilities and Location to Bars**

Two factors were examined in regards to drinking patterns. Those two factors were 24 hour drinking facilities and location to bars influence on drinking patterns. There were a few themes that emerged from the participants' responses. A theme that appeared to be common was the participants viewing 24 hour drinking facilities as being a negative influence on their drinking patterns. Many participants stated that it was "a negative influence" because they could drink anytime. Location to bars was another factor that was examined in regards to drinking patterns. Many of the participants believed that location to bars was not a factor because they could buy alcohol anywhere not just at bars. Therefore, the participants' responses to question fifteen showed that because alcohol is always available, location to bars does not influence drinking patterns but rather the fact that alcohol can be bought anywhere and anytime has an effect on drinking patterns.

### **Injuring Someone**

Participants were asked how they would feel if they injured someone as a result of drinking and driving. With this question, the most common theme was a great deal of remorse expressed by the participants. Among their responses, most said, they would



“feel guilty.” This question caused the participants to really think and most seem to think seriously about this question. A few of the participants thanked God for them not injuring someone and some even stated that they “would not be able to forgive themselves.”

Mothers’ Against Drunk Drivers (MADD) shows a video during the impact panel meeting that every DWI and DUI defendant must attend while on probation, this video shows the participants the reality of injuring someone as a result of drinking and driving. The video seem to have an impact on the participants.

### **Life After Completing Punishment**

The participants expressed their thoughts on their lives moving forward after completing punishment. Many common themes emerged that were previously mentioned in other sections of this chapter. The participants pledge to not drink and drive in the future. They expressed that they are aware of the consequences and will not repeat the same behavior. They now have a different view of DWI and DUI and expressed that now that their punishment is over they are relieved. The participants referred to the punishment as being life changing and causing them to be wiser in their actions to prevent this behavior in the future. As stated previously, the participants felt that they learned their lesson and will not drink and drive in the future.

Participants were asked about their level of intoxication and the effect it had on their driving. The most common themes that emerged were, “I was driving bad,” or “I was reckless.” The participants admitted that they were driving poorly while intoxicated and expressed that their level of intoxication was high. The participants also stated that they did not realize and were not aware of how bad their driving was until they were

stopped for their DWI/DUI. Table 10 list the most common themes that emerged from the participants' responses about their levels of intoxication at the time of their arrest.

Table 10

*Level of Intoxication and the Effect it Has on Driving*

Driving bad
Reckless
Poor driving
High level of intoxication
Didn't realize how bad driving was/ wasn't aware of bad driving

### **Evidence of Trustworthiness**

Validity was checked using the data triangulation and members checking (Creswell, 2009). The triangulation collection method consisted of the researcher gathering data via interviews from the participants about their DWI and DUI punishment. The validation measure was member checking in which the participants, reviewed the data that was collected and made sure that I presented the information that represented the participants' true thoughts and had assured reliability. There was a plethora of research observations conducted throughout the research process. Many lengthy and recapped examinations took place at the research location. Frequent and recurring observations of likely phenomena and situations continued at the research site for a six to

twelve month period. The participants were an intricate part of the research from the beginning until the end. I made sure to follow the themes that were emerging from the participants' thoughts and responses to ensure that that data was provided solely by the participants and not the personal thoughts of the researcher.

### **Summary**

In chapter four, data regarding the recruitment method of DWI and DUI defendants were discussed. The participants in this study were males between the ages of 21 to 35 and were all employed in various professions. The following potential themes were explored: perceptions about punishment for DWI/DUI, perceptions about punishment in general, and perceptions about DWI/DUI. A better understanding of the level of intoxication and the effects it had on driving was essential to this research, the rationale of the desire to drink or craving, circumstances, and the positive and negative effects of binge drinking, and concern about the various punishments and thoughts of injuring others are other themes that were explored. The following research questions were asked (a) How do DWI and DUI defendants describe their punishment? (b) How do the DWI and DUI defendants describe their lives after completing their punishment? (c) How has the impact of punishment changed these defendants' lives? (d) What are the perceptions of the defendants towards DWI and DUI? (e) How do the defendants describe their DWI and DUI behaviors? The general findings showed the thoughts of DWI and DUI offenders in regards to their punishment and lives beyond their punishment. With the responses to the research questions, many themes emerged. The participants expressed a sincere pledge to refrain from drinking and driving in the future,

