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# **Obstacles to Enforcement of Youthful (Under 21) Impaired Driving**

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16. Abstract <p>Young drivers have long been recognized as being overrepresented in alcohol-related motor vehicle crashes, and despite reductions experienced in the 1980s, young drivers continue to be overrepresented in these events. Examinations of DWI arrest data have indicated that young people are arrested less frequently than would be expected from their involvement in alcohol-related crashes and there are indications that arrests among youth have been declining.</p> <p>The present study was undertaken to examine the status of DWI enforcement among persons under the age of 21. The objectives were: 1) to examine national, State and selected local arrest rates to determine what, if any, disparities exist between adult and youth rates; 2) if disparities were found, to identify the reasons for low rates and the obstacles to enforcement that may exist; and 3) to identify model programs and strategies that have been adopted to overcome enforcement obstacles.</p> <p>It was found that young drivers are being arrested for DWI at rates which are far below their incidence in alcohol-related driver fatal crashes, roadside survey data and non-fatal alcohol-related crashes. Among the identified obstacles to youth DWI enforcement were: differences between the places where young people tend to drink and drive and where DWI enforcement resources tend to be deployed; the overwhelming effect on enforcement of concentrations of youthful drinking driving in terms of time of occurrence and large numbers at parties and youth oriented events; impaired driving cues exhibited by youth which may differ from those of older drivers; and the problematic nature of the prosecution of low BAC cases.</p> <p>A group of essential characteristics is identified from law enforcement agencies with high youthful DWI arrest rates. Several programs to overcome enforcement obstacles are also documented. A method for assessing youthful DWI enforcement is described.</p>					
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## I. INTRODUCTION

The enforcement of laws prohibiting the operation of a motor vehicle while impaired by alcohol and/or other drugs (hereafter DWI) is essential to creating and maintaining a general deterrent effect against DWI behavior. According to figures published by the FBI during the five year period from 1985 through 1989, approximately 1,767,000 persons were arrested annually for DWI with little change occurring in arrest totals year-by-year.<sup>1</sup> The 1985-89 arrest levels, however, are approximately 25 percent higher than the levels recorded a decade earlier.

Examination of fatal motor vehicle crash data for the decade of the 1980s suggests that anti-DWI efforts are having an impact evidenced by a significant decline in alcohol-related crashes during this period.<sup>2</sup> However, impaired driving remains a major factor in motor vehicle crashes. For example, during the period 1985-1989, more than 52 percent of the drivers killed and tested for alcohol had been drinking and over 42 percent were found to have blood alcohol concentrations (BACs) of 0.10% or more.

Young drivers have long been recognized as an important component in the overall alcohol crash problem. Approximately 7.8 percent of the licensed drivers in the country are under the age of 21. According to the Fatal Accident Reporting System (FARS), drivers under age 21 accounted for approximately 15.5 percent of all fatally injured drinking drivers during 1989. Thus, the involvement of young drivers in these most serious alcohol-related crashes is approximately double that expected from their proportion among all licensed drivers.

Numerous examinations of the ages of persons arrested for DWI have shown that young people are arrested less frequently than would be expected from their numbers in the driving population and their involvement in alcohol-related crashes. One review of published data,<sup>3</sup> for example, compared the number of arrested drivers age 20 and younger with the number involved in alcohol-related crashes. The results showed that young drivers were three to four times more likely to be found in the alcohol crash, versus alcohol arrest, population. It has also been noted that arrests among the youngest drivers have been declining. For example, the FBI Uniform Crime Report indicates that from 1980 to 1989, DWI arrests for those under age 18 decreased by 44 percent while arrests of persons age 21 and older increased by more than 12 percent.

The present study was undertaken to systematically examine and document the current status of DWI enforcement among persons under the age of 21. The study had three major objectives. These were: 1) to examine national, State and selected local arrest rates and determine what, if any, disparities exist between adult and youth rates; 2) if disparities were found, to identify the reasons for low rates and the obstacles to enforcement among youth that may exist; and 3) to identify model programs and strategies that have been adopted to overcome enforcement obstacles.

The report is organized into the following major sections:

II. BACKGROUND--this section contains background information intended to provide a clearer perspective of the nature and extent of impaired driving by young

people. Among the topics covered are alcohol use by young people, applicable laws, and motor vehicle crash trends and characteristics.

III. **DWI ARRESTS AND ARREST RATES**--this section examines recent national data on DWI arrests and examines these data as a function of the ages of the persons involved. The primary topic of this section is whether young people are underrepresented among those arrested for DWI.

IV. **OBSTACLES TO YOUTH ENFORCEMENT**--this section describes the methods employed and the results obtained regarding obstacles to DWI enforcement with young persons.

V. **DEALING WITH IDENTIFIED OBSTACLES**--this section documents strategies and model programs that have been adopted by law enforcement agencies and the communities they serve to overcome identified obstacles to youth DWI enforcement. The section describes common characteristics identified in selected law enforcement agencies with relatively high youth enforcement rates and documents specific programs that have been implemented to overcome enforcement obstacles. The section also contains an assessment method which jurisdictions can employ to identify whether or not an arrest problem exists for youthful impaired drivers, and if so, what the causative factors may be.

VI. **PROJECT SUMMARY.**

## II. BACKGROUND

This section presents background information related to youthful impaired driving. Discussed are alcohol use by young people, applicable laws, population and licensing and recent trends in alcohol-related crashes.

### A. Alcohol Use

Prior to the 1970s, most States had adopted 21 years as the "minimum drinking age" while a few States had younger limits or different limits depending on beverage type (e.g., beer vs. distilled spirits). In the 1970s, there was a general "liberalization" where many States adopted 18 years as the age at which alcohol could be purchased/possessed/consumed. (Some 13 States retained age 21 throughout this time period.)<sup>4</sup>

Based on highway safety concerns and ensuing federal legislation, States began to reverse direction during the 1980s, and by mid-1988 all States defined 21 years as the legal age for purchasing alcoholic beverages. Numerous studies conducted during this time period indicated that lowering the minimum drinking age (MDA) had a negative effect on highway safety (i.e., increases in alcohol-related motor vehicle crashes).<sup>5</sup> These findings were a major impetus to the national adoption of 21 as the MDA, and this adoption has been credited as being a major contributor to the decline in alcohol-related fatal crash involvement among young persons noted during the 1980s.<sup>6</sup>

Logically, a higher MDA should make the purchase of alcoholic beverages more difficult for younger persons. Various studies suggest that a higher MDA delays the onset of experimentation with alcohol among teens and that lower frequencies are seen in alcohol use, drinking-driving and similar behaviors. The increased MDA has also been described as changing the circumstances under which drinking takes place and the ways in which alcoholic beverages are obtained.

Beer is generally regarded as the "beverage of choice" among younger persons. Those under 21 years of age who participated in focus groups conducted as part of this study generally indicated that there were few, if any, problems obtaining beer at any time. Knowing the stores that would sell, using false identification and having older persons purchase, were among the techniques mentioned. The enforcement of minimum age purchase laws likely varies considerably from area to area and from time to time in particular locales. There are some programs, such as Delaware's "Cops in Shops," which target under age purchasers. Also, some law enforcement agencies periodically conduct "sting" types of operations in which underage persons attempt to purchase packaged beer from retail outlets. In general, however, the full preventive potential of minimum age purchase laws is believed to be largely an unrealized one. For example, in a recent study, 97 out of 100 purchase attempts by under age persons were successful in randomly selected establishments in Washington, D.C.<sup>7</sup>

Studies based on self-reports by young people generally show that there is a rapid increase in the use of alcoholic beverages and the frequency of drinking-driving throughout the teen years despite the fact that the legal purchase age is some years away.<sup>8</sup> For example, one large scale survey conducted in 1983 among high school students included sites in four States which had age 16 licensing

and age 21 as the MDA. The percentage of male students who indicated they had driven after drinking in the past month is shown in Figure 1.<sup>9</sup>

While the absolute responses varied somewhat from site to site, it can be seen that the percentage of positive responses increased markedly as a function of age and that in three of the four locations, the majority of those age 18 and above reported drinking and driving at least once in the prior month. Also, while not shown, the responses of females tended to run about 15 to 20 percentage points below that of male students.

Patterns of alcohol use and attitudes toward drinking-driving are generally believed to have been changing in recent years. In addition, the national age 21 MDA appears to have impacted the drinking and drinking-driving behaviors of young people, at least in those States which previously had younger MDAs. Much of the decline in alcohol-related fatal motor vehicle crashes noted in the decade of the 1980s has been attributed to lesser crashes among youth<sup>2</sup> (see Crash Trends and Characteristics, below).

A national roadside breath testing survey done in 1986 in locations similar to sites employed in a 1973 survey, found a drop of approximately 38 percent in the proportion of all drivers who had BAC's of 0.05% or higher.<sup>10</sup> In line with noted declines of driver involvement in alcohol-related crashes, the greatest drinking-driving declines were found among those under age 21 and among those 55 and older. The 1986 survey indicated that just under 2 percent of all drivers with BACs of 0.10% or higher were in the 16 to 17 age range, while 13.2 percent were in the 18 to 20 age range. These figures closely parallel figures regarding alcohol involvement in fatal crashes during the year 1986. Finally, published data<sup>11</sup> from the University of Michigan's Institute for Social Research annual survey of high school seniors shows a decline of approximately 15 percent from 1984 to 1987 in the proportion of seniors self reporting driving after drinking behavior.

Despite such signs of progress, alcoholic beverages are readily available to underage persons who choose to use them. Experimentation with alcohol continues to be an activity of many early teens and the toll of alcohol-related crashes among the young continues to be a significant national problem. While there are numerous examples of community efforts to ameliorate alcohol problems around events such as high school graduations and proms, it is also the case that widespread use of illicit drugs has fostered the view with some parents that the use of beer by their children is a far more preferable alternative than involvement with "drugs."

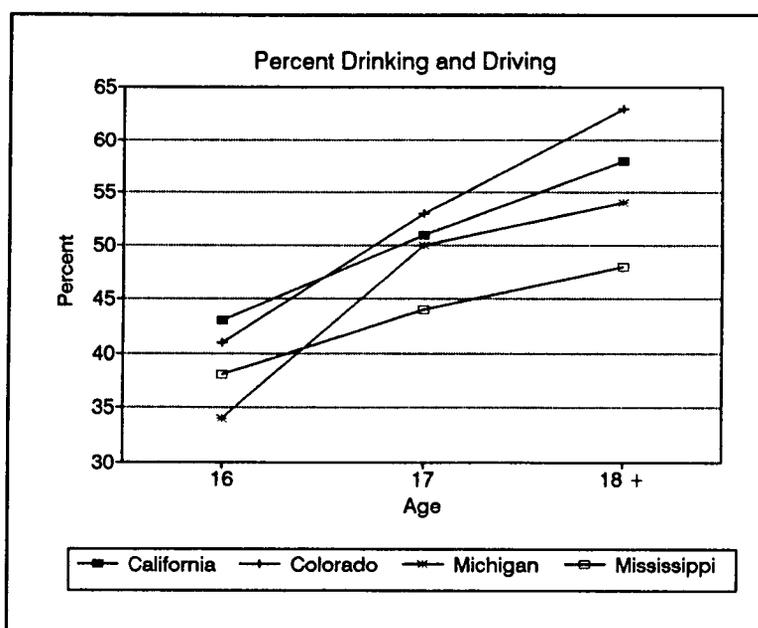


Figure 1. Self Reported Drinking-Driving

## **B. Applicable Laws**

All States presently have in place laws governing the operation of motor vehicles after consumption of alcohol (and other impairing substances) which are applicable to all drivers regardless of age. The basic prohibition in most States is defined as being under the influence of alcohol, alcoholic beverages, or intoxicating liquor; and (variously) drugs, controlled substances, etc. Other States employ terminology such as "while intoxicated by..." Particular BAC levels are given specific effects in the laws. For example, BACs of 0.10% are given presumptive weight as evidence of law violation (0.08% in a few States). Many States also have "illegal per se" laws where it is illegal to operate a motor vehicle at or above a particular BAC level.<sup>4</sup>

As summarized in Table 1, a number of States have adopted laws directly or indirectly related to youth impaired driving. These include:

- lower BAC limits for minors
- special penalties for the DWI conviction of a young driver
- "use and lose" whereby a drug and/or alcohol conviction unrelated to driving can cause loss of license
- teenage night curfews

Twelve States have adopted special lower BAC limits applicable only to youth. In general, violations of the lower BAC limit carry less severe penalties than violations of the DWI law.

Several States have augmented their general impaired driving statutes with special penalties applicable only to youth. Typically, these States have established longer and/or mandatory license suspension or revocation periods for youthful offenders. At the present time, 20 States are known to have such special penalties for youthful DWI offenders.

Another class of laws are "use and lose" statutes. In general, these statutes provide that a conviction for a controlled substance violation (with or without motor vehicle involvement and often including alcohol violations) can lead to suspension or revocation of the driver's license or a delay in the age at which a license can be obtained. At the present time, 32 States are known to have some form of "use and lose" legislation.

The last group of laws are those statutes that establish night curfews for youth. Several States have some form of curfew legislation. In seven of these States, the curfew establishes a general prohibition against late night driving for 15, 16 and/or 17 year old licensed drivers.

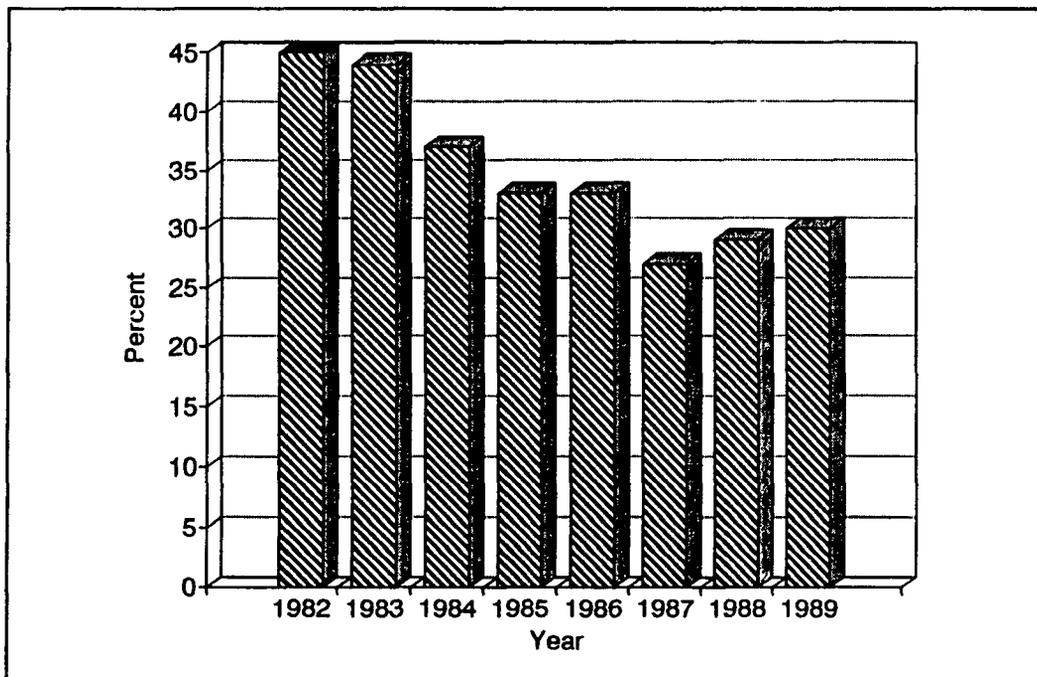
**Table 1. State Law Applicable to Youth Impaired Driving**

<b>State</b>	<b><u>lower BAC</u></b>	<b><u>special penalty</u></b>	<b><u>use &amp; lose</u></b>	<b><u>night curfew</u></b>
Alabama	-	-	-	-
Alaska	-	-	yes	-
Arizona	yes	yes	-	-
Arkansas	-	-	yes	-
California	yes	yes	yes	-
Colorado	-	yes	yes	-
Connecticut	-	yes	-	-
Delaware	-	yes	yes	-
Florida	-	-	yes	-
Georgia	yes	-	yes	-
Hawaii	-	-	-	-
Idaho	-	yes	yes	-
Illinois	-	yes	-	yes
Indiana	-	-	yes	yes
Iowa	-	yes	-	-
Kansas	-	-	yes	-
Kentucky	-	yes	yes	-
Louisiana	-	yes	yes	yes
Maine	yes	-	yes	-
Maryland	yes	-	-	yes
Massachusetts	-	yes	yes	yes
Michigan	-	-	-	-
Minnesota	-	yes	-	-
Mississippi	-	-	-	-
Missouri	-	yes	yes	-
Montana	-	-	yes	-
Nebraska	-	-	-	-
Nevada	-	-	yes	-
New Hampshire	-	-	yes	-
New Jersey	-	-	yes	-
New Mexico	yes	-	yes	-
New York	-	yes	-	yes
North Carolina	yes	-	-	-
North Dakota	-	-	-	-
Ohio	yes	yes	-	-
Oklahoma	-	yes	yes	-
Oregon	yes	-	yes	-
Pennsylvania	-	-	yes	yes
Rhode Island	yes	-	yes	-
South Carolina	-	-	yes	-
South Dakota	-	-	yes	-
Tennessee	-	-	yes	-
Texas	-	yes	yes	-
Utah	-	-	yes	-
Vermont	yes	-	-	-
Virginia	-	yes	yes	-
Washington	-	yes	yes	-
West Virginia	-	yes	-	-
Wisconsin	yes	-	-	-
Wyoming	-	-	yes	-

### C. Crash Trends and Characteristics (FARS)

The most comprehensive and consistent source for national data regarding alcohol and motor vehicle crashes is the NHTSA Fatal Accident Reporting System (FARS). Each year, all fatal crashes in the U.S. are catalogued using a standardized data coding method. This information is maintained in a comprehensive database which includes extensive information on each involved driver. At least in recent years, most fatally injured drivers who die within a few hours of the crash are tested for alcohol and these test results are included in the FARS database.

Within FARS, there are 15 "good reporting" States that, for many years, have tested the large majority of fatally injured drivers for alcohol. The proportion of fatally injured drivers in the 16 to 20 age range found to have BACs of 0.10% or more during the 1982-1989 period is shown in Figure 2. A sizeable drop in this percentage can be seen over the 1982-1985 time frame (45 percent down to 33 percent). This effect was likely due to the passage of the age 21 MDA laws during this period. From 1985 to 1989, the percentage of fatally injured drivers 16 through 20 years old testing at 0.10% BAC or higher was more stable than from 1982 to 1985. National estimates for the 1982-1989 time period, derived from the NHTSA discriminant function analysis model (see e.g., NHTSA, 1989), showed essentially the same trends as indicated in Figure 2 for the 15 "good reporting" States.



**Figure 2. Percent of 16-20 Year Old Fatally Injured Drivers with BACs 0.10% and Higher (15 Good Reporting States)**

Table 2 summarizes FARS data for 1985 to 1989 regarding drivers killed in the 48 contiguous States as a function of age group. The first two data rows of the table show the average number of drivers killed in each age group and the rate of driver fatalities per 10,000 licensed drivers (license data from Federal Highway Administration). It can be seen that the highest rate was experienced by 16 and 17 year-olds and that the rate declines with advancing age group.

The next elements in Table 2 show the percentage of drivers tested for alcohol and the percentages of those who tested at or above various BAC levels. The Table shows 35.7, 30.0 and 21.9 percent of the 16-17 year-olds tested positive at BAC levels of .01%, .05% and .10% and higher, respectively. The comparable rates for 18-20 year-olds were higher than for 16-17 year-olds. The highest "percent positive" rates are seen for the 21-24 year-old group.

The final elements in the table show the rate of alcohol-related crashes per 10,000 licensed drivers in each age group, with "alcohol-related" defined as BAC 0.01% and up, 0.05% and up, and 0.10% and up. The results for licensed drivers indicate that 16 and 17 year-olds are fatally injured as drinking drivers at a rate which is nearly double the rate for licensed drivers ages 25 and older (1.24 versus .66). Even though fewer of them had been drinking on a percentage basis (35.7 percent versus 50.6 percent), there are so many more of them among the fatally injured that their alcohol crash problem is substantially more serious. The 16 and 17 year-olds are also more often at .10 BAC or higher as compared to drivers ages 25 and older (.76 versus .55). For 18 to 20 year-olds, the .01 BAC rate is nearly triple the rate for the 25 and older group (1.84 versus .66) and the .10 BAC rate is more than double (1.35 versus .55). Overall, drivers under 21 account for approximately 14 percent of all drivers killed with BACs of 0.10% and higher.

**Table 2. Fatally Injured Drivers by Age, 1985-1989**

	Age Group				
	16 - 17	18 - 20	21 - 24	25 +	Total
Drivers Killed (Annual Average)	1216	2901	3697	16,804	24,617
Rate per 10,000 Licensed Drivers	3.47	3.44	2.85	1.31	1.61
Pct. BAC Tested	70.0%	74.4%	75.9%	71.5%	72.4%
Pct. BAC 0.01-Up	35.7%	53.5%	65.1%	50.6%	52.7%
Pct. BAC 0.05-Up	30.0%	48.0%	61.9%	46.8%	48.5%
Pct. BAC 0.10-Up	21.9%	39.1%	53.9%	42.2%	42.7%
Alcohol Related per 10,000 Licensed Drivers:					
BAC 0.01-Up	1.24	1.84	1.86	0.66	0.88
BAC 0.05-Up	1.04	1.65	1.77	0.61	0.78
BAC 0.10-Up	0.76	1.35	1.54	0.55	0.69

Alcohol involvement and testing rates in driver fatalities during 1985-1989, as a function of age, are shown graphically in Figure 3. It can be seen in the figure that the percentage of drivers killed who test positively for alcohol (BAC 0.01% or higher) increases over the teens and early twenties, plateaus, and then declines among drivers age 30 and older. The figure also shows that the proportion of drivers tested for alcohol was relatively constant, except among the youngest and oldest drivers. The alcohol-related crash rates (per 10,000 licensed drivers) shown in Table 2 were calculated on the assumption that cases not tested for alcohol would distribute themselves in the same manner as tested cases. This assumption most likely overstates alcohol involvement as it has been found that States with low testing rates in fatal crashes tend to have higher rates of alcohol involvement (i.e., where testing is discretionary, it tends to be carried out when alcohol is suspected). The essentially constant testing percentage for each age group shown in Figure 3, however, indicates that the relative position of each age group in terms of alcohol crash rates is accurate.

