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**DETERRENCE, DEFIANCE AND DEVIANCE: AN INVESTIGATION INTO A  
GROUP OF RECIDIVIST DRINK DRIVERS' SELF-REPORTED OFFENDING  
BEHAVIOURS**

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*Abstract*

This paper reports on the utilisation of aspects of defiance, deviance and deterrence theories to examine the self-reported offending behaviours and punishment experiences for a group of recidivist drink drivers ( $N=166$ ). The analysis indicated that the sample perceived their penalties as severe yet fair, but not entirely certain nor swift. Participants also reported they were treated fairly in court and received reasonable punishments compared to others, but a considerable proportion reported low levels of respect for the law and questioned the government's legitimacy to control drink driving. Multivariate analysis revealed that factors from all three models were identified as predictors of re-offending (e.g., severity, government legitimacy and respect for the law), as well as for the frequency of drink driving in the past (e.g., certainty & severity of punishment, personal shame & respect for the law). The findings indicate that aspects of all three models are applicable to the examination of habitual re-offending, but a number of factors appear associated with a drink driving offence.

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*Deterrence Theory and Drink Driving*

Sustained policing efforts in combination with the development and implementation of various countermeasures have resulted in significant reductions in the prevalence of drink driving in the past 15 years (Voas & Tippetts, 2002). More specifically, deterrence based practice such as the application of legal sanctions (i.e., fines and licence loss), random breath testing and well-publicised media campaigns have contributed to this reduction in drink driving occurrences. Deterrence theory proposes that individuals will avoid offending behaviour(s) if they fear the perceived consequences of being apprehended for the act (Homel, 1988; Von Hirsch, Bottoms, Burney & Wikstrom, 1999). More specifically, the Classic Deterrence Doctrine which is credited to Jeremy Bentham & Cesare Beccaria in the 18<sup>th</sup> Century, proposes that law breaking is inversely related to the certainty, severity and swiftness of punishment (Taxman & Piquero, 1998).

However, the application of such deterrence practices in isolation has proven to be less effective for habitual repeat offenders, as research consistently demonstrates that between 20 to 30% of convicted drink drivers have a prior drink driving offence (Brewer et al., 1994; Hedlund & McCartt, 2002; Wiliszowski, Murphy, Jones & Lacey, 1996). Given the high level of repeat offending in a number of countries (Brewer et al., 1994; Hedlund & McCartt, 2002; Wiliszowski et al., 1996), researchers have proposed that this population is immune to the threat of legal sanctions (Beirness et al., 1997; Hedlund & McCartt, 2002; Taxman & Piquero, 1998; Yu, 2000) or are not easily influenced by deterrence-based countermeasures.

Furthermore, of particular concern for deterrence theory is the growing body of research that has reported a counterintuitive effect for legal penalties, as punishment for criminal activity appears to be positively associated with some offending behaviours (Homel, 1988;

Paternoster & Piquero, 1995; Piquero & Paternoster, 1998; Piquero & Pogarsky, 2002). In the case of recidivist drink drivers, a number of questions remain regarding how this group perceive legal sanctions and why they continue to drink and drive despite incurring increasingly severe penalties. It has been suggested that deterrence theory can not adequately explain why sanctions appear to promote further offences in some context (Sherman, 1993), and thus there appears to be a need to look beyond punishment theories if a greater understanding of the link between sanctions and criminal activity is to be achieved.

Despite the prominence of the deterrence doctrine within criminological research, a number of additional theories that focus on social, developmental, environmental and biological factors have been developed in an attempt to understand a range of criminal activities. However in the current context of recidivist drink drivers, few attempts have been made to apply theoretical paradigms to the investigation of self-reported offending behaviours (Smith, 2003). Given the phenomenon of recidivist offenders continuing to drink and drive despite incurring increasingly severe sanctions, there appears to be a need to look beyond deterrence-based theories to investigate the process of habitual re-offending. As a result, the present study aims to utilise aspects of two additional models in combination with the Classic Deterrence Doctrine, in an attempt to achieve a better understanding of the factors influencing a group of recidivist drink drivers' offending behaviours.

#### *Defiance Theory and Drink Driving*

One promising direction of theoretical change has been to consider the process of defiance, whereby feelings of unjustness arise from the application of penalties that are perceived as unfair, which have been proposed to promote further offending behaviours (Sherman, 1993). Defiance may be defined as “the net increase in the prevalence, incidence, or

seriousness of future offending against a sanctioning community caused by a proud, shameless reaction to the administration of a criminal sanction” (Sherman, 1993, p.459). A central theme of defiance theory is the interaction between the offender and the sanctioning body. A number of theories related to defiance have been developed to investigate criminal activity (Braithwaite, 1989; Scheff & Retzinger, 1991; Sherman, 1993; Tyler, 1990), and while a complete review of each theory is beyond the scope of the current paper, three central themes focus on the perceived fairness of incurred penalties, feelings of shame that may result from the sentencing process, and the perceived legitimacy of the sanctioning body.