they acknowledge that it is irresponsible to drink and drive, they owned that they were impaired at the time of arrest and accepted their punishment. Moving forward the participants asserted that they have learned their lesson and will discourage others from drinking and driving. In chapter 5, there is an explanation of the findings for social changes, sanctions, recommendations and conclusions.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The purpose of this qualitative case study was to understand the meaning of punishment to DWI and DUI defendants. I attempted to understand the meaning of punishment by asking DWI and DUI defendants to describe their experiences related to the incident and punishment. The case study approach was chosen because case studies are a method of qualitative research in which extensive research is conducted on a small sample size of participants (Creswell, 2009). Researchers who employ the case study method spend a plethora of time gathering a wide-range of information using a variety of collations of data assemblage during an extensive period of time (Stake, 1995). Similarly, in this case study approach, the DWI and DUI defendants provide their perceptions of the punishment they received as well as their perceptions about DWI and DUI behaviors and their lives moving forward after punishment. Through interviewing the participants, I was able to gather the meaning of punishment from the experiences of the participants and form themes based upon their responses to the research questions.

Sixteen participants who were DWI and DUI defendants voluntarily participated in this study. The participants were all males between the ages of 21 and 35. They were all gainfully employed with at least some college experience. The participants all agreed to participate in this study and to discuss their experiences by responding to the research questions asked. The questions used for this research arose from research that currently existed on DWI and DUI behaviors and punishment.

The main themes that emerged in reference to the research questions that were asked about punishment for DWI/DUI were described as “fair” and “justified.” The main themes that emerged in regards to the research questions about punishment in general were described as “fair”, “agreeable,” and “appropriate.” The main themes that emerged in relation to the research questions about DWI/DUI were described as a zero tolerance attitude toward drinking and driving, a pledge to not drink and drive, and an awareness of the dangerous of drinking and driving.

The findings from this research showed that punishment can be effective in preventing DWI and DUI offenses in the future. The harshness of punishment and the expense of punishment can cause DWI and DUI defendants to reconsider their decisions to drink and drive and their experience shared with others can also prevent new DWI and DUI offenses.

### **Interpretation of the Findings**

In Chapter 2, I discussed literature that was peer reviewed and interconnected with this study. No researchers currently discuss the meaning of punishment for DWI and DUI defendants. In Chapter 2, the theoretical framework for this research is described. PMT is the theory that was the underpinning of this study. PMT was developed in 1975 by Rogers in an effort to comprehend fear. In 1983, Rogers changed the theory to one that focused on threats and altering adverse conduct. Fear can be effective in changing negative DWI and DUI behaviors by allowing defendants to experience the punishment associated with drinking and driving first hand. Rogers (1975) believed that fear can cause a change in behavior by allowing individuals to view the negative results of their

negative conduct. He also shared ways that individuals can escape hazards after they adjust to a change in behavior. Rogers discussed Watts (1966), who believed that the videos and the subject of fear would not create a behavior change but a discussion on fear was more influential than a video. In fact, it was found that studies which included role play seemed to be more useful in changing behavior (Corsini, 2010). Rogers also added literature from Janis and Mann (1965) who believed that the threat of destruction was more convincing than other methods of fear deterrence. Maddux and Rogers (1983) piloted a study based on the PMT and personal-efficiency. The results revealed that the data read by college students raised a threat of fright, which produced a consideration to stop smoking. Stainback and Rogers (1983) used this theory to decrease drinking alcohol. The participants in the group who experienced severe penalties and increased incidences revealed a higher determination to refrain from consuming alcohol compared to the others studied. The findings of this study attempts to approve, disapprove, or advance the knowledge in this field by equating the findings to the peer reviewed articles that were discussed in Chapter 2.

The 16 males who participated in this study were DWI and DUI defendants who were punished for drinking and driving. The questions asked in the study were pertaining to the punishment received, the perceptions about DWI and DUI, and the participants' lives moving forward after punishment.

The participants also provided descriptions and perceptions of their DWI and DUI punishment, their lives after completing punishment, driving after punishment, opinions on their punishment received, alcohol consumption during and after punishment, levels of

intoxication during arrest for DWI and DUI, drinking cravings, the positives and negatives of alcohol consumption, the possibility of injuring someone as a result of drinking, effects of 24 hour drinking facilities, location to bars impact on drinking patterns, and drinking setting prior to offense.