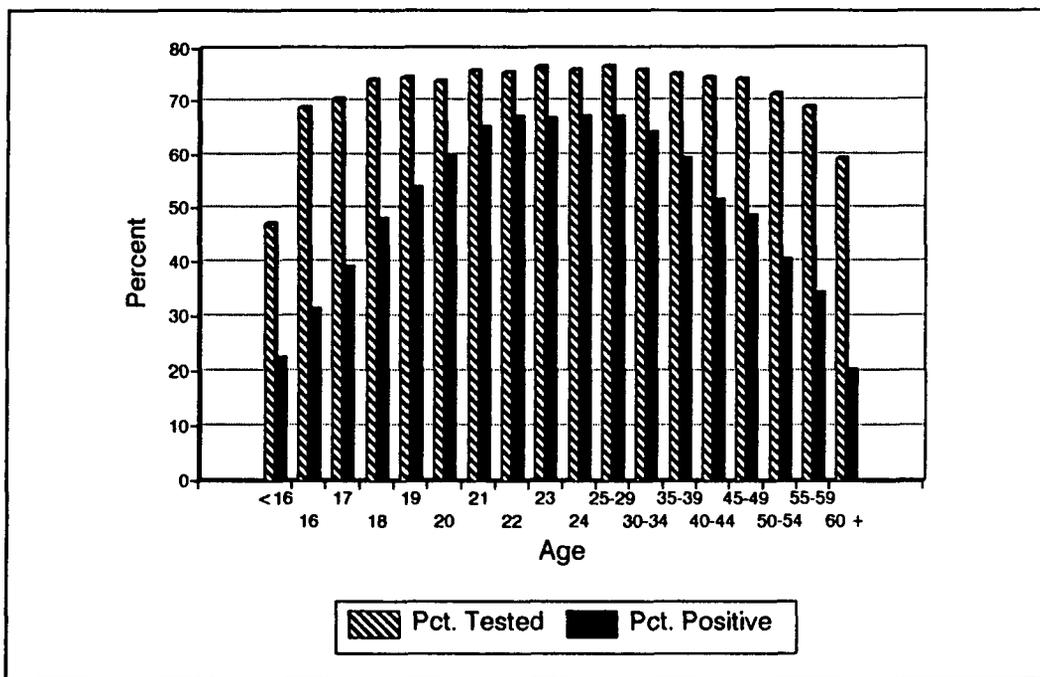


Figure 3. Drivers Killed in Fatal Crashes, FARS: 1985-1989

Differences in percentages of alcohol-related crashes among various age groups shown in Figure 3 and the alcohol-related crash rates shown in Table 2 are consistent with the view that alcohol impaired driving is an age-related behavior, increasing through the teen years, reaching a plateau and then declining among older persons. Figure 4 provides additional insight into this topic by showing crash rates by age based on drivers killed where no alcohol was found (zero BAC), where moderate levels of alcohol were found (BAC 0.01-0.09%) and where high levels of alcohol were found (BAC 0.10% and up).

The figure shows that the rate of high alcohol (BAC 0.10% and up) driver fatal crashes increases over the 16 to 21 age range and then declines. It can be seen that the rates for 18, 19 and 20 year-olds is higher than among drivers age 25 and above and that the rates for 16 and 17 year-olds are approximately the same as among fatally injured drivers in their thirties.

The plot of the rate of low and moderate alcohol-related fatalities (BAC 0.01-0.09%) shows it to be essentially constant over the 16 to 21 age range and then gradually declining with advancing age. This pattern supports other findings that the youngest drivers, inexperienced with driving and inexperienced with drinking, are more likely to be crash involved at low and moderate BAC levels.

Regarding non-alcohol-related crashes (BAC zero), it can be seen in Figure 4 that this rate is highest for the early teen years, declines through the later teens and twenties, is stable for ages 30 to 49, and then climbs among fatally injured drivers age 50 and above. This pattern is generally consistent with the findings of other studies which have examined overall accident rates by age group.<sup>12</sup>

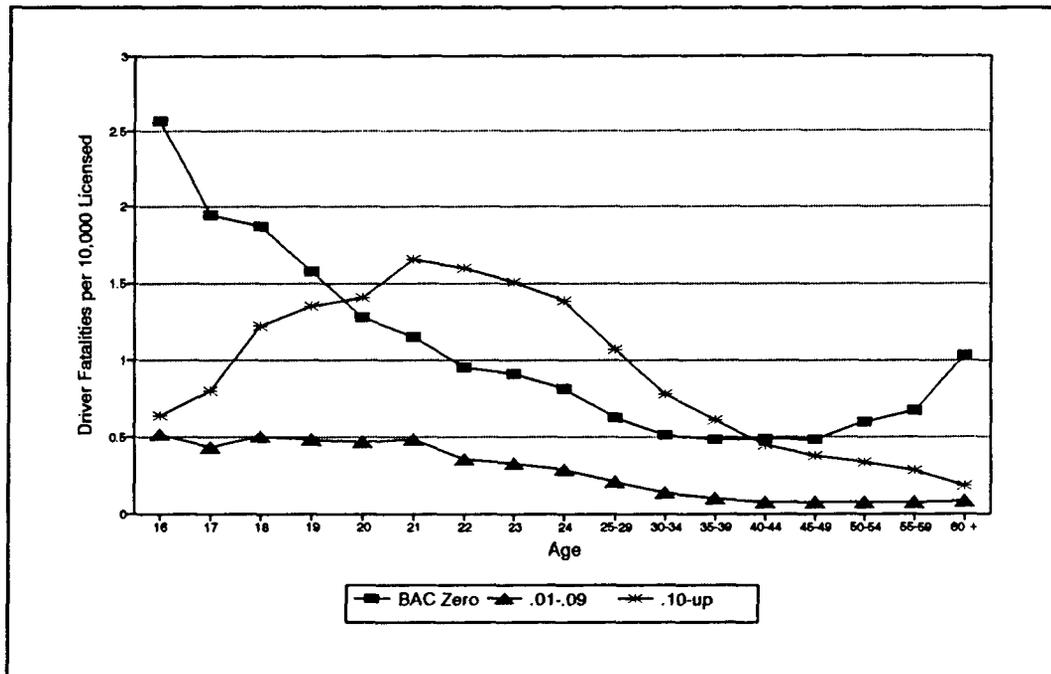


Figure 4. Fatal Crash Rates for Drivers Killed, FARS: 1985-1989

The crash rates shown in Figure 4 suggest that care should be taken in comparing the percentages of crashes that are alcohol-related among specific age groups. This is so as the rate of non-alcohol crashes changes markedly with age. Thus, for example, if the non-alcohol crash rate of young drivers was more similar to their older counterparts, then the *percentage* of alcohol-related crashes among the young would be higher.

In order to provide additional information about the pattern of alcohol impaired driving by young people, an examination was made of fatal crashes in terms of time of day, and day of week of occurrence. FARS files for the 1985-1989 time period were processed to tabulate the time and day of crashes involving fatally injured drivers. Included in the tabulations were drivers killed age 16 and older who had been tested for alcohol and had either BAC's of 0.00% or 0.05% and higher. Thus, untested (for alcohol) drivers and drivers who tested in the 0.01-0.04% BAC range were excluded. Surviving drivers were also excluded. Tabulations were made for four age ranges: drivers aged 16 to

17; 18 to 20; 21 to 24; and 25 and older. The complete results of this analysis are contained in Appendix A and are summarized in Figure 5.

Figure 5 shows the number of drivers age 16 to 20 killed during the years 1985-1989 across the days and hours of the week. The horizontal axis of the graph divides the week into 42 four-hour time periods beginning at midnight on Monday. The labelling on the axis should be interpreted as follows: The notation M4 designates Monday from midnight to 4 am (strictly, 0359); the interval denoted 8 is the 4 am to 8 am period; 12 is from 8 am to noon, etc., across the week. The right-most period is 8 pm to midnight on Sunday.

The figure shows a high degree of clustering of alcohol-related crashes (BAC .05% - up) among young drivers in the overnight hours on Fridays and Saturdays. The non-alcohol crashes of this age group (Zero BAC) tend to be distributed more uniformly across the week.

#### **D. Other Measures of Drinking and Driving**

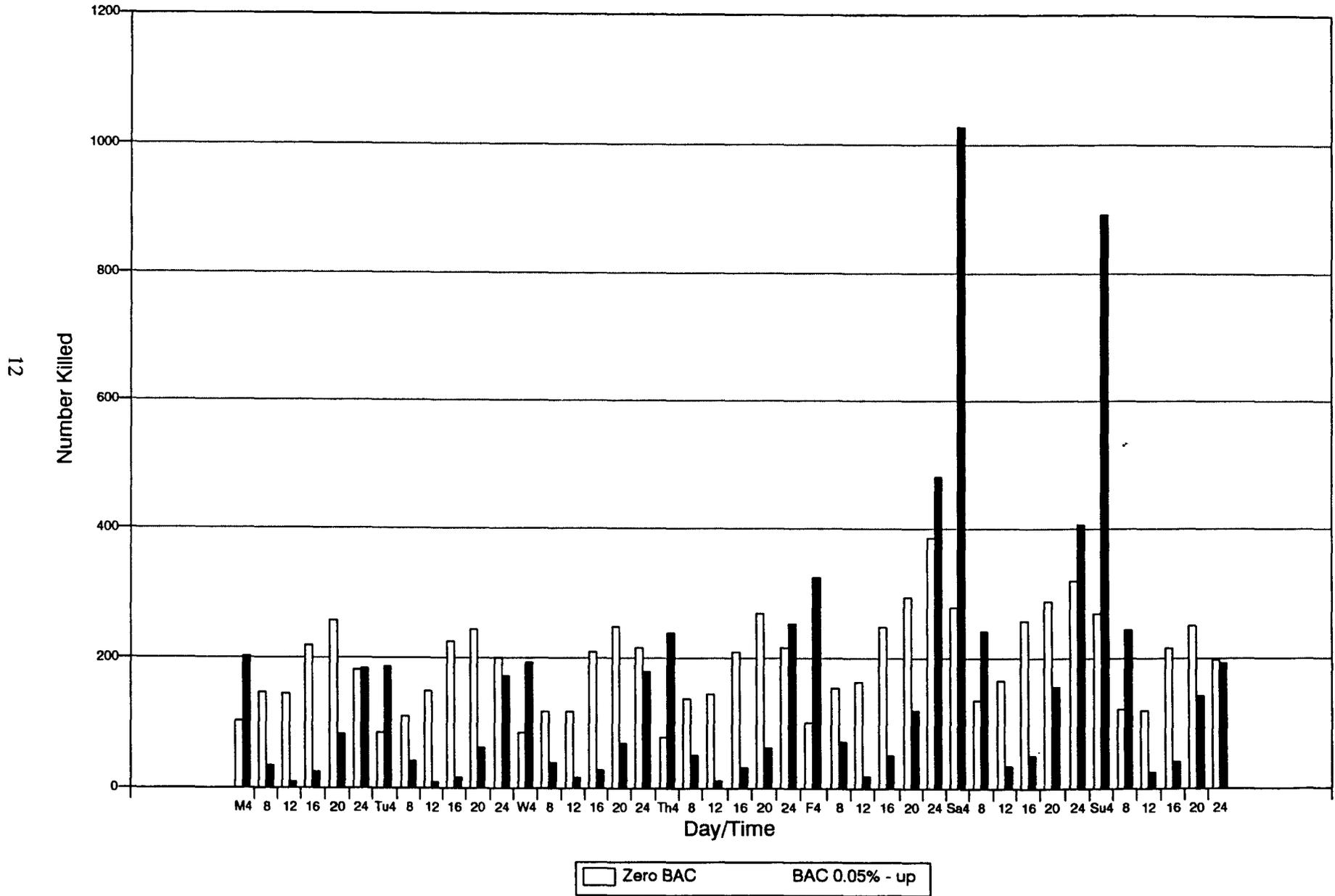
States were solicited for information regarding alcohol involvement in the full range of crashes, not just fatal crashes. A summary of the State data obtained is shown in Table 3. In general, the results indicate that alcohol involvement for the full range of crashes (fatal, injury and property damage) parallels the alcohol involvement seen among driver fatalities. For each of the States shown in Table 3, the alcohol crash rate for the youngest group of drivers, typically 16 and 17 year-olds, was higher than the rate for the oldest age group. The rate for 18 to 20 year-olds and 21 to 24 year-olds was higher than either the younger or older age groups.

Other data which can enhance the picture of alcohol impaired driving by persons of varying ages can be found in the results of roadside surveys and sobriety checkpoints. For example, checkpoints conducted in Charlottesville, Virginia between December, 1983 and December, 1984 resulted in 285 DWI arrests.<sup>13</sup> Twenty three percent of these arrests were for drivers age 21 and younger. During the same period in Charlottesville, only 11 percent of regular patrol DWI arrests were for drivers in this age group, suggesting that regular DWI enforcement was not apprehending younger people in the same proportions as their appearance in the driving population.

A national roadside breath testing survey done in 1986 indicated that just under 2 percent of all drivers with BACs of 0.10% or higher were in the 16 to 17 age range, while 13.2 percent were in the 18 to 20 age range. These figures closely parallel figures regarding alcohol in fatal crashes wherein approximately 14 percent of all drivers killed with BACs of 0.10% and higher were between the ages of 16 and 20.

Available State crash data and the results from roadside surveys can provide only a sample picture of drinking driving behavior and alcohol-related crashes. These data do indicate that they would lead to the same conclusions as can be drawn from FARS data on alcohol involvement in fatal crashes. The latter were used, therefore, to examine the representativeness of DWI arrests as a function of age.

Figure 5. Drivers Killed Age 16-20  
FARS 1985-1989



**Table 3. State Provided Alcohol Crash Data**

	<b>Age</b>	<b>Rate</b>
<b>Kansas: 1989</b>	15-17 =	3.04
<b>Drinking drivers (all crashes)</b>	18-20 =	6.73
<b>rate per 1,000 licensed</b>	21-25 =	6.33
	26 + =	2.03
<b>Louisiana: 1989</b>	16-17 =	2.28
<b>Fatal and injury driver crash involvement</b>	18-20 =	4.66
<b>rate per 1,000 licensed</b>	21-24 =	3.95
	25 + =	1.62
<b>Michigan: 1989</b>	under 18 =	7.08
<b>Drinking drivers (all crashes)</b>	18-20 =	13.32
<b>rate per 1,000 licensed</b>	21-24 =	11.80
	25 + =	4.27
<b>Missouri: 1989</b>	16-20 =	5.07
<b>Drinking drivers (all crashes)</b>	21 + =	2.56
<b>rate per 1,000 licensed</b>		
<b>New Mexico: 1989</b>	15-19 =	6.69
<b>Alcohol crashes</b>	20-24 =	8.15
<b>rate per 1,000 licensed</b>	25 + =	3.09
<b>Ohio: 1989</b>	16-17 =	5.95
<b>Drinking drivers, (all crashes)</b>	18-20 =	9.54
<b>rate per 1,000 licensed</b>	21-24 =	13.42
	25 + =	3.47
<b>South Carolina: 1989</b>	16-17 =	4.74
<b>Probable cause alcohol or drugs</b>	18-20 =	6.32
<b>rate per 1,000 licensed</b>	21-24 =	6.65
	25 + =	3.97
<b>Texas: 1989</b>	16-17 =	1.50
<b>DWI drivers involved in accidents</b>	18-20 =	2.62
<b>rate per 1,000 licensed</b>	21-24 =	2.27
	25 + =	.86
<b>Virginia: 1989</b>	16-17 =	4.91
<b>Drinking drivers (all crashes)</b>	18-20 =	9.26
<b>rate per 1,000 licensed</b>	21-25 =	8.81
	26 + =	2.94
<b>Wisconsin: 1989</b>	16-17 =	4.74
<b>Had been drinking (all crashes)</b>	18-20 =	8.19
<b>rate per 1,000 licensed</b>	21-24 =	11.20
	25 + =	3.23

### III. DWI ARRESTS AND ARREST RATES

The enforcement of DWI laws falls to police officers who may be members of municipal Departments, State police agencies, highway patrols, sheriffs' Departments, etc. Across the U.S., there are more than 500,000 sworn law enforcement personnel.<sup>1</sup> Many of these individuals are not involved in DWI enforcement because they are engaged in policing activities which do not bring them into contact with the driving public. Among the patrol force, there are also factors which mitigate against DWI enforcement. Key among these is the demand for police services generated by citizen calls, alarms and similar events which require reactive police responses. With limited resources being commonplace, there is considerable pressure on the police structure to keep patrol units on the road and available. Where patrol officers spend large portions of each shift responding to calls, there is little opportunity to engage in the techniques required for on-the-road detection of DWI drivers. It is likely as well, that there are numerous other factors which determine the motivation of individual officers to actively conduct DWI enforcement. The sheer amount of time required, experiences in court and perceptions about case outcomes are among those often noted.

In general, it appears that the large bulk of DWI enforcement is being carried out by officers assigned to police entities with a primary traffic mission and/or dedicated DWI patrol units (i.e., officers assigned to patrol units of a municipal Department's traffic division, highway patrol officers, officers in State police agencies which retain a traffic emphasis, etc.) There are, on the other hand, some police agencies, especially smaller Departments, which do not specialize their law enforcement activities. Among the Departments visited in the present work, there were several where all patrol officers were trained in DWI enforcement and expected to perform this function among their regular patrol duties. In general, however, the annual total of more than 1.7 million DWI arrests<sup>1</sup> nationwide is being generated by a relatively small number of law enforcement personnel.

This section examines national data on DWI arrests and documents youth and adult arrest rates. The question addressed is whether young persons are underrepresented among those arrested for DWI given their overrepresentation in fatal alcohol-related crashes.

#### A. DWI Arrests

The most comprehensive and consistent source of national DWI arrest data is the Uniform Crime Reporting Program of the FBI. Police agencies annually report the number of arrests they made for "Driving Under the Influence," defined as:

"Driving or operating any vehicle or common carrier while drunk or under the influence of alcohol or narcotics."

FBI data for the period 1985 through 1989 show an average of approximately 1.4 million DWI arrests per year as reported by police agencies covering approximately 80 percent of the U.S. population. The FBI projects nationwide totals from these reported data. For 1989, the projected U.S. total for DWI arrests was approximately 1,767,000. Arrests for young drivers ages 16 to 20 declined over this period both in absolute terms and as a percentage of total arrests. In 1985, 10.7

percent of the arrests involved drivers between the ages of 16 and 20 as compared to 9.4 percent in 1989. Between 1980 and 1989 arrests of persons under age 18 declined by more than 44 percent.

Arrest data were obtained from the FBI Uniform Crime Reporting Program. User Services provided a special run of the 1985-1989 data set showing the number of "driving under the influence" arrests by State and driver age. National figures for 1989 show the following distribution of DWI arrests by age group:

Age Group					
	16-17	18-20	21-24	25-up	Total
Number	14,278	109,567	227,695	958,001	1,309,541*
Percent	1.1	8.4	17.4	73.1	

\* Data are for 45 of the 48 contiguous States. Delaware, Florida and Mississippi are excluded because of missing data pertaining to the various analyses performed herein.

DWI arrest rates per 1,000 licensed drivers during 1989 are shown in Figure 6. As noted, FBI Uniform Crime Reporting data come from most, but not all, law enforcement agencies. In order to establish arrest rates by age group, it has been assumed that unreported activity is distributed like the known data. Overall projected arrest totals, therefore, were derived by dividing the known totals by the percentage reporting. These projected totals were then divided by the number of licensed drivers in each age group.

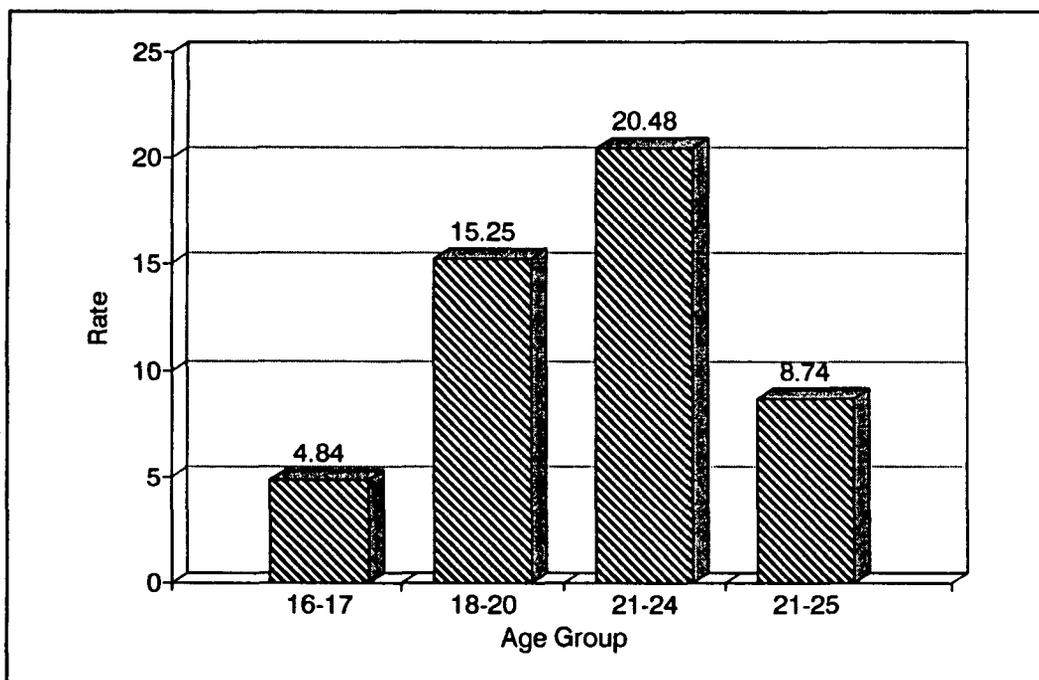


Figure 6. DWI Arrests per 1,000 Licensed Drivers

Nationally, there are approximately 10 DWI arrests per 1,000 licensed drivers per year. Table 4 shows arrest rates (arrests per 1,000 licensed drivers) by region of the country and driver age. The table indicates that there are considerable variations in arrest rates around the country both overall and within particular age groups. Particular regions have rates which are twice or more the rates of other regions.

