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**CRIMINOLOGICAL ASPECTS OF ROAD  
SAFETY TECHNICAL CRIMINOLOGICAL  
REPORTS**



## CRIMINOLOGICAL ASPECTS OF ROAD SAFETY TECHNICAL CRIMINOLOGICAL REPORTS

**Summary:** 1.- INTRODUCTION 2.- CRIMINAL POLICY ON ROAD SAFETY 3.- JUSTIFICATION OF TRAFFIC CRIMINOLOGY 4.- LEGISLATIVE FRAMEWORK 5.- IMPLEMENTATION OF CRIMINOLOGICAL REPORTS 6.- CONCEPTUAL FRAMEWORK OF REFERENCE 7.- OPERATIONAL MODEL 8.- METHODOLOGY 9.- INTERPRETATION OF RESULTS 10.- CONCLUSIONS.

**Resumen:** El derecho a la vida y a la integridad personal son los derechos humanos más esenciales. La sociedad no debe dejar de preocuparse por el creciente problema de salud pública que existe por culpa de la delincuencia vial. La criminología, en base a su conocimiento empírico de la conducta desviada, propone una metodología a seguir para atajar las conductas delictivas de algunos de los usuarios de las vías públicas. Para ello utiliza las técnicas que desarrolla su ciencia como una herramienta, como puede ser el “informe técnico criminológico”. Dicho informe recoge los factores criminógenos más relevantes de los delincuentes del tráfico, combatiendo la violencia vial con el máximo rigor del ordenamiento jurídico, ayudando y auxiliando a los órganos judiciales para la mejor elección de la pena, valorando el peligro o riesgo causado y la probabilidad de reincidencia individual.

**Abstract:** The right to life and personal integrity are the most essential human rights. Society should not stop worrying about the growing public health problem that exists due to road crime. Criminology, based on its empirical knowledge of deviant behavior, proposes a methodology to follow to tackle the criminal behavior of some users of public roads. To do this, he uses the techniques that his science develops as a tool, such as the “criminological technical report”. This report includes the most relevant criminogenic factors of traffic criminals, combating road violence with the maximum rigor of the legal system, helping and assisting the judicial bodies for the best choice of sentence, assessing the danger or risk caused and the probability of individual recidivism.

**Palabras clave:** Criminología vial. Tráfico. Seguridad vial. Informes. Factores riesgo.

**Keywords:** Road criminology. Traffic. Road safety. Reports. Risk factors.

## 1 INTRODUCTION

### • CRIMINOLOGY AS A SCIENCE

Criminology can be defined as an empirical and multidisciplinary science that deals with the study of crime, the offender, the victim and the social control of criminal behaviour, which aims to provide valid and contrasted information on the origin of crime, the dynamics and main variables of crime, as well as effective crime prevention programmes, positive offender intervention techniques and the different models or systems with respect to crime (García-Pablos, 2003).

The main purpose of criminological research is to try to understand the behaviour of individuals, describing criminogenic phenomena as broadly and precisely as possible, establishing risk factors and protective factors that encourage or diminish deviant behaviour. To this end, the methodology used in criminological research is similar to that used in the social and natural sciences. Empirical analysis strategies are used, the basic pillar of which is the observation of the phenomena they deal with, and the establishment of hypotheses, explanations and predictions based on their observations (Redondo and Garrido, 2013), combining knowledge regarding the subject of interest such as the study of crime, understood as known in Sociology as “deviance”, defined as “the interest in the study of actions that break the pre-existing social order in some way”, as well as “all behaviour that deviates from the values and norms accepted by the majority of the social group” (Antón, 2009).

García-Pablos (2003) explains in his guide that crime is presented as a social and community problem. Social problems call for an attitude on the part of the researcher, which the Chicago school of criminology dubbed “empathy”. Empathy certainly does not mean sympathy or complicity with the offender and his world, but interest, appreciation, fascination for deep and painful human drama. This passion and attitude of commitment to the criminal scenario and its protagonists are perfectly compatible with maintaining a distance from the object and neutrality required from scientists.

