

9. Leaf, W.A. and D.F. Preusser (1996). *Effectiveness of Passive Sensors*, Report No. DTNH22-93-C-05022, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590, pp. 57.

10. Lestina, D.C. and Lund, A.K. (1989). *Laboratory Evaluation of Two Passive Alcohol Sensors*. Insurance Institute for Highway Safety, Arlington, VA.

11. Levy, D., D. Shea, & P. Asch (1989). "Traffic Safety Effects of Sobriety Checkpoints and Other Local DWI Programs in New Jersey," *American Journal of Public Health*, 79(3):291-293.

12. NHTSA (1995). *Partners in Progress*, Report No. DOT 415 808 246, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C., 20590, pp. 123.

13. Preusser, D.F., Ulmer, R.G. and Preusser, C.W. *Obstacles to Enforcement of Youthful (Under 21) Impaired Driving*. NHTSA Technical Report No. DOT-HS-807-878, Washington, D.C.

14. Saffer, H. & Chaloupka F. (1983). *Breath Testing and Highway Fatality Rates*. Preliminary paper under NIAAA Grant 1-RO1-AA07593, National Bureau of Economic Research.

15. Stutster, J.W. and Blowers, M.A. (1995). *Experimental Evaluation of Sobriety Checkpoint Programs*, Report No. DTNH22-91-C-07204, National Highway Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590, p. 80.

16. Taubenslag, W.N., & Taubenslag, M.J. (1975). *Selective Traffic Enforcement Program (STEP)*. National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590.

17. Tharp, V., Burns, M., & Moskowitz, H. (1981). *Development and field test of psychophysical tests for DWI arrest* (NHTSA Report # DOT-HS-805-864).

18. Voas, R.B. & J.H. Lacey (1990). "Drunk Driving Enforcement, Adjudication and Sanctions in the United States." In R.J. Wilson and R.E. Mann (eds.) *Drinking and Driving: Advances in Research and Prevention*, pp. 116-158. New York, NY: The Guilford Press.

19. Voas, R.B., A.E. Rhodenizer, & C. Lynn (1985). *"Evaluation of Charlottesville Checkpoint Operations."* Prepared under contract to NHTSA, Contract No. DTNH-22-83-C05088. Available from NHTSA, 400 7th Street, S.W., Washington, D.C. 20590.

20. Voas, R.B., & Williams, A.F. (1986). Age differences of arrested and crash involved drinking drivers. *Journal of Studies on Alcohol*, 47(3), 244-248.

21. Williams, A.F. & Lund, A.K. (1984). Deterrent effect of road blocks on drinking and driving, *Traffic Safety Evaluation Research Review*, 3:7-18.

22. Williams, A.F., Wells, J.K. and Foss, R.D. (1995). The North Carolina Governor's Highway Safety Initiative: Initial results from "Booze It & Lose It" In Kloeden and McLean, Eds. *Proceedings of the 13th International Conference on Alcohol, Drugs and Traffic Safety*. Vol I, pp.

347-351, NHMRC Road Accident Research Unit, The University of Adelaide, Adelaide, Australia.

APPENDIX C2B

DISCUSSION COMMENTS

Herb M. Simpson

Traffic Injury Research Foundation of Canada

One of the implicit themes in the paper by Dr. Williams is that, where feasible, we should make better use of the programs and policies we already have at our disposal. This is a theme with which I can resonate and would like to pursue more fully.

It often strikes me as though we live in a world gone mad with the passage of new laws and regulations, without due regard for the fact that laws are only as good as their enforcement. Accordingly, if we do find ourselves in an era of diminished resources and are facing stiffer competition for those resources, we might well question whether adding new laws is the most sensible approach to take.

Perhaps at least equal consideration ought to be given simply to making better use of the laws we already have. Allan has suggested, for example, that we might look at ways for improving the efficiency and effectiveness of police surveillance—e.g., making checkstops more efficient by equipping the police with passive sensors or even equipping them with information such as the correlation between fatigue and drunk driving or the correlation between belt use and drunk driving to make their detection more efficacious.

But the efficient application of the law can envelope many more than those who are normally thought of as part of the enforcement cycle (i.e., the police, judiciary, courts, jails, parole). The application of existing laws can begin at a much more local level through such simple mechanisms as information dissemination, designed to increase public awareness.

A fundamental premise of general deterrence is that the public is aware of the threat—i.e., they are aware of the existence of the law. It is, of course, more complex than that - the public must believe that the threat is real and they must believe they stand a reasonable chance of the threat being applied to them if they transgress the rules. But, the fulcrum for that lever in the first place is awareness of the law.