#### *Perceived Fairness*

In regards to perceived fairness of penalties, preliminary research has indicated that penalties can promote general compliance with the law, but may lose specific power when applied to offenders who perceive their conditions to be unfair (Tyler, 1990). In essence, it has been suggested that fair sanctions increase compliance with the law through legitimising enforcement practices while unfair sanctions decrease compliance with the law (Sherman, 1993). More specifically, Homel (1988) suggested that perceptions of fairness have two aspects; (a) a justice aspect whereby the offender believes that the penalty fits the crime and (b) equality of treatment aspect whereby he/she believes they were treated fairly compared to others in the same position. As such, it is noted that appraisals regarding the fairness of punishment are quite complex, as the punishment can also be perceived to involve apprehension by the police as well as the court process (Homel, 1988). In regards to procedural fairness, a growing body of researchers have suggested perceptions of being treated fairly, can influence attitudes towards governing bodies and subsequent deviant behaviours (Aquino, Lewis & Bradfield, 1999; Lind & Tyler, 1988; Tyler, 1990; Wemmers, Leeden & Steensma, 1995).

Despite the importance of examining how offenders experience the implementation of punishment (Indermaur, 1994), few researchers have examined this process (Searle et al., 2003), especially for drink driving penalties. Preliminary investigations of perceived fairness for different legal punishment have reported positive appraisals of penalties (McGinnis & Carlson, 1982; Searle et al., 2003), although perceived inconsistencies in sentences are likely to lead to unfair assessment of punishment (Indermaur, 1994). In regards to drink driving, an exploratory study by Williams, Hagen and McConnell (1984) indicated that over half the sample of convicted drink drivers in a Californian sample reported their licence disqualification period as fair.

### *Feelings of Shame*

Another central aspect of defiance theory focuses on feelings of shame, which may stem from embarrassment and humiliation as a result of behaving badly or from dishonouring oneself or a group (Vagg, 1998). Research into the process of shaming has revealed a fine-edged sword. On the one hand practitioners and researchers have begun to utilise feelings of shame to reduce offending behaviours, via the “reintegrative” effects of bringing shame on the act and the “stigmatising” effects of bringing shame on the offender (Braithwaite, 1989). It has been proposed that shaming techniques may be more effective than traditional legal sanctions and have recently been utilised in attempts to reduce a number of criminal offending behaviours (Braithwaite, 2000; Sherman, Strang & Woods, 2000; Vagg, 1998). While such practices have produced promising results for a number of criminal activities, shaming techniques have received mixed reviews (Prichard, 2002; Sherman & Strang, 2000) and have proven less successful for drink driving offenders (Sherman & Strang, 2000).

Conversely, it is proposed that feeling disrespect from a sanction or sanctioning body may lead to shame, which results in self-righteousness (Scheff & Retzinger, 1991), and actually

increases the likelihood of re-offending. Shame may stem from an internalised evaluation of oneself which involves the recognition of loss of self-esteem (Lewis, 1992). Legal penalties that invoke shame usually violate an offender's dignity, which result in offenders' questioning the legitimacy of the sanctioning body (Sanson et al., 1996; Silberman, 1976). When individuals feel both disrespected and stigmatised, the possibility of engaging in further criminal activity may increase (Braithwaite, 2000). It has been suggested that the formal court experience has the potential to stigmatise offenders and reduce the likelihood that individuals will strive to be responsible members of the community (Braithwaite, 1989). For example "there is nothing shameful in defying authority if authority's actions are seen as immoral" (Sanson et al., 1996, p 159). Tyler (1990) suggests that when the sanctioning body loses its legitimacy, then social sanctions such as peer disapproval are likely to take its place, as legitimacy may be positively associated with compliance with the law. As a result, it may prove fruitful to not only measure feelings of shame, but also individual perceptions regarding the legitimacy of the sanctioning body to impose penalties on violators.

#### *Deviance Theory and General Offending Behaviours*

A third paradigm that has been utilised to examine the process of rule breaking and offending behaviours has focused on deviance theory. There are many theories and measures of deviance that have both sociological and psychological origins including normative theories, labelling perspective, symbolic interactionism and political economy. For example, Tittle (1995) identified six different categories of nonconformity that vary in levels of deviance and social acceptability. However to protect parsimony within the current paper, deviance may be defined as a state, condition or behaviour that is markedly different from the norm, and this study will consider selected factors that focus on deviations from this norm. In the current context, "deviance then becomes a way of life that is difficult to change and is rationalized as a defensible lifestyle within the deviant

subculture” (Braithwaite, 1989, p.18). This proposition has been strengthened by research that has demonstrated that the best predictor of criminal involvement is prior criminal behaviour (Gottfredson & Hirschi, 1990; Nagin & Paternoster, 1991). Researchers have suggested that once labelled a deviant, a self-fulfilling prophecy develops and a sense of injustice is evident that results from perceived injustices from the treatment of the social control agent (Braithwaite, 1989). From a different perspective, it may be proven that punishment is most likely to deter individuals who are bonded to society, and the norm, but be likely to increase crime among social and cultural outgroups (Sanson et al., 1996). Therefore, links between defiance and deviance theory may yet be identified within the common concept of “out-groups” as well as the process of questioning the legitimacy of the law and sanctioning body to impose penalties on violators of the norm.

