

## DUI ENFORCEMENT:



## Small Rural Agencies in West Virginia make big impact deterring drunk driving among drivers with high BACs

COVER STORY by Rebecca Kanable

*How many officers should be used to effectively conduct a sobriety checkpoint?*

*The answer to this question today varies by jurisdiction and traffic flow.*

**A**mong West Virginia agencies, the answer typically had been eight, 10 or 12 officers, depending on individual agency policy. A study done there by the **Pacific Institute for Research and Evaluation (PIRE)** and the **Insurance Institute for Highway Safety (IIHS)** proved the number of officers at a checkpoint could be as low as three to five. Agencies in two rural counties conducted 90 checkpoints (48 in Greenbrier County and 42 in Raleigh County) for one year beginning Aug. 1, 2003. Results in these counties were compared with two counties that did not do additional checkpoints. In the counties that did additional checkpoints, the proportion of drivers with blood alcohol concentrations (BACs) of .05 percent or more was 70 percent lower, and the proportion with BACs of .08 percent or more was 64 percent lower relative to the comparison counties.

The study results, released in 2005, demonstrated small, rural agencies can safely, effectively and frequently conduct low-manpower sobriety checkpoints. Programs like these can be expected to result in large reductions in drivers operating at higher BACs.

When a previous study looked at why law enforcement agencies aren't

doing checkpoints more frequently, cost and the large number of officers needed were among the reasons given (Fell, J.C.; Ferguson, S.A.; Williams, A.F.; and Fields, M. 2003. "Why are sobriety checkpoints not widely adopted as an enforcement strategy in the United States?" Accident Analysis and Prevention 35:897-902). Low-manpower checkpoints address these concerns with a low number of officers, as the name implies, at a relatively low cost of \$350 to \$400 per checkpoint, according to the low-manpower checkpoint study.

### EFFECTING CHANGE

Before conducting low-manpower checkpoints, researchers looked at West Virginia law and found nothing prohibiting low-manpower checkpoints.

"There was just the perception that they ought to be these big, just immense affairs," said **Dr. Susan Ferguson, IIHS senior vice president of research**. IIHS supported the research and law enforcement activities were in part funded by the West Virginia Governor's Highway Safety Program.

**Ret. Capt. J.D. Meadows**, law enforcement liaison for the West Virginia Governor's Highway Safety Program and coordinator of enforcement and field

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### Why do checkpoints?

"You cannot arrest every drunk driver," said Ferguson. "Where you really succeed is by deterring them from drinking and driving in the first place."

Alcohol-impaired driving is a problem in United States, yet despite knowing ways to reduce this problem, little progress has been made. In 2005, 12,945 people, or 154 less than in 2004, died in traffic crashes where the driver had a blood alcohol concentration (BAC) of at least .08.

Although 11 states do not conduct sobriety checkpoints, they are the most effective way to prevent drinking and driving today.

If a chief is looking to continually see high numbers of arrests from sobriety checkpoints, disappointment likely will be the result. That is not the goal of sobriety checkpoints, rather the goal is to deter drinking and driving.

"The way to stop people from drinking and driving is to have them believe that if they do drink and drive, they'll get caught and be punished," she said. "The best way to do that is good laws and high visibility enforcement of those laws."

No enforcement is higher visibility, especially if well publicized, than sobriety checkpoints, she said. Many drivers go through checkpoints. They know what they are. Some head in the other direction as a result. Contrast checkpoints with a driver stopped by a police officer.

"You don't know why the driver was pulled over," Ferguson said. "You might assume the driver was speeding."

Checkpoints are effective, she said.

"It's important to have well-publicized sobriety checkpoints on a regular basis, at least once a week," she said. ♦

data collection activities for the study, and others set out to educate everyone involved on low-manpower checkpoints and their importance.

"The biggest stumbling block was everybody assumed - since nobody had ever done this - there must be some reason that you couldn't do it," said Meadows, who served 24 years with the Beckley Police Department in West Virginia. "The reason nobody ever did checkpoints this way is nobody ever thought of doing them this way."