**Table 4. DWI Arrest Rates by Region**

Region*	Age Group				
	16-17	18-20	21-24	25-up	Total
I.	5.03	13.10	17.52	7.03	8.23
II.	3.92	10.59	14.22	6.01	6.88
III.	3.38	11.74	16.66	6.87	7.85
IV.	4.06	12.67	17.01	8.14	9.05
V.	4.26	12.89	17.35	6.99	8.10
VI.	4.90	15.02	17.48	8.37	9.44
VII.	5.05	16.19	22.01	8.11	9.57
VIII.	6.50	19.47	23.27	11.42	12.85
IX.	7.39	26.44	34.83	15.00	17.26
X.	5.79	18.66	28.06	11.91	13.41

\* States in the DOT regions are I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; II: New Jersey and New York; III: Maryland, Pennsylvania, Virginia and West Virginia; IV: Alabama, Georgia, Kentucky, North Carolina, South Carolina and Tennessee; V: Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin; VI: Arkansas, Louisiana, New Mexico, Oklahoma and Texas; VII: Iowa, Kansas, Missouri and Nebraska; VIII: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming; IX: Arizona, California and Nevada; X: Idaho, Oregon and Washington

#### **B. Arrest and Crash Rates**

While population based arrest rates provide some insight into enforcement actions with various age groups, they do not address the issue of the alcohol crash problem and underlying drinking-driving as a function of age. Thus, a low arrest rate for youth could be interpreted either as indicating enforcement obstacles or that impaired driving is less an issue among young people. What is needed are arrest rates by age group which are based on measures reflective of drinking-driving behavior. Such measures would reveal how well existing DWI enforcement efforts are aligned with the underlying highway safety problem.

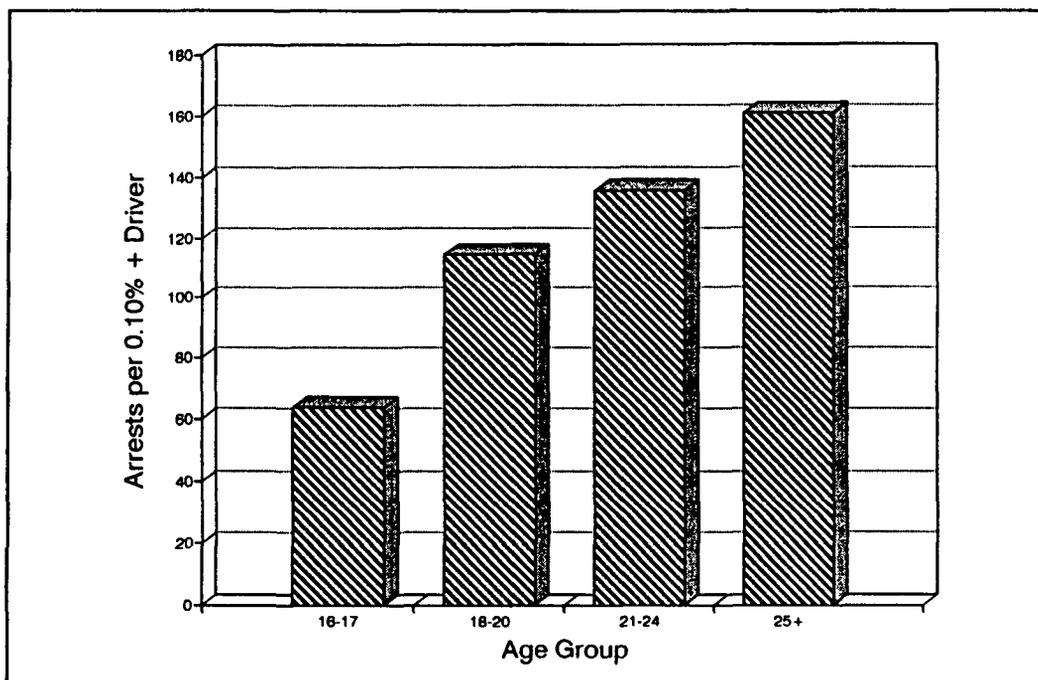
Employing the FARS data on fatally injured drivers who had been drinking (Table 3) and the FBI Uniform Crime Reporting data on DWI arrests just described, ratios of DWI arrests per alcohol-related crash can be formed for various age groups. The results are shown in Table 5 for three

definitions of fatally injured drinking drivers: those killed with BACs of 0.01% and up; 0.05% and up; and 0.10% and up. Fatality totals were the annual averages over the 5 years 1985-1989.

**Table 5. Number of DWI Arrests Per Fatally Injured Drinking Driver**

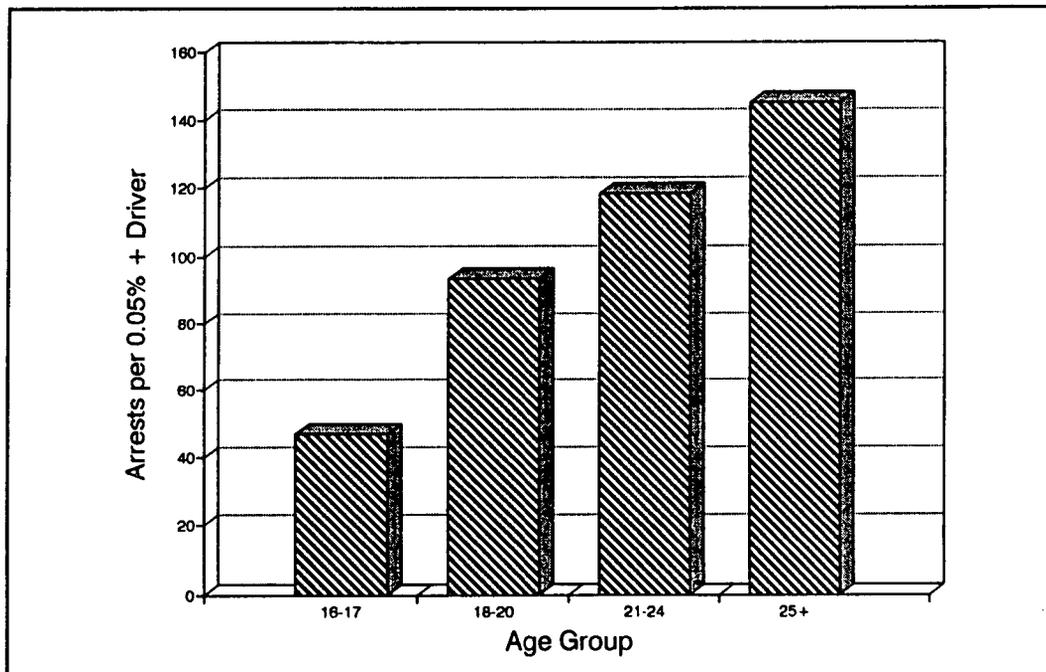
Age Group	BAC 0.01% - up	BAC 0.05% - up	BAC 0.10% - up
16 - 17	39.1	46.7	63.8
18 - 20	84.0	93.6	114.8
21 - 24	112.4	118.2	135.8
25 - up	134.2	144.9	160.8

DWI arrests per alcohol fatally injured driver at 0.10% BAC and higher are shown in Figure 7. Table 5 and Figure 7 indicate that there were approximately 64 DWI arrests for every fatally injured driver at 0.10% and higher BAC in the 16 to 17 age group as compared with 115 arrests for 18 to 20 year-olds, 136 arrests for 21 to 24 year-olds and 161 arrests for drivers in the 25 and older age range.



**Figure 7. DWI Arrests per Fatally Injured Driver at 0.10% BAC or Higher**

As shown previously, a disproportionate number of young drivers are fatally injured at BAC levels below .10%. DWI arrests can be made at lower BAC levels though they are less common and often more difficult to prosecute. Figure 8 shows the comparable arrest rates using fatally injured drivers at .05% + BAC.



**Figure 8. DWI Arrests per Fatally Injured Driver at 0.05 BAC or Higher**

In effect, using fatal injury at .10% + BAC as the measure of the impaired driving problem represented by each age group, there are approximately two and one half times the number of arrests for older drivers as compared with 16 and 17 year-olds (64 versus 161). Using .05% + BAC as the measure, there are more than three times the number of arrests for older drivers (47 versus 145). A similar, though less dramatic, disparity exists for 18 to 20 year-olds versus older drivers. Rates of DWI arrests per alcohol-related driver fatality using the BAC 0.05% definition of alcohol-related are shown by region of the country in Table 6. As in Table 4 (arrests per 1,000 licensed), Table 6 (arrests per alcohol-related fatality) shows considerable variation around the country.

Young drivers, as compared with older drivers, are being arrested for DWI at rates which are far below their incidence in the alcohol driver fatal crash population. As noted earlier, they are also being arrested at rates which are far below their incidence in roadside survey data and in non-fatal alcohol-related crashes. In other words, young driver DWI arrests are not consistent with the extent of the youth impaired driving problem as measured by fatal crashes, non-fatal crashes or roadside surveys. The next section of this report will present the views of police and others as to what "obstacles to youth impaired driving enforcement" may be present to cause this pattern of results.

**Table 6. DWI Arrests Per Fatally Injured Drinking Driver at BAC 0.05% and Up**

Region*	Age Group			
	16 - 17	18 - 20	21 - 24	25 - up
I.	48.77	90.21	130.89	175.57
II.	57.08	113.89	147.06	196.30
III.	33.56	76.52	93.07	126.98
IV.	29.97	61.79	75.17	95.53
V.	49.48	77.83	96.82	116.90
VI.	30.70	69.89	79.90	96.32
VII.	39.53	76.62	104.59	115.66
VIII.	77.46	129.88	140.92	173.04
IX.	86.57	180.91	216.92	246.57
X.	61.07	105.35	153.29	194.40

\* States included in the DOT regions are I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; II: New Jersey and New York; III: Maryland, Pennsylvania, Virginia and West Virginia; IV: Alabama, Georgia, Kentucky, North Carolina, South Carolina and Tennessee; V: Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin; VI: Arkansas, Louisiana, New Mexico, Oklahoma and Texas; VII: Iowa, Kansas, Missouri and Nebraska; VIII: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming; IX: Arizona, California and Nevada; X: Idaho, Oregon and Washington

#### IV. OBSTACLES TO YOUTH ENFORCEMENT

The initial phases of the project examined numerous sources of data regarding motor vehicle crashes, DWI enforcement, alcohol use and drinking-driving behavior related to young people. The main findings of this activity have been presented in the previous section of this report. The outcome of this process indicated that there were substantial grounds to conclude that, nationally, DWI arrest rates are lower for young people than for older motorists, and that this difference warranted further examination. The study, therefore, moved to its second major objective: to determine the factors or obstacles contributing to the low impaired driving arrest rate for youth. The primary method employed was to seek out the knowledge, experience and attitudes of police, prosecutors, judges, parents and young drivers regarding this topic in representative communities around the country.

Earlier work on the project had identified the DWI arrest and alcohol-related crash rates by driver age. In virtually every State, young drivers had lower arrest rates than older drivers. However, considerable State to State variation was also noted. Five States, Georgia, Louisiana, Massachusetts, Missouri and Oregon, were ultimately selected for data collection. None of the five had either the highest or lowest youth arrest or crash rates. Rather, they were selected to represent a range of arrest and crash rates from different regions of the country.

##### A. Method

The Governor's Highway Safety Representative in each of the selected States was asked to assist in arranging meetings and focus groups around the State. The first objective was to speak with law enforcement personnel including at least one group of State Patrol officers, one regional (e.g., Sheriff's Department) level organization and one or more local Departments. Collectively, the various police organizations were selected to represent urban, suburban and rural law enforcement. The second objective was to speak with prosecutors, judges, parents and young drivers.

The law enforcement agencies visited included large and medium sized municipal Departments, state police, state or highway patrols and sheriff's Departments. In each Department, discussion of DWI enforcement took place with command level personnel and with patrol officers. The latter were primarily officers with traffic responsibilities and/or dedicated DWI assignments.

Prosecutors and judges, generally in the same jurisdictions as the police, were also visited. In addition, focus groups were conducted with parents and young people. Overall, discussions were held with police officers from 23 different police organizations in the five States. The police agencies included seven State Patrol Troops, six county level police organizations and ten Municipal Police Departments. In most cases, several officers from each organization participated. Some of the discussions were conducted as part of DWI ride-alongs. Discussions were also held with eleven prosecutors and judges and five other organizations concerned with youth DWI (e.g., community drug and alcohol programs). Dozens of young people and parents participated in focus group sessions.

Separate discussion outlines were developed for use with police personnel, prosecutors, judges, parents and young drivers. Each outline began with a series of topics allowing the respondent

to describe the work of his or her organization relative to drinking and driving enforcement, adjudication or prevention. Next, were a series of topics dealing with youthful drinking and driving and related enforcement. Last, the discussion considered ways in which the impaired driving arrest rate for youth could be increased.

All data in the five States were collected during mid-1991. Following these site visits, a detailed summary was prepared covering the discussion(s) held with each organization and for each focus group. The summaries were content analyzed to identify recurring themes or trends across the many individuals and organizations participating in this effort.

The following material presents the major findings of the data collection effort. These results are presented primarily with regard to the views of law enforcement. Special or unique points made by others are included where appropriate. In the following, the terms "youth" and "young driver" are used to refer to persons between the ages of 16 and 20 (15 to 20 in Louisiana where younger licensing can occur).

## **B. Results**

In general, and as expected, police had the most detailed information and insights related to the issue of "obstacles" to youth DWI enforcement. Prosecutors and judges tended to confirm the information provided by the police, even when that information dealt directly with problems or constraints in the adjudication process. Parents were generally very supportive of DWI enforcement efforts with young people. They were most insistent in a call for action to deal with the problem of youthful impaired driving, but did not possess detailed knowledge about the problems faced by law enforcement or the obstacles to be overcome. Young drivers provided unique perspectives describing the ease with which alcoholic beverages can be obtained, the prevalence of drugs, and the social settings in which alcohol and drugs are a common part. Most young people did not feel that DWI arrests were especially likely. Loss of license and increased insurance costs were the sanctions of concern.

The single most consistent theme mentioned by police and confirmed by young drivers, was that young people generally drive after drinking at times and places which differ from older persons. Thus, young people tend to be away from the primary resources deployed for DWI enforcement. The second most consistent theme was that on-road DWI detection cues are different for young impaired drivers as opposed to older drivers. Other obstacles to youth enforcement, discussed in the following subsections included: DWI detection following a traffic stop (i.e., field sobriety testing); DWI adjudication in general; juvenile processing; and lower youth BAC levels possibly coupled with the use of drugs other than alcohol.

The basic themes regarding the locations and times of youthful drinking and driving and on-road cues showed only minor variation from State to State or place to place within States. The role of field sobriety testing seemed to depend on the unique experiences of the individual officer. DWI adjudication in general and juvenile processing were dependent on State legislation and local conditions, policy and custom. Lower youth BAC was a commonly stated occurrence. Its implications depended on prosecution and court responses to charges involving low BACs.

While DWI arrests are made by all elements of the patrol forces deployed by various types of police agencies, there are jurisdictional, operational and other factors which tend to determine when and where the majority of arrests actually take place. In municipal Departments, for example, "regular" patrols are deployed to provide a visible police presence; to patrol assigned areas; and to respond to calls for assistance. In many municipalities, the workload placed on these units is so great that there is little, if any, opportunity to engage in traffic law enforcement. Similarly, there can be considerable pressures placed on patrol units to remain available to handle situations that may arise.

Many municipal Departments have separate traffic divisions which carry out patrols concerned primarily with traffic law enforcement. Where these units exist, they tend to make the majority of the Department's DWI arrests. Dedicated DWI patrols are also found in many municipal Departments. These may be regular assignments within a traffic unit or may be special patrols conducted on an overtime basis. Special funding sources (i.e., grants) are often used to establish dedicated DWI patrols. Dedicated units also tend to make the majority of a municipality's DWI arrests, and in some Departments, are called upon to process DWI situations initially detected by "regular" patrol units. In one of the larger cities visited, approximately 90 percent of all DWI arrests were made by dedicated DWI patrol units.

State or highway patrol agencies and state police Departments generally have traffic law enforcement as one of their major missions. Patrol units are assigned to State highways and the interstate system. These units contribute a significant percentage of all DWI arrests that are made.

#### **Place**

Probably the greatest obstacle to youth DWI enforcement is the disparity between where young people drink and drive and where DWI enforcement resources are deployed. In general, youthful drinking is not a legal activity. As such, it is less likely to occur at bars, restaurants or other traditional drinking places. This means that young drinking drivers are less likely to be found on those roadways leading to and from such traditional places. It is these roadways, to and from drinking establishments, that are routinely patrolled by the DWI officers. Young drivers are going to and from other drinking places and are thus less likely to encounter a DWI officer.

Youthful drinking occurs in parks, at the beach and in private homes. In rural areas, their keg party might be "out at the lake." These are not the traditional patrol areas for DWI officers. Neighborhoods consisting of private homes are particularly "safe" from DWI patrols. Many young drivers expressed the belief that they would never get caught as long as they stayed off the main highways.

Overwhelming concentrations of youth can also occur in association with special events. One smaller municipality with a major University stated that they make virtually no drunk driving arrests on the days of home football games, despite the fact that they know that these are some of the worst days of the year in terms of youth drinking and driving. Demands for services on these days, despite added personnel and overtime, are so intense that they are not able to conduct DWI enforcement.

Keg parties are another source for overwhelming concentrations of youthful drinking drivers. Specifically, the police might get a complaint of a loud party. In small Departments or in police agencies spread across large areas, there might be only one or two officers available to be sent to the scene. When the one or two officers arrive, their presence will often cause the under age drinkers to "scatter." One or two young persons may be arrested for "Minor in Possession" while others drive away. Few Departments have a policy for managing this situation or the ability to marshal the number of officers at a moments notice that would be needed to implement such a policy. For adults, the impulse to flee or scatter is not as great since their drinking is, in most cases, a legal activity.

The solution to this problem will not be as simple as sending the DWI patrols off the main highways and into the neighborhoods. The objective of the patrols is to find and arrest impaired drivers and this objective is accomplished by focusing on the traditional routes to and from the traditional drinking establishments. While youth drinking and driving is a special problem, there are still more drinking drivers ages 21 and older than between the ages of 16 and 20. DWI patrols get no special commendation for arresting an 18 year-old as opposed to a 28 year-old and thus it is logical for the patrols to remain in their traditional patrol areas.

Regular patrols are in the neighborhoods and at the parks. However, these units have traffic as only one part of their overall responsibility. Because there are many other demands for police services, regular patrol officers may be neither trained nor encouraged to conduct DWI enforcement.

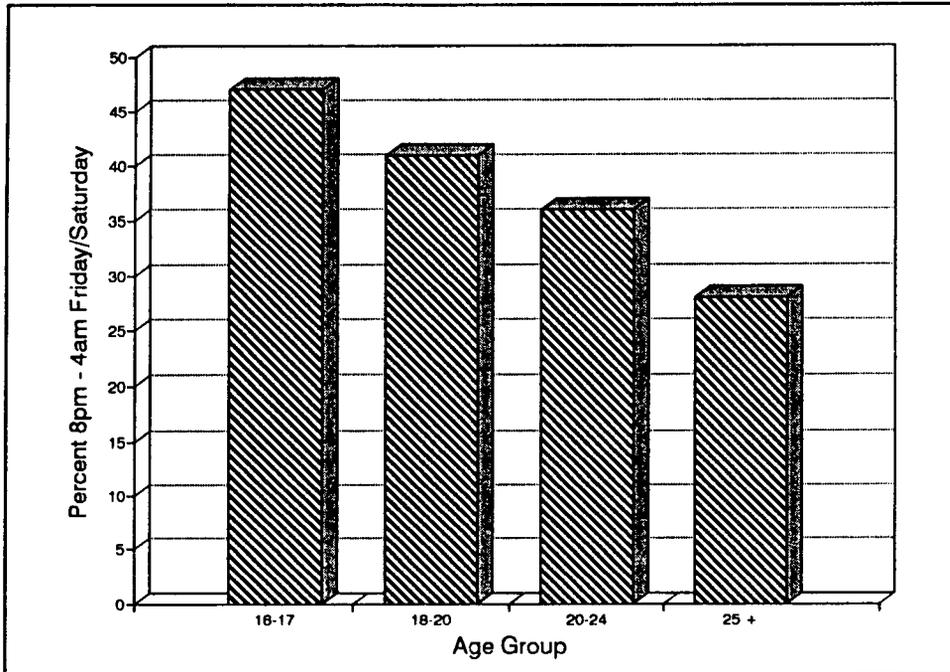
The effect of "place," and its importance as an obstacle to youth impaired driving enforcement, varied as a function of the patrol responsibilities for the respective police agencies. A few agencies reported that their young persons are drinking in the bars and restaurants. The problem in their jurisdiction was false I.D. and/or the enforcement of liquor laws. Also, in some municipalities, bars and restaurants as well as parks and private homes were spread throughout the neighborhoods of the city and thus "place" was less of a factor for them. There was, however, general agreement that young drinking drivers were less common on the Interstates or the major State highways.