#### *Moral Commitment to the Norm and Respect for the Law*

In regards to deviations from the norm, there is a need to consider whether repeat offenders hold similar views to the norm, are morally committed to the norm and respect the law proposed by the norm. Both moral commitment to the norm and respect for the law have been identified to have an effect on the prevalence of criminal activities (Brown, 1998; Grasmick & Green, 1981; Homel, 1988; Paternoster & Simpson, 1996; Silberman, 1976; Tittle, 1977).

For drink driving, a growing body of research has demonstrated moral attachment has the potential to inhibit general motorists’ drink driving behaviour (Berger & Snortum, 1986; Green, 1989; Norstrom, 1978). For example, Norstrom (1978) analysed the driving behaviours of 1,541 Swedish motorists and reported moral attachment to the law to be the best predictor of drink driving ( $r = -.38$ ). However once again, research has yet to examine repeat offenders’ attachment to the norm, and specifically, whether this group believes drink driving to be inherently wrong.

*Drink Driving Convictions*

Finally in regard to deviance, a need remains to examine the relationship between intentions to re-offend and the propensity to commit general offences. For the current context of recidivist drink driving, an indicator for the existence of deviant traits may be evidence of criminal activity. The propensity to commit general criminal offences has been linked to persistent drinking and driving (Arstein-Kerslake & Peck, 1985; Gould, 1989; Stewart, Boase & Reid, 2002) and has been hypothesized to affect deterrence processes (Cornish & Clarke 1986; Homel, 1988). Convictions for unrelated offences may highlight social deviance or a latent criminal disposition, which may ultimately affect the deterrent influence of punishment (Homel, 1988; Wiliszowski et al., 1996). As a result, drink driving may be the tip of a much larger iceberg as this behaviour is only one way that this group's deviant behaviour manifests itself.

In summary the present study aims to utilise aspects of deterrence, defiance and deviance theories to explore the self-reported offending behaviours of a group of recidivist drink drivers. Specifically, the study aims to examine the relationship the following factors have with intentions to re-offend as well as the frequency of past drink driving offences:

- Deterrence theory
  - o Certainty, Severity and Celerity
- Defiance theory
  - o Feelings of Shame
  - o Fairness of Penalty
  - o Government Legitimacy
- Deviance theory
  - o Respect for the law
  - o Moral attachment to norm

- Number of general convictions and drink driving offences

## **Method**

### *Participants*

A total of 166 recidivist drink drivers volunteered to participate in the study<sup>1</sup>. There were 149 males and 17 females in the study.

### *Materials*

#### *Demographic Survey*

A questionnaire was developed to collect demographic information such as the age, employment, marital status, and level of income of participants. The Demographic Survey also incorporated questions that relate to the frequency of participants' past drink driving behaviours over their lifetime, in the last six months, as well as intentions to drink and drive again in the future.

#### *Experiences and Perceptions Questionnaire*

A second questionnaire employed in the study, collected a variety of information focusing on participants' perceptions and experiences of legal sanctions and the sanctioning body. Two items measured each of the Classic Deterrence Doctrine's factors: (a) severity of personal punishment, (b) perceptions of arrest certainty, and (c) perceptions of punishment swiftness. Examples of the items include: "The penalty I have received for drink driving has caused a considerable impact on my life" (severity), "The chances of getting caught for drink driving are high" (certainty), "The time between getting caught for drink driving and going to court was very short" (swiftness).

In regards to defiance attributes one question measured each of the following factors: (a) the fairness of incurred penalty (“The penalties I have received for drink driving have been fair”)

(b) fairness of penalty compared to others; (“The penalties I have received for drink driving have been fair compared to other people I know who have been caught for drink driving”).

(c) fairness of treatment in court: (“I felt that I have been treated fairly in court”)

(d) legitimacy of the government to control drink driving behaviours: (“I think the government has the right to tell me how much I can and can’t drink before I drive”)

(e) feelings of shame resulting from the drink driving conviction: “I was ashamed when I was caught for drink driving”

Finally, for the deviance attributes, one question measured:

(a) beliefs that drink driving is wrong (e.g., moral attachment to the norm): “I personally believe that it is wrong to drink and drive”

(b) respect for the law: “I respect the law”

Participants were required to respond on a 10-point scale (1 = strongly disagree, 5 = unsure, 10 = strongly agree)<sup>2</sup>. Additional information such as participants’ offending history (e.g., traffic and criminal) was collected from the Queensland Police Service, after permission from participants was obtained.

### *Procedure*

Data were collected through structured interviews via two procedures. Firstly, the majority of participants (79.5%,  $n = 132$ ) were interviewed at their local Community Corrections regional centre after they had met with their probation officer. Only the researcher and the participant were present during the interview. Secondly, when face-to-face interviews

were not possible due to logistical problems (e.g., time and travel) telephone interviews were conducted at a convenient time for participants (20.5%,  $n = 34$ ). Both forms of interviews took approximately 20-30 minutes to complete<sup>3</sup>. Participants signed a "Statement of Release" consent form that permitted the researcher to obtain information regarding previous traffic and non-traffic convictions that were provided by the Queensland Police Service and Queensland Transport Department.