### • CRIMINOLOGY IN ROAD SAFETY

Criminology has much to contribute to how people behave on public roads. There is extensive literature and experimental knowledge when it comes to road or traffic criminology as a practical science in charge of socially conspicuous behaviour (Kaiser, 1979); it is the science tasked with empirically analysing the deviant behaviour of road users (Mendoza, 2018), in order to identify the criminogenic factors that influence road safety, proposing responses to reduce road crime and traffic accidents (Llorente, 2020).

## 2 CRIMINAL POLICY ON ROAD SAFETY

The right to life and the right for personal integrity are the most basic and primary of all the rights recognised in the Spanish Constitution.

There is no doubt that since it began, road traffic and traffic on public roads has become a mass phenomenon (Kaiser, 1979), and as such, it has generated a series of risks and dangers to people, including but not limited to road crimes or traffic accidents.

At present, in an attempt to rectify these risks and dangers, Chapter IV of Title XVII of Book II “Road Safety” has been included in Articles 379 to 385 ter of the Criminal Code (CC), which describes punishable conduct in relation to driving motor vehicles, including but not limited to:

- Driving in excess of 60 kilometres per hour on urban roads and 80 kilometres per hour on interurban roads.
- Driving under the influence of alcohol and other drugs.
- Driving with manifest recklessness and endangering people’s lives.
- Leaving the scene of an accident involving casualties.
- The refusal to take an alcohol or other drugs test.
- Driving without a valid licence due to the deduction of all points or a court decision or without ever having obtained one.
- Placing unforeseeable obstacles, spilling substances or removing or overriding signage.

This conduct is what the prologue of the Organic Law 15/ 2017, amending the CC, refers to as “road violence”, stating that in order to prevent certain traffic actions from going unpunished, it is necessary to pursue the objective of increasing risk control over these road users.

In short, road violence encompasses all behaviours that intentionally do not comply with the most elementary rules of the road, including actions of harassment and intimidation that cause a risk to the physical integrity of road users, such as:

- Driving at extreme speeds.
- Overtaking manoeuvres in an abrupt and aggressive manner.
- Failure to keep a proper safe distance.
- Harassing the driver in front by flashing headlights.
- Driving in bad weather conditions without caution.
- Recurrent and unjustified use of the horn.
- Driving under substances that affect the capacity to drive.
- Failure to respect pedestrian crossings or priority signs.

It should be noted that, according to the Directorate General of Traffic (DGT) in 2022, road safety offences accounted for 42% of the urgent proceedings handled by prosecutors across Spain, a considerable increase on previous years. This volume of accusations and convictions for dangerous road offences is the highest on record and since the reform made under Organic Law 15/2007, surpassing the “psychological ceiling” of 100,000 convictions, as reflected by the coordinating prosecutor for Road Safety “after the pandemic and its restrictions, we have seen that there has been a change in the road habits of citizens, in such a way that these offences have increased and there has been a loss of road awareness that was not the case until recently” (Del Río, 2022).

According to the report of the public prosecutor's office for 2022, the provisional balance of road accidents on Spanish roads reflects a reduction in the number of victims, while also stating that, when analysing the court statistics, this drop in figures has not had any impact on road crime in Spain, which has seen the greatest increase in

recent years, both in terms of court proceedings initiated, charges brought and convictions handed down.

As can be seen in the press release in relation to the provisional balance of road accidents provided by the DGT, the number of people killed in traffic accidents has increased by 4% in 2022, with 1,145 people losing their lives on Spanish roads and a 10% decrease in the number of people injured. As the Minister of the Interior stated in the same press release, “we must continue working to tackle the causes, reduce the number of deaths and contribute to raising public awareness of the problem posed by traffic accidents and their painful consequences”. Another point of interest that demonstrates the scale of the problem is that 41% of admissions to the intensive care unit of Spanish hospitals are attributable to road accidents.