### **Time**

Young drivers, particularly 16 and 17 year-olds, tend to do more of their drinking on weekends at slightly earlier times than older drivers. The peak time period for young impaired drivers is from about 10 pm Friday night to about 1 or 2 am; followed by 10 pm to 1 or 2 am on Saturday night. There is also a weekend peak for older drivers, however, it is not as pronounced and it tends to continue later into the night. In other words, older impaired drivers can be found throughout the week and later at night on weekends. Young drivers are more concentrated in these few hours. One illustration of this concentration was shown earlier in Figure 5. Another illustration of this effect is contained in Figure 9 which shows the percentage by age group of all driver fatalities with BACs at 0.05% or higher which occurred during the 8 pm - 4 am time periods on Friday and Saturday nights.

These Friday and Saturday night time periods also represent peak demand periods for police services of all types, not just impaired driving enforcement. Such demands impact the time available to regular patrol officers for traffic. One night shift officer specifically commented that he felt "guilty" leaving his patrol area during these peak demand periods for the two or more hours that it would

take to process a drunk driver. He felt that he would be placing an additional burden on his fellow officers. They would have to respond to calls in his area during his absence and he would not be available to provide backup on their calls.



**Figure 9. Percent of BAC 0.05% + Drivers Killed on Friday and Saturday Nights.**

As noted, many Departments have DWI patrols in addition to regular patrols. The DWI officers might work three nights during the week plus Friday and Saturday. In general, these units do not have patrol responsibilities other than traffic. Nevertheless, the youth weekend concentration also affects their work. For three nights during the week, representing 60 percent of their patrol time, they are most likely to find an adult drunk driver. On the weekends, however, they may find either an adult or a young driver. When a DWI arrest is made, they are off the road for two hours or more for processing which severely limits their patrol time during the few peak youth DWI hours. Highly "productive" DWI specialists report averaging one or two DWI arrests each patrol night. In effect, the Friday and Saturday concentration of youth overwhelms a system of DWI and regular patrols already stretched thin by demands for service during these key time periods.

By the nature of their assignment, special DWI units are expected to provide a considerable volume of DWI arrests. Many of these units are funded by State grants in a process that includes anticipated performance measures. Planned versus actual results can also affect the grant renewal stage. It is not surprising, therefore, to find dedicated DWI patrols emphasizing areas where DWI arrests are likely (e.g., roadways leading from in-town drinking establishments). These units also tend to start patrol activities later in the evening hours so that coverage is obtained during periods such as around the times when drinking establishments close. However, as noted, juveniles drive earlier in the evening.

## **Driving Cues**

Young impaired drivers were frequently described as exhibiting substantially different on-road behavior than older drivers. Young drivers were more likely to speed and exhibit what some officers described as "aggressive" driving behaviors. They are more "erratic" and "impulsive" in their driving. The traditional slow "weaving" behavior of the older impaired driver may be seen as erratic "hard weaves" by the youthful offender. While older impaired drivers might try to "hide" their impairment by staying within the speed limit and staying in the right lane of a multi-lane roadway, young drivers sometimes appear as if they were "showing off." These youthful aggressive driving behaviors may lead to a traffic stop, but they will not necessarily lead to probable cause for an impaired driving investigation. That is, certain patterns of behavior have become commonplace in officers' descriptions and testimony about DWI situations (e.g., weaving, crossing the center line, etc.) and are looked for and understood by prosecutors, hearing officers and the courts. As the behaviors exhibited by youth may differ from these traditional patterns, the relationship between behavior and impairment may be less well understood and accepted by those involved in case processing.

Officers are trained in the traditional DWI detection cues. The traditional cues focus on psychomotor impairment (i.e., the inability to control the motion of the vehicle within the established traffic lane). For youth, cognitive impairment may be the more operative concept. Small amounts of alcohol and/or some other drug has caused them to lose good judgement and they behave without regard for the inherent risks in speeding, hard weaves, erratic lane changes, etc.

DWI detection cues applicable to youth are not well understood and it may prove difficult to separate youthful behavior in general from those youthful behaviors associated with impairment. Nonetheless, the lack of established detection cues for youth is seen as an obstacle to: youth DWI enforcement; the imposition of implied consent statutes on suspected youthful offenders; and enforcement of the lower youth BAC laws which now exist in twelve States.

## **Field Sobriety Tests**

Horizontal Gaze Nystagmus (HGN) is regarded as extremely effective regardless of driver age by officers who are trained and experienced in its use. "The best thing we've seen in DWI enforcement in years; kids can practice field sobriety tests all they want but the eyes don't lie." Some officers felt so confident in HGN that they were using it as a pre-screening test before the driver was even asked to step out of the vehicle. Cognitive tests such as the alphabet and backward counting were generally seen as effective regardless of age. Psychomotor tests such as the walk and turn and one leg stand received mixed reviews.

Some officers felt that young drivers were remarkably agile and could perform the psychomotor tests easily, drunk or sober. Others took the opposite view. They felt that the impairing effects of even small amounts of alcohol on young inexperienced drinkers leads to psychomotor performance that is worse than what might be expected given their BAC. Still others felt that the psychomotor tests worked equally well with youth and older drivers.

It is felt that such mixed results are not necessarily incompatible. Young persons have greater agility than the typical older person and thus might be expected to perform better, drunk or sober, on the physical tests. However, many of them also have less experience with the intoxicating effects of alcohol and thus might perform worse than expected at a given BAC level. Alternatively, alcohol may be combined with other drugs that contribute to inferior performance.

Regardless, the present results suggest that young drivers show greater variability on the psychomotor tests than older drivers. This variability could be an obstacle to youth DWI enforcement for less experienced or less well trained officers confronted with a marginal case.

### **Sympathy**

Patrol strategy, on-road detection cues and field sobriety tests are all precursors to the eventual arrest decision. An additional factor that might influence the final arrest decision is "sympathy" for youth (e.g., I was young once, why not let the kid go). While this factor may be present in isolated cases and may have operated in the past, the present respondents uniformly agreed that it was not a factor in their organizations today. They cited organization policy prohibiting the practice, the potential for bad press and the immense liability exposure they would incur should they fail to deal with an obviously impaired driver. As one officer stated, "juries may have sympathy for the defendant, ours is with the victims."

### **DWI Processing**

The DWI arrest is the start of a long process involving paperwork, booking, the evidentiary breath test, more paperwork, arraignment, adjudication and sanctioning. Not a single respondent in a single jurisdiction, police, prosecutor or judge, was entirely pleased with the process. Officers are typically off the road for two to four hours dealing with the arrest procedures alone. Some jurisdictions experience lengthy hearings, continuances and trials. Others plea bargain which has the effect of easing the adjudication burden while at the same time limiting the sanctions that can be applied. Local custom, practice, defense attorney tactics and court "perception" of its role in the process all have an impact on enforcement. Outcomes can vary from jurisdiction to jurisdiction within the same State and are not necessarily the outcomes intended by the State legislature.

There is no question that at least some officers feel "turned off" by the process. It is felt that DWI processing is an obstacle to DWI enforcement particularly among those officers who have traffic as only one part of their overall patrol responsibility. These are the same officers who are most needed in youth DWI enforcement. The effect of this factor is variable both between States and between jurisdictions within the same State.

Virtually every law enforcement agency cited problems with adjudication including defense tactics, judges, expediency in processing, plea bargaining, continuances and dismissing cases. However, for the purposes of the present effort, the question is not whether DWI processing is an obstacle to enforcement, but whether this obstacle operates differentially across youth and older drivers. The present results suggest that this is a general problem not unique to youth. In all of the States visited, young drivers ages 17 to 20 are "adults" and thus would be processed in the same

manner as older drivers. The treatment of 17 to 20 year-olds as adults is true in most States while age 18 is the "cutoff" in some States. Also, first offense juveniles, in the States we visited, are considered to be adults for most (but not all) of the arrest and adjudication procedures.

### **Juvenile Processing**

There are some unique features applicable to DWI processing for juvenile offenders. Juveniles may not be incarcerated with adults. This typically means that they must be taken to a separate juvenile facility or released into the custody of their parents or the custody of some other adult family member. Incarceration and/or release into custody often involves coordination with or approval of juvenile authorities. Police agencies also often want (or need) the presence of either a parent or a juvenile officer when they give the "Miranda" warning and invoke "implied consent" for the purposes of obtaining a breath test.

The police organizations participating in this study did not feel that processing for juveniles was a particular problem or obstacle beyond the problems associated with normal processing. However, it is quite possible that it would have been identified as a factor had we selected one or more jurisdictions in which the juvenile holding facility was far removed from the location in which the breath test was conducted.

### **Lower Youth BAC**

There is considerable clinical and anecdotal evidence which indicates that young people beginning to experiment with alcohol exhibit signs of obvious impairment at BAC levels well below those where similar effects can be observed in more "experienced" drinkers. Other factors such as the times and places available for drinking and the cost of alcoholic beverages may also limit the amounts consumed by younger persons. These factors, as well as alcohol levels recorded in traffic accidents involving younger persons, suggest that young people who are driving after drinking tend to be on the road with BACs that are lower on average than their older counterparts. Certainly, the very high BACs (e.g., 0.20% and up) found in some arrests come primarily from older persons with established drinking problems. Several respondents in the current effort also noted that, in their enforcement experience, young impaired drivers tended to exhibit lower BAC levels than older impaired drivers.

DWI investigations and arrests can follow from a number of situations including traffic accidents, citizen reports of erratic driving, routine traffic stops as in speed enforcement, and patrol officers' observations of driving behaviors which provide reasonable grounds to stop the vehicle and conduct a further investigation. In these situations, it is possible for police officers to encounter young people exhibiting obvious signs of impairment with as yet unknown BAC readings. The roadside DWI investigation, including field sobriety tests, may readily yield probable cause to arrest (or detain for chemical testing). Should an arrest decision be made, the officer has committed to the intricate and time consuming DWI processing steps.

After securing the subject's vehicle, there will be transport to a testing facility, advisement of rights and related paperwork. The officer will then ask the subject to submit to a chemical test.

Assuming there is consent, it is possible that the BAC reading could be significantly below the level indicated by the exhibited signs of impairment. Depending on the jurisdiction, various possible outcomes can then take place. In some locales and/or police agencies, the DWI charge will be pursued regardless of expectations about prosecution and conviction. In other locales, the DWI charge will be pursued because prosecutors are willing and able to go forward on the grounds of impairment rather than specific BAC levels. In some areas, a lesser charge such as driving while impaired can be applied where BAC results are more than 0.05% but less than the presumptive/illegal per se level. In still other areas, significant impairment coupled with low BAC can lead to an investigation for drug usage, however, this capability is not yet widely available.

Finally, there are many locales where the evidentiary BAC reading has taken on a decisive role in determining whether or not the DWI charge will be pursued. In these situations, there can be "messages" sent from the judicial system that cases with BACs below some level will not be prosecuted. For example, in one of the communities visited, prosecutors had recommended that police "tear up the paper work" if the BAC was below a stated amount. In another location, officers felt that it was not the "policy" of their organization to carry through with a DWI arrest with a low BAC unless there are unusual circumstances such as serious injuries.

In such an environment, the failure to prosecute cases with relatively low BACs can "feedback" and influence officers' arrest/no-arrest decisions. So called "good arrests" become those where there is considerable certainty of high BAC readings. Officers may become less inclined to pursue the lengthy processing required when a likely outcome will be the need to disentangle from a case that cannot go forward.

Low BACs coupled with obvious impairment are not unique to younger drivers. However, young people appear to predominate in this regard. The dis-incentive to pursuing low BAC cases, therefore, can be expected to have a more significant affect on arrest rates among youth than older persons.

Police officers will not knowingly allow impaired drivers to continue their trips. Where a DWI arrest is not a viable option, alternatives are employed such as calling parents, requiring persons to take cabs and similar solutions. In addition, charges for other violations may well be made. It is suspected that these circumstances may be contributing to the viewpoint held by some outside of law enforcement that police are sympathetic to youthful DWI.

### **Other Issues**

Many of the comments from police and others did not deal directly with obstacles to DWI enforcement. Rather, they concerned other aspects of the youth impaired driving problem. Some of these comments are listed below:

- Several respondents felt that loss of license and high insurance rates following a DWI conviction were the major deterrents to youthful drinking and driving.

- Several respondents, including most of the police officers, noted education from parents and schools as a primary method for dealing with the problem.
- Several respondents noted the breakdown of the family structure and lack of parental control as a cause for the youth DWI problem.
- Several respondents noted the enforcement of liquor control laws as a possible mechanism for dealing with the youth impaired driving problem.

It should also be noted that young drivers in the focus groups had some interesting perspectives on the problem not offered by other respondents. They confirmed the need for police to alter their patrol strategy if they want to find young impaired drivers and they strongly supported youth drug and alcohol education. They felt that it was relatively easy to obtain alcohol in some form. However, their ability to purchase liquor by the drink, as opposed to package sales, varied from jurisdiction to jurisdiction.

Concerning enforcement, some young drivers specifically said that they felt that the police were "lazy" and do not want to make an arrest. They felt that they could avoid arrest by staying in the neighborhoods. They felt that any action must begin with the community in that the police will do what the community wants. "If the community wants the cops to pour, the cops will pour; if the community wants the cops to arrest, they will arrest."

### **C. Discussion**

The present study attempted to identify factors or circumstances which largely or uniquely apply to DWI enforcement among young drivers. Questions such as whether young drivers are more difficult to detect, whether special processing requirements exist, whether adjudication and sanctioning outcomes differ, etc., were the focus of the present effort. Initial findings regarding these kinds of topics were obtained from discussions and first-hand visits with law enforcement agencies, prosecutors, judges, parents and young people in five States.

- Several obstacles to youth impaired driving enforcement were identified. The most important of these would appear to be patrol strategy. Youth differ from adults in terms of where and when they drink and drive. Current patrol strategy is geared to the drinking behavior of adults which is spread more evenly across the days of the week and the hours of the day. Youth drinking and driving is concentrated in a few weekend hours on roads that do not necessarily lead to or from places such as bars and restaurants where "legal" drinking occurs.
- Another major difference between youth and adults may be found in on-road DWI detection. The traditional DWI detection cues for

adults are not necessarily appropriate for youth. Needed is an understanding of young driver speed, "hard weaves" and impulsive driving as they relate to young driver impairment.

- The typically lower youth BAC levels are also an obstacle to youth DWI enforcement. Crash data clearly indicate that a disproportionate number of young drivers are impaired by BACs in the .05% to .10% range. Their impairment may be due to alcohol alone or alcohol in combination with other drugs. DWI arrests in this range are often contrary to agency policy and almost always problematical in terms of their prosecution.
- Any comprehensive approach to this problem will also have to deal with "keg parties," football games and other events which involve large numbers of youthful impaired drivers at the same place at the same time. Most police patrol activity is geared to interacting with motorists one at a time and most Departments do not, by themselves, have immediately available resources to deal with these special events. Often, available police resources can do little more than "scatter" the keg party and provide traffic control at the concert or football game.
- In practice, most DWI arrests are made by specialized DWI patrols or officers whose primary responsibility is traffic. These officers, representing only a fraction of all police personnel, know how to find drunk drivers and how to build probable cause for a DWI arrest. Their goal is to find and arrest as many drunk drivers as possible. They accomplish this goal by focusing on the typical drunk driver. Young drivers, however, do not fit the typical pattern in part because of their youth and in part because their drinking is, usually, an illegal activity.

Overcoming the obstacles to youth DWI enforcement will likely require system or organizational solutions. The DWI patrols can be taken off their traditional patrol locations at the risk of getting fewer, in total, DWI arrests. Regular patrols, who are in the neighborhoods and near the parks and beaches, can be trained and directed toward DWI enforcement activity. Alternatively, special youth patrols can be established with performance measures that differ from the regular patrols, traffic patrols and DWI units. Ideally, organizational change would be accompanied by: a better understanding of on-road youth DWI detection; training and procedures to deal with impairment caused by drugs other than alcohol; and a legal/legislative climate that encourages DWI prosecution at lower BACs.

## V. DEALING WITH IDENTIFIED OBSTACLES

The third objective of the study was to identify and document strategies and model programs that have been adopted by law enforcement agencies, and the communities they serve, to overcome obstacles to youth enforcement. Two parallel efforts were undertaken to achieve this objective.

First, DWI arrest rates per fatally injured drinking driver were examined by age group at the State level to identify States that had rates for young persons which were significantly above the national average. Visits were then made to selected law enforcement agencies in two of these States (California and Colorado) to identify DWI enforcement policies and strategies which were contributing to the higher than average arrest rates among young drivers.

Second, a nationwide canvassing was carried out through contacts with the 10 regional offices of the National Highway Traffic Safety Administration (NHTSA) and the offices of the Governor's Highway Safety Representatives in each of the 48 contiguous States to identify current or recent programs involving DWI enforcement among young drivers. In addition, NHTSA databases were searched to identify federal/State funded programs which included a youth enforcement component. The resulting compilation was then examined to determine which programs appeared to have potentially the greatest relevance for other law enforcement agencies. Seven such programs were then visited and documented for the present study.

### A. System Wide Approaches

The relative importance assigned to DWI enforcement and the resources devoted to this function can vary considerably from community to community. An extreme example came from one of the Departments visited in the early phases of the effort which noted that virtually all of its DWI arrests occurred in vehicle crash situations and cited recent declines in these arrests as evidence that the community did not have a drinking driving problem.

Law enforcement agencies across the country face chronic and acute budgetary constraints. When these constraints become severe, some Departments curtail what are considered to be less important law enforcement activities such as traffic enforcement in order to preserve perceived "core" law enforcement functions. A DWI specialist in one of the Departments visited indicated that his unit did not have sufficient radios for its assigned vehicles. He speculated about how important his job was perceived to be by the Department when he was not being given the basic tools to accomplish that job.

Law enforcement agencies operate within the context of the communities they serve. Budgets are provided by legislative bodies and allocation decisions are made based on many factors including police management perceptions of the kinds of enforcement activities the community supports. Like all institutions, police Departments have unique cultures which are developed and sustained by the collective experiences of its members. Young officers are shaped initially by the content of their recruit training and by early assignments. Systems of "reward and punishment" are learned and

pathways to career advancement become identified. Promotions through the ranks bring to each management level the positive and negative perspectives of many years of experience.

In some Departments, traffic law enforcement is institutionalized as something less than "real" police work, and indeed, transfers to traffic can be viewed as a form of punishment. In such settings, DWI may become the sole domain of the specialist and avoided by other officers unless an especially egregious or visible incident takes place. One "regular" patrol officer visited during the study described how, in his early years, he actively pursued DWI enforcement. However, after several episodes of being called in by supervisors to explain why he was "wasting time on DWI", he indicated he would now undertake a DWI only if it was unavoidable.

DWI arrest rates vary considerably from State to State and are generally higher in the west than in the east. As noted, State by State arrest rates were examined and several were noted as being well above the national average. Two States, California and Colorado, were found to have especially high arrest rates among 16 and 17 year-olds and among 18 to 20 year-olds. Selected Departments in these States were visited to identify whether there were common characteristics and approaches contributing to these high levels of youth enforcement.

The one overriding characteristic from the California and Colorado Departments visited is that high youth arrest rates are associated with good DWI enforcement, Department wide, for drivers of all ages. Officers do not target youth *per se*. Rather, regular patrols, supported by police commanders and DWI specialists, are trained in DWI enforcement and take enforcement actions against impaired drivers. DWI is perceived as a serious crime and its enforcement is expected of all officers. A quality DWI enforcement effort is not happenstance. It depends on many factors within a Department and between the Department and the community it serves. The identified factors that emerged fell into three topical areas: 1) community relations, 2) police management, and 3) police operations.

### **Community Relations**

Virtually all of the Departments visited in this phase of the study related circumstances a decade or more in the past which led to a coalescing of police and community views on alcohol impaired driving and DWI enforcement. The triggering event was often noted to have been an especially tragic traffic crash and often involved young people. In some cases, Departments described community based pressures from concerned citizens and groups such as Mothers Against Drunk Driving as leading to greater emphasis on DWI enforcement.

In other cases, changes were described as coming about initially from within the Department whereby line officers and supervisors reacted strongly to having to deal with the aftermaths of impaired driving in their community. Internal reviews and changes led to increased enforcement coupled with information and education efforts to win public support. As one Department stated, "we set about to sell the community on the fact that their lives and property were more at risk from drinking drivers than from other criminal acts."

One common characteristic of the Departments, therefore, was an understanding of, and appreciation for, community support for DWI enforcement efforts. Ongoing efforts were made to maintain this support through informational activities, relations with the press, participation in community programs, etc. A number of Departments also actively encouraged the community to report possible DWI situations that were encountered.

Closely related to the development and maintenance of community support was an expressed understanding by the Departments that, while DWI enforcement was an essential ingredient in controlling the alcohol crash problem, lasting effects could be achieved only through integrated approaches involving information and prevention, law enforcement, the judicial system and treatment agencies. It was not uncommon to find Department officials more interested in describing school based programs such as DARE, special youth activities sponsored by the Department, and non-Departmental efforts in the community than they were basic DWI enforcement efforts. This characteristic can be described as a willingness to participate in and support prevention efforts in the community.

### **Police Management**

All Departments indicated in one manner or another that high rates of DWI enforcement can only be attained if there is a top down command emphasis on such enforcement. Phrases such as "then we got a new sheriff who was interested in traffic," "the chief came up through traffic," "a staff study sold the chief on the problem" were common expressions. In general, the Departments described themselves as being "proactive" about traffic law enforcement overall and about DWI enforcement in particular.