## Results

### *Characteristics of Sample*

The average age of the participants was 37 years, with a range from 20 to 67. In summary, the majority of the sample were male Caucasians who were mostly employed (66.3%), on a full-time basis in blue-collar occupations, earning approximately \$12,000 - \$35,000. There was considerable variation in the level of participants' education and more than half the sample reported currently being in a relationship. On average participants were disqualified from driving for approximately 15 months (range 2-60mths), the majority received a \$500 fine<sup>4</sup>, and were placed on a probation order on average for 16 months (range 6-36mths). In general, participants had been convicted of approximately three drink driving offences ( $M = 2.86$ , range 2-7), and their Blood Alcohol Content (BAC) reading for the most recent offence was on average three times the legal limit ( $M = .155$ , range .05-.317mg%).

### *Offending History of Sample*

For self-reported offending behaviours, the majority reported drink driving more than 10 times in their lifetime and were offending regularly in the 6 months before their most recent apprehension. A noteworthy finding was that despite recently being sanctioned and

placed on a probation order, three participants reported it extremely likely they would re-offend (1.8%), six reported it likely (3.6%), a relatively large sample of 30 were unsure (18.1%), whilst 58 (34.9%) believed it unlikely and 69 (41.6%) reported it very unlikely. In regards to general criminal offending behaviours, 4.8% did not have any other form of convictions, approximately half the sample only had traffic convictions (48.8%), with speeding being the predominant offence, while the remaining (46.6%) had criminal convictions that ranged from drug use, theft/burglary to violent offences.

Table 1 about here

### *Perceptions of Penalties and the Court Experience*

The first aim of the study was to examine participants' self-reported perceptions of recently incurred sanctions and their experiences of both the penalty and the court process, with the descriptive statistics depicted in Table 2. The procedure to divide respondents' scores on the 10-point scale into low, medium and high categories was based on the principle of natural breaks in the distribution of scores.

In regards to Classical Deterrence, despite being recently sanctioned, only half the sample agreed that the chances of being apprehended for drink driving were high (56%), as 28.3% disagreed, and 15.7% were undecided ( $M = 6.34$ ). In regards to perceptual severity, the majority reported sanctions to be severe, indicating that recently incurred penalties produced a considerable impact upon their lives (86.2%,  $M = 8.35$ ). Similar to perceptual certainty, a considerable proportion agreed that the time between apprehension and conviction was long (43.4%), a further 41% were undecided, and only 15.5% considered application of sanctions to be swift.

For the perceived fairness of penalties, the majority reported the penalty to be fair (71.70%), with less than a quarter considering the penalty unfair (17.50%). Furthermore, in comparison to others, approximately half the sample considered their penalties to be fair (54.82%), and the majority reported they were treated fairly in court (77.70%). However, less than half the sample believed in the government's legitimacy to control drink driving (47.59%) and only a slightly greater proportion reported respect for the law in general (58.40%). Finally, the majority reported drink driving to be wrong (73.5%), although three quarters of the sample did not report being ashamed as a result of their most recent drink conviction (77.1%). Taken together, while the penalties were reported as severe, they were also considered fair and administered fairly. However, a considerable proportion questioned the legitimacy of the government to enforce drink driving laws, were not ashamed of their offence, and as a result, questions remain regarding the influence these perceptions have on intentions to drink and drive again in the future.

Table 2 about here

#### *Intercorrelations between Variables*

The bi-variate relationship between the sample's self-reported drink driving behaviours in the last six months, over their lifetime, intentions to re-offend and their perceptions and experiences of sanctions are presented in Appendix A. Data screening revealed non-normal distributions for a number of measures, which resulted in Kendall's Tau being computed and reported in the place of Pearson's correlations to reduce the influence of distribution anomalies. While the relationship between the major factors and self-reported drink driving are examined in the following ordinal regression analyses, some notable bi-variate relationships are reported below.

In regards to the self-reported frequency of drink driving, those who engaged in the act regularly in the last six months were also more likely to report drink driving frequently over their lifetime ( $\tau = .32^{**}$ ), as well as report intending to re-offend in the future ( $\tau = .26^{**}$ ). The results indicate that past behaviour is a good indicator of future behaviour, and that drink driving behaviour(s) for this group may be entrenched and resistant to change. Furthermore, continually drink driving over an extended period of time (e.g., one's lifetime) appeared associated with diminished perceptions of arrest certainty ( $\tau = -.17^{**}$ ), indicating that continually avoiding apprehension may have a deleterious effect on deterrence processes.

While the majority of the sample generally reported low levels of shame after their drink driving conviction, in contrast to previous research (Sanson et al., 1996; Silberman, 1977), feelings of shame were not associated with the process of questioning the legitimacy of the government to control drink driving ( $\tau = -.07$ ). In addition, feelings of shame were not related with the judicial process ( $\tau = -.08$ ) or penalty fairness compared to others ( $\tau = -.04$ ). Furthermore, a strong relationship was not evident between the level of shame and number of drink driving convictions ( $\tau = .09$ ), which indicates the existence of a higher number of penalties and convictions does not guarantee higher levels of shame.

