



A qualitative approach to the study of the characteristics of individuals convicted of road traffic offences



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ABSTRACT

Significant changes have been applied to the regulation of criminal law concerning road traffic in Spain, in a similar way to many of the countries surrounding us. This has led to a gradual increase in the number of individuals who are convicted with custodial sentences or sentenced to community service. Nevertheless, the available data on the psychosocial traits of road traffic offence convicts is highly limited. The objective of this qualitative study is to provide more insight into those convicted of road traffic offences through the use of focus groups, thus enabling the analysis of their attitudes towards sentences related to road safety offences, opinions regarding their driving styles, the profile of convicts of road traffic offences and how they feel about being labelled as delinquents. The results of this study are particularly relevant with regards to improving the rehabilitation process of convicts of road safety offences.

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1. Introduction

In spite of a small upturn in 2016, the death rate from road accidents in Spain has significantly decreased over the last twenty years (DGT, 2016). Given the relative improvement of the situation, these figures are encouraging; however, they are still far from reaching the goals set by approaches such as Safe System or Zero Vision, whose philosophy or principles are based on totally eradicating fatalities or injured victims on the roads (Bany, 2013; Tingvall, 1998).

The data on road traffic offences offered by the media, victims associations and other social groups, as well as political and legislative pressure, led to a tougher regulation of criminal law regarding road safety in Spain (Corcoy, 2013; Serrano Gómez & Serrano Maillo, 2008), with the aim of preventing this type of conduct; consequently, there has been a progressive increase in the number of individuals who have been penalised for and/or convicted of road traffic offences.

As stated in the Annual Report of the General Prosecutor's Office, road traffic offences made up 43.1% of the 195,300 proceedings that were processed as fast-track trials in Spanish investigative courts in 2015, 32% of the 261,039 indictments submitted by the Public Prosecutor's Office in said year, and 34% of the 245,834 convictions issued (Fiscalía General del Estado, 2016).

According to this same source, 75.49% of the proceedings related to criminal offences against road safety in 2015 were processed as fast-track trials (expedited proceedings), while 24.61% were related to those proceedings that were more complex, therefore demanding a deeper preliminary investigation or inquiry, and which were processed as preliminary investigations. If we focus on the convictions, the three most common criminal offences against road safety were: driving under the influence of alcohol or drugs (Criminal Code, Article 379.2), which made up 63.07%; this was followed by 31.3% related to driving without a license or having been disqualified from driving due to accumulated penalty points or a court ruling (Criminal Code, Article 384); finally, in the third place was refusing to submit to alcohol/drug tests (Criminal Code, Article 383), making up 3% (Faílde Garrido et al., 2016).

It should be pointed out that the introduction of all these changes in the regulation of criminal law regarding road safety has meant that over a period of less than ten years, many of the violations that were previously penalised as minor offences have come to be considered as criminal acts (Serrano Gómez & Serrano Maillo, 2008), thus leading to a significant increase in the number of court proceedings initiated as preliminary investigations or expedited proceedings, and therefore the number of convictions for offences against road safety.

This being the case, there has been a gradual increase in the number of people penalised for and/or convicted of offences against road safety. While most of the individuals charged with these offences can do community work by means of a suspended or substituted sentence, almost a thousand individuals a month are incarcerated in Spanish prisons (Fiscalía General del Estado, 2015). These are people who repeatedly

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committed this type of offence (Monras, Aparicio, López, & Pons, 2011; Visser, Pijl, Stolk, Neeleman, & Rosmalen, 2007) and who therefore need to carry out their sentences in prisons (Monras et al., 2011).

There have been numerous studies on the introduction of measures to reduce the death rate and violations related to road safety (Lin & Kraus, 2009), such as lowering the legal limits of blood alcohol levels (Wagenaar, Maldonado-Molina, Ma, Tobler, & Komro, 2007), fines, disqualification from driving (DeYoung, 1997) or the influence of the driving license with penalty points (Montoro, Roca, & Tortosa, 2008). Nevertheless, there is scarce information on the psychosocial traits of those individuals who have been convicted of offences against road safety. The few available studies indicate that these people exhibit a new profile: they present a far higher level of social and professional integration and have been convicted of offences purely related to driving or in which the main charge is driving-related (Monras et al., 2011). Additionally, and as recognised by the General Prosecutor's Office itself, very little is known about the profile of those convicted of offences against road safety, and there is uncertainty regarding whether they are multiple repeated offenders or individuals sentenced to prison for other previous convictions (Fiscalía General del Estado, 2014). Among the various factors that hinder this type of research we can include the difficulties in gaining access to the study populations, which requires authorisation from the Directorate General for Penitentiary Institutions, as well as the existence of different legal and penitentiary computerised records that apply varying criteria for the data cleaning of their software applications (Fiscalía General del Estado, 2016).

