

The French penal response to driving under influence (of alcohol or other drugs)

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In the French context of increased convictions for crimes and offences (+11% since 2000), the penal response rate has particularly risen for both drug-related offences [1] (over 50,000 convictions per year, or an increase of 119%, and of these convictions, nearly 60% were for use, mainly cannabis use) and road traffic offences (240,000 convictions per year, up 35%, and six in 10 of these convictions were for driving under the influence of alcohol or narcotics). Using statistics from the French Ministry of the Interior and Ministry of Justice, this issue of *Tendances* examines law enforcement on driving under the influence (DUI) of alcohol or other drugs¹ (see box on the legal framework on the next page).

Forty years after the ban on driving beyond a legal blood alcohol limit, and 10 years after the ban on drug driving, time has come to review the most recent trends in road traffic controls and DUI enforcement, as well as the criminal justice system response to these specific alcohol and drug issues. The analysis reveals a conspicuous intensification in roadside traffic controls and arrests as well as an obvious standardisation in the penalties applied to offenders, with higher proportions of fines.

■ Trends in road traffic controls and offences

The volume of road traffic offences has increased by a factor of 1.8 in the last 10 years: 23.4 million offences and administrative violations in 2011 vs. 12.9 million in 2001 [4]. In the general area of road traffic criminality, administrative violations remain far more frequent than offences, except for alcohol. However, the number of alcohol-related road traffic offences sharply rose in the last decade², up to 30% in the most recent years. Alcohol use is the leading cause for road traffic criminal offences. Drug-related offences, which are a more recent legal offence, represented less than 5% of all traffic offences, even though they are on the rise.

Over three in 10 road traffic offences are alcohol-related

In 2011, law enforcement services recorded 290,294 offences for drink-driving (offences and administrative violations,

Trends in the penal response to road traffic offences related to the use of alcohol or other drugs in France (2000-2011)



+7% compared with the previous year). This increase can be explained mainly by the rise in the number of administrative drink-driving offences, moving upward once again (+14% from 2010 to 2011, or 118,622 offences) [5]. However, the majority of alcohol-related DUI offences remain criminal offences (63%) in which the drivers are found guilty of drink-driving with a blood alcohol level reaching 0.8 g/l or more (see graph 1).

In the last decade, the penalisation of a wider range of traffic offences³ upgraded the proportion of alcohol use in road criminality (50.2% in 2011 vs. 47.5% in 2001). Alcohol-related road traffic investigations occupy a significant proportion of law enforcement services' time, as evidenced by the high numbers of road traffic controls performed.

Increasingly frequent and positive alcohol controls

In 2011, over 11 million roadside alcohol tests (preventive or mandatory, see box on page 3) were performed by police services: this number increased by 35% over the last decade. This increase was due to the higher number of preventive controls, which rose from 6.6 to 9.1 million from 2001 to 2011

1. This document refers to "driving under the influence" for both alcohol and other drugs classified as narcotics. French law does not punish driving under the influence of narcotics, but rather, punishes driving after the use of narcotics. In contrast with alcohol, for which the offence is established beyond a certain legal limit, there is no tolerance threshold for the use of narcotics: the mere presence of narcotics in a blood sample taken from a driver constitutes an offence per se. The active criterion is evidenced use rather than being "under the influence" (see box on the legal framework on page 2).

2. The number of traffic offences increased by a factor of 2.3 in 10 years vs. 1.8 for administrative violations: there were 22,863,088 administrative violations and 572,796 offences in 2011 vs. 12,644,678 administrative violations and 246,162 offences in 2001.

3. For example, driving without a licence or without insurance was transformed from an administrative violation into an offence by the Law of 9 March 2004 (the "Loi Perben II").

(+38%), performed at the initiative of police services. Currently, preventive controls represent over 80% of blood alcohol level controls.

These preventive controls are more and more often positive (their positivity rate increased from 1.5% to 3.1% over a 10-year period). As a result, the proportion of positive roadside tests rose from 2.2% early in the decade to 3.5% in 2011 [5]. The increase in positive preventive screening results is partially due to a more targeted control strategy aimed at weekend and evening drivers [6].

Mandatory blood alcohol level controls (required following an offence or an accident) demonstrate that alcohol is one of the major factors involved in accidents, along with driving over the speed limit. In 2011, 5,748 alcohol tests were performed following a fatal accident: 17.2% were positive. Over 30% of people killed in traffic accidents lost their lives due to an alcohol-related accident. This proportion has not weakened in over 10 years⁴. While road safety has been continuously improving since the 1970s⁵, DUI⁶ and driving over the speed limit are still the main offences responsible for road traffic accident mortality.

In 2011, 875 fatal accidents involving at least one driver under the influence of alcohol were recorded: these accidents caused 964 deaths. Moreover, 70% of the dead victims of fatal alcohol-related accidents were drivers under the influence themselves or their passengers. The remaining 30% of deaths were collateral victims. According to the ONISR (National Interministerial Road Safety Observatory), if none of the drivers, presumed responsible, had been driving with a positive alcohol level, 1,042 lives would have been spared [6].