Criminologically speaking, the increase in these indicators as regards court activity and mortality is worrying, as reflected in the statements of the deputy prosecutors, it may be due to the “relative” return to normality after the pandemic, attributable to the effervescence produced in our driving habits by a misunderstood feeling of recovery of the freedom of restrictions and lockdown measures imposed, to the detriment and loss of part of the road awareness acquired by citizens before the pandemic.

### 3 JUSTIFICATION OF TRAFFIC CRIMINOLOGY

The justification of the criminologist as an integral part of the study and analysis of road safety offences can be traced to the continuous demand of the judiciary.

In the press release issued by the Public Prosecutor’s Office in 2011, the Public Prosecutor of the Road Safety Coordinating Chamber, Mr. Bartolomé Vargas Carrera, stated that “it is considered of extraordinary interest to promote criminological studies on road crime. Delving deeper into the causes of road safety crimes means collaborating with a justice system that is more sensitive to the reality of the facts and designing, in general, a more accurate response for the prevention of the great tragedies that take place on public roads”.

It must be pointed out that in his 11 March 2015 appearance in the Chamber of Deputies, this same public prosecutor stated that:

“The significant figure that road crime has reached in its application in the courts and in the involvement of almost the entire staff of the public prosecutor's office in it, dangerous crimes account for a third of the indictments that the public prosecutor's office formulates, accounting for thirty-six percent of the national total, of every hundred convictions in the whole country, thirty-six are in relation to road crimes... in addition, there is a large black figure regarding road crimes, since the person caught today, has committed the crime and could have committed twenty more before being caught, demanding a criminology statistic, an authentic real statistic, capable of coordinating existing databases, with specialists in statistics and criminology, to try to investigate and go deeper into the causes of the origin of these behaviours, because this will make the strategies more precise and accurate”. (Vargas, 2015).

#### 4 LEGISLATIVE FRAMEWORK

According to Circular 10/2011 in relation to road safety offences, the former State Attorney General, Mr. Cándido Conde-Pumpido, indicated that in order to improve the prosecution of dangerous conduct, criminal acts may be investigated by means of technical reports.

Along these lines, Chapter III of the Criminal Procedure Act (LECrim) speaks of “The identity of the offender and their personal circumstances”, in its Articles 377 and 378, states that, if the examining magistrate considers so appropriate, they may ask for well-founded reports on the accused from the mayors or police officers or take statements about the conduct of the accused from all persons who, given their knowledge of the accused, can enlighten them on the matter. Furthermore, Article 456 of the same law comments on the expert reports that enable the judge to understand or appreciate important facts or circumstances in the brief that is necessary or convenient for the purposes of scientific or artistic knowledge.

Title III bis of the reform of the LECrim, in Law 41/2015, entitled “Proceedings by acceptance of decree”, clearly refers to crimes against road safety, where traffic criminology has a place. The purpose of these proceedings is for the Public Prosecutor's Office to bring criminal proceedings, proposing the imposition of a fine or community service and, where appropriate, deprivation of the right to drive motor vehicles and mopeds, in addition to civil proceedings aimed at obtaining the restitution of the judgement.

The prosecutor in charge of the process by acceptance of decree, must observe the requirements, which the law states are that:

1. The offence is punishable by a fine or community service not exceeding one year and that the sentence may be suspended pursuant to Article 80 of the CC, with or without the deprivation of the right to drive motor vehicles and mopeds.
2. The Public Prosecutor's Office understands that the specific penalty applicable is a fine or community service and, where appropriate, the deprivation of the right to drive motor vehicles and mopeds.
3. No public or private prosecution is involved in the case.

It should be noted that Article 66.1-6 of the CC also allows the criminal sanction to be adjusted depending on the personal circumstances of the offender and the degree of severity of the act. Paragraph two of Article 80.1 of the Criminal Code, in relation to the suspension of the custodial sentence, indicates that consideration will be given to the circumstances of the crime committed, the personal circumstances of the person convicted, his or her background, his or her conduct after the crime, in particular his or her efforts to repair the damage caused, his or her family and social circumstances and the effects that may be expected from the suspension of the execution and measures that may be imposed. Article 385 ter speaks of a one-degree reduction in the penalty for lower degrees of risk.