Unfortunately, it is often assumed that the existence of a law and even its reasonably routine enforcement leads to widespread awareness of its existence, thereby creating the opportunity for general deterrence. Often, however, this belief is unfounded. Let me cite two illustrations from Canada. In 1985, the federal government's Department of Justice introduced amendments to the criminal code that significantly increased the minimum, mandatory penalties for drunk driving. Considerable publicity surrounded the announcement: a national advertising campaign; media events; a cross country tour; brochures; posters; pamphlets;

etc. About a year later, public awareness was tapped and the results were very discouraging. Few people were aware the law had changed; very few knew how it had changed. Indeed, even today a remarkably small proportion of the Canadian public know they will lose their license if convicted of drunk driving.

Perhaps an even more poignant illustration involves the vehicle impoundment program, which has been in operation in the province of Manitoba for several years. This program received considerable attention when it was introduced; has received ongoing media interest; and has been actively enforced. Indeed, about 2,400 cars are impounded every year—this in a province with a total vehicle population of less than 3/4 million. However, a recent survey found that only about 10% of the public were aware of the program. It is obviously quite unrealistic to expect much in the way of general deterrence in such a situation.

It seems logical that the efficiency of this program might be improved not necessarily by tightening up any loopholes in the legislation, or by adding more police officers, or by having more road checks to catch offenders but simply by increasing public awareness about the existence of the program in the first place. And, here is a possible role for local action. Rather than costly province or statewide advertising campaigns we need to explore grass-roots initiatives that can effectively increase awareness at the community level.

The key point is that there may be cost-effective, community-based ways to enhance the impact of the tools we already have in our possession.

My second point arises from the reference made in Allan's paper to the importance of police attitudes. I would like to extend this to include the importance of police morale, especially in a time of diminished resources and competing demands. Two contemporary issues are key to morale and to the enforcement of impaired driving laws. The first involves a continued frustration with the criminal justice system and the second involves the move toward community policing.

Police are notoriously frustrated with the criminal justice system in general—"We catch them and the system puts them back out on the street." Efforts to deal with drinking drivers are not exempt from such cynicism and for good reason. The cumbersome and seemingly ineffective judicial system has certainly been one of the reasons that the police community has so enthusiastically embraced administrative approaches that are swift and certain. Perhaps the best illustration of this is administrative license suspension/revocation.

Given that the police do represent the front end of the system for dealing with DWI offenders, we need to give special consideration to other means for enhancing the efficacy of the system into which they inject the offenders. This can only increase their enthusiasm and dedication.

This is not to suggest that we advocate an exclusive and headlong push to convert all legal sanctions into

administrative ones. Efforts are also needed to streamline the court system to facilitate the processing and adjudication of offenders. Some developments in this area are notable. For example, NHTSA and NIAAA recently combined forces in a workshop and publication on DWI sentencing options designed to assist the judiciary in the efficient sanctioning of offenders.

At the same time, it is wise to carefully consider what other existing or planned DWI interventions might in fact be better vested within the administrative structure of the licensing authority, rather than in the criminal justice system. For example, from time to time in the U.S., and elsewhere, there is talk about decriminalizing drunk driving. In Canada, although this has certainly not occurred and is frankly very unlikely, there is a tiered system in place that has some of the advantages of both an administrative and criminal system.

Briefly, driving with a BAC in excess of .08 is an offense under the Criminal Code of Canada. At the same time, most provinces also have provisions within the Highway Traffic Act that permit a police officer to administer short-term driving suspensions at the roadside, if a driver's BAC is below the statutory level. There is evidence that the police like this system and that it has significant efficiency benefits.

The point here is not to debate the merits of such a system but simply to suggest that due consideration be given to improving the efficiency of the processing and adjudication system because it has clear implications for the treatment of offenders by the police at the local level.

In doing so, it is, however, important to be mindful of the tendency for unexpected consequences to arise when changes are introduced in the traffic control system. Serendipity often rules and the serendipitous consequences need not be favorable. Let me illustrate with a case from the Canadian province of British Columbia. Several years ago they introduced an administrative roadside suspension for drivers found to have BACs below the statutory limit of .08 but above .05. An evaluation of changes in the prevalence of drunk driving in that province found consistent and significant declines over an eight-year period in the number and rate of *criminal code* charges for impaired driving. This was much heralded. But at the same time, there was an equal and offsetting increase in the number of roadside suspensions. This was less heralded.