Comparable discussions are conveyed in this research. For example, Jones and Holmgren (2009) believed that treatment and alcohol education classes can be more effective than other sanctions used in punishment. Liu (1993) conducted a study and found that a third of the individuals evaluated in the study had no trace of alcoholism. Liu also found that individuals who attended a class on alcohol education had a decreased probability by 50% of committing a subsequent offense as opposed to DWI and DUI defendants who did not take an educational class and just pleaded. It should also be noted that during the time of educational classes being available, there was a decrease in recidivism (Liu, 1993). In this study, participants found the MADD meetings to be meaningful to them; it made them consider how they could have injured someone or themselves by drinking and driving.

Research on the impact of penalties on decision making has indicated that an individual's view of the penalties associated with drinking and driving will determine their choice to drink and drive (Gustin & Simons, 2008). The participants in the study expressed their perceptions about their punishment and DWI and DUI behaviors and they stated that they will not drink and drive in the future because of their punishment for DWI and DUI.



Barry et al. (2006) believed that matching sanctions and the individuals who commit these crimes can be beneficial in reducing these crimes. The participants were asked to describe the punishment and also asked their opinion on the punishment they received. Their responses were similar for both questions. The participants in this study found their punishments to be fair, and many agreed with their punishment. The participants even stated that they thought their punishment was just and it fit the crime. The findings from the participants in this study are similar to the findings from the study conducted by Barry et al. However, Freeman et al. (2006) found that DWI/DUI offenders believed their sentence to be difficult but not enough to deter them from these crimes. These findings show that DWI/DUI offenders are not intimidated by their sentence, and some other sanctions need to be used, preferably substance abuse treatment (Freeman et al., 2006).

Schell et al. (2006) believed that DWI offenders are receiving second offenses, which are a major problem for society. However, the majority of the participants in the study stated that they will not drink and drive in the future because of the consequences that would reduce their chances of a subsequent offense. They also stated that they have learned their lesson through the punishment, which is a strong indicator that they are less likely to commit a second offense.

Wiliszowski et al. (1996) conducted a study in which some of the defendants asserted that they continued to drink and drive while on probation for their present DWI or DUI offense. Fifty-four percent admitted to driving on a suspended license. The participants in the study did admit to drinking while on probation, but they were not

asked about driving during their probation. However, the participants stated that they would return to drinking even once they had their driving privileges restored, but they would not drink and drive.

Schell et al. (2006) conducted another study and found that individuals who continued to drink and drive seemed to have a positive outlook on alcohol consumption. In the study, some of the defendants viewed the positives of alcohol as having a good time with friends and feeling relaxed. However, the majority stated that there were no positives to alcohol consumption, and some stated that they were not sure about the negatives and positives.

Oswalt et al. (2007) conducted a study that used a DWI education course for students as a form of punishment for drinking and driving. The participants were asked to discuss their experience with the punishment they received. The results of the study showed a reduction in drinking alcohol, decrease in the risk of drinking and driving, and a better understanding of the risk of drinking alcohol (Oswalt et al., 2007). The majority of the participants in the study stated that they would not drink and drive after their punishment, and many said they would also have a limit and if they decided to drink, they would not drive themselves home. They said they would call for a ride or cab.

Freeman and Watson (2006) conducted a study on drunk drivers that were driving without a license because of their DWI or DUI offense. Freeman and Watson found that the participants continued to drive without a license because they knew how to drive without being caught. In the current study, the participants were not asked about driving without a license. However, many of the participants did not have a license, and asserted

that they did not drive during that time. One participant revealed that he would take the bus to work, and one indicated that he lost his job because he was unable to work without a valid driver's license.

Lenton et al. (2010) affirmed that the interlock, also known as the Smart Start, is more effective than a suspended license because the defendants have to blow into a tube before they start their car. Participants in the current study who had the interlock disclosed that they did not drink during punishment because they had the Smart Start.

Past research seems to support providing treatment and education classes in lieu of other forms of punishment for DWI and DUI offenses. According to past research, a decrease in DWI and DUI offenses were shown when defendants attended alcohol education classes (Miller et al., 2014). While education classes and treatment is an option, current research supports harsher punishments such as requiring the defendants to place an interlock device in their vehicle. Researchers believe that the interlock is necessary because research has shown that defendants are continuing to drive while on probation with a suspended license (Marques & Hodgins, 2014). In this study, the majority of the participants found the MADD meeting to be effective in shaping their decisions to drink and drive in the future because they truly understood that they could possible injury someone or themselves. Focusing on the individuals who are affected by drunk driving could be helpful based on the findings in this study. In addition, the interlock can be effective because the participants who had the interlock did not drink and drive during the probation process. The interlock device and the MADD meetings are hopeful and should be explored more by researchers.