Fifteen times fewer drug-related road traffic offences than alcohol-related traffic offences

In 2011, police services recorded 25,425 drug-related traffic offences, 15 times less than alcohol-related offences (171,672) [6].

Today, drug-related road police activity is focused on driving after use (97%). The remaining 3% arrests result from refusing screening. Offences following a refusal to undergo drug screening recently rose sharply, from 12 refusals in 2004 to 179 refusals in 2011.

There are seven times as many traffic offences after narcotics use than after alcohol plus narcotics use (24,787 vs. 3,397). Driving under the influence of alcohol and narcotics declined 15% compared with the previous year, which contrasts with the previous trend (+145% from 2007 to 2010, reaching 4,002 annual offences).

The legal framework for driving under the influence (of alcohol or other drugs)

Driving a vehicle under the influence of alcohol has been penally sanctioned since 1958⁷. However, the Law of 9 July 1970 is the first that established a legal blood alcohol limit (this level has been downgraded since⁸) and prescribed mandatory screening for each serious road traffic-related offence or bodily injury. Since then, the scope of this ban has continually expanded (through a dozen laws and legal instructions). Driving under the influence of illegal drugs has been incriminated since the Law of 3 February 2003 [2].

Beyond an alcohol level of 0.50 g per litre of blood (0.25 mg per litre of expired air), or two drinks on average, DUI of alcohol is punishable by a 4th class administrative violation (fine of €135 and a loss of six points on the driving licence) by the criminal courts. From 0.80 g of alcohol per litre of blood (or 0.40 mg per litre of expired air) onwards, DUI of alcohol becomes a criminal offence: in addition to losing six points on their driving licence, drivers may be subject to a fine of as much as €4,500, two years imprisonment and an additional sanction (driving licence suspension or revocation, community service, day-fine*). The penalties are the same in the event of drunken driving or refusing to undergo screening, and the penalties are even harsher in the event of road traffic offence recidivism (driving licence revocation and ban on requesting a new one for up to three years).

In the event of driving under the influence of drugs, regardless of the quantity, drivers may be punished as if they were driving while under the influence of alcohol, with a €4,500 fine and two years imprisonment as the main punishment. Additional sanctions may also be applied, such as a driving licence suspension for up to three years. The laws of 12 June 2003 and 5 March 2007 expanded the scope of possible additional penalties: driving licence suspension or revocation for up to three years, community service, the requirement to take (at his own expense) an "awareness course on road safety" or "awareness course on the dangers of drug and alcohol use" [3]. As for alcohol, driving after narcotics use is an aggravating circumstance in the event of a fatal accident or bodily injury: penalties may run up to a €100,000 fine and seven years imprisonment (in the event of involuntary manslaughter). These penalties are harsher for people who work in public transport.

Since the Order of 29 February 2012, offenders convicted of driving after narcotics use may possibly pay a sum of €210 for the cost of the toxicological tests, in addition to paying a fine and the cost of proceedings before a criminal court (€90). Moreover, since the law on orientation et de programmation pour la performance de la sécurité (Loppsi 2), officially designed as the French homeland security performance planning Act, adopted in 2011, the vehicle of such offenders is automatically confiscated in the event of alcohol- or drug-related road traffic offence recidivism.

In the event of driving under the influence of both alcohol and narcotics, penalties may be as high as a €9,000 fine, a maximum prison sentence of three years, and a driving licence revocation for three years. In the event of an accident, the penalties for bodily injury or involuntary manslaughter are up to 10 years imprisonment and a fine of €150,000.

Refusing to undergo screening is sanctioned in the same way as a DUI of alcohol or drug use: a €4,500 fine, a maximum prison sentence of two years and additional penalties, such as a driving licence suspension or revocation or an awareness course.

Finally, since 1 January 2010, new children public transportation buses put into service for the first time must be equipped with an ignition interlock device (IID).

* See footnote 16, page 5.

The number of drug use-related traffic offences doubled since saliva screening was implemented by police services in 2008 (there were 12,994 offences).

Drugs and driving: a still limited screening

Drug screening is performed much less often than alcohol screening. Since the creation of this offence in 2003, the number of tests performed following a fatal accident has remained stable: between 4,000 and 5,000 every year (except in 2005, when the number exceeded 5,000). Despite the law, drug screening is performed in only 43% of fatal accidents, versus 83% of bodily injury cases [6]. This is due in large part to the cost of the screening. Nevertheless, the implementing of the decision to make drivers pay for

4. Source: French National Interministerial Road Safety Observatory (ONISR) - *Fichier national des accidents corporels* (National Register of Bodily Injury)

