# EFFECTIVE STRATEGIES TO REDUCE DRUNK DRIVING

## SOBRIETY CHECKPOINTS

**This brochure summarizes the following:**

**What are sobriety checkpoints?**

**How effective are sobriety checkpoints?**

**How frequently are sobriety checkpoints utilized in the United States?**

**What is the process for implementing a sobriety checkpoint?**

**Are there any barriers that impede the use of sobriety checkpoints?**

**What are the costs and benefits associated with sobriety checkpoints?**

# The Traffic Injury Research Foundation

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries.TIRF is a national, independent, charitable road safety institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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# SOBRIETY CHECKPOINTS

Police agencies utilize a variety of high visibility enforcement strategies to discourage the public from driving after drinking. The goal of these tactics is to increase public perceptions that they will be caught if they drive drunk, and increase the real likelihood of detection.

## What are sobriety checkpoints?

A sobriety checkpoint involves police officers stopping all passing vehicles or a systematic selection of vehicles (e.g., every third vehicle) to evaluate the driver's level of impairment. Officers approach the vehicle and identify themselves to the driver, explain the purpose of the stop, and ask the driver a series of questions to gauge whether or not they have consumed alcohol. Those drivers who do not indicate that they have been drinking and do not show physical signs of impairment are able to continue on their way. Drivers that show signs of impairment are detained in a safe holding area where they are asked additional questions and may be asked to perform standardized field sobriety tests and/or a breath test. Based on the results of these tests, drivers will either be released or arrested for DWI.[1]

Sobriety checkpoints have a powerful general deterrent effect across all drivers and can result in more impaired driving arrests, although more arrests are not the sole goal. Checkpoints counter drinking drivers' beliefs that they can drive well enough to avoid attracting attention because drivers can be stopped regardless of their behavior (Ross 1992). This strategy targets all potential drunk drivers generally as opposed to hard core drunk drivers specifically.

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1 The abbreviation DWI (driving while impaired or intoxicated) is used throughout this report as a convenient descriptive label, even though some states use other terms such as OUI (operating under the influence) or DUI (driving under the influence), and in some states they refer to different levels of severity of the offense. We have used DWI not only to maintain consistency throughout the report but also because it is more descriptive of the offense usually associated with hard core drinking drivers.

# How effective are sobriety checkpoints?

Research shows that sobriety checkpoints are one of the most effective approaches to deterring impaired driving among members of the general public (Lacey et al. 1999; Shults et al. 2001; Stuster and Blowers 1995). Checkpoints are most effective when they are highly publicized, highly visible, and frequently used (Fell et al. 2004). Study results reveal that:

> The use of sobriety checkpoints can reduce the number of alcohol-related crashes by up to 20%[2] (Elder et al. 2002; Shults et al. 2001).

> Stuster and Blowers (1995) directly compared sobriety checkpoints with dedicated DWI patrols and found that alcohol-related crashes declined 28% in checkpoint communities compared to 17% in communities that used highly publicized, roving patrols.

> Checkpoints result in citations or arrests of drivers for impaired driving and other violations. A demonstration in Tennessee showed a 20% reduction in fatal crashes involving drivers with breath alcohol concentrations of 0.10% and above. A total of 882 checkpoints resulted in 773 DWI arrests, 347 seat belt citations, 465 child restraint citations, and 7,351 other traffic citations (Lacey et al. 1999).

> Checkpoints can also be effective in detecting offenders who continue to drive with a suspended or revoked license (Ross and Gonzales 1988).

> Low-manpower checkpoints[3] can expand DWI enforcement in jurisdictions where additional funds are not available or where checkpoints are too costly or difficult to implement (Lacey et al. 2006).

# How frequently are sobriety checkpoints utilized in the United States?

Law enforcement agencies in the United States have used sobriety checkpoints for approximately twenty years. Currently, 38 states as well as the District of Columbia, the Northern Mariana Islands, and the Virgin Islands allow their use (Governors Highway Safety Association 2010).

Twelve states prohibit the use of sobriety checkpoints because the state has no authority to conduct them (i.e., Alaska), they are considered illegal under state law (i.e., Idaho), or they violate the state's constitution (i.e., Michigan) (NHTSA 2002).[4] For example, Texas prohibits sobriety checkpoints based on the state's interpretation of the United States Constitution [see *Brown v. Texas*, 443 U.S. 47 (1979)]. Jurisdictions that do not permit checkpoints can rely on other enforcement strategies like saturation patrols.[5]

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2 Results are from a meta-analysis of eleven studies examining the effectiveness of sobriety checkpoints. The crash reduction findings will vary based on the nature, size, and enforcement level of a checkpoint program.
3 Low-manpower checkpoints are run by fewer officers (3-5) than traditional checkpoints (15+).
4 Montana has a statute that permits the use of safety spotchecks but this does not include sobriety checkpoints.
5 A saturation patrol is a police patrol tactic where a large number of officers are concentrated in a particular geographic area. The hope is that the large concentration of law enforcement will deter crime, such as impaired driving, by creating the perception of the possibility of increased detection.