In light of this situation, there is a clear need to study the socio-demographic and psychosocial traits of individuals convicted of offences against road safety in the interests of gaining a better understanding of these individuals in order to design and implement specialised treatment for these types of offence, and to thus be able to individualise rehabilitative measures (Bartl et al., 2002; Woodall et al., 2004). With this situation in mind, the main goal of this study was to deepen our understanding of those people convicted for offences against road safety, analysing their attitudes towards the sentences associated with road safety offences, their opinions on their driving styles, the profile of those convicted of offences against road safety and their appraisal of being considered as delinquents.

2. Method

2.1. Participants

A total of 24 males carrying out prison sentences or alternative measures participated in this study, with more than three years of driving experience, being assigned to four different groups based on the type of offence and the associated sentence: i) Group 1: six prison inmates convicted of road traffic offences, without prior convictions for any other offences (hereinafter CRTOs); Group 2: six prison inmates convicted of road traffic offences, having a criminal record for other types of offences (hereinafter CRTO-CRs); iii) Group 3: six inmates serving prison sentences for other offences not related to road safety (hereinafter COOs); and iv) Group 4: six individuals convicted of road traffic offences following alternative measures to imprisonment (hereinafter CRTO-AMs).

The average age of the participants was around 43.92 years old ($S_x = 11.64$), with ages ranging from 23 to 63 years old. The average age for each group was 46.66 ($S_x = 11.55$), 52.00 (8.58), 40.67 ($S_x = 10.89$) and 36.33 (11.31), for groups one, two, three and four, respectively.

Table 1 presents the participants' socio-demographic characteristics. As we can see, an association was established solely between the group type variable and the fact of having driven under the influence of drugs. In this sense, the COO refer to having driven under the influence of drugs in a greater proportion ($\chi^2 = 7.06$, $p = .070$) than the other groups. It was generally observed that the subjects in the study sample

had a low level of education, a high prevalence of alcohol-related problems, as well as a high accident rate and a history of traffic fines, especially in the groups with a criminal record for road safety offences. Nevertheless, we could err on the side of caution when making generalisations with the data due to the limited sample size studied.

2.2. Instruments

This investigation is a qualitative study by means of the focus group technique, which grants us access to the participants' perceptions and experiences and provides a wide range of perspectives on and interpretations of the same issue (Braun & Clarke, 2013).

The protocol for the questions used was designed in an *ad hoc* fashion based on a review of the literature on this topic, establishing a sole, semi-structured script with key questions for all the groups with the aim of guaranteeing uniformity in the data gathered (Pelto & Pelto, 1978).

This sole questions script acted as a guide for the discussions related to the key research dimensions, although it was not designed to be an inflexible script to be followed by the researchers. It included seven key questions for studying the following dimensions (see Table 2): i) *Opinions on/appraisal of the traffic rules*; ii) *Description/assessment of their own driving style*; iii) *Reasons which led them to break the traffic rules*; iv) *Perceptions of the profile of individuals who break traffic rules*; v) *Perceptions of their reactions when faced with an error or provocation from another driver*; vi) *The feeling of guilt related to the consequences of a traffic accident with serious consequences that they had caused*; and vi) *Consideration of people who commit road safety offences as delinquents*. The discussion within each of the groups hinged upon these seven dimensions.

Likewise, an interview on socio-demographic data and issues related to driving was held with all the participants (see Table 1).

2.3. Procedure

This study forms part of a broader project with a multi-method approach which was carried out with the population of inmates from seven correctional institutions within the Autonomous Community of Galicia. Nevertheless, the qualitative study was carried out in only one prison, for methodological reasons. Permission was applied for to the General Secretary of Penitentiary Institutions, which is subject to the Spanish Home Office; once permission had been granted, the collaboration of Pereiro de Aguiar Penitentiary (Ourense) and the Sentences and Alternative Measures Management Service, which reports to this penitentiary, was offered. The present study was therefore carried out within the facilities of this penitentiary.

Those individuals who were serving prison sentences or alternative punishment for offences against road safety were selected out of the populations of the two centres.

Before setting up the focus groups, the participants in each of the groups filled in a questionnaire that included socio-demographic data and aspects related to driving. The four focus groups were held in a room that had been chosen and prepared to this purpose. Six inmates/convicts participated in each focus group, which each lasted approximately 60–70 min, while the duration, size and number of sessions were informed by the recommendations made by Onwuegbuzie, Leech, Dickinson, and Zoran (2011). The participants were explained the research objectives and signed an informed consent form to be able to take part in the study, based on the agreement outlined in the authorisation form provided by the General Directorate of Penitentiary Institutions (Directive 11/2005) and in line with the ethical principles in the Declaration of Helsinki (World Medical Association, 2001). The confidentiality of the data was guaranteed at all times, as well as the exclusive use of the same for scientific purposes.

The researchers leading the focus groups created an atmosphere of cordiality and trust with the aim of facilitating the participation of all

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