

Q&A – High-visibility enforcement

What are sobriety checkpoints?

Sobriety checkpoints are a law enforcement technique where law enforcement officials evaluate drivers for signs of alcohol or drug impairment at specific points on the roadway. Vehicles are stopped in a specific sequence such as every other vehicle or every fourth, fifth or sixth vehicle. Checkpoints are typically publicized in advance and signs are posted at the approaches to the checkpoints warning drivers that a checkpoint is ahead. Police must have a reason to believe the driver stopped at a checkpoint has been drinking before a breath test can be conducted.

Are sobriety checkpoints legal/constitutional?

The Supreme Court ruled in *Michigan v. Sitz* that sobriety checkpoints are constitutional because the small inconvenience that drivers face is overwhelmed by a compelling state interest to save lives.¹

Don't most people disapprove of checkpoints?

Actually, studies show at least 75% approval for sobriety checkpoints.² Interesting, studies have found 90 percent approval ratings for sobriety checkpoints after checkpoints have begun, meaning that support doesn't trail off after implementation – support for this law enforcement tactics seems to grow.³

How effective are sobriety checkpoints?

The Centers for Disease Control found that sobriety checkpoints can reduce alcohol-related crashes and fatalities by 20 percent.⁴ Checkpoints are the most effective tools we have for stopping impaired driving. On average, people typically drive drunk almost a hundred times before they are ever arrested. Thus, checkpoints are crucial for the prevention of drunk driving and in turn, for saving more lives.

Don't checkpoints cost too much money to implement?

Actually, there are significant cost savings from sobriety checkpoints. For every dollar invested in checkpoints, communities save between six and 23 dollars in costs from alcohol-related crashes.^{5,6,7} The annual cost of alcohol-related crashes to society is over \$100 billion.⁸

¹ *Michigan Department of State Policy v. Sitz* (496 US 444, 1990).

² http://www.nhtsa.dot.gov/people/injury/alcohol/SobrietyCheck/fact_sheet.html

³ Lacey, John, Ralph Jones, and Randall Smith. "Evaluation of Checkpoint Tennessee: Tennessee's Statewide Sobriety Checkpoint Program," DOT HS 808 641. Washington, DC: National Highway Traffic Safety Administration, 1999.

⁴ Elder, Randy, et al. "Effectiveness of Sobriety Checkpoints for Reducing Alcohol-Involved Crashes." *Traffic Injury Prevention* (2002): 266-274.

⁵ Miller, Ted, M.S. Galbraith and B.A. Lawrence, "Costs and Benefits of a Community Sobriety Checkpoint Program." *J Stud Alcohol* 59 (1998): 462–468.

Don't sobriety checkpoints cost law enforcement a lot of time and effort?

Not only are there are significant cost savings sobriety checkpoints, but they do not take a lot of personpower to operate. Research shows that checkpoints, if done correctly, can be effective with as few as three to five officers compared to those with 8-12 officers.⁹

Don't saturation patrols get more arrests than sobriety checkpoints?

(A saturation patrol is a concentrated enforcement effort that target impaired drivers by observing moving violations such as reckless driving, speeding, aggressive driving, and others. A saturation patrol is generally spread over a larger geographic area than a sobriety checkpoint.)

The primary goal of a sobriety checkpoint is not to arrest people, but rather to deter people from committing DUI. Sobriety checkpoints have the greatest deterrent value of all impaired driving enforcement. Which would you rather have – a night where 10 arrests were made and another 100 DUI slipped by or a night where no arrests were made because there were no DUIs?

Why would an impaired driver drive through an area where s/he knows there is going to be enforcement?

Research shows that they do. Checkpoints have been shown to not only detect impaired drivers, but also drivers with suspended licenses, illegal weapons, stolen vehicles and numerous other violations. Additionally, the publicity that goes along with the sobriety checkpoint increases the perceived risk of arrest and that is what gives the checkpoints their deterrent value.

⁶ Costs included personnel, equipment, travel delay, trial, punishment, and mobility loss associated with sanctioning (e.g., loss of driver's license) and benefits were estimated by accounting for medical care, property damage, and public costs.

⁷ Stuster, Jack and Paul Blowers. "Experimental Evaluation of Sobriety Checkpoint Programs." DOTHS 808 287. Washington, DC: U.S. Department of Transportation, National Highway Safety Traffic Administration, 1995.

⁸ Miller, Ted, M.S. Galbraith and B.A. Lawrence , "Costs and Benefits of a Community Sobriety Checkpoint Program." *J Stud Alcohol* 59 (1998): 462–468.

⁹ Stuster, Jack and Paul Blowers. "Experimental Evaluation of Sobriety Checkpoint Programs." DOT HS 808 287. Washington, DC: U.S. Department of Transportation, National Highway Safety Traffic Administration, 1995.

Do checkpoints put the police and motorists in greater risk than other enforcement approaches?

There is no evidence that checkpoints are more or less risky than other forms of impaired driving enforcement. Generally, the presence of a number of officers in generally well-lit areas with flares and warning signs should make checkpoint duty safer than the lone officer in a patrol car who must stop motorists on dark back roads.

Isn't this just harassment of innocent motorists?

The average stop at a sobriety checkpoint is about as long as an average red light. Just like the red light, the checkpoint can save lives. Most people accept the "intrusion" of stop signs and red lights and checkpoints to help keep our roads safe. In fact, there is more than 75% approval for sobriety checkpoints.¹⁰

Can't checkpoints be used for racial profiling?

This can be a concern with all law enforcement efforts. However, if the checkpoints are conducted properly, the cars are pulled over at random according to their order in the sequence. In that case, no profiling is possible. This is probably why support for checkpoints is stronger among African-American and Hispanics than among non-Hispanic Caucasians. (Gallup Poll done for NHTSA)

Could checkpoints be set up exclusively in minority neighborhoods?

This can be a concern with any law enforcement effort. Data systems exist to inform local departments where the crashes are occur. The rate of alcohol-related crashes of a certain area should determine whether or not the location is an appropriate place for a checkpoint.

Are checkpoints set up in areas with a large number of bars and restaurants to catch social drinkers?

MADD, along with most agencies that do checkpoints, believes they should be set up where crashes are happening. Data systems exist to inform local departments where the crashes are occur. The rate of alcohol-related crashes of a certain area should determine whether or not the location is an appropriate place for a checkpoint.

How do you know law enforcement does not have enough money for DUI enforcement?

Because that is what law enforcement officials are saying is one of the bigger barriers to them doing more DUI enforcement.

What are the states that do not allow checkpoints?

They are Idaho, Iowa, Michigan, Minnesota, Oregon, Rhode Island, Texas, Washington, Wisconsin, and Wyoming.

¹⁰ http://www.nhtsa.dot.gov/people/injury/alcohol/SobrietyCheck/fact_sheet.html

Which of those states has had the courts disallow checkpoints? Won't changing that be difficult?

Idaho, Iowa, Michigan, Minnesota, Oregon, Rhode Island, and Washington have had court decisions that disallowed checkpoints. Of these, Idaho, Oregon, Rhode Island, and Washington made these decisions before the Supreme Court found checkpoints to be constitutionally. These states will be harder to get checkpoints in than the states where it is at the will of the legislature. That is why we need everyone to support MADD and our policy efforts, especially in these states.

Which of those states could be fixed with legislative action? If so, what is MADD doing?

Texas, Wisconsin, and Wyoming could do checkpoints if the legislature were to allow them. In both Texas and Wisconsin there will be a push to legalize checkpoints this year, so in those states, please let your elected representatives know that you support sobriety checkpoints.