### **Limitations of the Study**

There were a few limitations that could have affected this study in a negative manner. Although the participants were diverse in terms of race, the participants who did not speak English were eliminated because a translator would have been required and valuable data could have been misunderstood during translation. This exclusion is a limitation because the language barrier would have interfered with understanding the participant's true meaning of punishment. Another limitation was selection bias. Only volunteers participated in the study. The defendants who declined to participate had a fear that the information they shared with me would have negatively influenced their probation status. This exclusion could be a limitation because these participants could have added meaningful information to this study. I tried to reduce this bias by explaining to the participants that their information was strictly confidential and would not be shared. Finally, response biases could be a limitation. It is possible that participants were probably not as honest as they should have been because of their probation status.

### **Recommendations**

Although there has been a significant reduction in drinking and driving behaviors over the last 2 decades, many people are still making the choice to drink and drive, regardless of their difficult punishments (Rauch et al., 2010). Currently, all of the 50 states have chosen to institute a blood alcohol concentration of 0.08% or greater as being considered to be grounds for DWI or DUI charges. Individuals who are convicted or plead guilty to DWI or DUI are placed on probation, and they have to adhere to certain required conditions while on probation (Rauch et al., 2010).

Punishment of DWI and DUI need to be more effective on defendants that have repeat offenses (Freeman et al., 2006). Freeman et al. conducted a study to analyze the effectiveness of punishment on defendants who commit multiple offenses of DWI or DUI, and they found that punishments are not effective. They thought that the problem exists in the different types of punishment that are being used to prevent repeat offenses (Freeman et al., 2006). Furthermore, Mills et al. (2008) affirmed that attending substance abuse treatment and suspending driving privileges can be helpful in reducing DWI and DUI cases. They also disclosed that the best way to achieve success with DWI and DUI defendants is to place them in substance abuse classes and require that they attend regular visits with their probation officer. They noted that punishment minus treatment is not working (Mills et al., 2008). Punishment in the form of having a suspended license, paying fines and fees, and attending education classes need to continue to reduce subsequent offenses. The participants in this study expressed their discomfort in having a suspended license. They stated that it was a difficult to get to work because they could not drive. When their driver's license was reinstated, they expressed gratitude and they realized that having a driver's license is a privilege, not a right. The participants indicated that the fines and fees associated with their probation were expensive and costly. They held that they would not drink and drive in the future because they could not afford the probation.

Lenton et al. (2010) asserted that the interlock is more effective than the suspension of driver's license because offenders are persisting in drinking and driving. However, Lapham et al. (2007) maintained there is an abundance of research that

supports the EM as a successful form of punishment for DWI/DUI defendants. However, research is limited on the effectiveness of the EM without the use of other requirements. The use of 24 hour monitoring devices should be considered. The participants who had the interlock installed in their vehicle did not drink and drive because they could not. The participants who did not have the interlock installed in their vehicle during probation did admit that they continued to drink and drive during probation.

Comprehending the meaning of punishment for DWI and DUI defendants is necessary in decreasing this problem. Moreover, having the DWI and DUI defendants provide their own experiences with the punishment they received can be helpful. Freeman et al. (2006) conducted a study in which participants with DWI and DUI cases gave their own account of their DWI and DUI behaviors and punishment. They found that the participants were more prone to state that their punishment would influence their future decisions to drink and drive. However, because of their probation status, it is questionable to researchers if their perceptions about punishment are permanent. They strongly believed that the participants run the risk of a subsequent offense (Freeman et al., 2006). The participants in this study declared that their punishment was harsh enough to prevent them from drinking and driving in the future. They also confirmed that their punishment changed their perceptions about their DWI/DUI behaviors. The participants divulged that they will still drink but not drive because of the punishment and they plan to tell others not to drink and drive. The participants admitted to drinking during and after punishment, and they said they would continue to drink but they would not make the choice to drive while drinking.