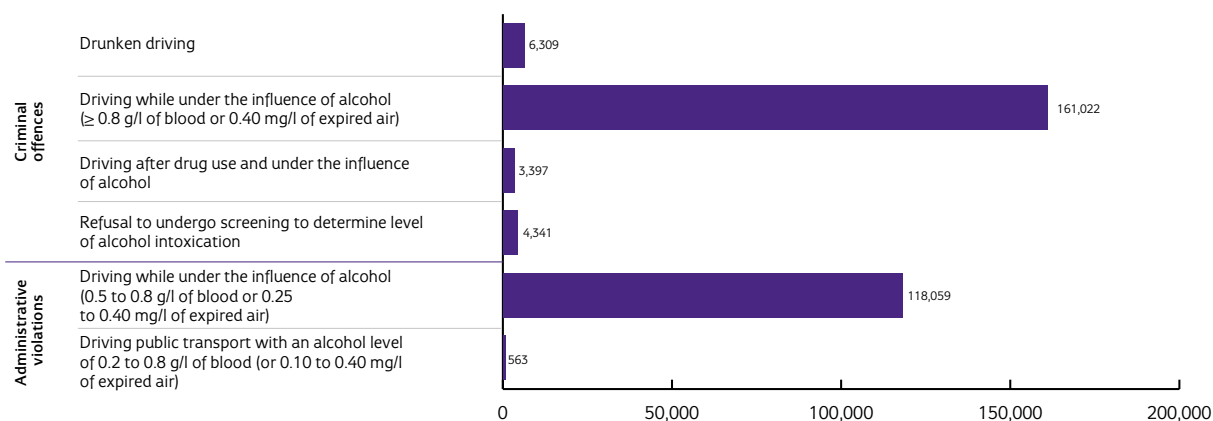
5. The number of fatal accidents decreased by approximately 75% from 1970 to 2011. In 2011, there was an observed decrease in the number of people killed in road traffic accidents, with a decrease in bodily harm and injuries. This was mainly due to a decrease in driving speeds [6].

6. Here are mentioned alcohol-related traffic deaths. Although the orders of magnitude are similar, the calculation of alcohol related deaths is more complex: it incorporates the concept of responsibility of the driver under the influence of alcohol for the accident. In 2010, the proportion of people "killed in the presence of alcohol" was 30.8% whereas the mortality rate due to alcohol was estimated at 28.7% [7].

7. The Order of 15 December 1958 provided for a maximum penalty of one year imprisonment and a fine of 500,000 "anciens francs" (old French Francs, approximately € 8,580 today).

8. In 1970, the legal blood alcohol limit was defined as 0.80 g/l of blood for an administrative violation and 1.20 g/l of blood for a criminal offence. In the following years, the administrative violation blood alcohol level was first diminished to 0.70 g/l by the Decree of 11 July 1994, and then to 0.50 g/l of blood by the Decree of 29 August 1995, and has since remained unchanged. The current criminal offence level (0.80 g/l of blood) has been in effect since the Law of 8 December 1983, which also stipulates that the level be expressed in mg/l of expired air for passive breath testers and evidential breathalysers.

Graph 1 - Breakdown of driving while under the influence of alcohol offences in 2011



Source: French Ministry of the Interior, Directorate of modernisation and territorial action (DMAT)

their screening tests⁹ if they test positive (see the legal framework box on page 2) could make all the difference. In 2011, of the 4,600 drug tests performed following a fatal accident, 11.1% were positive. The narcotics positivity rate following a fatal accident has been on the decline since 2008 (-15%) in contrast with the trend observed in the years following the passing of the 2003 law (+90% from 2004 to 2008). In 2011, 455 fatal accidents involving

at least one driver who tested positive for narcotics were recorded: these accidents caused 499 deaths. These deaths represented 13% of total traffic deaths, vs. 31% for alcohol. These percentages may not be combined. Since the simultaneous use of alcohol and narcotics is not assessed in traffic control statistics, it is difficult to identify the number of fatal traffic accidents related solely to alcohol or narcotics¹⁰. However, it is now established, thanks to the *Stupé-*

fiant et accidents mortels de la route (Narcotics and fatal traffic accidents) study, that combining alcohol and cannabis is particularly dangerous since it increases the risk of fatal traffic accidents by a factor of 14. In comparison, alcohol use alone multiplies the risk of a fatal accident by 8.5, and cannabis use alone by 2.1 [8].

■ Trends in penal response

Concomitantly with increasing road traffic controls, court convictions for traffic offences rose sharply (+29% between 2000 and 2011), which is explained by specific police efforts to stop the use of alcohol and drugs by drivers [9]. In order to deal with the high rise in alcohol- and drug-related proceedings, the court system has expanded the range of penal responses by increasing resorting to simplified procedures since 2000.

Context and methods of traffic controls and screening

Alcohol and drug screening are performed *systematically* in the event of a fatal accident or bodily injury (i.e., an accident that causes injury). Such screening can also be performed randomly *for prevention*, during a traffic control in the absence of any traffic offences, both for alcohol (since 1978) and for narcotics (since 2003).

