



Women and Drunk Driving

Issue Brief 11: Women and Drunk Driving (December 2015)

This Brief was produced by the Traffic Resource Center for Judges, an initiative of the National Center for State Courts (NCSC). The Traffic Resource Center is a cooperative effort between the Department of Transportation and the National Center for State Courts (NCSC) to establish a resource for judges, court administrators, court clerks, and other court staff on issues related to traffic adjudication.



About the Author:

The Brief was prepared by Deborah Wood Smith, Senior Knowledge and Information Services Analyst. Points of view or opinions expressed in the Brief are those of the author and do not represent the official position of the NCSC or NHTSA.



While women still constitute a much smaller percentage of Driving Under the Influence (DUI) arrests than men, FBI crime data between 1998 and 2007 shows a decrease in DUI arrests for men of 7.5% while women showed an increase of 28.8%. This disturbing trend is even more pronounced for the under 18 population where boys saw a decrease of 23.7% and girls showed an increase of 28%.¹ What accounts for the rise in female DUI offenders and are treatment and research focusing on this distinct population?

A recent report comparing data from 2002 to 2012 found that overall men are drinking a little less and women are drinking a little more. This is even more pronounced in the college age

¹ FBI Uniform Crime Report. Driving under the influence from Table 33 FBI Crime in the US 1998 -2007 Trends by sex https://www2.fbi.gov/ucr/cius2007/data/table_33.html



population but the aging baby boomers are also problematic as they continue to use alcohol longer than previous generations. In addition the baby boom cohort is more likely to use alcohol in conjunction with mental and physical health issues that require “medications (including “benzodiazepines, sedatives, and opioid analgesics”).”²

A study in the United Kingdom found that the percentage of DUI arrests for women had risen from 9% to 17% between 1998 and 2012. In addition, 60% of the women in the survey did not know the legal limit.³ So while a greater number of women in the U.S. and the U.K. are being charged with drinking and driving many women may not be aware of the differences in the way alcohol affects men and women.

Women may drink the same amount as a man but their blood alcohol content (BAC) level rises more quickly and stays higher longer. While many women may be smaller there is also a difference in water to fat levels in men and women. Women have a smaller percentage of water in their bodies so that the alcohol is not as diluted when it reaches the blood stream. “First pass metabolism” is the process whereby the alcohol is broken down in the stomach before reaching the blood stream and again a gender difference exists. Men tend to metabolize more alcohol than women and so have a lower BAC due to higher levels of the

² Barry, Kristen L. and Frederic C. Blow, Drinking Across the Lifespan: Focus on Older Adults. The Journal of the National Institute on Alcohol Abuse and Alcoholism (NIAAA)

<http://www.arcr.niaaa.nih.gov/arcr/arcr381/article13.htm> and Barry, Kristen L. and Frederic C. Blow, Drinking Across the Lifespan: Focus on Older Adults. The Journal of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) <http://www.arcr.niaaa.nih.gov/arcr/arcr381/article13.htm>

³ The Guardian. Number of women drink-driving doubles in recent years. (September 2014).

<http://www.theguardian.com/world/2014/sep/09/drink-driving-doubles-women>



enzyme that breaks down the alcohol.⁴ Laboratory studies show that even when men and women have the same BAC women are more impaired than men. Women are more impacted in the areas of visual acuity and dexterity which are both critical to safe driving. Crash report data also show that women are more likely to be involved in an accident than men with the same BAC.⁵

Another concern for women and DUI is their children. Who will take care of the children if the female caregiver is incarcerated or ordered into treatment? Are women transporting minor children while drinking and driving? Child endangerment statutes were developed to discourage drinking and driving with a child in the car. A study by Kelley-Baker and Romano found that the number of states with child endangerment laws has increased from 29 in 2002 to 42 in 2012. However, the researchers found no statistically significant difference in the impact of enacting a child endangerment law or the type of law (enhanced penalties, separate offenses or aggravating circumstances) on child fatalities with an intoxicated driver.⁶ According to Kelley-Baker and Romano over half of the children (aged 0–14) killed in alcohol related crashes between 1982 and 2011 had a female driver (55.4%).⁷ A study by the Traffic Injury

⁴ Gore, Andrew. Note: Know Your Limit: How Legislatures Have Gone Overboard with Per Se Drunk Driving Laws and How Men Pay the Price 16 Wm. & Mary J. of Women & L. 423 (Winter, 2010).

⁵ Id.

⁶ Kelley-Baker, Tara and Eduardo Romano. Examining the Effectiveness of Child Endangerment Laws. Presented at Lifesavers Chicago, IL, March 14-17, 2015.

⁷ Kelley-Baker, Tara and Eduardo Romano. Child passengers killed in reckless and alcohol-related motor vehicle crashes Journal of Safety Research 2014 Feb; 48: 103–110.
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4006983/>



Research Foundation (TIRF) found that $\frac{1}{4}$ of the women in their study had a child in the car at the time of the arrest but closer to $\frac{1}{2}$ admitted drinking and driving with children in the car.⁸

Because women are more often the primary or sole child caregiver, treatment programs that offer childcare, flexible appointments, and/or transportation have been found to be more effective. The TIRF study found that women also have different stressors including domestic violence, trauma and mental health issues that need to be addressed during treatment programs. Additionally the age of the woman means that different stressors may have precipitated the alcohol abuse and subsequent DUI arrest. Younger women tend to drink in order to fit in, new mothers tend to drink to combat loneliness, and older women begin abusing alcohol following a major life change such as divorce, death of a parent or children leaving home.⁹ Women in the TIRF study also “reported that their blood alcohol content (BAC) was shockingly high and BACs ranging from .16 to .42 were not uncommon.”¹⁰

Treatment programs or DUI Courts need to address the unique needs of women in their programming to be effective. Differences in women’s life experiences, body chemistry, and childcare obligations mean that programs designed for men will not address their specific needs. Legislation such as child endangerment statutes have not made the impact on drinking and driving with children in the car that they were designed to address. Effective treatment for mothers with substance abuse issues can have more of a societal impact by keeping their

⁸Robertson, Robyn D. et al. Female Drunk Drivers: A Qualitative Study History and Experiences in the System. TIRF. (August 2013). http://tirf.ca/publications/PDF_publications/2013%20Female%20Drunk%20Drivers%20-%20A%20Qualitative%20Study.pdf

⁹ Id.

¹⁰ Id. at Page 11.



children safe while at the same time preventing the children from entering the foster care system. In addition to DUI Courts many states have developed problem solving courts that focus specifically on keeping children out of the foster care system by providing treatment to the parent with substance abuse issues.¹¹

Online legal research provided by LexisNexis.



¹¹ For a list of Family Dependency Treatment Courts see <http://www.ncsc.org/Topics/Children-Families-and-Elders/Dependency-Court/State-Links.aspx?cat=Family%20Dependency%20Treatment%20Courts>