### **Implications**

The results of this study showed that the punishment for the DWI/DUI was sufficient enough to cause the participants to make the decision not to drink and drive in the future. The participants stated that they will not drink and drive and if they decide to drink, they will call for a ride, take a cab or drink at their home. Making the decision to not drink and drive is a positive change initiative at the individual level. The results of this study showed how drinking and driving affect the participants' family because having a suspended license prevented the participants from being able to drive and in some cases employment was lost because the job required an active driver's license. In addition, the fines and fees associated with the DWI/DUI negatively affected the family's income. Moreover, family time was affected by the participant having to attend classes required during the probation process. With the participant making the decision to not drink and drive in the future shows a positive initiative at the family level. The participants stated that they would feel horrible if they injured someone as a result of drinking and driving. After attending the MADD meeting, the participants specified that they understood how their choice to drink and drive could have negatively affected someone else. By the defendants deciding to make the choice not to drink and drive because they could possibly cause harm to someone else is a positive social change initiative at the community level. The participants confirmed that they agreed with the punishment and the punishment fit the crime. These results showed that the punishment was successful amongst these participants and this is a positive social change initiative at the policy level.

Helping DWI/DUI defendants understand their drinking craving is a future implication. The majority of the participants could not identify a drinking craving they believed that they would just drink when alcohol was available. When asked what precipitates or happens before, during and after drinking cravings, the participants did not believe that they had a drinking craving. However, the participants expressed a sense of excitement before drinking, fulfillment during drinking and a sense of intoxication after drinking.

Understanding the effect 24 hour drinking facilities have on DWI/DUI defendants is a future implication. The majority of participants believed that 24 hour access to drinking facilities had a negative effect on them because they had access to alcohol constantly.

Self- reportage by defendants about their punishment and drinking patterns is another future implication. Researchers could possibly learn what aspects of punishment cause a change in DWI/DUI behaviors. The participants in this study provided a plethora of valuable information about DWI/DUI behaviors and punishment. Understanding the meaning of punishment could be crucial to addressing these behaviors. The majority of the participants in this study concluded that the punishment caused them to change their DWI/DUI behaviors. Their opinions on the punishment they received as a result of their DWI/DUI offense, was harsh enough for them to make the decision not to drink and drive in the future. While they felt that the punishment was harsh, they felt that it fit the crime they committed. The punishment caused them to state that they will caution others not to drink and drive. Moreover the participants self- reported that the loss of their driving



privileges, having to attend classes, the expensive fees, the humiliation, and the guilty of possibly causing harm to others aided in shaping their future behaviors in regards to drinking and driving.

### **Conclusion**

There is an enormous amount of research that explains the various forms of punishments that are being executed on DWI and DUI defendants. Currently, there are no solutions to this problem based upon research. The participants in this study found their punishment to be meaningful and believed that they will not commit these crimes in the future.

The participants in this study were able to express themselves through this study. The meaning of punishment has not been discussed in the research that has previously existed in regards to DWI and DUI behaviors and punishment. It is not rare to hear about punishment for DWI and DUI crimes but there is no discussion on life after these crimes from the defendant's perspective. The defendants that experience the punishment need to be heard because they can tell of their experience which can aid in finding punishment that can be the most effective in deterring these crimes.

The research which currently exist, does not discuss the meaning of punishment. Research lends itself to placing labels on the defendants that they believe will commit these crimes again in the future. Research has also focused more on characterizing the defendants for the sake of understanding and treating their behavior. Researchers feel that DWI and DUI defendants need to be evaluated for drinking problems and given stiffer punishments for these crimes. Researchers also believe that first time offenders are given

lighter sentences because this is their first time being arrested. However, the participants in this study believed that their punishment fit the crime and it was harsh enough for them to learn a lesson. The participants in the study vowed to not drink and drive in the future and asserted that they will make better decisions moving forward.

Results revealed that the punishment imposed on these DWI and DUI defendants, was seemingly enough to get the defendants attention. However, based on the fact the participants admitted to continuing to drink, is a serious indicator that there could be a subsequent offense for many of these participants.

The participants in this study viewed their punishment as a helper and seem to believe that their punishment would be enough to prevent them from drinking and driving in the future. The results from this study showed that the participants viewed their punishment as a very serious life changing event and because of the punishment they will change their DWI and DUI behaviors.

Drunk driving has to stop. Based upon research, various forms of punishment have been used to prevent this problem. Regardless of the punishment imposed for DWI and DUI, many individuals are making the choice to commit these crimes and based on research, the problem is becoming persistent. Seemingly the punishments given for these crimes are being disregarded for various reasons. Many of the participants that were interviewed for this study admitted that they continued to drink during their punishment and although they said they would not drink and drive in the future, it can only be hoped that the punishment they experienced had that much of an effect on their behavior. Through this in-depth case study strategy, I was given insight into the participants'

perceptions about their punishment. I was able to comprehend the divide that occurs with punishment and the participants' DWI and DUI behaviors in the future by asking pertinent questions. In the future, researchers can use the information learned in this study to help reduce these crimes.