Judges and prosecuting attorneys, the chief law enforcement officers in the counties who have to approve checkpoints in West Virginia, were contacted, as well as police administrators, supervisors and officers at the agencies selected for the study.

Many agencies have standard operating procedures for checkpoints that include the minimum number of officers needed to staff a checkpoint. A model policy was created that does not specify a minimum number of officers, but instead states a sufficient number of officers should be present based on traffic flow and giving the public the perception that an official law enforcement function is being conducted.

### "HALF" A CHECKPOINT

Aside from the number of officers present, low-manpower checkpoints operate like other checkpoints.

"You put them in a place where you can manage traffic properly and operate in a safe manner with fewer staff," said **John Lacey, deputy center director and senior program director at the PIRE Public Services Research Institute.** "You comply with the requirements to hold a checkpoint (*Michigan Department of State Police v. Sitz*)... And you use your administrative skills and knowledge to pick places that you know impaired driving is occurring but also where fewer officers can handle the logistics."

West Virginia agencies used half the number of officers and in many respects cut the checkpoint in half.

Instead of checking both lanes of traffic on a two-lane road, one was checked. At the start of the study, officers checked one lane, switched to the other and switched back. Later officers found that five or six people could check both lanes of traffic on a rural road.

While traditional checkpoints might be set up for six to eight hours, low-

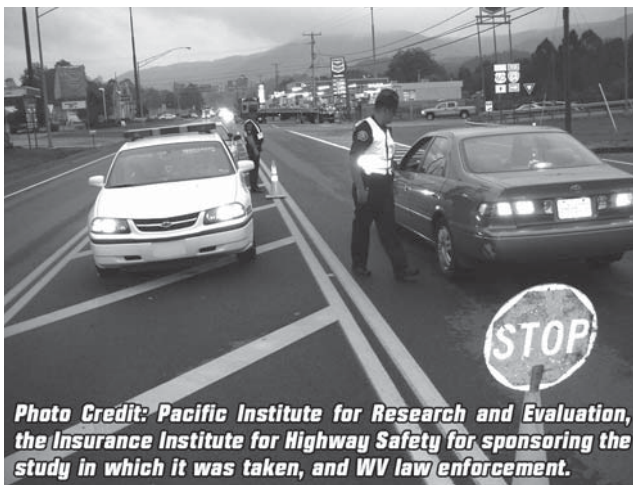


Photo Credit: Pacific Institute for Research and Evaluation, the Insurance Institute for Highway Safety for sponsoring the study in which it was taken, and WV law enforcement.

manpower checkpoints usually are done in four to five hours, Meadows said.

Traditionally, West Virginia agencies have obtained checkpoint funding from the state's *Governor's Highway Safety Program* or the *West Virginia Commission on Drunk Driving Prevention*, funded by a surtax, Meadows said, but at about half the cost, or \$350 to \$400, agencies may use their own funding.

### FULL BENEFITS

"While it takes fewer resources to conduct low-manpower checkpoints, they seem to have a greater benefit because you do more of them," Lacey said. A consistent checkpoint program has been shown to be more efficient than a sporadic program.

Low-manpower checkpoints can also make the police administrator's life easier because it's easier to find fewer officers.

"We found that some agencies that had never been able to do checkpoints because of manpower now were able to do them using their own personnel," he said. "And we found that people who had been doing them with 12 were now able to do checkpoints more often."

Still, there are very small agencies, unable to staff even a low-manpower

checkpoint by themselves. To conduct a low-manpower checkpoint, two officers from one agency can work with three officers from another. Previously if a small city in West Virginia wanted to do a checkpoint, state police help would be needed.

While the West Virginia study looked at small, rural agencies, larger agencies could benefit from the use of low-manpower checkpoints as a way to increase checkpoint frequency or cover more geographic areas.

"Low-manpower checkpoints are more mobile than the larger checkpoints," Meadows said. "You can set them up and break them down a lot quicker."