It was also indicated that middle management and line supervisors were an integral part of translating top down policy into actual performance. As one senior commander stated, "if supervisors don't sign on, you get a disconnect between the chief and the officers on the road."

Establishing and implementing policies concerning DWI enforcement were described as creating and maintaining a value system in the Department which views DWI as "an important, professional task." Departments stressed that making DWI arrests is expected and that performance is monitored and rewarded. One line supervisor indicated, "I better not find someone looking the other way or cutting some slack with a DWI." Another indicated that DWI is, "treated as a criminal matter."

These management characteristics can be summarized as a top down command emphasis, the adoption of this policy by middle management and the maintenance of a performance monitoring system that establishes DWI as an important law enforcement task. All of the Departments indicated, however, that these ingredients by themselves would be less than fully effective unless adequate DWI enforcement training was carried out. "Get the training done," "you've got to get your people trained and keep it up," and "training, training and more training," were among the expressions of this point. Virtually all of the Departments noted the importance of the Standard Field Sobriety Testing curriculum and especially the contribution of the Horizontal Gaze Nystagmus test.

## **Police Operations**

Many of the Departments visited had dedicated DWI units and some employed overtime to mount DWI emphasis patrols. What distinguished these high arrest rate Departments from others was that the DWI specialists were not viewed as the total resource involved in DWI enforcement. Rather, they were considered part of a team that was concerned with overall public safety including DWI. Statistics from such Departments indicated that the specialized units made a sizeable proportion of all arrests but not the overwhelming majority.

Among the municipal Departments, efforts were found to encourage "regular" patrol units to undertake DWI arrests. Specifically, so called "hand-off" procedures were in place whereby a regular patrol unit could initiate a DWI investigation and then hand off the case to a DWI specialist who would transport the suspect, conduct chemical testing, and complete processing and reporting. This technique was adopted to involve regular patrols in DWI enforcement while minimizing the amount of time taken from other patrol duties. Simplified paperwork and roll call training were also involved. As one commander described, "it gets extra eyes and ears out there, especially in places we might not regularly cover."

DWI units in the high enforcement Departments stressed the importance of seeking out impaired drivers at relatively low BAC levels. As one officer said, "its almost too easy to find the high BAC cases...you can't sit on the bars, you've got to get out in the traffic...it's the lower BAC drivers with impaired judgment that are the biggest risk." A unit supervisor noted, "we encourage our people to dig for the low BAC cases. As long as there was reasonable suspicion, it's not a negative for the officer if we have to release someone after getting the chemical test."

The operational characteristics of the high enforcement Departments, therefore, included a teamwork approach to DWI enforcement, often including steps to involve regular patrols in this function. The DWI units did not concentrate efforts solely on patrol strategies that would yield high BAC drivers. Many of the units visited prided themselves on the low average BAC they were obtaining in their arrests (averages in the 0.12%-0.14% range were reported).

The Departments generally reported that the prosecutors they dealt with were willing to go forward with cases involving BACs below the presumptive threshold. This was not universally true, however.

Some Departments noted that they closely monitored DWI case outcomes and carefully studied cases that were lost so that mistakes could be corrected. A number of Departments also described judicial requirements that new prosecutors ride along with DWI units for an established number of hours to learn first hand how this enforcement activity is carried out.

The Departments with high youth arrests rates generally did not indicate efforts to emphasize young people in their enforcement efforts. As one officer stated, "you stop cars not drivers." The overall consensus was that their enforcement rates with young people were a natural by-product of overall DWI enforcement policies and procedures. Patrol strategies, going forward with low BAC cases and involving regular patrols, were all considered to contribute to youthful arrest rates.

## **B. Special Programs**

As noted, a canvassing of each State was carried out to identify any law enforcement related programs which had been established to overcome identified enforcement obstacles to youth impaired driving. The number of identified programs was not large. Also, many of those that were identified were of a preventative nature rather than dealing with law enforcement per se.

One class of program designed to prevent impaired driving involves community programs to make the period around school graduations and proms free from substance abuse. At the center of these programs, typically, is an overnight, alcohol/drug free graduation party. Many other activities also may be conducted in the community during the spring months to attempt to deflect youthful impaired driving. An example of these programs in widespread use in California is Sober Graduation developed and actively promoted by the California Highway Patrol. The program has been credited with reducing alcohol and other drug related highway deaths among 15 to 24 year-olds during graduation periods.

A relatively unique variation of the sober graduation theme was found in Colorado. Created and sponsored by a locally owned TV station in Colorado Springs in 1989, the program "Alive to Strive" involves high school students signing a pledge to consciously obey traffic laws, not drink and drive and to remain drug free. In return, students receive a card entitling them to discounts with participating merchants. The program period runs from May 1st to June 15th each year. This time frame was selected because it appeared to be an especially serious one, historically, for youth impaired crashes. The program has expanded in southeastern Colorado and, in 1991, covered approximately 40,000 students in 50 high schools. Pledging is done in mass signings promoted and televised by the station. More than 200 merchants participate in the discount offer. Program personnel estimate that 50 to 80 percent of students sign the pledge form. Local data indicate that only one fatal crash involving young people has occurred during the May 1 to June 15 period since the program commenced compared to an historical average of approximately five crashes per year.

Among the programs identified nationally, several were noted to be especially germane to youth impaired driving enforcement and of potential value to other locales. Descriptions of these programs are contained in Appendix B and are summarized here:

### **BRATT Patrol, Clackamas County Sheriff's Department**

One effective law enforcement strategy is to carry out well publicized crackdowns on the places where young people congregate to party and drink. As the interdiction takes place before impaired driving can occur, charges such as minor in possession are used to inform young people that more is involved than just breaking up a party. An example of this strategy was found in Clackamas County, Oregon which had been experiencing an increasing number of youth highway fatalities including particularly tragic crashes involving high school students. Analysis found that 44 percent of the youth fatalities involved alcohol. Thirteen young people died on the county's roads in 1988 alone.

A county wide effort was launched to inform people of the Sheriff Department's concern for underage drinking. The media was receptive to presenting the message that a "new approach to an old and tragic problem" was underway. Occasionally, press and television crews accompanied officers during project operations.

Presentations were made at area high schools covering the program and the need to eliminate drinking and driving. Such presentations often involved both the Sheriff's Department and the Municipal Department in the jurisdiction where the high school was located.

A team was assembled to conduct the enforcement operations. The dedicated team consisted of: one sergeant, two deputies, three reserve deputies and two "explorers." The Department adopted a strict enforcement policy with regard to underage drinking with no discretion allowed. Municipal Departments were offered extra training in sobriety testing. MADD donated two portable breath testing units. Several organizations donated films for use in the high schools. The report form for alcohol-related offenses was simplified.

The Department's Crime Analysis Division provided information as to where the first "sweeps" should be conducted. Intelligence information was also provided by the other county police agencies and by private citizens.

Enforcement was described as "contagious." As the program developed, more officers became involved in enforcing the targeted offenses. These offenses included: DWI; minor in possession; alcohol sales to underage persons; and providing alcohol to underage persons as the host of a party.

Arrests for Minor in Possession totalled 1,137 during 1989; a ten-fold increase from the previous year while DWI arrests among all age groups increased by 64 percent. Close coordination and active cooperation with the courts were essential. The Juvenile Department detailed one case worker to handle the new referrals. In addition to the regular sanctions, 18-20 year-old violators typically attended a victims impact panel and 14 to 17 year-olds received an alcohol education symposium. Under Oregon law, a person age 17 or younger convicted of Minor in Possession is subject to a suspension of the driver's license. Sometimes, partly because of insurance cost considerations, agreements were made between juvenile authorities, parents and young people whereby the license would be "voluntarily" surrendered for some period of time.

Youth highway fatalities dropped by half during the first year of the program. There was a 29 percent reduction in overall youth injury crashes and a 45 percent reduction in youth involved alcohol and other drug crashes.

#### **Teenage Alcohol Patrol, New Castle County Police**

A number of Departments contacted during the study reported that they formerly employed a pour (the beer) and scatter (the participants) approach to youthful parties. They noted an eventual realization that the main effect of this approach was moving party locations "around the map" and that there were potentially serious consequences of this limited response. Like many Departments, the New Castle County, Delaware Police would dispatch a regular patrol unit (one officer) to cover

a complaint of a loud party. On one such evening, an officer arrived, several young drinkers scattered and the party ended. Unfortunately, several of those attending the party simply moved on to another party. Later that night, a young girl died in an alcohol-related motor vehicle crash. The girl had been at the first party, scattered with the others, and continued on to a second party.

Community groups demanded a change in enforcement practice. They asserted that the police had an opportunity to apprehend the underage persons at the first party but had not deployed sufficient resources to stop at least some of them from continuing the behavior which eventually led to the death of the girl.

Dispatching one patrol officer for a complaint such as the one described above is common practice. However, the scattering behavior of underage drinkers is also standard. Their drinking is, for the most part, illegal, and they do not want contact with the police. The scattering will end the party, but will not necessarily end the behavior. Rather, the net result may simply be to move the party to some other neighborhood.

The Teenage Alcohol Patrol program was conducted during the spring and summer of 1991 to deal with this problem as well as the general concern for drinking and driving among youth. The program was designed to have trained officers available at those times and places where underage drinking is most likely to occur. The additional patrols were scheduled 10 pm to 2 am, Tuesday through Saturday, with the most resources being deployed on Fridays and Saturdays. Public service announcements were used to inform the community about the Patrols and inform young persons of the Department's concern for underage drinking.

The Teenage Alcohol Patrols maintained radio contact with dispatch, the regular patrols, and the DWI patrols. Citizen complaints of parties were routinely assigned to the Teenage Alcohol Patrols. Regular patrols, seeing evidence of underage drinking, would routinely "hand off" the information to the Teen Patrols.

The Teenage Alcohol Patrol would assess the situation and call for a second unit and/or regular patrol backup as necessary. The objective was to ensure that the underage persons would not be allowed to scatter. This was often accomplished by stationing one officer in the area where their vehicles were parked. Even if some did scatter, they would not have their cars and would have to return to their vehicles if they wanted to drive that evening. As an added precaution, DWI patrols would often move into the neighborhoods surrounding the party and actively patrol those streets.

The first objective of the Teenage Alcohol Patrol would be to secure the location. Often, they would establish a "holding" area at the location where young persons would remain until such time as their parents could arrive and take them home. Some young persons were transported back to the Department. Portable breath test devices were used routinely. Police also relied on the "odor of alcohol" and field sobriety testing.

Under Delaware law, Minor in Consumption is handled by a "summons" not unlike a traffic summons. One major case folder can be used to cover the entire event while each underage person receives a summons. Each individual summons can be completed in minutes. Establishing verifiable

I.D. for an underage person is an issue and thus field fingerprinting was used and was seen as important. Juveniles will have to appear at family court and can have their driver's license suspended for three months.

New Castle Police believe that the number of underage parties decreased during the summer. Early in the program, the Patrols could easily find a party or were dispatched to a party. Later, they were arresting underage persons one, two or three at a time as a result of patrolling those areas where underage drinking and underage drinking drivers would most likely be found.

### **Combined Special Enforcement, Cedar Rapids Law Enforcement Agencies**

Alcohol impaired driving does not observe geographical boundaries and events which draw large numbers of young people can overwhelm a particular Department's resources. An example of cooperative efforts among agencies and the resulting benefits was found in the area of Cedar Rapids, Iowa. The last northbound rest area on the Interstate leading to Cedar Rapids would be clogged with young drivers during the hours before a downtown youth concert. Motorists complained about alcohol and other drug use at the rest area, DOT was confronted with a major cleanup operation the following morning and several crashes had occurred in the vicinity. Law enforcement knew when a youth concert would occur and thus could reliably predict the specific problem hours at the rest area. However, no one enforcement agency had sufficient resources to manage the problem alone.

By combining resources, they were able to devote 20 or 30 officers plus "reserve or auxiliary" personnel to the problem. This number of personnel allowed for actual traffic enforcement as opposed to traffic control which can often have the effect of simply "scattering" youthful alcohol and other drug offenders without specific arrests and citations.

They stationed unmarked cars at the rest area. Plain clothes officers observed open containers and other violations; followed offenders when they left the rest area; and radioed ahead to marked police vehicles. The unmarked vehicle "handed off" the offending vehicle to a marked police vehicle. Uniformed officers in the marked vehicle proceeded to take appropriate enforcement action. Typical actions included DWI, open container, public consumption, drug possession charges as well as other driver and vehicle violations.

The first combined effort at the rest area was not pre-announced to the press. Nevertheless, it received intensive media interest. Subsequently, the media was informed prior to the operation and they often provided on scene coverage.

Combined enforcement at the rest area eventually limited this location as a specific problem area. However, the success of this effort and the contact that officers had with personnel from other Departments led to continuing inter-Departmental cooperation. For the first nine months of 1991, a total of 14 joint patrol and/or traffic safety checkpoint efforts were conducted with approximately 800 arrests and citations.

No one Department may be considered as the "lead" agency in this continuing program. Rather, supervisors from all three agencies meet regularly to discuss common concerns that would

benefit from combined resources. They identify those situations where substantial resources are required and intensive, well publicized, traffic enforcement can have an effect. Such situations often involve concentrations of youthful drivers.

Each specific enforcement activity typically requires four hours of personnel time. Each activity is planned sufficiently in advance so that officer duty schedules can be arranged accordingly. The concentration of supervisors and officers allows for the supervised use of police "reserves or auxiliaries" to help on paperwork and other matters.

Experience with the program has indicated that the courts and "Youth Bureau" need to be consulted well in advance concerning the number of arrests which will likely be made. These activities produce an immediate increase in the number of arrests which has an impact on court and Youth Bureau workload over the next several days. The participating police agencies also coordinate facilities where various types of offenders (e.g., juveniles) will be held and processed.

Command and control for each activity is maintained by three co-equal supervisors, one from each agency. Officer assignments are fully integrated such that, for instance, a County officer is more likely to be working alongside a City or State officer as opposed to another County officer. Results of the activity (e.g., total number of arrests made that night) are immediately transmitted to all participating officers. Supervisors meet after each activity for a debriefing and critique.

One of the important advantages of the program has been the development of working relationships between the three agencies and individual officers from each of the three agencies. These contacts have proved helpful in many areas beyond the specific parameters of the program.

#### **High School Graduation Program, Phoenix Police Department**

The Phoenix Police Department has traffic patrol responsibility for the City of Phoenix (excluding Interstates). Their *High School Graduation Program* was conducted from late May to early June 1991 when approximately 35 area high schools hold graduation ceremonies. The objective of the 32 traffic officers assigned to the program was to provide proactive enforcement for keg parties and other gatherings that attract large numbers of young drinking drivers. Patrols were conducted between the hours of 6 pm and 2 am. Officers assigned to the program made 146 DUI arrests and issued 1,639 traffic citations during the two week period.

The Phoenix Police Department had been conducting Operation Prom/Grad programs with area high schools and was working with SADD Chapters. Their work included "mock accidents" and other educational types of activities. However, they were not conducting special youth drinking and driving enforcement efforts during the graduation season. The problem was lack of available resources particularly with respect to keg parties and other "graduation" gatherings. Regular patrols, by themselves, did not have the resources to provide complete and active enforcement when confronted with such large gatherings.

The High School Graduation Program was initiated to deal with this problem as well as the general concern for drinking and driving associated with high school graduations. The program was

designed to have one motor squad (i.e., six motorcycle officers and a supervisor) plus Parks Detail officers assigned to each precinct with a graduating high school during this period. Five such squads were available. "Parks Detail" (officers assigned to patrol city parks and recreation areas) were included since these officers had special familiarity with enforcement for Minor in Possession, Minor in Consumption and Public Consumption. Helicopters were available to provide lighting for the area of the keg party and to identify the location of any party in the "desert."

This was not an "overtime" program. Rather, motor squads that might otherwise be assigned to regular traffic and/or DUI patrol were reassigned to work with regular patrol officers in the precincts during this critical graduation season.

The first step in implementing the program was to prepare a briefing document. The document was tailored for motor squad officers who, because of their traffic emphasis, would not normally enforce minor in possession or consumption charges. The document included the elements of each charge and prototype streamlined documentation with specific examples. Documentation was reviewed by the prosecutor prior to distribution to the motor officers. Participating motor officers attended a briefing prior to the program. Technical assistance for the briefing was provided by Parks Detail officers.

Next, the media was alerted to the program and asked to provide coverage. Several news stories were generated during the graduation season.

Precinct Commanders were notified as to when a special squad would be available in their area. Regular patrol officers in each of the affected precincts were briefed.

The regular patrols had the responsibility for responding to complaints of a loud party and identifying those parties at which underage drinkers may be present. They would assess the situation and, based on their opinion, call for the special squads as indicated. Also, after the special squad had arrived, the precinct officer made the first contact with people at the party.

The first responsibility of the special squad was to secure the area with respect to traffic. Both ends of the street were blocked off and alcohol or other drug impaired drivers were not allowed to continue on their way. The special squad then proceeded to take enforcement action against any observed violations including minor in possession or consumption and public consumption. The key to the program was to ensure that sufficient resources were brought to the location to provide full traffic control and proactive enforcement. Positive promotional items were left at those parties which were alcohol/drug free.

#### **Enforcement in a Resort Community, Pitkin County Sheriff's Department/Aspen Municipal Police Department**

Resort communities can have special problems with the control of impaired driving. Large influxes of persons on vacation can overwhelm resources and local merchants may be disinclined to support law enforcement efforts which are viewed as potentially detracting from their business. Some

resort areas are meccas for young people and young seasonal workers can add to a community's problems with substance abuse.

Pitkin County, Colorado can be characterized as having a dual personality. Skiers, second home owners and other vacationers are attracted by the area's natural attractions and facilities as well as a tone of festivity. In contrast, is the permanent community consisting of approximately 13,000 residents who provide the infrastructure and must cope with the high cost of living. Pitkin ranks first among all 62 Colorado counties in retail sales in drinking establishments; second in retail sales in liquor; seventh in liquor licenses per 10,000 population; and has twice the State average in DUI case filings per 1,000 population. There are approximately 162 liquor licenses in Pitkin County. This translates to approximately one liquor license for every 80 people among the resident population.

Pitkin County's economic base is tourism. Aspen's resort status leads vacationers, who might otherwise show restraint, to drive after too much drinking. Tourism also generates a large number of entry level jobs often filled by young people who remain in the community for only a season or two. Many of these young people can be characterized as "risk-takers" who are more apt to drink and drive than perhaps they would be in their own home towns.

Narrow, two lane mountain roads carrying nearly twice the theoretical capacity of traffic volume, the resort status and related entry level job opportunities and the high bar-to-population ratio all contribute to high risk drinking and driving.

The message from law enforcement: You do not have to drive drunk in Pitkin County . . . But if you do, we will find you and we will arrest you.

The focus of law enforcement: Intervention before the drunk/drugged driver gets behind the wheel. The Pitkin County Sheriff's Department has adopted a "Zero Tolerance" for underage drinking. "If you're underage and caught drinking alcohol, you will be taken into custody and your parents will be called." It is enforced on a county-wide basis particularly at graduation and end-of-year "kegger" parties. Project Graduation is a cooperative effort among local enforcement agencies and the school system designed to inform students of the DUI laws and the consequences of drinking and driving.

The "containment" enforcement of keggers during the 1970's has undergone a philosophical shift to "zero tolerance" enforcement. The Pitkin County Sheriff's Department is enforcing zero tolerance at keggers through the use of busses to transport large numbers of underage drinkers from keg parties to jail. The Department, in cooperation with the local public transportation system, has arranged for a call-out list of bus drivers who will respond to a Department request.

The Tippy Taxi Program, which began in 1983, is designed as an alternative to keep drunk drivers off the road. It is a program for anyone who has no other alternative to driving drunk and depends on voluntary contributions from concerned citizens and organizations. Misuse of the program is a crime. It is administered primarily through the Pitkin County Sheriff's Department with a shared daily administration among the three other local agencies. Brochures describing the program have been designed, typeset and printed courtesy of businesses within the community. The brochures

are disseminated throughout the community at drinking establishments. All rental car agencies support the program by providing brochures with each rental car contract. There is an additional brochure given to bar employees, taxi drivers, peace officers, tow truck drivers and tipsy taxi users describing specific Do's and Dont's relative to responsibilities of each. Topsy Taxi has kept over 10,000 potential drunk drivers off the road since the program began.

Pitkin County law enforcement agencies actively and continuously foster a rapport with the community. Community-wide acceptance, support and promotion are key elements to implementing successful deterrence efforts.

The combined efforts of law enforcement, the schools, businesses and the community at large have produced local legislation which mandates servers and bar owners to attend server training in order to obtain a liquor permit; school projects include substance-free graduation celebrations and the DARE project; a local hospital is supporting a program on alcohol and other drug abuse in the work place; and the local media provides PSAs with a DUI focus.

#### **Enforcement in a University Community, California State University, Chico**

Institutions such as colleges and universities, as well as military installations, can raise the number of young persons in a community well above the national average. Young people, often away from home for the first time, may become especially involved in recreational activities that include drinking. An example of a cooperative effort between a university and its host community to combat this problem was found at the California State University at Chico, which in 1982, was designated as the number one party school in the country by national magazine.

An annual event in the Chico area, known as "Pioneer Days," had gotten out of control in terms of volume of alcohol consumed, numbers and ages of those consuming, and the inability of law enforcement to prevent the ensuing riots in the community. This, in combination with permissive alcohol use, both on campus and within the community, and the "party school" label of the University provided the impetus for the Chico program.