Alcohol level screening and verification

Roadside alcohol screening is performed using chemical breath testers (these are disposable and are commonly known as “balloon” tests) or electronic passive breath testers (which can be reused). They provide an indication of the presence of alcohol in expired air. If the result of a passive breath test is positive, an alcohol test must be performed using an evidential breathalyser (which measures the concentration of alcohol in expired air) or a blood sample (to determine the concentration of alcohol in the blood). The evidential breathalyser is the only alcohol measurement instrument that is authorised by the law with a view to legal proceedings¹¹. The exact evidential breathalyser concentration determines the nature of the offence (violation or offence). Refusing breath-testing is not an offence; however, refusing to blow into an evidential breathalyser or to undergo blood screening is an offence.

Narcotics level screening and verification

Roadside narcotics screening can be performed using urine tests¹² (since 2003) or saliva tests (since 2008). These tests are used to detect recent use of four illegal drug categories (cannabis, cocaine, opioids and amphetamines). The detection levels are defined by an Order dated 5 September 2001¹³.

In the event that the test results are positive (or if it is impossible to carry out the testing), the driver shall immediately have his or her licence revoked and be required to have blood taken by a physician to confirm the presence of narcotics. Since cannabis remains detectable in the urine for several weeks after being consumed¹⁴, only a positive blood test can confirm that the person positive for cannabis in their system did indeed use the cannabis in the four hours prior to getting behind the wheel.

Since consuming narcotics is illegal, mere traces are enough to convict someone of driving after narcotics use. Furthermore, while for alcohol, a court ruling that positive results were obtained using an evidential breathalyser that did not undergo annual inspections or was not certified can reclassify the charge of drunken driving, this penal reclassification is not possible for narcotics.

9. The cost alone of the equipment needed for narcotics screening represents approximately €5 million, since samples cost €25 each following the Decree of 15 July 2002. This cost is further increased by the remuneration of the physician performing the test (€30, or an additional €6 millions, to which any travel costs incurred may be added) and, when the test result is positive, the cost of verifying the results with a blood test (approximately €240).

10. In addition, screening statistics do not indicate the types of narcotics found through screening.

11. Like any forensic measurement device, the evidential breathalyser must be certified (it must comply with legal certification requirements) and be inspected annually by the *Laboratoire national d'essais* (national testing laboratory).

12. Currently available laboratory screening tests have two major technical drawbacks: they are poor at giving information on the time that has lapsed since consumption (sensitivity) and are subject to “false negatives” and “false positives” (reliability).

13. The cannabis detection level, for example, is 50 nanograms of the active substance (THC) per ml of urine and 1 ng per ml of blood according to the decree of 5 September 2001.

14. The mean detection durations in urine and blood and the legally-established levels are available on the Drogues Info Service website (http://www.drogues-info-service.fr/Tout-savoir-sur-les-drogues/Le-depistage-des-drogues/Tableau-des-durees-de-positivite#_Vjd1HyuU2UK).

Driving under the influence of alcohol: mass proceedings

With 152,571 (primary) convictions handed down by the criminal courts in 2011, alcohol-related road traffic offences¹⁵ represent nearly one quarter of all traffic offence cases and more than one half of all traffic offence convictions. This is one of the offence categories with the greatest upward trend since 2000 (see graph 2).

The large majority of convictions for traffic offences are set for drivers under the influence of alcohol: 150,556 convictions in 2011, representing 89% of all traffic offence convictions. Convictions for bodily injury (1,828) and involuntary manslaughter caused by a driver under the influence of alcohol (187) are much rarer and have been steadily declining since 2000. Henceforth forming mass proceedings, convictions for driving while under the influence of alcohol, which were 1.5 times less frequent than convictions for theft and possession of stolen goods in 1990, were 1.3 times more frequent than the latter category in 2010. Driving under the influence of alcohol (DUI) today represents one of every five convictions and this figure continues to rise (+3.1% of DUI convictions from 2010 to 2011) more quickly than all traffic safety offences combined (+2.5%). Although DUI convictions are on the rise in part due to the increasing number of law enforcement service controls, they are also steadily increasing with the rise in recidivism (resulting from the intensification of law enforcement's crackdown on driving under the influence of alcohol) and with procedural changes aimed at recidivism. Therefore, while only mar-

ginal in the 1990s, recidivist convictions for driving under the influence of alcohol today represent nearly 16% of all DUI convictions (without any other associated offences). Driving under the influence of alcohol stands out in this respect - it has one of the highest recidivism rates, all offences combined: 15.8% of drivers convicted for drunken driving are convicted for the same offence within five years. This rate is much higher than the recidivism average, which is 10.8% [10]. Since recidivists receive heavier penalties, the severity of punishment for driving under the influence of alcohol is mechanically increasing.

Driving and drug use: an increasingly heavily sanctioned offence

The activity of the courts, in relation to driving after drug use, is 10 times lower than for driving under the influence of alcohol. However, it has been steadily rising (see graph 2). Convictions for driving after drug use increased 22-fold since 2004, the first complete year in which the law was applied.

After a sharp increase that lasted until 2009, the trend is now slowing down. However, there are currently more convictions for driving after drug use than for excessive speed violations or for all law enforcement avoidance offences (hit and run, refusal to submit to screening).