Police chiefs in West Virginia using low-manpower checkpoints saw them to be very good for discouraging drunk driving and for public relations and have continued to do checkpoints after the study was finished. In fact, Lacey said the majority of West

Virginia counties now do low-staff checkpoints.

### THE WORD'S OUT IN WV

**Chief James Hylton** of the White Sulphur Springs Police Department, a participant in the study, said, "You do not realize what kind of problem you have until you have a checkpoint." At the first checkpoint, he said eight people were arrested for DUI.

Today the number of arrests per checkpoint has dropped.

"The word is out that we will not put up with drunk driving," Hylton explained.

When White Sulphur Springs began doing low-manpower checkpoints, officers worked with other agencies and continued to do so for about three years.

Now, in their fourth year of conducting sobriety checkpoints, the department conducts its own using five officers.

With a department of seven full-time officers and one part-time officer, the challenge when conducting low-manpower checkpoints has been officer scheduling. Yet, despite the challenge,

"Sobriety Checkpoints" – opposite page►



The trailer shown is one of eight purchased by the West Virginia Commission on Drunk Driving Prevention and the West Virginia Governor's Highway Safety Program. They were distributed throughout the state for law enforcement agencies to use to conduct DUI checkpoints. (Photo: Larry Kendall, West Virginia Governor's Highway Safety Program)

*"Sobriety Checkpoints – continued*

the department conducts at least 24 checkpoints per year.

**CHECKPOINTS FOR SOBRIETY -- AND MORE**

While sobriety checkpoints are set up to stop drunk driving, police also have stopped other criminal acts.

During the West Virginia study, officers set up a checkpoint in an area they normally would not have. As a result, Beckley officers made an arrest and potentially prevented a murder. Just as officers were about to break down

the checkpoint, they came across a driver who had carjacked his estranged girlfriend's vehicle and was forcing her to drive into the countryside.

"The arrest got the agencies a lot of very positive publicity and it gave the checkpoint positive publicity, but it was a real benefit," Lacey said. "Something happened that otherwise wouldn't have in terms of intervening and preventing a crime."

**A COMPREHENSIVE PROGRAM**

While low-manpower checkpoints

are beneficial, they are not a cure-all.

"You can't just say we are never going to do traditional checkpoints again," Meadows said.

Traditionally, checkpoints have been done on the busiest nights on the busiest highways, he said, noting, that 2,200 vehicles could go through in six hours.

"That's too much volume to handle with only five officers," he said. "In a case like that, if you're going to do a checkpoint, you need to do a traditional checkpoint."

Interestingly, West Virginia agencies have found that the public doesn't seem to know or care whether six or 12 officers are present. "A checkpoint is a checkpoint to them," Meadows said.

In West Virginia, low-manpower and traditional checkpoints are part of a sustained enforcement program including saturation patrols, directive patrols and public education.

**LOW-MANPOWER CHECKPOINTS FOR YOUR AGENCY?**

Agencies that use double the number of officers or more than what West Virginia initially had been using to conduct checkpoints may be reluctant to give low-manpower checkpoints a try. Ferguson encourages officers who feel like they're not allowed to conduct low-manpower checkpoints to look at their laws and talk to judges and others to see if the perceived barrier is real.

"A checkpoint doesn't have to be a dog and pony show," she said. "You can do a checkpoint for less money and you can do checkpoints more often. And, they are effective."

Lacey emphasizes the reductions demonstrated in the study are dramatic.

"The public took notice of the checkpoints and changed their behavior," he said. "And that's what policing is all about. The police officer's life is better and the community's life is better if crimes are prevented."•

Rebecca Kanable is a freelance writer, working on behalf of Mothers Against Drunk Driving. She can be reached at [kanable@charter.net](mailto:kanable@charter.net).

*Cover Photos by Larry Kendall/West Virginia Governor's Highway Safety Program.*

*In West Virginia, agencies, including the Barboursville Police Department (shown doing a checkpoint), use low-manpower sobriety checkpoints to deter motorists from driving impaired.*



Corporal C. O. Burks of the Barboursville Police Department in WV

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