The President of Chico State first had to provide the leadership necessary to reverse the tolerant position regarding alcohol use previously held by the University. Staff members provided input with respect to viable methods that could be implemented within the University environment. Programs were tailored to meet student needs regarding alcohol abuse and the realities of drunk driving. In the Spring of 1988, the Campus Alcohol and Drug Education Center was established which provides "peer approach" (students talking to students) education on the consequences of drinking and alternatives for making better choices. A substance abuse resource library was established, and in response to pressure from the National Offices of Fraternities and Sororities, social events are organized for the local chapters as well as for students in the Residence Halls. A Campus Police Officer teaches a Date Rape course using "live" scenarios including intoxicated drinking/driving encounters.

In the Fall of 1990, the student leaders requested a ban on all alcohol in the residence halls. The Administration granted the request. Students enforce the rules and after three violations, the individual is expelled.

The second, and equally important, element of the program involves the "partnership" arrangement established between the University, Municipal Police Department, local Courts and the Department of Alcoholic Beverage Control. To achieve the objective of reversing past practices, the philosophy of the program had to reach out beyond the University and into the community. The local Police Department maintains a pro-active, high profile enforcement policy. Minor in Possession laws are regularly enforced; sting operations are carried out routinely; and the Department works closely with the University on prevention and education activities. An open container ordinance, adopted by the City of Chico, provided law enforcement with an additional method of reversing past practices. The Ordinance is enforced by the Chico Police Department to the "nth degree." The City is committing substantial resources to alcohol enforcement which represents a major shift in its attitudes concerning alcohol from previous years.

Another key element to the success of the program is the participation and cooperation of the local Court system. Because of effective alcohol enforcement, the court is overwhelmed with underage drinking cases. The local judge hearing these cases has implemented several methods to overcome overcrowded dockets while at the same time carrying out sentencing in a consistent manner with maximum penalties. Sentencing procedures are also designed to provide maximum "inconvenience" to those charged including midweek afternoon trial dates when student course loads are highest, fines in excess of \$200, driver license suspension after a second conviction and names being called over loudspeakers in the defendant holding area outside the courtroom. The objective is to impress upon the students that alcohol violations represent serious charges.

The Department of Alcoholic Beverage Control works very closely with the municipal Police Department in support of alcohol enforcement. The Chico area is one of the ABC's most vigorously worked districts and ongoing efforts include undercover sting operations, mandated training of liquor licensees in the recognition of false identification and the detection of intoxicated buyers.

#### **High School Centered Programs, Charles City Restitution Program**

Charles City, Iowa High School maintains standards of eligibility for participation in extracurricular and co-curricular activities. One of these standards covers convictions for alcohol and other drug violations which can lead to loss of eligibility for up to one year. Approximately 80-85 percent of Charles City students participate in at least one activity of some kind. Most participate in several covering sports, music, special interest clubs and student government.

The eligibility standards caused two obvious problems. First, extracurricular activities could provide one source of support to help a student deal with a drug or alcohol problem. Ineligibility would remove this possible support.

Second, police officers may have been reluctant to arrest a star athlete, or any student, knowing that a conviction would cause loss of eligibility and possibly invoke the wrath of the parents

and other members of the community for what might be perceived as a minor violation. Officers were well aware of the fact that high school students would be subjected to double penalties, school and court, for any alcohol or other drug violation. For many students the loss of eligibility at school was by far more severe than what the courts might do. Young persons who had left high school would have to deal only with the courts.

The objective of the Charles City program is to provide a positive eligibility alternative for the student. Eligibility is maintained if the student self-reports the violation and is making satisfactory progress towards "restitution." The program is run in coordination with police, juvenile authorities and others who are similarly concerned with the growth, health and well being of the student.

School, police, juvenile and court personnel meet three times per year (approximately) to discuss the program. A major benefit of the program has been the working relationships established between these individuals both at these meetings and during program operation.

Six "eligibility" meetings are offered each year for parents and students. The purpose of each meeting is to describe the eligibility standards including academic standards, "prohibited conduct" (includes alcohol and other drug violations) and the "restitution" program. A student accompanied by at least one parent or guardian must attend one of these meetings. One benefit of these meetings has been an understanding among parents of the program (before the fact) and avoidance of bitter disputes over school policy concerning eligibility.

The program begins at the point of arrest. The police will talk to parents or send a letter to the parent in those cases where the parent was not available to take custody of the minor at the time of the arrest. The arrest paperwork is then forwarded to the juvenile probation officer who conducts an intake hearing and also discusses the program. Paperwork is also provided to the prosecutor who may or may not take action depending on the nature of the offense, prior record and recommendation from juvenile. Minor students are not identified to the school.

It is the responsibility of the student to report the offense to a school faculty member, counselor or member of the administration. Failure to report results in an automatic one year suspension of eligibility. The student is then referred to a school counselor of the student's choosing. Working with the counselor, the student develops a "restitution" plan which is sent to the Student Assistance Committee for approval (without the student's name shown on the plan). Parental approval is also required. Progress towards completing the plan is monitored by the Student Planning team. Satisfactory progress will maintain student eligibility.

Each restitution plan must contain something of benefit to the community or school and the team or activity in which the student participates. This typically involves ten to twenty hours of school/community service. The plan must also include something of benefit to the individual. For alcohol and/or other drug violations, this typically involves referral to Prairie Ridge Addiction Treatment Services. Prairie Ridge conducts an "assessment" leading to treatment recommendations. Most often, treatment consists of a series of alcohol/drug treatment sessions.

### C. Assessing Youth DWI Enforcement

Some Departments may want to examine their own DWI enforcement efforts. This subsection contains a series of DWI and youth DWI questions that a Department might ask of itself. The objective is not to produce a score nor to supplant the judgement of law enforcement management. Rather, it provides guidelines for examining each of the various aspects of DWI enforcement.

The guidelines are divided into three areas: arrest statistics, police management and youth. The statistics are based on national averages which may or may not be representative of your operating environment. Management and youth topics should be of common concern to most Departments.

#### DWI Arrest Statistics

- Overall Enforcement Levels

*Nationally, about 1 percent of all licensed drivers are arrested for DWI each year. What is the percentage in your jurisdiction?*

Obviously, if overall DWI enforcement levels are very low, there can be no expectation that any age group will be deterred from impaired driving. There is no "right" number of arrests to be made. Many factors in the community will influence the underlying impaired driving problem and the enforcement actions that can be taken.

Across the U.S., approximately one percent of licensed drivers are arrested each year for DWI (total for all State, county and municipal agencies). Some studies suggest that with vigorous enforcement, overall rates can approach approximately two percent of licensed drivers.

Overall DWI levels can be assessed by dividing the annual total of DWI arrests by the number of licensed drivers in the community (and multiplying the result by 100). If licensing data or estimates are not available, multiplying the number of residents age 16 and older by .85 (or total population by .67) will provide an approximation of total licensed. Consider the resulting percentage in terms of what is known about the community's drinking behavior. A percentage well below one percent may indicate DWI enforcement problems.

- Arrests in Crash Situations

*Often, about 10-15 percent of all DWI arrests are made in crash situations. What is your percentage of crash versus pickup arrests?*

Departments with vigorous DWI enforcement make on the order of only 10 to 15 percent of their arrests in crash situations. Dividing the number of arrests resulting from motor vehicle crashes by total arrests will yield a locally based measure of this activity. If the resulting percentage is small (only a few percent), this may be an indication that officers are overlooking the

role of alcohol in motor vehicle crashes. On the other hand, if the result is much greater than 15 or 20 percent, this may indicate that DWI enforcement is largely reactive rather than proactive.

- Average BAC

*What is the average BAC for your pickup arrests?*

Departments with vigorous DWI enforcement often will have average arrest BACs below 0.15%. If the local result is substantially higher (in the range of 0.18% or more), this may indicate that enforcement efforts are dealing only with a segment of the impaired driving population. Also, as young impaired drivers tend to be on the roads at lower BACs, this may be an indicator that young people are underrepresented among those arrested.

- Arrest Rates by Age

*Nationally, about 14 percent of all fatally injured drivers testing at .10% BAC or higher are under the age of 21. What percentage of your arrest population is under the age of 21?*

Examining the distribution by age of persons arrested for DWI can provide considerable insight into how well enforcement efforts are aligned with the underlying drinking driving/alcohol crash problem. A suggested approach is to tally the ages of arrested drivers into groups and then calculate the percentage in each group based on total arrests. At a minimum, the following age categories are suggested:

Under 21  
21 to 24  
25 and older

In recent years, among all drivers killed in the U.S. found to have had BACs of 0.10% or more, 14 percent were under the age of 21. The percentage of arrests in this age group can be calculated by dividing the number of persons arrested who were under 21 by the total number of arrests. If the result is low, this may be another indicator that young persons are underrepresented in DWI arrests.

### **DWI Management Strategies**

- Command Emphasis

*Officers will make DWI arrests when they have a clear expectation that DWI enforcement is important. Does management foster impaired driving enforcement?*

Virtually all law enforcement agencies are facing high levels of demand for police services and many are operating with severe budget limitations. Resources must be carefully allocated

and priorities established regarding the policing tasks that will be emphasized. In some Departments, DWI enforcement is considered to be an important, professional task. In others, it is given less emphasis and considered to be the sole responsibility of the traffic division or a few specialists.

One important element in assessing DWI enforcement is to develop a consensus statement about how Department management actually views DWI. There are some questions which can be posed on this topic. For example, are officers generally encouraged or discouraged by management to actively pursue DWI enforcement? Is DWI enforcement a meaningful part of performance measurement? More important, however, is assessing the global issue of whether management is essentially proactive or reactive in its thinking regarding DWI.

Policies and directives of senior management are implemented by line supervisors as they direct and oversee units in the field. Involvement of middle level and line management is essential for a proactive DWI enforcement policy.

- Training

*Do patrol officers receive periodic training to maintain and upgrade their DWI enforcement skills and knowledge?*

Commanders and supervisors in police agencies with high DWI arrest rates consistently emphasize the importance of training. They refer to the scope of the training provided, the number of officers who are trained and efforts for continued upgrade and refresher training to maintain skill levels.

Assessment of training should deal with several topics. The nature and extent of training in DWI detection, field sobriety testing (including horizontal gaze nystagmus) and DWI processing should be reviewed. The training status of all patrol officers should be assessed for adequacy and recency. The inclusion of DWI enforcement topics in refresher and roll-call training should be examined.

Also, a number of States have adopted laws which can be applied in potential or actual youth impaired driving situations. These include prohibitions against driving with low BACs and minor in possession statutes. Officer training regarding such statutes should also be assessed.

- DWI Patrols

*Young drivers drink and drive at times and places which differ from older drivers. Are your DWI patrols deployed to find youthful offenders?*

The place and time of impaired driving by youth are two of the major obstacles to DWI enforcement in this age group. Young people do not tend to drink at on-premises establishments and therefore are less likely to be found on the roadways leading to and from bars, roadside taverns, etc. Youth tend to drink in neighborhood locations and at parks, beaches, etc. They also tend to congregate in relatively large numbers at keg parties often held in secluded

locations. Also, the drinking driving behavior of young people, more so than older drivers, tends to cluster into a relatively few hours of the week. These peak periods are approximately the hours 10 pm to 1 or 2 am on Friday and Saturday nights.

Many Departments employ specialized units whose primary job is DWI enforcement. Examining deployment times and patrol strategies may reveal that these create little or no opportunity to interdict youthful impaired driving. For example, officers may have developed "favorite spots" and schedules which are productive from an overall enforcement point of view but which have little chance of contacting youth.

DWI patrols, whether full time assignments or conducted as overtime operations, are often supported by grant funding. This grant process may initially include estimates of performance, and a comparison of estimated versus actual results at renewal. While performance based measurement is desirable overall, it may be a subtle factor in deploying resources in a way that bypasses youthful impaired driving in favor of the typical "adult" offender. Examining the grant process from this perspective may generate some opportunities to conduct operations which will impact youthful DWI.

- Regular Patrols

*Regular or precinct patrols are at the parks, beaches and neighborhoods where youthful drinking and driving is likely to occur. Are these officers trained and motivated for DWI enforcement?*

Regular patrols (district, precinct, beat, etc.) represent the first line of protection of lives and property in the community. During peak demand periods, these units may be responding to call after call with prioritized backlogs waiting. In such settings, it may be difficult to expect regular patrol units to undertake the lengthy process of DWI enforcement. In some Departments, this leads to a situation where regular patrols are discouraged from involvement in DWI; DWI becomes the sole domain of the DWI specialist.

Regular patrol units are a critical resource in combatting DWI. This is especially true for youth DWI enforcement since the regular patrols cover places where youthful impaired driving is likely to occur. Some Departments have prioritized DWI emphasizing arrest expectations from regular patrols. Others have been successful with "hand-off" systems whereby DWIs detected by regular patrols are handed off to traffic units or DWI specialists who complete processing. Assessing the expectations and role of regular patrols in DWI may reveal unintended dis-incentives and may uncover opportunities for teamwork between these units and DWI specialists.

- Prosecution

*BACs at or below the presumptive limit are common among young impaired drivers. Are these cases prosecuted?*

Young impaired drivers tend to be on the roads at lower BACs than their older counterparts. In some jurisdictions, prosecutors will not go forward with cases involving BACs near or below the presumptive or illegal per se level. Failure to prosecute can have a direct affect on officer arrest/no-arrest decisions. Department practices and prosecutor decisions regarding low BAC cases should be examined to determine if problems may exist in this regard, and if so, whether changes are possible.

### **Youth and Community**

- Youth Strategy

*Does the Department have an effective strategy for dealing with large concentrations of impaired youth at one place at one time?*

Policies regarding responses to parties and large gatherings of underage drinkers should be reviewed. Dispatching one or two units to disperse such events may do no more than scatter underage drinkers onto the roadways. Well publicized efforts involving arrests for all drug and alcohol violations have proven to be effective.

- Community Support

*Is there widespread support in the community for DWI enforcement? Youth DWI enforcement? Zero tolerance for underage alcohol and other drug violations?*

Law enforcement agencies with proactive DWI enforcement typically enjoy a broad-based level of community support for this activity. In some cases, pressures from the community have led to changes in enforcement; in other cases, Departments have set about to educate the community about the threat of impaired driving and to win support for DWI enforcement efforts.

In assessing community relations, a jurisdiction should consider assisting with youth oriented alcohol/drug prevention and education programs. Police involvement in community prevention efforts has helped to create support for proactive DWI enforcement and for "zero tolerance" enforcement of underage drinking violations.

### **Summary**

An examination of statistical data on DWI enforcement can provide an indication of how a jurisdiction compares with national averages. However, interpretation of statistics should be done with care as national averages may not be appropriate for a particular jurisdiction's operating environment. For instance, agencies patrolling State and federal highways will see a different mix of drivers as compared to those agencies patrolling city streets. Similarly, agencies serving communities with large concentrations of youth (e.g., military installations, universities, etc.) will experience a different mix of drivers than communities without such facilities. Other factors such as the minimum licensing age, the existence of youth curfews, etc., can also affect local statistics.

In general, management practices and strategies are more important than statistics in assessing your own Department's efforts. Command emphasis and training backed by community support are critical to strong DWI enforcement. Strong overall enforcement is the basis for strong youth enforcement, particularly when it includes the active involvement of the regular patrols as well as arrest and prosecution for drivers testing at and below the presumptive limit. Each Department also needs a strategy for dealing with large concentrations of impaired youth at one place at one time.

It is possible that a Department will decide to change its operating practices or policies to enhance youth DWI efforts. Change at the operational level can likely be accomplished inside the Department. Policy change will likely require the full support of the community including parents, schools and the judicial system.

## VI. PROJECT SUMMARY

Many States lowered their minimum legal drinking age to 18 during the 1970's. By the early 1980's, it was clear that lower drinking ages went hand-in-hand with more youth alcohol-related crashes and States began to return to a minimum drinking age of 21.

The U.S. experienced a substantial decline in youth alcohol crashes as the "21" drinking laws were being adopted. Most of this decline was seen from 1980 to 1985.

Recent data indicate that the problem, though less severe than in the early 1980's, has remained at high levels. Among high school age drivers (16 to 17 years old) the alcohol fatality rate is nearly twice as high as for drivers 25 and older. The rate for 18-20 year-olds is nearly three times as high (average rates 1985-89).

### **DWI Enforcement**

Enforcement of the drinking and driving laws is accomplished by municipal, county and State police agencies. Collectively, these agencies provide approximately 1.7 million DWI arrests annually.

Arguably, these DWI arrests should be distributed by driver age following approximately the same pattern in which the drinking driving problem occurs. That is: a high arrest rate for 18-20 year-olds; somewhat lower for 16-17 year-olds; substantially lower for drivers ages 25 and older.

Actual arrest rates by driver age show a very different pattern. Nationally, young drivers are being arrested for DWI at rates which are far below their incidence in alcohol-related crashes.

Arrest rate trends are not encouraging. The number of youth DWI arrests in 1989 was 44 percent lower than in 1980; 18 percent lower than 1985. Yet, young people continue to drink and drive and become involved in alcohol-related crashes. Clearly, there must be systematic reasons or "obstacles" that explain low and declining youth DWI arrest rates.

### **Obstacles to Youth DWI Enforcement**

Police, prosecutors and others identified some of the major reasons or obstacles contributing to the low youth arrest rates:

**Place.** Underage drinking is illegal. Thus, it is less likely to occur at bars, restaurants and other traditional drinking places. Rather, young drinking drivers are at the parks, beaches and in the neighborhoods. Parks, beaches and neighborhoods are not the primary patrol areas for "traffic, highway and/or DWI" officers. More often, such areas are covered by "regular" patrol officers who have traffic as only one part of their overall responsibility.

**Time.** Young drivers, even more than older drivers, do most of their drinking and driving on weekends. The peak time period is from about 10 pm to 1 or 2 am on Friday and Saturday. These Friday and Saturday night time periods also represent peak demand periods for other types of police services. Regular patrols in particular may have limited resources for DWI enforcement during these peak periods.

**Driving Cues.** Officers are trained in the established or traditional DWI detection cues. These cues focus on psychomotor impairment seen as the inability to control the motion of the vehicle in the traffic lane. For youth, cognitive impairment may be the more operative concept. Alcohol or some other drug may cause them to lose good judgment and behave without regard to the inherent risks in speeding, hard weaves and erratic lane changes. Youth DWI cues are not as well understood as the traditional cues and this may effect youth DWI detection and imposition of implied consent statutes.

**Low BAC Prosecution.** Young drivers have more crashes with less alcohol than older drivers. They can exhibit obvious signs of impairment at BAC levels below those where similar effects may be seen in "experienced" drinkers. DWI prosecutions for drivers with BACs at or below the legal limit are problematical. Some jurisdictions decline prosecution unless the BAC is above the "presumptive" limit (typically .10%). While drivers of any age may test at or below the limit, "low" BAC is a common characteristic for youth.

### **Effective Enforcement Strategies**

Colorado has the highest DWI arrest rate in the country for 16-17 year-olds; second highest for 18-20 year-olds. California has the highest arrest rate for 18-20 year-olds; second highest for 16-17 year olds (FBI, 1989). Visits to law enforcement agencies in these two States suggest a group of essential characteristics associated with successful high youth DWI arrest rates.

- Command emphasis from the top for proactive traffic/DWI enforcement
- Officers are commended for a DWI arrest
- Arrests at and below the presumptive limit are made and prosecuted
- Regular patrols "handoff" suspects to DWI specialists (limiting the regular patrol processing burden)
- Police are involved in community alcohol/drug prevention and education
- Community provides positive support for DWI enforcement
- Training/training/training (DWI detection, Gaze Nystagmus, DWI processing)

These essential characteristics describe Departments focused on DWI enforcement. They are not targeting youth, per se, but rather have taken a strong, proactive approach for all impaired drivers regardless of age.

Strong, proactive DWI enforcement will result in youth DWI arrests particularly when implemented at the local level with active involvement from the "regular" patrols and "precinct" officers. These officers are most likely to encounter a youthful impaired driver. They are also the officers most in need of backup from DWI specialists given the many other demands for police services. Backup is particularly important on Friday and Saturday nights when youthful impaired drivers are most likely and demands for other police services are highest. In some Departments, backup from DWI specialists can allow regular officers to intervene in an impaired driving situation and return to their patrol in thirty minutes or less.

### **Special Youth Strategies**

There is also a need for an effective strategy to deal with two important youth characteristics: underage drinkers tend to congregate in large numbers; underage drinking is illegal.

Often, a single patrol unit is sent to respond to a complaint of a loud party involving underage drinking. This single unit may not be sufficient to secure the location much less conduct active enforcement for all drug and alcohol violations. If the location is not secured, underage drinkers will scatter, often onto the highway. Young people have a strong desire to scatter since, for them, alcohol possession and/or consumption is illegal. Similarly, at concerts or sporting events attracting young people, the regular units may have barely enough resources for traffic control let alone active enforcement for alcohol and other drug violations.

Several Departments have developed special strategies to deal with large numbers of impaired youth at one place at one time. Each of these special strategies provides the resources for both containment and active enforcement. In Phoenix, traffic officers work with the precinct officers to deal with impaired youth at parties and enforce alcohol and other drug laws. In Cedar Rapids, Iowa, State, county and city police join together for combined enforcement before and after rock concerts. New Castle County, Delaware and Clackamas County, Oregon have special patrols targeted to underage drinking.

These special youth strategies are possible only when the community has "signed on" to enforcement of underage drinking laws. This sign on naturally follows highly publicized youth alcohol/drug driving tragedies. However, the better strategy is to develop community support for enforcement before the tragedy occurs.

### **Implementing Change**

Departments may wish to consider their own DWI enforcement. This can be accomplished using national statistics, comparing their DWI practices and policies to other Departments and by examining their response to large concentrations of impaired youth at one place at one time.

They may decide to implement operating and/or policy changes. Operating changes can likely be accomplished inside the Department. Policy change will likely require the full support of the community including parents, schools, and the judicial system.