A favorable interpretation of these findings would suggest that although the rate of drinking driving was not changing, (i.e., the decline in the number of drivers with BACs in excess of .08 was balanced by an increase in the number with BACs below .08), the incidence of high BACs was declining (those over .08 were not as frequent). However, this does not appear to be what happened. It became evident from interviews with police that considerable discretion was at play in the field and that the administrative tool (roadside suspension) was often being used in lieu of the criminal charge. Persons who should

have received criminal sanctions avoided them and received instead administrative ones. Police practices were affected by the tools at their disposal. They like the swiftness and certainty of the administrative process and dislike the lengthy and more uncertain criminal route.

At this juncture, the bottom-line impact of this practice on alcohol-related crashes is not known and is not entirely relevant. The point is that if we do explore opportunities for moving sanctions from the criminal to the administrative sector, we need to be mindful of the implications—other benefits and disbenefits—this might have in the broadest sense.

Another trend that can impact police morale is the increasingly common practice in which police departments are eliminating their special traffic forces and homogenizing them with other specialty forces into something called community policing services. As a consequence, officers previously responsible primarily for traffic issues are becoming responsible for break and enter, domestic violence, and so on. This is a difficult trend to resist and I am uncertain how active we ought to be in trying to do so. Perhaps an alternative course of action is to accept the trend but try to ensure that traffic issues do not get lost in the shuffle. This can be done in various ways but at the local level, we need to consider mechanisms for providing support, recognition and encouragement of officers for their traffic safety efforts. Maybe they will see this as a priority, if they are rewarded for attending to it.

APPENDIX C2C USING NEWS MEDIA TO ENCOURAGE ENFORCEMENT

James Baker

Institute for Health Advocacy

Traffic safety advocates increasingly understand the importance of a strong earned media component in their S.T.E.P. programs. Earned media can also provide the key to another important need: *providing enforcement encouragement to small and mid-size departments and their individual officers.*

Law enforcement officers can best perform their work if they receive public support from community members and from news outlets. Unfortunately, what many police departments more commonly receive from their local newspapers, TV news programs and radio commentators is criticism. This negative community-wide discussion about police work can lead to low morale and high personnel turnover and does nothing to encourage either departments or their individual officers to enforce traffic safety laws. *Bad press* can support officer attitudes of "why should I enforce this seat belt or DUI law? The community is against us anyway. Enforcing this law will just make it worse." *No press* may imply lack of community support, or even lack of community interest. *Good press* is the alternative, and it is up to traffic safety advocates and

agencies to provide it.

In several recent projects, we have found that community-based traffic safety advocates can generate supportive news media that will encourage enforcement. Frequently, these supportive news stories represent the only positive news coverage of the department in recent memory. In these cases, a little good news has often gone a very long way toward supporting enthusiastic, ongoing enforcement.

In Oceanside, California, George Gaumont's Prevention Research Center project to reduce alcohol-related trauma used earned news media as a central tactic in achieving very large reductions in alcohol-related crashes. Gaumont's project worked hard to generate monthly TV news stories, newspaper columns, letters to editors and supportive radio talk show discussion which supported the need to aggressively enforce existing DUI laws. The Oceanside Police Department designated two full-time DUI officers to patrol the city of 130,000 residents. The organized community support for enforcement, communicated to residents through the news media, helped create a positive image for the police agency, and encouraged DUI patrol officers and department leaders to continue their aggressive approach.

In the Louisiana Office of Highway Safety's year-long seat belt project, Janet Dewey, Pete Stout and I traveled the state teaching PLOs and community workers how to generate news that would support enforcement of the state's new primary belt law by local agencies. We all knew that passage of the belt law would not, by itself, insure that local departments would enforce it. But agencies and officers appreciated the supportive news coverage they received, and they regularly told us that they felt their community understood why it was important to enforce the law.

Specific media techniques, which will be listed further on in this article, can be used by traffic safety leaders to demonstrate support for the enforcement of specific laws. When properly applied, these techniques can:

- *Increase enthusiasm for enforcement*, both at the level of the department and at the level of the individual officer.
- *Increase positive of enforcement of the specific law or issue area* (such as DUI enforcement in general, zero tolerance, youth DUI license revocation, speed enforcement, seat belt enforcement, etc.)
- *Increase the quantity of enforcement*. Officers tend to focus more work in areas where they receive public support.
- *Increase positive news coverage about the department in general*.

Traffic safety advocates can use news media to support and encourage enforcement in a number of ways:

- *Release news about traffic safety enforcement from a source outside the police agency. Design the release to support enforcement activities on this issue.* Rather than having the police agency release a statement saying it will increase seat belt enforcement, have a