In regards to the perceived fairness of incurred penalties, the factor did not appear to be highly correlated with the actual length of licence loss ( $\tau = -.06$ ), amount of fine ( $\tau = .10$ ), period of probation ( $\tau = -.06$ ), number of previous drink driving convictions ( $\tau = -.04$ ), nor socio-demographic characteristics such as age ( $\tau = .00$ ), or level of income ( $\tau = .05$ ). The

findings provide support for the assertion that perceptions and evaluations of sanctions are extremely subjective (Homel, 1988; Tittle, 1980; Von Hirsch et al., 1999), and that the current sample of repeat offenders were most likely expecting a much greater penalty. Finally, no relationship was evident between moral commitment and the three principles of deterrence e.g., certainty, severity, swiftness. The results support the assertion that individuals who are committed to the norm may have violated in the past and it remains possible that they will again in the future (Grasmick & Green, 1981).

### *Predictors of Self-reported Offending Behaviours*

A series of ordinal regression analyses were implemented to determine the contributions of the Classic Deterrence Doctrine (e.g., certainty, severity, swiftness), Defiance theory (e.g., fairness of penalty for self, fairness of penalty compared to others, procedural fairness, feelings of shame, legitimacy of government), and Deviance theory (e.g., criminal convictions, moral attachment to the norm, respect for the law, number of drink driving convictions) to the prediction of self-reported; (a) intentions to re-offend, (b) frequency of drink driving in last six months, and (c) frequency of drink driving over one's lifetime. Table 3 depicts the variables and regression coefficients for each model.

The first three regression analyses focused on the prediction of intentions to re-offend in the future. For the Classic Deterrence doctrine, while the overall model was not significant, perceived severity appears to be negatively associated with intentions to re-offend (Wald statistic = 4.66,  $p = .031$ ). The result is encouragingly as it suggests that sanctions that are perceived as severe are likely to deter repeat offenders – at some level- from continuing to drink and drive. In contrast, the defiance model was statistically significant, as questioning the legitimacy of the government to stop drink driving behaviour was identified as a predictor of intending to re-offend (Wald statistic = 6.52,  $p = .012$ ). Thirdly, the deviance

model was not significant, although reporting lower levels of respect for the law was highlighted to increase the probability of intending to re-offend (Wald statistic = 7.48,  $p = .006$ ).

Secondly, an examination of the frequency of drink driving in the last six months revealed that the Classic Deterrence Model was once again not significant, although perceptions of severe sanctions were again associated with lower frequency of drink driving events<sup>5</sup> (Wald statistic = 7.04,  $p = .006$ ). In contrast, the defiance model was significant with lower levels of shame identified as a predictor of higher frequency of recent drink driving behaviours (Wald statistic = 9.42,  $p = .002$ ). The deviance theory was also significant, with lower levels of respect for the law associated with a higher frequency of recent drink driving events (Wald statistic = 8.63,  $p = .003$ ).

Finally in regards to offending behaviours over an extended period of time, which is noted to be an extremely inaccurate task at both a statistically and conceptual level, lower levels of perceptual certainty was identified as a predictor of a higher frequency of drink driving behaviours (Wald statistic = 7.31,  $p = .007$ ). Not surprisingly, individuals who report the highest frequency of drink driving over an extended period of time (often while avoiding apprehension) are most likely to report the lowest levels of arrest certainty. For defiance theory, the model was also significant, as government legitimacy was again identified as a factor to influence drink driving (Wald statistic = 9.32,  $p = .002$ ). Finally, the deviance model was not significant, but a higher number of drink driving convictions was associated with a higher frequency of drink driving (Wald statistic = 4.90,  $p = .027$ ), as those who drink and drive more regularly are more likely to be apprehended and convicted of the offence.

Several other regression models were estimated to determine the sensitivity of the results. A series of stepwise logistic regression analyses were implemented with all factors entered together, which confirmed the same predictors of offending behaviours. In addition, inclusion of socio-economic characteristics such as age, gender, income, employment and marital status did not increase the predictive value of the model.

Table 3 about here

### **Discussion**

The present study focused on an investigation into a group of drink driving repeat offenders' perceptions and experiences of legal sanctions, and the application of aspects from deterrence, defiance and deviance paradigms to the examination of factors associated with the groups' self-reported offending behaviours. Considering the popular assumption regarding the limited effect of deterrent principles to stop repeat offenders from continuing to drink and drive, the paper aimed to explore whether alternative theories could contribute to explanations for the counterintuitive phenomenon of continuing to offend despite incurring increasingly severe sanctions.

#### *Classic Deterrence Doctrine*

As expected, the sample reported that recently received penalties had a considerable impact upon their lives, although the likelihood of detection was not necessarily certain, and the application of punishment not entirely swift. Perceptions of severity was the only Classic Deterrence factor identified to predict intentions to re-offend, as those who reported higher levels of severity were less likely to re-offend. This finding is encouraging as it provides support for the practice of applying substantial penalties (e.g., long periods of licence disqualification) to repeat offenders. However, considering that the sample had

recently lost their licence and were on a probation order, questions remain regarding the stability of such perceptions over longer periods of time, especially considering this populations' propensity to continue to re-offend.