Moreover, driving after narcotics use is often associated with driving under the influence of alcohol, although the reverse is not true. Driving under the influence of alcohol is a single offence in nearly 90% of convictions (vs. 63% of convictions handed down for driving after narcotics use only). Driving under

the influence of narcotics is twice as often a 2nd, 3rd or 4th class offence (17% vs. 7% for DUI of alcohol).

Although half as frequent as for alcohol, the recidivism rate for driving after narcotics use has been steadily rising, reaching 7.3% today.

The impact of new proceedings on the penal response

With nearly 170,000 convictions in 2011, driving under the influence of alcohol or after narcotics use represents nearly 30% of the activity of criminal courts. The heightened penal response to alcohol- and drug-related traffic offences was facilitated by the Public Prosecutors' implementation of new, simplified and expedited proceedings that help relieve the congestion experienced in the criminal court system and provide it with a systematic penal response to such offences (see box on p. 5).

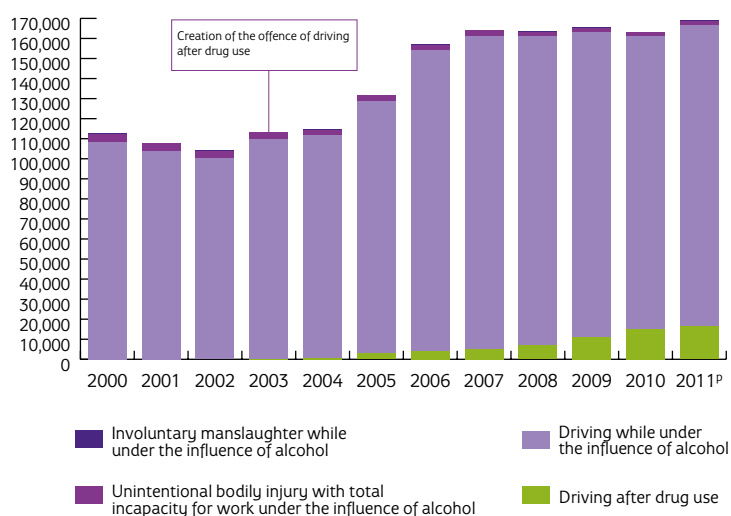
Today, driving under the influence of alcohol is mainly handled as an expedited procedure, and in particular, as an *ordonnance pénale*, (simplified sentencing) for lesser offences where the defendant is not obliged to be physically present (43%) or a *composition pénale*, (fixed penalty notice) (18%), instead of a court hearing (39%). In nearly two in five court hearings, defendants employ *comparution sur reconnaissance préalable de culpabilité*, or pleading guilty (see box on p. 5) [11]. The same breakdown in proceedings type exists for driving after narcotics use.

This massive recourse to *ordonnance pénale* (simplified sentencing) and *composition pénale* (fixed penalty notices), that apply in nearly six in 10 traffic offences submitted to the courts, mostly explains the rise in penal measures and convictions for driving under the influence of alcohol (see graph 3) and after drug use. Since these procedures may only involve fines or alternatives to proceedings, their use dramatically increases the number of fines handed down by the courts in response to driving under the influence of alcohol.

Increasingly frequent fines

For several years now, increasing numbers of fines and decreasing numbers of fully suspended prison sentences are being handed down for DUI offences. The number of fines for driving under the influence of alcohol increased from 22% in 2000 to nearly 52% in 2011 (see graph 4), while the number of suspended prison sentences was halved, dropping from 51% to under 26%.

Graph 2 - Trends in convictions for alcohol- and drug-related traffic offences (2000-2011)



p: provisional data

Source: French Ministry of Justice, Casier judiciaire (Criminal record), SDSE (Statistics studies sub-division of the Ministry of Justice)

15. Driving while under the influence of alcohol, unintentional bodily injury with total incapacity for work while under the influence of alcohol and involuntary manslaughter while under the influence of alcohol.

In comparison, imprisonment with a partially suspended sentence was less prone to fluctuations (from 6% to 9%). The mean duration of pronounced partially suspended prison sentence is approximately 3.8 months. The mean fine amount handed down for driving under the influence of alcohol is currently approximately €324.

Likewise, in the event of driving after narcotics use, the proportion of fines increased from 36% to 51% from 2005 to 2011, while the proportion of fully suspended prison sentences decreased from 43% to less than 24% (see graph 5). Over the same period, there was a minimal increase in the number of partially suspended prison sentences (+2.2 points) with a mean duration of approximately 3.2 months. The mean fine amount handed down for driving after narcotics use is currently approximately €317.

A jump in partially suspended prison sentences?

Alcohol- or drug-related traffic offences are also more frequently sanctioned by partially suspended prison sentences: this proportion increased from 6.0% to 7.7% for driving under the influence of alcohol (from 2000 to 2011) and from 4.1% to 6.3% for driving after drug use (from 2005 to 2011). This increasing severity is related to the higher number of sanctioned offences with aggravating circumstances (multiple offences and recidivism, which makes the sentence handed down heavier).