Art. 803 bis c of the LECrim refers to the content that the Public Prosecutor's Office must send to the investigating court for approval and notification, which must contain the following points:

1. Identification of the person investigated.
2. Description of the punishable act.
3. Indication of the offence committed and brief description of the existing evidence.
4. A brief statement on the reasons why consideration is being given, where appropriate, to reducing the prison sentence.
5. Proposed penalties. For the purposes of this procedure, the Public Prosecutor's Office may propose a fine or community service and, where appropriate, the deprivation of the right to drive motor vehicles and mopeds, reduced by up to one third of the legally stipulated penalty, even when this entails the imposition of a penalty lower than the minimum limit stipulated in the CC.
6. Claims for restitution and compensation, where appropriate.

Therefore, as reflected in the CC and the LECrim, the figure of the criminologist is perfectly framed legislatively as support for the prosecutor, and at the same time offers relief as regards the substantial workload that the Administration of Justice usually has to bear. The implementation in the judicial cause of the "criminological technical report" is of essential importance in understanding all the circumstances surrounding the criminal conduct, the risk caused and the individual probability of committing more crimes of this nature, thus providing the Public Prosecutor's Office with greater procedural guarantees in its legitimisation to exercise the criminal action.

Recalling the 2010 Prosecutor's Office Report, in which the Chief Prosecutor of the Road Safety Prosecutor's Office, Mr. Bartolomé Vargas Cabrera, encouraged pursuing an initiative aimed at incorporating a criminological expert report on the person under investigation in the criminal investigation phase of cases involving offences against road safety, with a view to weighing and individualising the penalty to be imposed in accordance with Article 66.1-6 of the CC, stating that the criminological report is a working tool aimed at configuring an explanatory hypothesis of the conduct of the person under investigation and his or her prognosis of recidivism, with the following aims in mind:

- Study of the causes of all types of punishable acts.
- Understanding the danger posed by the subject and making a judgement, where appropriate, on the risk caused.
- Determining the type of penalty or measure to be applied and in any case the adoption of precautionary measures.

## 5 IMPLEMENTATION OF CRIMINOLOGICAL REPORTS

Some progress has already been made in relation to the inclusion of criminological reports in road safety matters. In 2010, with the help of the coordinating prosecutor for Road Safety and the chief prosecutor of Alicante, criminological interest was introduced in the court processing of road crimes, in collaboration with the Local Police of Elche and through the "Crimina" centre affiliated with the University of Elche, incorporating criminological reports in criminal proceedings for crimes against road safety.

Subsequently, in 2015, another project came about for including criminological risk reports in the reports of road crimes committed by reoffenders, carried out



by the Local Police of Murcia, which was joined by various local police forces, including but not limited to the Local Police of Madrid, Ourense and Lugo.

Since 2015, attempts have been made to implement technical criminological reports on road safety within the Traffic Unit of the Civil Guard. Finally, and following a difficult path, the first report of this type was produced in 2021, which was received with great enthusiasm, both by the prosecutor of the Road Safety Chamber, who said that “having read your technical criminological report, I acknowledge the effort and the work involved. I thank you very much for your excellent contribution to road safety and I invite you to continue in this direction as regards road violence”, as well as Professor Redondo Illescas who developed the “triple criminal risk theory”, the theoretical framework on which the reports is based, who wrote “the report may be of technical use in the field of road safety”.

## 6 CONCEPTUAL FRAMEWORK OF REFERENCE FOR THE REPORT

For the preparation of the criminological technical report, the theoretical reference is the unified model of crime developed by the Professor of Psychology and Professor of Criminology Dr. Santiago Redondo Illescas (2015), dubbed the “triple criminal risk” model (TCR), which structures the current criminological theories in an integrated and compatible way.