Of concern, was the considerable proportion of offenders who did not believe the chances of apprehension for drink driving to be high despite recently being sanctioned. Researchers have previously noted the low probability of detection for the offence (Wells-Parker et al., 1995) and the present study demonstrates that continually drink driving while avoiding both detection and punishment may have a deleterious effect on perceptions of apprehension certainty and deterrence in general. The challenge remains for policy makers and law enforcers to increase perceptions of arrest certainty to ensure legal punishments remain a credible threat for this population. If the possibility of detection remains low, then the deterrent effect of a severe, but "hypothetical" penalty, may be diminished.

### *Defiance Theory*

In regards to aspects of defiance theory, despite participants reporting their sanction to be severe, they also considered their penalties were fair, believed they were treated fairly in court, and considered their sentences reasonable compared to the penalties of others. In addition, no relationship was evident between the actual length of penalties imposed on the sample and the associated perceptions of fairness. Contrary to expectations, a moderate positive bivariate relationship was identified between perceived fairness and intentions to re-offend. This finding could be attributed to the fact that a considerable proportion of the sample may have expected a period of incarceration as a result of their previous convictions. However, the result also supports the assertion that individuals who perceive their penalties as fair may still continue to re-offend because of personal gain or other

situational factors (Homel, 1988), as it is noted that a number of environmental and situational factors influence decisions to drink and drive (Mullahy & Sindelar, 1994).

Interestingly, the majority of the sample did not report feeling shame as a result of their recent drink driving conviction. This finding may result from a number of factors. Firstly, the effect of social sanctions such as feelings of shame may decrease with offence history (Dana, 2001; Nagin & Paternoster, 1991). Secondly, this population may reduce/deny feelings of shame or may not be heavily influenced by such feelings. For example, individuals with weaker bonds such as “out-groups” are more likely to engage in denial of shame that may eventually lead to retaliation (Sherman, 1993). This proposition has recently been supported by reintegrative shaming experiments that have proven less effective for recidivist drink drivers (Sherman et al., 2000). Thirdly, feelings of shame or social sanctions may be developmental and age specific (Piquero & Pogarsky, 2002), and prove less influential for some adult groups. Finally, the findings may provide support for the theory of a “beer culture” (MacDonald & Dooley, 1993) as the social network of offenders may negate the deterrent threat of formal sanctions (Berger & Snortum, 1986; Homel, 1988; Nagin & Paternoster, 1991; Tittle, 1980; Von Hirsch et al., 1999). That is, it remains possible this group may be immersed within an environment where heavy alcohol consumption and driving after drinking are both accepted and rewarded.

While perceptions of fairness and feelings of shame were not associated with intentions to re-offend, the defiant act of questioning the government’s right to stop drink driving was identified as a predictor of further intentions to re-offend as well as a higher frequency of drink driving over one’s lifetime. In fact, less than half the sample believed that the government had the right to tell them that they could not drink and drive, and increases in the number of drink driving convictions did not appear to influence this belief. While

questioning the legitimacy of the government did not appear to arise from feelings of shame, this attitude may prove to be quite stable and manifest itself across a number of behaviours. This preliminary finding needs to be examined more closely with a larger sample size to determine the origins of such beliefs and the impact on drink driving behaviours.

### *Deviance Theory*

Contrary to expectations, the existence of convictions for general offences was not associated with a higher frequency of drink driving behaviours or intentions to re-offend. While half the sample had been convicted of a general criminal offence, the existence of such convictions was not associated with a higher frequency of self-reported drink driving behaviours. Rather, a lack of commitment or respect for the law was found to be linked with drink driving behaviours. Further research is required with this population to determine whether a lack of respect for the law promotes re-offending, or if such an attitude is the result of habitually re-offending.

Conversely, moral attachment to the norm, specifically whether the sample believed drink driving to be wrong, was not associated with self-reported drink driving behaviours. However, researchers have suggested that individuals engaging in deviant behaviour(s) often neutralise the wrongness of the criminal act or justify their behaviour at the time of the offence (Scott & Lyman, 1968; Sykes & Matza, 1957). Given that the current sample's beliefs appear contradictory to their self-reported offending behaviours, Sykes and Matza's (1957) neutralisation theory may provide insight into the sample's disparity between attitudes and behaviours. In the current context, offenders may display a propensity to; (a) neutralise their behaviour, (b) provide socially desirable responses, and/or (c) may simply not recognise the disparity between their beliefs and actions, especially when intoxicated.

It is also noted that the efficiency of deviant attributes or beliefs to predict drink driving is highly dependent upon the accuracy of information and attitudes provided by participants.

If the problem of self-report bias could be neglected for a moment, it appears that while the sample acknowledges that drink driving is wrong, they still regularly engaged in the behaviour. Some additional explanations for this finding are provided below. Firstly, moral attachment to the norm may not exert a tremendous influence on drink driving for this group, especially when they are contemplating the offence while under the influence of alcohol, have to contend with situational factors (e.g., public transport options) or if the behaviour has become entrenched or habitual. Secondly, the results provide support for the assertion that morally committed individuals may still contemplate breaking the law (Blake & Davis, 1964). Thirdly, moral support for any norm may vary not only through situations, but also within a population and sub-groups which results in moral commitment being a matter of degree (Silberman, 1976).