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**APPENDIX A**  
**ANALYSIS OF ALCOHOL AND NON-ALCOHOL FATAL CRASHES BY TIME AND DAY**

As noted in Section II of this report, tabulations of FARS files for 1985 through 1989 were carried out to examine the day-of-week and time-of-day of motor vehicle crashes involving fatally injured drivers. Included in these tabulations were all drivers killed age 16 and older who had been tested for alcohol and either had BACs of 0.00% or 0.05% and higher. Thus, untested (for alcohol) drivers and drivers whose test results were in the 0.01-0.04% range were excluded. Surviving drivers were also excluded. The tabulations were made for four age ranges: drivers age 16 and 17; 18 to 20; 21 to 24; and 25 and older.

The results for fatally injured drivers with BAC's of 0.05% and above are shown in Table A-1, while the tabulations for the 0.00% drivers are in Table A-2 on a percentage basis for each age range (i.e., the time/day cell entries sum to 100 percent for each age group). A total of 45,191 drivers made up the tabulation in Table A-1 while 44,195 entered Table A-2.

The data on fatally injured drivers with BAC's of 0.05% and above in Table A-1 show the expected finding that these crashes tend to occur in the later night hours and are "end-of-week" events. There are, however, some interesting patterns in these data when the individual age groups are examined. For example, the percentage of cases occurring in the 8 pm to 4 am time periods of Friday and Saturday nights are as follows:

age 16-17	47.2%
age 18-20	40.7%
age 21-24	35.9%
age 25-up	28.2%

These figures suggest that there is a lesser "clustering" of these alcohol-related crashes in the Friday and Saturday night periods as driver age increases.

**Table A-1. Percent of Drivers Killed in Each Age Group  
by Day and Time (BAC 0.05% - Up)**

Time	Age	Day of Week							
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
<b>0000-0359</b>	16-17	2.7%	2.1%	2.4%	2.5%	3.9%	16.6%	12.3%	42.5%
	18-20	3.1	2.9	3.0	3.8	5.1	15.1	13.6	46.6
	21-24	3.0	3.3	3.5	4.7	5.5	13.2	11.9	45.2
	25-Up	2.4	2.2	2.8	3.4	4.2	8.6	7.4	30.9
<b>0400-0759</b>	16-17	0.4	0.3	0.5	0.5	0.5	2.6	3.1	7.8
	18-20	0.5	0.7	0.6	0.8	1.2	3.9	3.8	11.4
	21-24	0.6	0.7	0.6	0.7	1.1	3.8	3.2	10.7
	25-Up	0.6	0.5	0.6	0.7	0.9	2.1	1.8	7.3
<b>0800-1159</b>	16-17	0.2	0.3	0.1	0.2	0.2	0.6	0.6	2.1
	18-20	0.1	0.1	0.3	0.1	0.3	0.5	0.3	1.7
	21-24	0.2	0.1	0.2	0.2	0.3	0.6	0.5	2.0
	25-Up	0.3	0.3	0.3	0.4	0.4	0.7	0.6	3.0
<b>1200-1559</b>	16-17	0.5	0.3	0.5	0.7	1.2	0.5	0.9	4.6
	18-20	0.3	0.2	0.4	0.4	0.6	0.8	0.5	3.2
	21-24	0.4	0.3	0.5	0.3	0.7	1.0	0.7	3.8
	25-Up	0.9	0.9	0.9	1.0	1.3	1.9	1.1	8.0
<b>1600-1959</b>	16-17	1.7	1.2	0.8	0.8	2.0	2.1	2.1	10.7
	18-20	1.1	0.8	1.1	1.0	1.7	2.4	2.1	10.2
	21-24	1.3	1.1	1.0	1.3	2.2	3.0	2.6	12.5
	25-Up	2.2	2.2	2.2	2.6	3.2	4.6	3.7	20.8
<b>2000-2359</b>	16-17	2.7	2.7	2.3	3.9	10.5	7.8	2.4	32.2
	18-20	2.7	2.5	2.8	3.7	6.4	5.6	3.0	26.8
	21-24	2.7	2.2	2.9	3.5	5.7	5.1	3.8	25.9
	25-Up	3.2	3.2	3.6	4.1	6.1	6.1	3.8	30.0
<b>Total</b>	16-17	8.2	6.9	6.5	8.6	18.2	30.2	21.4	100.0
	18-20	7.9	7.3	8.0	9.8	15.3	28.3	23.3	100.0
	21-24	8.2	7.7	8.6	10.7	15.5	26.7	22.6	100.0
	25-Up	9.6	9.3	10.4	12.2	16.1	24.0	18.4	100.0
<b>Total</b>		9.1	8.7	9.6	11.5	15.9	25.2	19.9	100.0

**Table A-2. Percent of Drivers Killed in Each Age Group  
by Day and Time (Zero BAC)**

Time	Age	Day of Week							Total
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	
<b>0000-0359</b>	16-17	1.1%	0.9%	0.7%	0.9%	0.9%	2.6%	3.0%	10.1%
	18-20	1.4	1.1	1.3	1.0	1.4	3.9	3.5	13.6
	21-24	1.1	1.0	0.9	1.2	1.7	2.8	2.4	11.1
	25-Up	0.7	0.6	0.7	0.7	0.8	1.4	1.1	6.1
<b>0400-0759</b>	16-17	1.2	1.2	0.9	1.5	1.6	1.4	1.4	9.2
	18-20	2.1	1.5	1.7	1.8	2.1	1.8	1.5	12.6
	21-24	2.6	2.0	2.0	2.5	2.1	1.9	1.6	14.9
	25-Up	2.3	2.3	2.3	2.3	2.3	1.7	1.0	14.2
<b>0800-1159</b>	16-17	2.0	1.5	1.2	1.8	1.6	2.3	1.5	11.9
	18-20	1.7	2.0	1.6	1.8	2.3	1.9	1.4	12.7
	21-24	2.2	1.9	2.0	2.2	2.4	2.2	1.9	14.7
	25-Up	3.1	3.2	2.9	3.1	3.1	2.7	1.8	19.9
<b>1200-1559</b>	6-17	3.1	3.3	3.1	3.0	3.3	3.3	1.9	20.7
	18-20	2.5	2.5	2.3	2.4	3.0	3.1	3.1	19.0
	21-24	3.0	3.2	2.3	2.9	3.3	3.0	2.8	20.5
	25-Up	4.1	3.8	3.8	3.9	4.1	3.3	3.0	26.1
<b>1600-1959</b>	16-17	3.2	3.6	3.1	3.6	3.7	3.8	3.2	24.2
	18-20	3.2	2.7	3.1	3.2	3.6	3.4	3.1	22.3
	21-24	3.3	2.7	2.9	3.0	3.7	3.3	3.0	21.9
	25-Up	3.0	3.1	3.2	3.1	3.7	3.1	2.9	22.1
<b>2000-2359</b>	16-17	2.6	2.3	2.7	2.4	6.5	4.9	2.5	23.9
	18-20	2.1	2.5	2.7	2.8	3.9	3.5	2.4	19.8
	21-24	3.3	3.7	3.3	4.2	5.7	5.3	4.1	29.6
	25-Up	3.2	3.2	3.6	4.1	6.1	6.1	3.8	30.0
<b>Total</b>	16-17	13.1	12.7	11.6	13.2	17.5	18.4	13.6	100.0
	18-20	12.9	12.4	12.7	13.0	16.3	17.7	15.1	100.0
	21-24	14.1	12.8	12.0	14.2	16.5	16.3	14.1	100.0
	25-Up	14.7	14.5	14.5	14.9	16.1	14.0	11.3	100.0
<b>Total</b>		14.3	14.0	13.8	14.5	16.2	14.9	12.2	100.0

## APPENDIX B. SUCCESSFUL PROGRAMS AND STRATEGIES

### BRATT PATROL

Clackamas County Sheriff's Department

Sgt. Paul J. Steigleder  
Clackamas County Sheriff's Department  
Oregon City, Oregon

**Obstacle** Time and Place.

Young drivers differ from older drivers in terms of when and where they drink. This can have the effect of placing them on roads and at times which are not normally covered by DWI specialists. Moreover, young drinkers will often congregate at parties or during special events that can easily overwhelm the resources available from regular patrols.

**Summary** The Clackamas County Sheriff's Department is the primary traffic law enforcement organization for suburban and rural areas southeast of Portland. In January, 1989, they detailed eight people to focus on youth drinking (particularly at parties), youth DWI (DUII in Oregon), underage sales and youth education. During the first year of the program: minor in possession arrests increased ten-fold; DWI arrests increased by 64 percent (all age groups); and youth alcohol-related fatal and injury crashes decreased.

**Background** Clackamas County was experiencing an increasing number of youth highway fatalities including particularly tragic crashes involving high school students. They found that 44 percent of the youth fatalities involved alcohol. Thirteen young people died on the county's roadways in 1988 alone.

The Sheriff's Department decided to devote resources to the youth alcohol problem. The goal was to break "the cycle of youthful offenders growing into adult offenders or traffic statistics."

They felt that this goal could not be accomplished by enforcement alone. They would need public education and specific youth education to ensure that all persons understood that underage drinking would be "dealt with to the full extent of the law." They would also need to coordinate their efforts with the county's municipal police Departments, schools, courts, prosecutors and juvenile authorities.

They would also need resources and procedures for dealing with parties that might attract large numbers of underage drinkers. Parties involving multiple kegs and

admission charges were occurring. The objective was not to "scatter" the party but to take direct enforcement action against violators.

## **Program**

A county wide effort was launched to inform people of the Department's concern for underage drinking. The media was receptive to presenting the message that a "new approach to an old and tragic problem" was underway. Occasionally, press and television crews accompanied officers during project operations.

Presentations were made at area high schools covering the program and the need to eliminate drinking and driving. Such presentations often involved both the Sheriff's Department and the Municipal Department in the jurisdiction where the high school was located.

A team was assembled to conduct the enforcement operations. The dedicated team consisted of: one sergeant, two deputies, three reserve deputies and two "explorers." The Department adopted a strict enforcement policy with regard to underage drinking with no discretion allowed. Municipal Departments were offered extra training in sobriety testing. MADD donated two portable breath testing units. Organizations donated films for use in the high schools. The report form for alcohol-related offenses was simplified.

The Department's Crime Analysis Division provided information as to where the first "sweeps" should be conducted. Intelligence information was also provided by the other county police agencies and by private citizens.

Enforcement was described as "contagious." As the program developed, more officers became involved in enforcing the targeted offenses. These offenses included: DWI; minor in possession; alcohol sales to underage persons; and providing alcohol to underage persons as the host of a party.

Arrests for Minor in Possession totalled 1,137 during 1989; a ten-fold increase from the previous year. Close coordination and active cooperation with the courts were essential. The Juvenile Department detailed one case worker to handle the new referrals. In addition to the regular sanctions, 18-20 year-old violators typically attended a victims impact panel and 14-17 year-olds received an alcohol education symposium. Under Oregon law, a person age 17 or younger convicted of Minor in Possession is subject to a suspension of the driver's license. Sometimes, partly because of insurance cost considerations, agreements were made between juvenile authorities, parents and young people whereby the license would be "voluntarily" surrendered for some period of time.

Youth highway fatalities dropped by half during the first year of the program. There was a 29 percent reduction in overall youth injury crashes and a 45 percent reduction in youth involved drug and alcohol crashes.

**How to** A program such as this must have command support from the beginning. It requires the allocation of resources and a strict enforcement policy.

Strict enforcement must also have real and standardized consequences. This requires the active support of the courts, prosecutors and juvenile authorities. It also requires active coordination with these authorities such that the added case load can be accommodated. Strict enforcement and active cooperation are best achieved when community support for the program is present, is developed or is being demanded by concerned parents and other citizens.

Part of the benefit from such a program is derived from the actual enforcement, part from rehabilitation following conviction and part from the media efforts designed to support the program. The media and specific presentations to youth can inform young people about the emphasis on underage drinking enforcement and deter the behavior. However, for the media to be successful, both the enforcement and the penalties must be real.

The Clackamas program began in response to a series of tragic events. These events could have occurred in any community where underage drinking can be found.

There were several keys to the success of the program, not the least of which was the active support received from the courts, prosecutors and juvenile authorities. They helped institute the education and victim's panel programs for those that were convicted. They re-scheduled their staff to handle the large increase in cases and ensured that the sanctions provided would represent real penalties.

Another key was the use of Reserve Deputies and the simplification of paperwork. The reserves, working under the direct supervision of the Deputies, provided added resources to handle and process the large number of underage violators that might be found at a single party. Paperwork simplification reduced the time required to process each individual offender.

The nickname for the program was the BRATT Patrol (Ban Reoccurring Alcohol Teenage Tragedies).

## TEENAGE ALCOHOL PATROL

New Castle County Police

Joseph A. Maichle  
Traffic Services Unit  
New Castle (Delaware) County Police

### **Obstacle**      Time and Place

Young drivers differ from older drivers in terms of when and where they drink. This can have the effect of placing them on roads and at times which are not normally covered by DWI specialists. Moreover, young drinkers will often congregate at parties or during special events in numbers that can easily overwhelm the resources available from regular patrols.

**Summary**      The New Castle County Police have traffic patrol responsibility for most of northern Delaware excluding those cities with Municipal Departments and those State Highways covered by the Delaware State Patrol. Their *Teenage Alcohol Program* began during the 1991 high school graduation and lasted through the summer. It consisted of specialized teen patrols Tuesday through Thursday (two cars, two officers per car) and Friday and Saturday (three to five cars, two officers per car). Patrols were conducted between the hours of 10 pm and 2 am. The program resulted in 667 arrests primarily for Minor in Consumption. Nearly half of the arrests involved young persons at parties.

**Background**      Like many Departments, New Castle would dispatch a regular patrol unit (one officer) to cover a complaint of a loud party. On one such evening, the officer arrived, several young drinkers scattered and the party ended. Unfortunately, several of those attending the party simply moved on to another party.

Later that night, a young girl died in an alcohol-related motor vehicle crash. The girl had been at the first party, scattered with the others, and continued on to a second party.

Community groups demanded a change in enforcement practice. Presumably, the police had an opportunity to apprehend underage persons at the first party yet did not have sufficient resources to stop at least some of them from continuing the behavior which eventually led to the death of the girl.

Dispatching one patrol officer for a complaint such as the one described above is common practice. However, the scattering behavior of underage drinkers is also standard. Their drinking is, for the most part, illegal, and they do not want contact with the police. The scattering will end the party, but will not necessarily end the

behavior. Rather, the net result may simply be to move the party to some other neighborhood.

### **Program**

The Teenage Alcohol Program was initiated to deal with this problem as well as the general concern for drinking and driving among youth. The program was designed to have trained officers available at those times and places where underage drinking is most likely to occur. The additional patrols were scheduled 10 pm to 2 am, Tuesday through Thursday, with added resources for Friday and Saturday. Public service announcements were used to inform the community about the Patrols and inform young persons of the Department's concern for underage drinking.

The Teen Alcohol Patrols were in continuous radio contact with dispatch, the regular patrols, and the DWI patrols. Citizen complaints of parties were routinely assigned to the Teen Alcohol Patrols. Regular patrols, seeing evidence of underage drinking, would routinely "hand off" the information to the Teen Patrols.

The Teen Patrol would assess the situation and call for a second Patrol unit and/or regular patrol backup as necessary. The objective was to ensure that the underage persons would not be allowed to scatter. This was often accomplished by stationing one officer in the area where their vehicles were parked. Even if some did scatter, they would not have their cars and would have to return to their vehicles if they wanted to drive that evening. As an added precaution, DWI patrols would often move into the neighborhoods surrounding the party and actively patrol those streets.

The first objective of the Patrol would be to secure the location. Often, they would establish a "holding" area at the location where young persons would remain until such time as their parents could arrive and take them home. Some young persons were transported back to the Department. Portable breath test devices were used routinely. Police also relied on the "odor of alcohol" and field sobriety testing.

Under Delaware law, Minor in Consumption is handled by a "summons" not unlike a traffic summons. One major case folder can be used to cover the entire event while each underage person receives a summons. Each individual summons can be completed in minutes. Establishing verifiable I.D. for an underage person is an issue and thus field fingerprinting was used and was seen as important. Juveniles will have to appear at family court and can have their driver's license suspended for three months.

New Castle Police believe that the number of underage parties decreased during the summer. Early in the program, the Patrols could easily find a party or were dispatched to a party. Later, they were arresting underage persons one, two or three at a time as a result of patrolling those areas where underage drinking and underage drinking drivers would most likely be found.

**How to**

Train your people. Each officer working the program needs to know what the courts are looking for in this type of enforcement. This includes enforcement practices, probable cause, relevant evidence and reporting.

Officers also need to be aware of the full range of law applicable to juveniles. Often, knowledge of non-alcohol-related violations can prove extremely helpful in gaining entry and/or holding juveniles until such time as the parents can be notified.

Quick turn around. Officers need to be able to handle each individual in minutes if they are to deal with a party. Summons, a call to the parents and on-site holding are all seen as essential to dealing with large numbers of underage drinkers in one place at one time.

Officers working the program relied on portable breath testers and field sobriety testing. They would carry as many as a dozen "plastic" handcuffs to be used as necessary.

Meet with the judges, juvenile probation and others involved with adjudication and rehabilitation. At a minimum, all parties need to "sign on" to clearly defined goals, objectives and mission for the program.

Assign officers who want to work the program. Re-assign only those officers with demonstrated performance.

Work in pairs. The second officer is essential since the objective is to secure the area and avoid the scatter. Later, one officer can manage the holding area while the other is involved in paperwork and calling parents.

Use the DWI patrols, as available, to cover the neighborhood. Use other patrols as backup and for transport as necessary.

The New Castle program began as a direct response to underage parties and the need to avoid scattering underage drinkers. Eventually, the number of parties decreased and the patrols became available to enforce underage drinking and driving laws through more routine patrol practice in areas where underage drinkers are more likely. These patrol areas were not necessarily the DWI patrol roadways leading to and from legal drinking establishments.

The first key to the program was the availability of additional trained and motivated enforcement resources during the critical 10 pm to 2 am hours, particularly on weekends, when underage drinking is most likely to occur. Regular patrols benefitted from the ability to "hand off" large parties to the Teen Patrol. The regular single officer units were ill equipped to handle such parties by themselves yet could readily provide backup as needed.

The second key was the ability to process juveniles on-site with a summons. The summons was a direct enforcement action of far more significance than a "verbal warning" yet did not involve lengthy juvenile arrest and detention procedures.

The third key was the "sign on" by the adjudication system. Programs such as these require mutual support and active coordination across the entire enforcement and adjudication system.

## COMBINED SPECIAL ENFORCEMENT

### Cedar Rapids Law Enforcement Agencies

Sgt. John Quinn  
Post 11, Cedar Rapids  
Iowa State Patrol

Sgt. Rik Haendler  
Linn County Sheriff  
Cedar Rapids, IA

Sgt. Joseph Hanrahan  
Police Department  
City of Cedar Rapids

**Obstacle**      Time and Place.

Young drivers do not distribute their drinking and driving behavior equally over the days of the week or times of the day. There may be few of them on some nights such as Monday through Thursday and overwhelming concentrations surrounding a Friday or Saturday concert, home football game or other such event. Few Departments have the resources, by themselves, to manage overwhelming concentrations of youthful impaired drivers at one place at one time.

**Summary**      Traffic law enforcement in the Cedar Rapids area is provided by the City Police, County Sheriff and State Patrol. By combining and coordinating special enforcement activities of the three agencies, they are able to apply substantial resources for well publicized and highly visible selective traffic enforcement activities.

**Background**      The last northbound rest area on the Interstate leading to Cedar Rapids would be clogged with young drivers during the hours before a downtown youth concert. Motorists complained about alcohol and other drug use at the rest area, DOT was confronted with a major cleanup operation the following morning and several crashes had occurred in the vicinity. Law enforcement knew when a youth concert would occur and thus could reliably predict the specific problem hours at the rest area. However, no one enforcement agency had sufficient resources to manage the problem alone.

By combining resources, they were able to devote twenty or thirty officers plus "reserve or auxiliary" personnel to the problem. This number of personnel allowed for actual traffic enforcement as opposed to traffic control which can often have the effect of simply "scattering" youthful alcohol and other drug offenders without specific arrests and citations.

They stationed unmarked cars at the rest area. Plain clothes officers observed open containers and other violations; followed offenders when they left the rest area; and radioed ahead to marked police vehicles. The unmarked vehicle "handed off" the offending vehicle to a marked police vehicle. Uniformed officers in the marked vehicle proceeded to take appropriate enforcement action. Typical actions included DWI, open container, public consumption, drug possession charges as well as other driver and vehicle violations.

The first combined effort at the rest area was not pre-announced to the press. Nevertheless, it received intensive media interest. Subsequently, the media was informed prior to the operation and they often provided on scene coverage.

**Program**

Combined enforcement at the rest area eventually limited this location as a specific problem area. However, the success of this effort and the contact that officers had with personnel from other Departments led to continuing inter-Departmental cooperation. This year, to date, a total of 14 joint patrol and/or traffic safety checkpoint efforts have been conducted with approximately 800 arrests and citations.

No one Department may be considered as the "lead" agency in this continuing program. Rather, supervisors from all three agencies meet regularly to discuss common concerns that would benefit from combined resources. They identify those situations where substantial resources are required and intensive, well publicized, traffic enforcement can have an effect. Such situations often involve concentrations of youthful drivers.

Each specific enforcement activity typically requires four hours of personnel time. Each activity is planned sufficiently in advance so that officer duty schedules can be arranged accordingly. The concentration of supervisors and officers allows for the supervised use of police "reserves or auxiliaries" to help on paperwork and other matters.

Experience with the program has indicated that the courts and "Youth Bureau" need to be consulted well in advance concerning the number of arrests which will likely be made. These activities produce an immediate increase in the number of arrests which has an impact on court and Youth Bureau workload over the next several days. The participating police agencies also coordinate facilities where various types of offenders (e.g., juveniles) will be held and processed.