This model brings together the analysis of three sources of study: a) the “personal risks” of the antisocial offender (PR); b) the “prosocial support gaps” that the former received or is receiving (PS); c) the exposure of individuals to potential “offending opportunities” (OP).

The risk confluences corresponding to the three categories would indicate the likelihood of the individual committing crimes, weighted by the overall magnitude of the crime risk (Redondo, 2015), using the following formula.

$$f(\text{PR}, \text{PS}, \text{OP}) = \text{Probability of crime}$$

## 7 OPERATIONAL MODEL

Following the TCR theoretical model, we proceeded to identify the different individual risk and protective factors common to criminal behaviour, such as: childhood abuse, dropping out of school, poor self-control, thrill seeking, low empathy, external locus of control and the use of behaviour modifying substances, among others.

More specifically, the characteristic criminogenic factors of road safety offences are identified by means of a bibliographic compilation of information, based mainly on reports and studies published by private and official bodies with recognised experience in road safety, such as: the Directorate General of Traffic (DGT), the Insurance Business Association (UNESPA), the Public Prosecutor's Office and the University Institute for Research in Traffic and Road Safety (INTRAS), among others.

Following the review of literature and based on experience, it was noted that the main criminogenic risk factors related to traffic crime are as follows:

- ALCOHOL AND OTHER DRUG ABUSE

It is well known that the combination of alcohol and other drug use and driving is one of the most significant risk factors for causing a traffic accident or participating in criminal behaviour. Drink-driving is one of the biggest factors in road safety, according to a study carried out by the Road Safety Observatory, suggesting that 82% of people in Spain consider that alcohol has a strong influence on driving (Sánchez, 2008).

The abusive consumption of alcohol and other drugs is a major personal stressor, leading to a destructive spiral that results in major family, social and work-related problems, preventing the person from leading a full life. These behaviour-altering substances have a radical impact on decision-making and the impulse control system, leading in most cases to disinhibited behaviour, the consequences of which can be taken to driving and are intimately linked to the promotion of risky behaviour punishable by law.

To get an idea of the magnitude of the problem, according to an article by the director of the Road Prevention and Safety Area at the Mapfre Foundation, Mr. Jesús Monclus (2023), the total number of drivers involved in traffic accidents, one in three had drunk alcohol before the accident, with two in three drivers killed (66%) testing positive, and when it comes to other illegally traded drugs (amphetamines, cocaine, cannabis, opiates, etc.) one of every five drivers killed (22%) had ingested them before the road accident. In turn, according to the Prosecutor's Office 2010 report, the crime of driving under the influence of alcoholic beverages is undoubtedly the most relevant amongst the crimes committed in relation to road safety, with, in 2022, 55% of indictments and 57% of convictions coming under Article 379.2 of the CC, which criminalises driving under the influence of alcohol and other drugs.

- CAREER CRIMINALS

An important indicator of road crime is the analysis of career criminals, as it has been found that individuals who have committed different types of crimes also tend to commit road safety offences.

Their criminal career is considered as extending between when they starts and eventually stop their criminal conduct. Criminal careers can be either long or short, intense or mild in nature, depending on the person's circumstances. As Professor Ovejero indicates:

"... it can be taken into account that a poor family, cultural and educational environment combined with a highly destructured family leads, with all certainty, to poorer performance at school entailing problematic behaviour; this low educational level can lead to unemployment and in turn economic problems. When combined with the fact that this family has a home with serious shortcomings, in a neighbourhood that increases the likelihood of getting into bad company, added to the social ostracism, labelling and other cognitive processes entailed, we can gain an idea of why criminal careers tend to be long and continuous" (Ovejero. 2009).

- **IMPULSIVITY**

Lack of self-control is one of the fundamental causes of antisocial behaviour, especially the inability to resist the temptation to do something that is considered to be pleasurable but is forbidden by law (Garrido and Redondo, 2009).