In contrast, the number of alternative sentences has not evolved much for driving after using drugs (there has been a slight increase of less than 2 points) and even diminished for alcohol use, decreasing from 20.3% to 14.8% from 2000 to 2011. This type of sanction is mainly comprised of driving licence revocation or suspension and day-fines¹⁶.

In summary, the type of conviction handed down is fairly similar for drivers under the influence of alcohol and drivers who are using drugs. Moreover, the distribution of penalties has evolved similarly in the recent period: while imprisonment remains infrequent, despite a recent rise, suspended prison sentences are being eclipsed by fines (depending on the solvency of the convicted offender). The differences are more due to the characteristics of the offenders. For driving under the influence of alcohol, the majority of convicted offenders are men (91%), and this proportion is even higher among offenders convicted for driving after drug use (96%). Additionally, impaired driving offenders tend to be younger and younger: while 68% of offenders convicted for

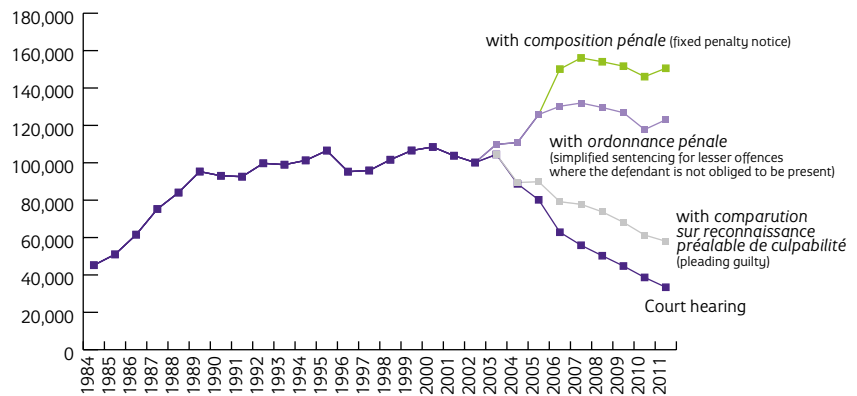
Quicker and simplified processing procedures

In France, an **ordonnance pénale** is simplified sentencing by a criminal court for lesser offences. The concept was introduced in France by the Law of 3 January 1972 to "absorb" the mass proceedings related to traffic administrative violations, and was then expanded in scope by the Law of 9 September 2002 to include criminal offences. An **ordonnance pénale** enables the Public Prosecutor to convict traffic offenders by presenting his or her requirements to the presiding judge: the judge reviews the offender's situation through the offender's file, but the offender is not present. The conviction is therefore limited to a fine and to alternative penalties, which may be handed down as the primary sanction.

In France, the **composition pénale**, or fixed penalty notice, was introduced by the law of 23 June 1999 to provide a systematic, dissuasive response to minor offences and misdemeanours for which charges previously would have been dropped for the most part. The Public Prosecutor (or his or her representative) uses this measure as an alternative to prosecution. In a fixed penalty notice, the Public Prosecutor suggests various measures that can be executed by the alleged offender (a fine, community service, internship or training in a health service). The execution of the fixed penalty notice eliminates public action: if there is total compliance, the case ends up being dismissed. Although decided by the courts, it nevertheless remains on the criminal record. However, despite remaining on the criminal record, a fixed penalty notice is not a term of recidivism in the event of a new DUI offence since it is not a conviction, but rather, an alternative to prosecution. Since the enactment of the Law of 5 March 2007, fixed penalty notices have been extended to minors (aged 13 and over) and can involve new measures, such as awareness-building training courses on "the dangers of drug and alcohol use" or on "road safety".

Comparaison sur reconnaissance préalable de culpabilité, or "pleading guilty" was imported from Anglo-Saxon law through the Law of 9 March 2004. This was initially reserved for minor offences, but since the Law of 13 December 2011, pleading guilty can be employed in all offences (except for press offences and certain cases of serious harm to others). It enables Public Prosecutors to suggest one or more penalties, directly and without a hearing, to a person who admits to their alleged offence (except in cases of involuntary manslaughter).

Graph 3 - Impact of new procedures on trends in the penal response to driving under the influence of alcohol



Source: Ministère de la Justice, Casier judiciaire (Criminal record), SDSE (Statistics studies sub-division of the Ministry of Justice)

driving under the influence of alcohol are 30 years of age or older, three quarters of offenders convicted for driving after narcotics use are under the age of 30 (77%).