Taken together the findings of the research program indicate that aspects of all three models can be utilised to examine the propensity of recidivist drink drivers to continue to drink and drive regardless of the application of sanctions. While principles associated with the Classic Deterrence Doctrine appear vital to ensure penalties exert an influence on this population (e.g., severe punishment), perspectives and attitudes linked to deviance and defiance theories have the potential to illuminate current understanding of the forces contributing to the practice of habitually drink driving. Despite this, it is readily noted that no model was extremely efficient in identifying individuals most likely to drink and drive again in the future. What appears evident is that if recidivist drink drivers consume high levels of alcohol, feel little shame from each new conviction and question the legitimacy of drink driving laws, then it is more likely that they will drink and drive again than cease the

offending behaviour. Future research with larger sample sizes may benefit from expanding and/or reconceptualizing the factors examined in this study as well as considering the influence impulsivity and different cognitive styles has on this populations' decision making and drink driving behaviours. In addition, researchers have begun to analyse "situational" factors that influence criminal activity (Birkbeck & LaFree, 1993), and the examination of environmental and situational factors that promote drink driving would contribute to the development of more effective countermeasures.

Some limitations of the study were identified. Participants were not randomly selected. The accuracy of the self-reported data remains susceptible to self-reporting bias and it remains uncertain whether stated intentions are effective predictors of future behaviours. The relatively small sample size limits statistical power and the inclusion of other variables in the analyses such as whether offenders were bonded to the community. The application of a more comprehensive deviance model (Lemert, 1951; Tittle, 1995) would most likely have strengthened the findings. It would have been of value to examine a range of deviant attributes such as secondary deviance (Lemert, 1951) as well as factors associated with deviant motivation, constraint and opportunity (Tittle, 1995). In addition, the measurement scale developed for the present research requires further validation and amendment with a larger sample size. Finally, the findings may be heavily influenced by an "experiential" effect, as the majority of participants were recently sanctioned and on probation, as questions remain about the stability of self-reported perceptions over longer periods of time.

Notwithstanding the limitations of the research study, what remains evident is that it is crucial to investigate the perceptions of active criminals. While such research initiatives are costly in both time and money, and limited by small sample sizes, the accurate

gathering of this population's perceptions and experiences of countermeasures and self-reported offending behaviours is crucial if effective interventions are to be developed to reduce habitual drink driving.

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Table 1

*Self-reported Offending History*

Frequency	<i>n</i>	%	Frequency	<i>n</i>	%
Lifetime offending:			Last six months:		
Never	3	1.8	Never	66	39.7
Once or twice	10	6.0	Once or twice	26	15.7
Three to five	21	12.7	Three to five	22	13.3
Six to ten	19	11.4	Six to ten	22	13.3
More than ten	113	68.1	More than ten	30	18.0
Intentions to drink & drive again:			General Criminal Convictions:		
Extremely unlikely	67	40.4	No other convictions:	8	4.8
Unlikely	60	36.1	Only traffic convictions:	81	48.8
Unsure	30	18.1	Criminal convictions:	77	46.4
Likely	6	3.6			
Extremely likely	3	1.8			

Table 2. *Self-reported Measures of Perceptions and Experiences*

Perceptions	Mean ( <i>SD</i> )		Disagree		Unsure		Agree	
			%	<i>n</i>	%	<i>n</i>	%	<i>n</i>
Certainty	6.34	2.97	26.5	44	21.7	36	51.8	86
Severity	8.35	2.22	9.0	15	4.8	8	86.2	143
Swiftness	4.42	2.22	43.4	72	41	68	15.6	26
Fairness of Penalty	7.43	2.66	17.5	29	10.8	18	71.7	119
Fairness of court ex.	7.75	2.59	13.3	22	9.0	15	77.7	129
Fair compared to others	7.75	2.59	16.3	27	28.9	48	54.8	91
Shame of Punishment	2.87	3.07	77.1	128	2.41	4	20.5	34
Government	6.34	3.24	33.7	56	18.6	31	47.6	79
Respect for the law	6.53	2.53	17.5	29	24.10	40	58.4	97
Drink Driving Wrong	7.54	2.51	12	20	14.5	24	73.5	122

Note: Fairness of court ex. = perceived fairness of court experience, Fairness compared to others = fairness of own penalty compared to others' penalty; Government = Government Legitimacy.