Drivers with high impulsivity tend to adopt risky driving behaviours, infractions or offences against road safety, and impulsivity is even considered to be a personality trait in which there are more differences between offenders and non-offenders (Lijarco, J.I.; Escamilla, C.; López, C.; Puchades, R.; Marti-Belda, A.; Bosó, P.; Montoro, L. 2016).

- **THRILL SEEKING**

The relevance of thrill-seeking as a risk factor in ordinary crime is more than accepted. Zuckerman defines this as a trait that involves “the search for varied, new and complex experiences and sensations, and the willingness to take physical, social, legal and financial risks in order to achieve these expectations”. (Zuckerman, 1994, cited in Garrido and Redondo, 2019).

It is of major interest to individuals who seek to satisfy these urges by driving motor vehicles, as the easy access to them means that they can choose to drive at high or inappropriate speed at any time, which implies taking a risk that is most of the time uncontrolled.

- **ACCIDENT-PRONE ATTITUDE TO TRAFFIC ACCIDENTS**

There is a broad consensus that people’s attitudes have a significant influence on road safety, and the disposition, beliefs and way of behaving when driving a motor vehicle can trigger riskier behaviour. If the individual believes that traffic accidents are relatively infrequent and tends to think that nothing is likely to happen to him or her, it is easier for them to adopt a riskier driving style (Montoro, 2014).

Other erroneous beliefs that encourage attitudes prone to causing a traffic accident are not recognising the action of driving as dangerous, lower risk perception, overconfidence in their driving ability, considering themselves better drivers than others and blaming everything that happens to them on external agents and not recognising their own responsibility.

- **DRIVING STYLES**

The University of Granada published a study on recurrence in traffic offences, noting that one of the best predictors of road crime is an uninhibited driving style (Padilla, Doncel, Gluiotta and Castro, 2018).

Driving styles can be defined as the forms and habits that we normally adopt when driving on public roads. Whenever we drive a motor vehicle we tend to adopt a characteristic driving style, which can be categorised as aggressive, passive or defensive.

However, caution should be exercised when analysing these, as a pure driving style is not always adopted; most drivers move from one category to another, depending on their personal, environmental or situational circumstances. It is also interesting for the interpretation of the results to identify the driving style used, as it provides methodological clarity that helps in the assessment of the risk caused in the conclusions of the report (Llorente, 2022).

- **Defensive style** is that of a driver who drives with confidence in their own behaviour, without expecting others to behave in an appropriate and expected manner, taking into account that road or vehicle conditions are not always optimal. They anticipate the risks inherent to traffic. For example, a good observation of our surroundings, appropriate speed and keeping a safe distance allow us to anticipate the reactions of other drivers and road users, thus minimising risks.
- **Passive style** is that of a driver who, while driving with confidence in his or her behaviour, also relies on others to behave in an appropriate and expected manner, thus failing to perceive risks adequately. This overconfidence in the behaviour of others implies not observing the environment correctly, losing the ability to react in order to avoid mishaps.
- **Aggressive style** is that of a driver who does not observe the most elementary traffic rules, uses aggressive, intimidating or harassing behaviour that endangers the physical integrity of other road users, taking unnecessary risks and performing reckless and abrupt manoeuvres.

As explained by Professor of Road Safety, Luis Montoro (2014), violent drivers “use the car as a means to increase their level of aggressiveness, giving rise to violent and reckless driving styles, where competitiveness is quite frequent. As a result, they make the public space an extremely dangerous place for other people”.

## 8 METHODOLOGY

As part of the preparation of the criminological report, a variety of techniques are used, such as semi-structured personal interviews, indirect profiling, documentary or experimental observation and the completion of different questionnaires; where the necessary information is obtained about personal risks, lack of prosocial support and criminal opportunities.

One of the main phases of the information collection process is personal interviews. The first observation that should be made when conducting the interview is whether the person under study is free of cognitive impairment, in order to then obtain the necessary information within the theoretical framework to help identify the indicators that promote criminological influence.