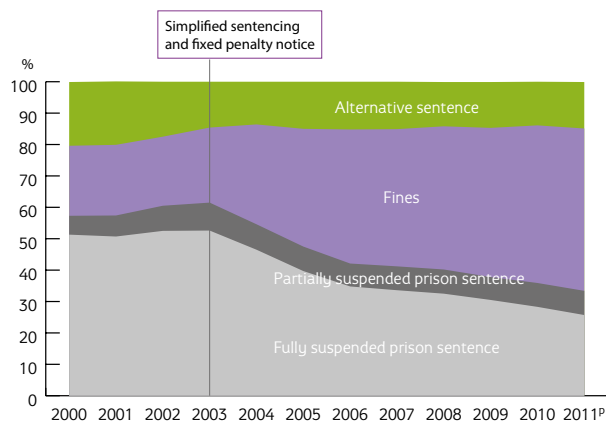
Conclusion

The increase in the number of cases of driving under the influence is the result of a combination of factors. First and foremost, it reflects the closer attention paid by the public authorities in controlling road traffic offences since 2002. This was the date on which

road traffic safety became a political priority, in a context of high mortality referred to by the French President as a "national scourge", in which he called for urgent government interven-

16. An offender sentenced to pay n day-fines at x Euros per day must pay n times x Euros at a determined date. For every x Euros that remain unpaid, that person spends one day in prison. For example, a person convicted with 50 day-fine at €8 per day has 50 days to find €400. At the end of this 50-day period, the entire sum must be paid to the Trésor Public (the Treasury). If the convicted offender only pays €392, he or she must spend one day in prison. If the convicted offender does not pay anything, he or she must spend 50 days in prison. If the convicted offender only pays €200 (half of the total amount), he or she must spend 25 days in prison (one half of the total prison sentence). The day-fine sanction may not be handed down to a minor.

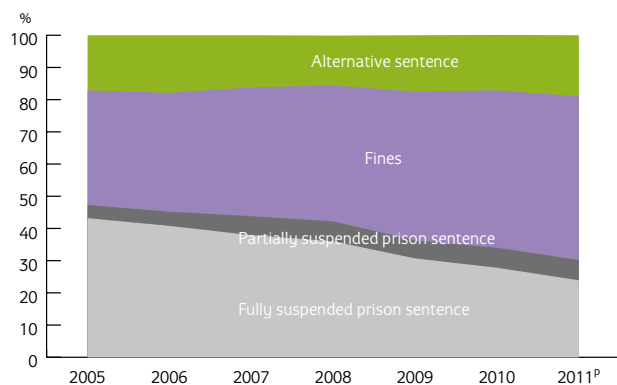
Graph 4 - Trends in the structure of penalties handed down for alcohol-related traffic offences (2000-2011)



p: provisional data

Source: Ministère de la Justice, Casier judiciaire (Criminal record), SDSE (Statistics studies sub-division of the Ministry of Justice)

Graph 5 - Trends in the structure of penalties handed down for drug-related traffic offences (2005-2011)



p: provisional data

Source: Ministère de la Justice, Casier judiciaire (Criminal record), SDSE (Statistics studies sub-division of the Ministry of Justice)

tion. Road traffic safety policies were thus enforced by creating new offences (driving after drug use, refusal to undergo drug screening), giving rise to increasingly systematic sentences. These policies have also increased the number of preventive roadside controls performed. Like simple drug use, the number of offences related to driving under the influence of alcohol or after illegal substance use reflects the activity of law enforcement services: the phenomenon is recorded through specific controls and the increase in controls automatically leads to an increase in convictions.

The rise in convictions for driving under the influence is also explained by the development of new penalties that facilitate the mass processing of proceedings (*ordonnance pénale*, or simplified sentencing for lesser offences where the defendant is not obliged to be physically present, and *composition pénale*, or fixed penalty notices) that influence the nature of the penal response, including increasing the number of fines. The rise in the number of proceedings related to driving under the influence is the result of recidivism, which is particularly high in people with alcohol issues.

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Credits

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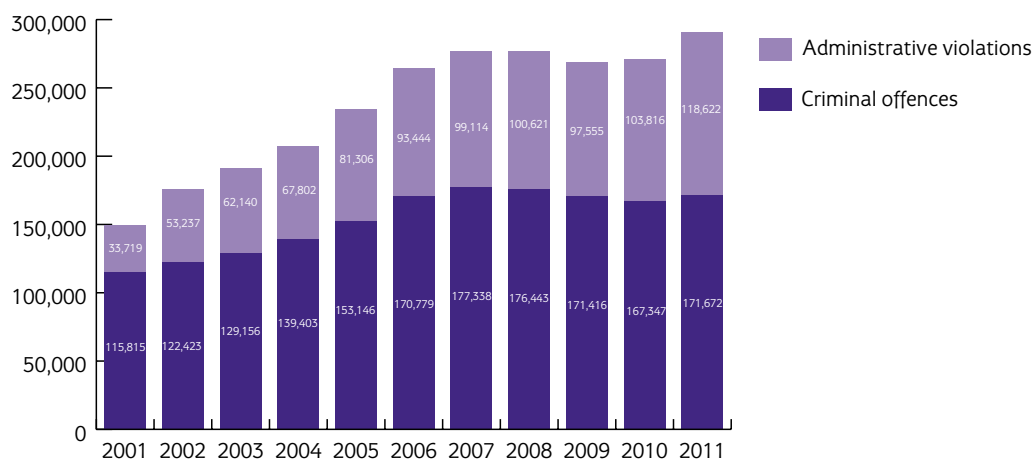
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- Additional graphs
- Legislative references



