BRSI

Summary

Fit to drive again?

The practice of medical and psychological examinations in cases of deprivation of the right to drive

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Fit to drive again?
The practice of medical and psychological examinations in cases of deprivation of the right to drive

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A nouveau apte à conduire? La pratique des examens médicaux et psychologiques en cas de déchéance du droit de conduire

Scope

When a magistrate in Belgium orders a deprivation of the right to drive a motor vehicle as a result of a road traffic offence, he can reinstate the right to drive on condition of completing one or more examinations. The options include among others a medical and/or a psychological examination. This type of examination in Belgium is called a 'reintegration examination'. The most common reason for a reintegration exam is driving under the influence. The purpose of these examinations is to increase road safety and to prevent or reduce recidivism of driving under the influence. After a positive outcome, a person's driving licence may be reinstated.

However, few people are aware of how these reintegration exams are specifically conducted. Therefore, the first objective of this study was to describe and evaluate the operation and procedure in Belgium. Analysing the target group also forms part of that. Knowing the target group is indeed important to optimise the reintegration exams and to develop measures against driving under the influence. From all the reintegration cases that were handled by the BRSI in 2012, 1693 files were selected to make up a random sample. This sample represents candidates whose right to drive has been deprived, who have to undergo examinations in order to get their driving licence back, and who report to the BRSI for the examinations. Different data was collected from the file analysis: socio-demographic characteristics, facts for which the candidate was sentenced, penalties and conduct of the reintegration exams.

A second part of this study is to compare the practice in Belgium with that of foreign countries. More particularly, the operation and procedures were studied in six other European countries: Germany, France, The Netherlands, Austria, Spain and Switzerland. Data taken from the European project DRUID (Driving Under the Influence of Drugs, Alcohol and Medicine) was supplemented by information obtained from experts in the selected countries.

Practices in Belgium

In Belgium, reintegration exams are conducted by private organisations, both companies and NPOs. The Federal Public Service for Mobility and Transport determines the criteria for an institution to be officially recognized as a reintegration exams centre and is responsible for monitoring these recognized institutions. The BRSI (a non-profit association) has a long tradition in the implementation of reintegration exams. In 2010, half of all persons whose right to drive had been deprived landed with the BRSI.

The purpose of a reintegration exam is to check whether a candidate is fit to drive and to adapt his behaviour positively so as to prevent recidivism. Sometimes, the court is obliged to impose reintegration exams on a person whose right to drive has been deprived; for any other traffic violation, the court can decide itself whether to impose reintegration exams. These examinations are only imposed through a judicial procedure. In Belgium, there is no link between reintegration exams and driver improvement courses (legally determined alternative measures for offenders).

Most of the information is collected during the psychological examination. Various questions must be answered: quantity and frequency of use, possible impact on different living environments, alcohol dependence, psychiatric comorbidity, personality disorders, knowledge of the problem, a sense of responsibility for one's behaviour, motivation to change one's behaviour and repeat infringement conditions. Different instruments are used to this end: a self-assessment scale for substance abuse, personality questionnaires, a psychological test battery to investigate cognitive functions and a semi-structured interview.

During medical examination, a thorough review of the medical history is conducted with particular emphasis on substance use, comorbidity, poly-drug use and a number of other disorders. If necessary, the candidate is referred to specialists.

The physician is responsible for making the final decision as to whether both a medical and a psychological examination need to be carried out. He bases his decision following multidisciplinary consultations with the psychologist. There are 3 possible decisions: fit to drive, fit to drive under certain conditions and unfit to drive. Conditions (e.g. restriction in time, restriction of categories, additional codes on the driving licence) are imposed if risk factors are present in terms of a relapse into substance abuse, recidivism or inappropriate behaviour.

Profile of the persons concerned

Candidates for reintegration exams at the BRSI are on average 41 years of age; there is a small proportion of young drivers. A large part of the candidates has low educational qualifications. By far the largest group was sentenced because of driving under the influence of alcohol (94%). With an average permillage of 1.84 ‰, they committed serious offences for which a deprivation to drive is imposed for an average period of 3.2 months. 8% of the candidates were most likely dealing with an alcohol problem. Driving under the influence of drugs occurs less often: it concerns only 2.1% of all infringed sections of law.

A large part of the candidates lands up at the BRSI for the first time. This observation is indicative of the fact that most candidates have not previously had to undergo reintegration exams. Finally it appears that the penalties imposed on the candidates were relatively lenient. Because courts are in a position to postpone part of the penalty, the average duration of the effective deprivation of the right to drive only amounted to 1.3 months. Penalties imposed on Walloon candidates were on average more lenient than those on Flemish candidates.

Practices and findings in other European countries

From the DRUID research, a number of important risk factors for repeat offenders for driving under the influence can be deduced. First of all, men, younger drivers and the low-skilled run a greater risk of repeating offences. In addition, the greater the number of offences in the past, the greater the risk of recidivism. A large number of male, low skilled candidates were also found among the candidates for reintegration exams within the BRSI. Age and number of previous convictions (in so far as this could be verified) played a less important role.

The European analysis shows that the government in most countries monitors the procedure of reintegration exams (except for France in the countries studied). In some countries (such as Belgium) this monitoring is limited to verifying administrative formalities, while content and quality is also checked in other countries (e.g. Germany, Austria).

We could furthermore establish that a direct link between reintegration exams and rehabilitation measures exists in some countries (e.g. Germany), that the examinations may result in a recommendation leading to rehabilitation measures (e.g. Austria), and that there are countries where there is no direct link with rehabilitation measures (such as in Belgium).

Another important finding is that there exists the possibility in each selected European country (except Germany) that the offender is further monitored after the examinations. The offender can therefore be declared fit to drive for a certain period, after which a new assessment takes place. This decision shall only be taken if there are risk factors to recidivism, and is therefore taken to prevent recidivism.

In its recommendations, the DRUID project has called for a multidisciplinary approach. This means that the medical examination can mainly focus on substance use while the psychological examination can make an important contribution by collecting information on psychological and social aspects related to problematic behaviour. Another DRUID recommendation concerned the use of objective, valid and reliable measuring instruments. By comparing the different European countries we see that these 2 recommendations are taken into appropriate account, despite the fact that they are sometimes given different importance. Belgium performs well in this regard.

Recommendations

Based on the results of this study and status of the scientific research, the BRSI is formulating the following recommendations for the further development of reintegration exams in Belgium:

- to conduct reintegration exams sooner after the road traffic offence;
- to use the results of reintegration exams as expertise in legal proceedings;
- to introduce a quality control system with regard to reintegration exams, in line with other European countries;
- to establish a direct link with a rehabilitation and/or support network, so as to obtain behavioural changes and prevent recidivism;
- to adjust the minimum legal standards on the basis of recent scientific and medical findings (including DSM-V);
- not only impose reintegration exams once 'intoxication'[1] is determined; it is vital to rethink this concept.
- conduct further scientific research to determine profiles and attitudes of offenders and recidivists.

[1] At present, 'intoxication' is determined by the police on the basis of observations, but someone with a very high blood alcohol content may have a greater tolerance for alcohol and therefore not appear drunk.



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