Once the risk and protective factors have been identified, an analysis is performed as to which risk factors are considered most relevant, since depending on the intensity with which they are manifested, they may influence the individual to a greater or lesser extent, and may be associated with other risk factors of a different nature, which would reciprocally enhance the risk between personal characteristics, lack of prosocial support and criminal

opportunities; this accumulation of inter-source risks implies a high probability of criminal behaviour (Redondo, 2015).

Another of the techniques used is direct observation, which is a valuable tool for gathering information, as it allows us to obtain relevant data from the person, not only from what they communicate, but also from how they express it. This fieldwork is characterised by the stress generated by the interview itself, where the person gives a glimpse of information that cannot be so easily simulated.

Available data sources on the person, such as police and court records, should be analysed, which provide information on patterns of behaviour and show their criminal versatility and criminal career in an objective way.

To complement these techniques, questionnaires can be used to verify the existence of cognitive impairment (Pfaifer test), or disorders related to alcohol consumption (AUDIT) or other drugs (ASSIST), or questionnaires to assess risk perception (DGT).

One of the circumstances that may arise when carrying out the analysis of a person is that the person does not accept voluntarism and collaboration to safeguard this important source of information, using the technique of indirect profiling, that is, “inferring the personality traits of a subject without their explicit participation, knowing how to record observational and behavioural indicators” (Sotoca, González and Halty, 2019); formulating the inferences of the criminogenic risk factors to reach conclusions by means of alternative forms to the personal interview, such as interviews with people in the environment or documentary analysis.

## 9 INTERPRETATION OF THE RESULTS

Once the aforementioned techniques have been carried out, the personal risk factors, the lack of prosocial support and the criminal opportunities observed are catalogued, assessing the factors corresponding to the different categories and dichotomously identifying those with the greatest criminological influence, and based on the relationship of convergence between them and the accumulation of the same, a prognosis is made in a logical, reasonable and motivated manner as part of which a response can be given to the requirements of the administration of justice in relation to the reasons for the criminal conduct, the personal, family and social circumstances, as well as the danger generated and the assessment of the risk caused, in addition to the individual probability of repeated road safety offences.

## 10 CONCLUSIONS

Road safety is intimately linked to the most essential rights of our legal system, such as life and personal safety.

Therefore, combating traffic crime must be a priority, guaranteeing the rights of the people who are victims of road violence, as well as the legal rights of the person who commits the offence, assessing these high-risk conducts individually, and trying to

provide valid and contrasted information on the genesis, dynamics and main variables of road crime, with a view to establishing the penalty that most favours the reintegration of the convicted person, while also considering compensation for the damage caused.

Criminology is the empirical science in charge of providing this information; with this in mind, traffic criminologists must support the justice system and are qualified to clarify the evidential difficulties of this type of crime, drawing up a “technical criminological report” that provides the necessary elements of judgement to impose the most appropriate measures within the principles of our legal system.

Like other countries with developed policies in this sense, such as France, Germany and England, Spain should join this innovative criminological technique. The Traffic Unit of the Guardia Civil has a long history as a staunch defender of the rights of all road users.

This is why this project must continue with a view to identifying and minimising the serious traffic risks that are being committed, with the aim of saving hundreds of lives and preventing injuries every year, encouraged by the great positive impact at a judicial and academic level of the “criminological technical report”, which is seen as a useful and effective tool that contributes to reducing traffic accidents and road crime, improving road safety in Spain every day.

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### ACRONYMS AND ABBREVIATIONS

|         |   |
|---------|---|
| ASSIST: | Alcohol, smoking and substances involvement screening test. |
| AUDIT:  | Alcohol use disorders identification test.                  |
| CA:     | Lack of prosocial support.                                  |
| CE:     | Spanish Constitution.                                       |
| CC:     | Criminal Code.  |
| DGT:    | Directorate General of Traffic.                             |
| LECrim: | Criminal Procedure Act.                                     |
| WHO:    | World Health Organisation.                                  |
| OP:     | Criminal opportunities.                                     |
| PR:     | Personal risks.   |