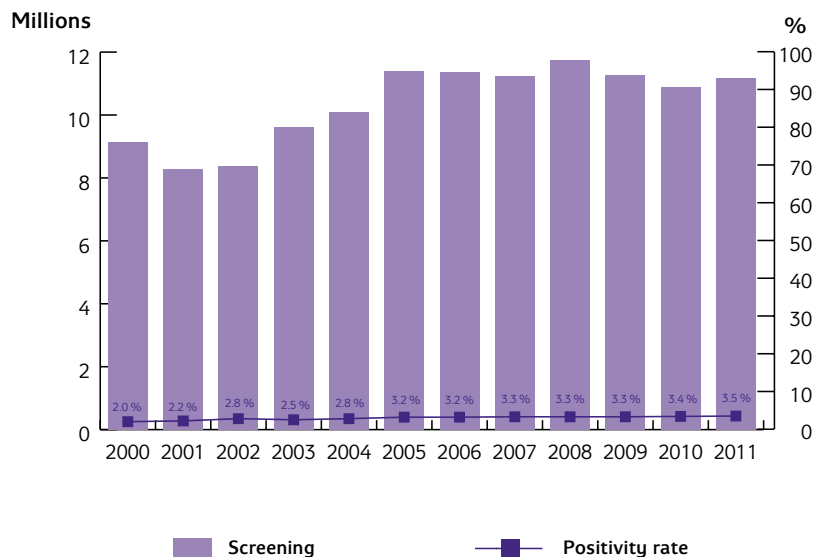
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Graph 1a - Trends in the number of alcohol-related traffic offences (2001-2011)



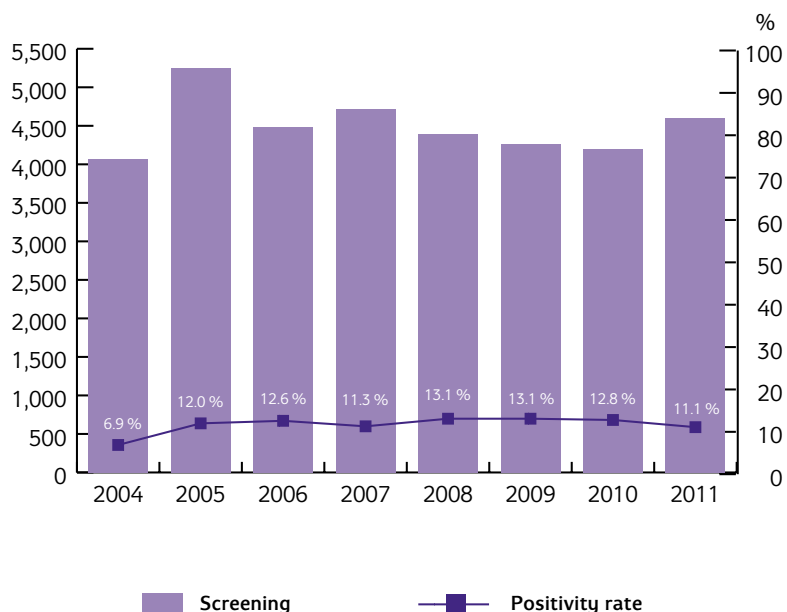
Source: French Ministry of the Interior, Directorate of modernisation and territorial action (DMAT)

Graph 2a - Trends in the number of roadside alcohol tests and positive test result rate (2000-2011)



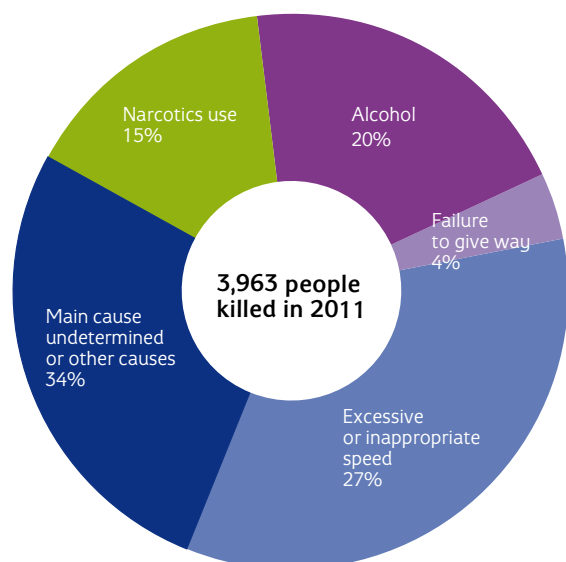
Source: French Ministry of the Interior, Directorate of modernisation and territorial action (DMAT)

Graph 3a - Trends in the number of roadside drug tests and positive test result rate (2004-2011)



Source: French Ministry of the Interior, Directorate of modernisation and territorial action (DMAT)

Graph 4a - Criminal causes of fatal accidents in 2011



Source: ONISR (French National Interministerial Observatory for Road Safety)

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