# What is the process for implementing a sobriety checkpoint?

Officers can begin using sobriety checkpoints in just three months if officers are well-trained to detect signs of impairment and employ checkpoint procedures (NHTSA 2008). Police agencies must develop policies regarding the implementation of checkpoints. Elements of these policies include gaining authorization, selecting a site, creating an operational plan, and possibly notifying the media of the checkpoints.

Each checkpoint requires a detailed operational plan before it is implemented. Police officers should enlist prosecutorial and judicial support to ensure that legally accepted procedures and plans for the sobriety checkpoint are established.

## The plan is the most critical component of the checkpoint and must describe:

> Who is in charge of the checkpoint;

> What are the duties of all participants involved;

> How vehicles will be selected to be stopped to ensure randomness;

> How offenders will be arrested and processed; and,

> How the operation will be documented.

Once an operational plan is established suitable locations for checkpoints must be identified and selected. To maximize the effectiveness of the checkpoint, police will typically examine local traffic history and isolate high-risk locations where drunk driving crashes and/or fatalities often occur as potential sites. The safety of motorists and officers at each location is also a factor, so high traffic volume, traffic speed, and single-vehicle collision history at each location should be considered during the selection process.

There are several steps involved in planning a sobriety checkpoint:

> Obtain authorization to conduct the checkpoint. Checkpoints must adhere to department policy and approval from high level administrators is needed;

> Consult with local traffic engineers to ensure motorist and police safety – the traffic count of the location should be obtained;

> Request a review of the checkpoint plan by the Department of Transportation;

> Obtain permission for use of the site from local property owners if applicable;

> Notify tow companies, breath test operators, EMTs and fire staff, jails, and community groups about the checkpoint in advance as well as prosecutors and the courts to prepare for increased workload;

> Secure equipment and facilities (e.g., cones and barricades, advanced road signage, breath testing equipment, camera equipment, light towers, prisoner transport, officer safety equipment);

> Arrange proper lighting and several different areas (e.g., approach lanes, checkpoint lanes, breath testing area, booking areas, detention area, ticket staging area, and vehicle staging area) as part of the site;

> Select personnel and assign positions including a command officer to coordinate all checkpoint activities, staffing, operations, briefing, debriefing, and overall supervision;

> Train selected officers on initial contact procedures which must be followed during the checkpoint without deviation; and,

> Coordinate with local media using a press release (typically handed out by the command officer). Publicizing the operation increases its deterrent effect.

Prior to the checkpoint, a briefing should be held involving all personnel to review checkpoint procedures. All officers are required to document events and fill out an activity log that is submitted when the checkpoint has ended. Documentation is essential to maintain the integrity of traffic stops and any arrests that are made. Information that is documented and collected should include:

> Any changes that are made prior to the checkpoint or afterwards;

> The time that the checkpoint began and ended;

> The number of vehicles that passed through the checkpoint and the number of vehicles that were diverted for further investigation;

> Any changes in the vehicle selection sequence and the reason; and,

> Any unreasonable delays.

There should also be coordination with the media before the checkpoint is implemented to create general deterrence and once the checkpoint is concluded to release the results of the checkpoint (e.g., number of arrests for impaired driving or other reported violations).

## Are there any barriers that impede the use of sobriety checkpoints?

Yes, there are some barriers that can impede the frequent use of sobriety checkpoints. Many of these barriers can be overcome with educational efforts.

**Legality.** The use of checkpoints is not permitted by law in twelve states. Some state courts have held that checkpoints are either illegal under state law or violate the State's constitution.[6] The U.S. Supreme Court has held that while the stopping of all motorists at

6 Some also argue that sobriety checkpoints violate the Fourth Amendment to the U.S. Constitution which states that an individual has a reasonable expectation of privacy.

checkpoints entails some inconvenience and intrusion on driver privacy, it is minimal. In the landmark case *Michigan v. Sitz* (1990) the justices found that "the balance of the State's interest in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon individual motorists who are briefly stopped, weighs in favor of the state program." Some civil libertarian groups have also supported sobriety checkpoints in the interest of the greater public good (Homel et al. 1988). In order for arrests resulting from checkpoints to be considered legal, specific conditions and guidelines must be met and followed. Law enforcement should be aware of the requirements in their individual jurisdictions in an effort to ensure that arrests made at checkpoints are not thrown out.