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## Appendix A: Interview Questions

Interview questions:

How do you describe the punishment?

How do you describe your life after completing your punishment?

How has the impact of punishment changed your life?

What are your perceptions towards DWI and DUI?

How do you describe your DWI and DUI behaviors?

How do you describe your return to driving after punishment?

What are your opinions on the punishment you received?

How do you describe your alcohol consumption during and after punishment?

How would you describe your level of intoxication at the time of arrest?

How do you describe your level of intoxication in relation to the effect it has on your driving practices?

What precipitates or happens before, during and after a drinking craving?

Can you describe the negative and positives of alcohol consumption?

How will you feel if you injured someone as a result of drinking and driving?

How does access to 24 hour drinking facilities impact your drinking patterns?

What impact does location to bars have on your drinking patterns?

How do you describe your drinking setting prior to your offense?

## Appendix B: Consent Form

You are invited to take part in a research study that will explore the punishment on DWI/DUI offenders. The researcher is inviting DWI/DUI offenders that are currently on probation to be in the study. This form is part of a process called “informed consent” to allow you to understand this study before deciding whether to take part.

This study is being conducted by a researcher named Franklyn J. Scott, who is a doctoral student at Walden University.

### **Background Information:**

The purpose of this study is to explore punishment of DWI/DUI offenders in an effort to reduce subsequent offenses.

### **Procedures:**

Interview:

Interviews will be conducted in a room at New Orleans Public Library located at 219 Loyola New Orleans, Louisiana 70112. Each interview will last for a minimum of 60 minutes. Member Checking will occur about 1 month after data is collected for about 30 minutes maximum if in person follow-up/phone; 5-10 minutes if via email/certified mail. This information will be added to the Consent Form.

Here are some sample questions:

How do you describe the punishment?

How do you describe your life after completing your punishment?

How has the impact of punishment changed your life?

What are your perceptions towards DWI and DUI?

How do you describe your DWI and DUI behaviors?

**Voluntary Nature of the Study:**

This study is voluntary. Everyone will respect your decision of whether or not you choose to be in the study. No one at City of New Orleans Traffic Court will treat you differently if you decide not to be in the study. If you decide to join the study now, you can still change your mind later. You may stop at any time.

**Risks and Benefits of Being in the Study:**

Being in this type of study involves some risk of the minor discomforts that can be encountered in daily life, such as stress and becoming upset. Being in this study would not pose risk to your safety or wellbeing. However, reliving the punishment as part of the interview can create stress for you therefore, I have provided a list of low-cost counselors in the local community for anyone who begin to feel stressed during the interview.

**Metropolitan Human Services District**

1010 Common St #600, New Orleans, LA 70112  
(504) 599-0245

**Daughters of Charity New Orleans**

1030 Lesseps St, New Orleans, LA 70117  
(504) 941-6041

**ACER**

7532 W Judge Perez Dr, Arabi, LA 70032  
(504) 682-9550

2238 First St, Slidell, LA 70458  
(985) 690-6622

Participants will be advised of the importance of their input and how their opinions could help with finding suitable punishment for these crimes.

**Payment:**

There will be no form of payment given for participation in this study except for a heartfelt thanks.

**Privacy:**

Any information you provide will be kept confidential (The researcher will not use your personal information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in the study reports. However, if any criminal activity is described during the interview, I will need to report it. Data will be kept secure by being converted to Microsoft Word and will be secured with a password. The data will also be stored on a USB flash drive that will be locked in secured file cabinet. Data will be kept for a period of at least 5 years, as required by the university.

**Contacts and Questions:**

You may ask any questions you have now. Or if you have questions later, you may contact the researcher. If you want to talk privately about your rights as a participant, you can call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is 1-800-925-3368, extension 1210. Walden University's approval number for this study is **IRB will enter approval number here** and it expires on **IRB will enter expiration date.**

Volunteering participants will complete the consent form prior to the commencement of the interview and hand it to the researcher at the public location that the participant has chosen.

Please keep this consent form for your records.

**Statement of Consent:**

I have read the above information and I feel I understand the study well enough to make a decision about my involvement. By signing below, I understand that I am agreeing to the terms described above.

Printed Name of Participant

Date of consent

Participant's Signature

Researcher's Signature

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