Table 3. Ordinal Regression Coefficients for Self-reported Intentions to Re-offend, and Frequency of Drink Driving in Last Six Months and Over Lifetime

	Intentions to Re-offend		Over Six Months		Over Lifetime	
	B	Wald	B	Wald	B	Wald
<b>Classic Deterrence Model</b>						
Certainty	.02	.16	-.04	.59	-.17**	7.31
Severity	-.14*	4.66	-.17**	7.04	-.07	.82
Swiftmess	-.02	.12	.03	.34	.02	.08
Model Chi-Square	5.41, $p = .14$		7.66, $p = .054$		8.90, $p = .031$	
<b>Defiance Model</b>						
Fairness for self	.07	1.27	.08	1.89	-.08	1.25
Fairness compare to others	.02	.15	.01	.02	.03	.20
Court Fairness	.08	.02	.02	.07	.09	.17
Government Legitimacy	-.12*	6.52	-.07	2.23	-.16**	9.32
Feelings of Shame	-.08	2.65	-.15**	9.42	-.04	.69
Model Chi-Square	11.91, $p = .018$		14.84, $p = .005$		11.01, $p = .026$	
<b>Deviance Model</b>						
No other Convictions	-.32	.20	-.19	3.66	-.37	.26
Traffic Convictions	.09	.09	.36	1.45	.23	.44
Criminal Convictions	.00	.00	.00	.00	.00	.00
Drink Driving is Wrong	.08	1.71	.04	.54	.02	.11
Respect for Law	-.16**	7.48	-.17**	8.63	-.04	.35
# of D.D. convictions	.07	.24	.12	.79	.43*	4.90
Model Chi-Square	9.56, $p = .089$		17.66, $p = .003$		7.72, $p = .395$	

Note. \*  $p < .05$ , \*\*  $p < .01$ ; # of D.D. convictions = number of drink driving convictions

NOTES

<sup>1</sup> The present research formed part of a larger study that is examining the implementation of a court-ordered alcohol ignition interlock program in Queensland. The larger study aims to determine whether the device in combination with licence suspension and a drink driving rehabilitation program is more effective than the rehabilitation program alone in reducing drink driving recidivism. Similar to previous research with this population, true random assignment of participants was not possible as offenders either volunteered or were court-ordered to complete the interventions e.g., self-selection and judicial bias.

<sup>2</sup>The piloting process revealed that participants experienced considerable difficulty responding to large numbers of likert scaled questions. As a result, a 10-point scale was predominantly implemented to measure perceptions of legal sanctions and non-legal factors, with 5-point likert scales reserved for the measurement of concrete factors (e.g., intentions to re-offend).

<sup>3</sup>Between groups analysis revealed no significant differences between those interviewed face-to-face compared to over the phone, nor individuals who were to install interlocks compared to those who completed only the drink driving rehabilitation program, on a number of key research outcomes such as deterrence, deviance or defiance factors or self-reported offending behaviour(s).

<sup>4</sup>Magistrates usually waive the traditional monetary sanction in lieu of paying a \$500 fee to enrol in a drink driving rehabilitation program which participants in the current study were also required to complete while they were on a probation order.

<sup>5</sup>It is noted current perceptions of sanctions may be spuriously inflated by the application of participants' most recent punishment, and more specifically, the analysis assumes that perceptions of deterrence are stable across time, which has been questioned by a number of researchers (Green, 1989; Saltzman et al., 1982). Conceptually, past behaviours cannot be influenced by present perceptions and the analysis assumes that participants current experiences of sanctions are similar to their previous expectations of such sanctions e.g., severity. These limitations need to be borne in mind when interpreting this section of the results.

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APPENDIX A

*Intercorrelations Table*

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1. Intentions to re-offend	1	.26**	.16*	.02	-.12	-.01	.13*	.08	.07	.16*	-.14*	.05	-.18**	.05	-.01	.09	-.03	-.02	-.05
2. DD in last six months		1	.32**	-.06	-.05	.04	.11	.06	.22**	.10	-.27**	.01	-.17**	.09	-.01	.03	.05	-.09	.03
3. DD over lifetime			1	-.17**	.03	.05	-.04	.00	.12	.18**	-.06	.01	-.05	.20**	.01	.05	.02	.10	.06
4. Certainty				1	.03	-.05	.06	.03	.07	-.02	.00	.09	.01	.05	-.01	-.03	-.01	.07	.02
5. Severity					1	.11	-.01	-.06	-.03	.02	.06	-.02	-.03	-.04	.06	.01	-.02	.05	-.09
6. Swiftmess						1	.06	-.09	.00	.01	-.16*	.00	.04	.01	.00	-.03	-.15*	.03	.00
7. Fairness for Self							1	.32**	.30**	.07	-.05	.09	.10	-.04	-.06	.10	-.06	.00	.05
8. Fairness to others								1	.28**	.04	-.04	.05	.08	-.06	.04	.07	-.05	-.08	.08
9. Court Fairness									1	.12*	-.08	.17*	.09	-.10	-.05	.08	-.09	.02	.04
10. Government Legitimacy										1	-.07	.20**	-.02	.04	.09	.21**	.01	-.02	-.02
11. Feelings of Shame											1	-.07	.14*	-.09	-.01	.17*	.02	.06	.06
12. Drink Driving is wrong												1	.13*	-.08	-.11	.10	-.10	.00	-.07
13. Respect for the Law													1	-.12	.01	-.02	-.04	.06	.15*
14. # of DD convictions														1	.16**	-.10	.08	.20**	-.08
15. Length of Licence loss															1	.10	.04	.02	.02
16. Amount of Fine																1	.02	-.04	-.11
17. Probation Period																	1	-.02	-.01
18. Age																		1	-.01
19. Level of Income																			1

Note. \* p <.05, \*\*p <.01 (two-tailed)