**Inadequate resources.** The average checkpoint utilizes 15 or more officers and can cost $5,000-$7,000 to implement. States that infrequently use checkpoints identify insufficient resources as the principal issue. However, research has shown that low-manpower checkpoints conducted by as few as 3-5 officers are just as effective as checkpoints conducted by 15 or more officers (Fell et al. 2004). Another option to consider is the use of multijurisdictional checkpoints which pool resources from multiple law enforcement agencies thus reducing the burden placed on a single agency.[7] Policymakers and law enforcement agencies may be more apt to earmark funding for this strategy if they were more aware of the benefits of checkpoints in relation to the costs of impaired driving (Mercer et al. 1996). The efficient use of resources combined with the tapping of multiple funding sources at the local, state, and federal level can help support the use of checkpoints.

**Lack of support.** The best way to secure more funding for sobriety checkpoints is to increase public support of their use. Strong public support from community groups and state and local task forces are important factors to encourage the use of checkpoints. In states where checkpoints are frequently used the motivation stems from a combination of support from task forces, citizen activist groups, the public, and police officials who understand their value as a deterrence strategy (Fell et al. 2004). Increased media coverage of checkpoint success and communication of their value as an enforcement tool may generate support.

**Misperceptions about effectiveness.** Despite significant evidence that proves otherwise, checkpoints may be perceived as ineffective in reducing impaired driving. Misperceptions can include:

> Officers have little time to observe behavioral cues, making identification of an impaired driver challenging (Wells et al. 1997). Scopatz (2008) reported that checkpoints are effective when officers are well-trained to identify impairment.

> Checkpoints yield few arrests. This results in police departments using saturation patrols instead as they are often viewed as more productive in terms of arrest rates (Ross 1992).[8]

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7 When implementing multijurisdictional checkpoints, law enforcement must ensure that ALL officers are able to arrest at the location of the checkpoint, even if it is not their jurisdiction.

8 NHTSA recommends that law enforcement utilize a combination of both strategies. For example, checkpoints can be conducted earlier in the evening when motorists are more likely to observe them (thus maximizing the deterrent effect) and saturation patrols can be used later in the evening when the likelihood of arrest is increased.

> Assignment to a checkpoint can be boring and uncomfortable work for officers as they are exposed to the elements and may not arrest any impaired drivers.

Again, these perceptions can be countered by promoting public education about the general deterrent effect of checkpoints. Also, providing police officers with regular feedback linking these efforts to crash prevention may help alleviate some of their frustration (Castle et al. 1995; Henderie et al. 1998). To achieve the greatest value and benefits, checkpoints should be supported by media coverage, which can include law enforcement officer interviews.

## What are the costs and the benefits associated with sobriety checkpoints?

The approximate cost of a sobriety checkpoint is $5,000-$7,000. If the checkpoint utilizes fewer officers (3-5 officers vs. 15 officers) the cost would decrease. Most sobriety checkpoints are funded using federal grant dollars aimed at preventing drinking and driving. While the use of this enforcement strategy can be costly, particularly on a frequent and ongoing basis, it also has significant cost savings.

> A community checkpoint program[9] with approximately 150 checkpoints per year can result in savings of $7.9 million due to a 15% reduction in alcohol-related crash costs (Miller et al. 1998). The annual program operating costs would be approximately $1.81 million which is substantially lower than the savings.

> Projected savings to community insurers (auto, health, and life insurers) could total $1.5 million. This means that for every $1 spent on a checkpoint program, insurers can expect to save a minimum of $1.30 (Miller et al. 1998).

> Intensive sobriety checkpoint use in a community that has a population of 100,000 licensed drivers could prevent 1 death and more than 60 serious injuries per year (Miller et al. 1998).

> Benefit-to-cost ratio analysis has revealed that sobriety checkpoints can yield anywhere from $6 to $23 for every $1 invested (Shults et al. 2001).

## Summary

Sobriety checkpoints are an effective law enforcement strategy that generally deters impaired driving among all drivers. They are implemented in 38 states and have been found to be most effective when highly publicized, highly visible, and used frequently. Checkpoints can yield considerable savings but in order for them to be implemented effectively, adequate staffing and resources are required along with public support for their use.

For more information, visit www.nhtsa.gov/Impaired or www.iptm.org (search 'sobriety checkpoints'), or ghsa.org/html/stateinfo/laws/checkpoint_laws.html.

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9 The study findings are based on a hypothetical community with 100,000 licensed drivers. In the scenario, the checkpoint program would be run three nights per week for one year; different staffing levels of 6, 10, and 15 officers were considered.

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