Command and control for each activity is maintained by three co-equal supervisors, one from each agency. Officer assignments are fully integrated such that, for instance, a County officer is more likely to be working alongside a City or State officer as opposed to another County officer. Results of the activity (e.g., total number of arrests made that night) are immediately transmitted to all participating officers. Supervisors meet after each activity for a debriefing and critique.

One of the important advantages of the program has been the development of working relationships between the three agencies and individual officers from each of the three agencies. These contacts have proved helpful in many areas beyond the specific parameters of the program.

**How to**

This type of a program requires command level approval and support from each participating agency.

Next, the supervisors who will be operating the program need to develop a working relationship between themselves. Supervisory personnel from the different Departments are virtually interchangeable as the enforcement activity is actually taking place in the field. As such, at a particular moment, a given supervisor may be directing the work of officers from several different agencies. This requires inter-Departmental agreement and coordination prior to the start of the operation.

Start simple. The first joint operation should focus on one type of enforcement well known to all supervisory and officer personnel with good opportunities to maintain command and control throughout the activity.

Critique what happened. Each operation should be followed by a critique and evaluation of the activity. This should be done as soon as practical after the operation is completed, perhaps over coffee, and need not involve forms or paperwork.

Encourage participating officers to critique the activity. While the critique may be informal, it is essential to the success of subsequent programs which may involve more complex operations.

Provide immediate feedback to participating officers as to what the combined "team" accomplished (e.g., number of arrests).

Cedar Rapids may present a unique enforcement environment and the level of inter-Department cooperation and coordination achieved is seen as atypical. Nevertheless, in areas where more than one police agency is providing police traffic services, this approach can apply substantial resources at a particular location at a particular point in time.

The ability to concentrate substantial resources in one place at one time is seen as particularly valuable in youth impaired driving enforcement. The resources of a single agency may be sufficient only to provide "traffic control" at the concert or to "scatter" the keg party. Combined resources may be required to provide actual enforcement.

# HIGH SCHOOL GRADUATION PROGRAM

## Phoenix Police Department

Lt. William J. Wallock  
Traffic Enforcement Commander  
North Resource Bureau  
Phoenix Police Department

Sgt. Joseph B. Klima  
Program Coordinator  
North Resource Bureau  
Phoenix Police Department

**Obstacle**      Time and Place

Young drivers differ from older drivers in terms of when and where they drink. This can have the effect of placing them on roads and at times which are not normally covered by DWI specialists. Moreover, young drinkers will often congregate at parties or during special events in numbers that can easily overwhelm the resources available from regular patrols.

**Summary**      The Phoenix Police Department has traffic patrol responsibility for the City of Phoenix (excluding Interstates). Their *High School Graduation Program* was conducted from late May to early June 1991 when approximately 35 area high schools hold graduation ceremonies. The objective of the 32 traffic officers assigned to the program was to provide proactive enforcement for keg parties and other gatherings that attract large numbers of young drinking drivers. Patrols were conducted between the hours of 6 pm and 2 am. Officers assigned to the program made 146 DUI arrests and issued 1,639 traffic citations during the two week period.

**Background**      The Phoenix Police Department had been conducting Operation Prom/Grad programs with area high schools and was working with SADD Chapters. Their work included "mock accidents" and other educational types of activities. However, they were not conducting special youth drinking and driving enforcement efforts during the graduation season. The problem was lack of available resources particularly with respect to keg parties and other "graduation" gatherings. Regular patrols, by themselves, did not have the resources to provide complete and active enforcement when confronted with such large gatherings.

**Program**      The High School Graduation Program was initiated to deal with this problem as well as the general concern for drinking and driving associated with high school graduations. The program was designed to have one motor squad (i.e., six motorcycle officers and a supervisor) plus Parks Detail officers assigned to each precinct with a graduating high school during this period. Five such squads were available. Parks Detail were included since these officers had special familiarity with enforcement for Minor in Possession, Minor in Consumption and Public Consumption. Helicopters were available to provide lighting for the area of the keg party and to identify the location of any party in the "desert."

This was not an "overtime" program. Rather, motor squads that might otherwise be assigned to regular traffic and/or DUI patrol were reassigned to work with regular patrol officers in the precincts during this critical graduation season.

The first step in implementing the program was to prepare a briefing document. The document was tailored for motor squad officers who, because of their traffic emphasis, would not normally enforce minor in possession or consumption charges. The document included the elements of each charge and prototype streamlined documentation with specific examples. Documentation was reviewed by the prosecutor prior to distribution to the motor officers. Participating motor officers attended a briefing prior to the program. Technical assistance for the briefing was provided by Parks Detail officers.

Next, the media was alerted to the program and asked to provide coverage. Several news stories were generated during the graduation season.

Precinct Commanders were notified as to when a special squad would be available in their area. Regular patrol officers in each of the affected precincts were briefed.

The regular patrols had the responsibility for responding to complaints of a loud party and identifying those parties at which underage drinkers may be present. They would assess the situation and, based on their opinion, call for the special squads as indicated. Also, after the special squad had arrived, the precinct officer made the first contact with people at the party.

The first responsibility of the special squad was to secure the area with respect to traffic. Both ends of the street were blocked off and alcohol or other drug impaired drivers were not allowed to continue on their way. The special squad then proceeded to take enforcement action against any observed violations including minor in possession or consumption and public consumption. The key to the program was to ensure that sufficient resources were brought to the location to provide full traffic control and proactive enforcement. Positive promotional items were left at those parties which were alcohol/drug free.

**How to**

Involve the community. A program such as this is most effective if everyone knows what is being done and why. Information about the program can be distributed through the media plus SADD, MADD, the high schools and other organizations.

Meet with the prosecutor. Determine what will be charged with this type of enforcement, what is required for a charge and what will likely be required for conviction. It is also important to streamline the arrest and documentation process as much as possible since large numbers of youth will need to be handled at one time. The prosecutor can be instrumental in developing appropriate forms and procedures.

Train your people. Each officer working the program needs to know what the courts are looking for in this type of enforcement. This includes requirements for the charge, relevant evidence, proof of identification (often critical for juveniles) and documentation.

Establish close coordination with the precincts. This type of program is designed to provide substantial resources for regular patrol officers. These patrol officers need to know how and when to bring these resources to bear. Also, a working relationship must be pre-established with the precincts regarding the respective officer and command responsibilities.

Publicize the results. Officers working the program, young people and the community need to know that the Department is serious about underage drinking, illicit drug use and impaired driving.

Phoenix was working with SADD and other organizations to provide alcohol/drug education in the high schools. While critically important, education alone was not eliminating underage drinking parties during the graduation season. Such parties often involved large numbers of teenagers such that the resources available at the precinct level were being overwhelmed.

Graduation parties had been the source of many underage drinking drivers and thus were of direct concern to the motor squads whose primary responsibility is traffic enforcement. In Phoenix, motor squads operating from the North and South Resource Bureaus, cover the entire City and have the ability to focus resources for selective enforcement.

The present program was predicated on a well publicized re-deployment of the motor squads during the graduation season. This was not an "overtime" effort, but rather a program to focus "traffic" resources on underage parties before the underage drinkers got on the highways. Officers assigned to the program made 146 DUI arrests and issued 1,639 traffic citations during the two week period.

PITKIN COUNTY SHERIFF'S DEPARTMENT/ASPEN MUNICIPAL POLICE DEPARTMENT

Pitkin County Sheriff's Department:

Sheriff Robert C. Braudis  
Deputy Ellen Anderson  
Deputy C.J. Howard  
Patrol Director C.G. Rounsefell

Aspen Police Department:

Sergeant Loren Ryerson

**Obstacle:** Time and Place.

Young drivers differ from older drivers in terms of when and where they drink. This can have an effect of placing them on roads at times which are not normally covered by DUI specialists. Moreover, young drivers will often congregate at parties or during special events that can easily overwhelm the resources available from regular patrols.

**Summary:** There is a high degree of interaction and cooperation among all of the local law enforcement agencies (Pitkin County Sheriff, Aspen PD, Snowmass Village PD and Basalt PD) as well as the Colorado State Patrol. DUI Saturation Nights includes participation from all of these agencies and typically has a total strength of 17-18 units. In response to pressure from parents and schools to focus on DUI, the press publicizes each DUI arrest. A cooperative effort among law enforcement has been instituted to organize sober graduation parties, and the Sheriff's Department provides enforcement of "keggers" through the use of busses to transport large numbers of drinking juveniles to the jail. A multi-faceted approach to education within the community, training of law enforcement officers and command emphasis on DUI enforcement are among the key elements of this program.

**Background:** Pitkin County can be characterized as having a dual personality. Skiers, second home owners and other vacationers are attracted by the area's natural attractions and facilities as well as a tone of festivity. In contrast, is the permanent community consisting of approximately 13,000 residents who provide the infrastructure and must cope with the high cost of living. Pitkin ranks first among all 62 Colorado counties in retail sales in drinking establishments; second in retail sales in liquor; seventh in liquor licenses per 10,000 population; and has twice the State average in DUI case filings per 1,000 population. There are approximately 162 liquor licenses in Pitkin County. This translates to approximately one liquor license for every 80 people among the resident population.

Pitkin County's economic base is tourism. Aspen's resort status leads vacationers, who might otherwise show restraint, to drive after too much drinking. Tourism also

generates a large number of entry level jobs often filled by young people who remain in the community for only a season or two. Many of these young people can be characterized as "risk-takers" who are more apt to drink and drive than perhaps they would be in their own home towns.

Narrow, two lane mountain roads carrying nearly twice the theoretical capacity of traffic volume, the resort status and related entry level job opportunities and the high bar-to-population ratio all contribute to high risk drinking and driving.

**Program:** The message from law enforcement: You do not have to drive drunk in Pitkin County . . . But if you do, we will find you and we will arrest you.

The focus of law enforcement: Intervention before the drunk/drugged driver gets behind the wheel.

The Pitkin County Sheriff's Department has adopted a "Zero Tolerance" for underage drinking. "If you're underage and caught drinking alcohol, you will be taken into custody and your parents will be called." It is enforced on a county-wide basis particularly at graduation and end-of-year "kegger" parties. Project Graduation is a cooperative effort among local enforcement agencies and the school system designed to inform students of the DUI laws and the consequences of drinking and driving.

The "containment" enforcement of keggers during the 1970's has undergone a philosophical shift to "zero tolerance" enforcement. The Pitkin County Sheriff's Department is enforcing zero tolerance at keggers through the use of busses to transport large numbers of underage drinkers from keg parties to jail. The Department, in cooperation with the local public transportation system, has arranged for a call-out list of bus drivers who will respond to a Department request.

The Topsy Taxi Program, which began in 1983, is designed as an alternative to keep drunk drivers off the road. It is a program for anyone who has no other alternative to driving drunk and depends on voluntary contributions from concerned citizens and organizations. Misuse of the program is a crime. It is administered primarily through the Pitkin County Sheriff's Department with a shared daily administration among the three other local agencies. Brochures describing the program have been designed, typeset and printed courtesy of businesses within the community. The brochures are disseminated throughout the community at drinking establishments. All rental car agencies support the program by providing brochures with each rental car contract. There is an additional brochure given to bar employees, taxi drivers, peace officers, tow truck drivers and tippy taxi users describing specific Do's and Dont's relative to responsibilities of each. Tippy Taxi has kept over 10,000 potential drunk drivers off the road since the program began.

Pitkin County law enforcement agencies actively and continuously foster a rapport with the community. Community-wide acceptance, support and promotion are key elements to implementing successful deterrence efforts.

The combined efforts of law enforcement, the schools, businesses and the community at large have produced local legislation which mandates servers and bar owners to attend TIPS training in order to obtain a liquor permit; school projects include substance-free graduation celebrations and the DARE project; a local hospital is supporting a program on alcohol and other drug abuse in the work place; and the local media provides PSAs with a DUI focus.

The Pitkin County Sheriff's Department and Aspen Police Department are also active members of the Aspen Substance Awareness Project. It is a project involving businesses, health care professionals, judicial professionals, schools and parents. Through an ASAP grant, the County is developing community-wide approaches to prevent alcohol and other drug abuse problems. The program focuses on: 1) preventing alcohol and other drug abuse among youth, 2) strengthening family systems, and 3) establishing community policies and norms which deter abuse and promote a drug free environment.

**How to:** A program such as this requires establishing a high degree of interaction and cooperation between each law enforcement agency within the county.

Train your people. Each officer learns the priorities of a Department, in part, based on the type and amount of training a Department provides. Successful DUI enforcement is achieved when there is a clear command emphasis and positive reinforcement.

Involve the community. Parents, schools, businesses, the media all provide resources to disseminate information, increase awareness and ultimately change attitudes and behavior.

Share your expertise, training, equipment and facilities between Departments so as to maximize their impact on the impaired driving problem.

CALIFORNIA STATE UNIVERSITY, CHICO

Dr. Robin Wilson  
President

Mr. Michael Minard  
Director of University Police

Dr. Paul Moore  
Vice President for Student Affairs

Ms. Laura Lindstadt  
Officer, University Police

Dr. Herman Ellis  
Assistant Vice President for Student Affairs

Lt. Tony Aeilts  
Chico Municipal Police Department

Ms. Lizanne Leach  
Coordinator, Residential Life

Mr. Glen Lamb, District Supervisor  
Department of Alcoholic Beverage Control

Ms. Shauna Quinn  
Director, Campus Alcohol and Drug  
Education Center

**Obstacle:** Time and Place.

Young drivers differ from older drivers in terms of when and where they drink. They do not distribute their drinking and driving behavior equally over the days of the week or times of the day. There may be few of them on Monday through Thursday nights and overwhelming concentrations surrounding a Friday or Saturday home football game, concert or other such event. Few Departments have the resources, by themselves, to manage overwhelming concentrations of youthful impaired drivers at one time at one place.

**Summary:** California State University at Chico working with the University Police, local Police Department, the District Supervisor of the Department of Alcoholic Beverage Control, the local courts and the community have implemented a program designed to address the prominent alcohol problem historically experienced among the Chico State student population. The program, initiated by a newly appointed University President, began with restructuring University policy regarding student alcohol use. Policy changes were coordinated with all segments of the University and the surrounding community. The result has been a significant change from a campus that was experiencing major problems associated with a relatively permissive alcohol use policy to a campus where alcohol violations are strictly enforced.

**Background:** In 1982, Chico State University was designated as the number one party school in the country by a national magazine.

Overwhelming concentrations of young drinking drivers stretched the resources of local law enforcement beyond the point of providing effective DUI enforcement.

An annual event in the Chico area, known as "Pioneer Days," had become out of control in terms of volume of alcohol consumed, numbers and ages of those consuming, and the inability of law enforcement to prevent the ensuing riots in the community.

This, in combination with permissive alcohol use, both on campus and within the community, and the "party school" label of the University provided the impetus for the Chico program.

**Program:** The President of Chico State first had to provide the leadership necessary to reverse the tolerant position regarding alcohol use previously held by the University.

Staff members provided input with respect to viable methods that could be implemented within the University environment. Programs were tailored to meet student needs regarding alcohol abuse and the realities of drunk driving. In the Spring of 1988, the Campus Alcohol and Drug Education Center was established which provides "peer approach" (students talking to students) education on the consequences of drinking and alternatives for making better choices. A substance abuse resource library was established, and in response to pressure from the National Offices of Fraternities and Sororities, social events are organized for the local chapters as well as for students in the Residence Halls. A Campus Police Officer teaches a Date Rape course using "live" scenarios including intoxicated drinking/driving encounters.

In the Fall of 1990, the student body requested a ban on all alcohol in the residence halls. The Administration granted the request. Students enforce the rules and after three violations, the individual is expelled.

The second, and equally important, element of the program involves the "partnership" arrangement established between the University, Municipal Police Department, local Courts and the Department of Alcoholic Beverage Control. To achieve the objective of reversing past practices, the philosophy of the program had to reach out beyond the University and into the community. The local Police Department maintains a proactive, high profile enforcement policy. Minor in Possession laws are regularly enforced; sting operations are carried out routinely; and the Department works closely with the University on prevention and education activities. An open container ordinance, adopted by the City of Chico, provided law enforcement with an additional method of reversing past practices. The Ordinance is enforced by the Chico Police Department to the "nth degree." The City is committing substantial resources to alcohol enforcement which represents a major shift in its attitudes concerning alcohol from previous years.

Another key element to the success of the program is the participation and cooperation of the local Court system. Because of effective alcohol enforcement, the court is overwhelmed with underage drinking cases. The local judge hearing these cases has implemented several methods to overcome overcrowded dockets while at the same time carrying out sentencing in a consistent manner with maximum penalties. Sentencing procedures are also designed to provide maximum "inconvenience" to those charged including midweek afternoon trial dates when student course loads are highest, fines in excess of \$200, driver license suspension after a second conviction and names being called over loudspeakers in the defendant holding area outside the courtroom. The objective is to impress upon the students that alcohol violations represent serious charges.

The Department of Alcoholic Beverage Control works very closely with the municipal Police Department in support of alcohol enforcement. The Chico area is one of the ABC's most vigorously worked districts and ongoing efforts include undercover sting operations, mandated training of liquor licensees in the recognition of false identification and the detection of intoxicated buyers.

**How to:** A program such as this requires leadership and tenacity. Changes in behaviors and attitudes develop slowly over time. A persistent message and a consistent message are critical elements contributing to the success of the Chico program.

"Sell" your program by involving those who will help to implement it. Work with the surrounding law enforcement agencies, the courts and the local legislative body. Each must "sign on" and become central, integral parts of the total effort if the program is to be successful.

Strict enforcement must also have real and standardized consequences. This requires the active support of the courts and prosecutors. It requires coordination with these authorities so that added case loads can be accommodated. Strict enforcement and active cooperation are best achieved when community support for the program is present, is developed or is being demanded by concerned parents and other citizens.

Fundamental to the success of the Chico program is a high level of coordination and cooperation among each of the program's participants.

## CHARLES CITY RESTITUTION PROGRAM

Charles City, Iowa

Lyle Sprout  
Principal  
Charles City HS

David Stover  
Ass't Prin. & Athl. Dir.  
Charles City HS

Dan Mallaro  
Counselor  
Charles City HS

Bill Cavanaugh  
Sheriff's Department  
Floyd County, IA

Al Lines  
Police Department  
Charles City, IA

Dan Klatt  
Juvenile Probation  
Floyd County, IA

Ron Noah  
Attorney (former Prosecutor)  
Charles City, IA

**Obstacle** Lesser alcohol-related charges

Every police agency contacted during the study strongly stated that agency policy and liability issues required that a DWI charge be made whenever it was appropriate. However, there are other charges such as "minor in possession" or "open container" which may not be actively sought by police agencies and/or actively enforced. Such lesser charges may represent the beginning of impaired driving behavior.

**Summary** Charles City High School, working with local and county police, juvenile probation and the prosecutor's office, offers students a positive "restitution" program for alcohol and other drug violations. Convicted students making satisfactory progress in the program can remain eligible for all High School activities including participation in High School sports. Typically, a student must do something that benefits: 1) the community or school; 2) the team or activity and; 3) the student himself or herself such as participation in an alcohol/drug education program or more intensive rehabilitation as appropriate.

**Background** Charles City High School maintains standards of eligibility for participation in extracurricular and co-curricular activities. One of these standards covers convictions for alcohol and other drug violations which can lead to loss of eligibility for up to one year. Approximately 80-85 percent of Charles City students participate in at least one activity of some kind. Most participate in several covering sports, music, special interest clubs and student government.

The eligibility standards caused two obvious problems. First, extracurricular activities could provide one source of support to help a student deal with an alcohol/drug problem. Ineligibility would remove this possible support.

Second, police officers may have been reluctant to arrest a star athlete, or any student, knowing that a conviction would cause loss of eligibility and possibly invoke the wrath of the parents and other members of the community for what might be perceived as a minor violation. Officers were well aware of the fact that high school students would be subjected to double penalties, school and court, for any alcohol or other drug violation. For many students the loss of eligibility at school was by far more severe than what the courts might do. Young persons who had left high school would have to deal only with the courts.

### **Program**

The objective of the Charles City program is to provide a positive eligibility alternative for the student. Eligibility is maintained if the student self-reports the violation and is making satisfactory progress towards "restitution." The program is run in coordination with police, juvenile authorities and others who are similarly concerned with the growth, health and well being of the student.

School, police, juvenile and court personnel meet three times per year (approximately) to discuss the program. A major benefit of the program has been the working relationships established between these individuals both at these meetings and during program operation.

Six "eligibility" meetings are offered each year for parents and students. The purpose of each meeting is to describe the eligibility standards including academic standards, "prohibited conduct" (includes alcohol and other drug violations) and the "restitution" program. A student accompanied by at least one parent or guardian must attend one of these meetings. One benefit of these meetings has been an understanding among parents of the program (before the fact) and avoidance of bitter disputes over school policy concerning eligibility.

The program begins at the point of arrest. The police will talk to parents or send a letter to the parent in those cases where the parent was not available to take custody of the minor at the time of the arrest. The arrest paperwork is then forwarded to the juvenile probation officer who conducts an intake hearing and also discusses the program. Paperwork is also provided to the prosecutor who may or may not take action depending on the nature of the offense, prior record and recommendation from juvenile. Minor students are not identified to the school.

It is the responsibility of the student to report the offense to a school faculty member, counselor or member of the administration. Failure to report results in an automatic one year suspension of eligibility. The student is then referred to a school counselor of the student's choosing. Working with the counselor, the student develops a "restitution" plan which is sent to the Student Assistance Committee for approval (without the student's name shown on the plan). Parental approval is also required. Progress towards completing the plan is monitored by the Student Planning team. Satisfactory progress will maintain student eligibility.

Each restitution plan must contain something of benefit to the community or school and the team or activity in which the student participates. This typically involves ten to twenty hours of school/community service. The plan must also include something of benefit to the individual. For alcohol or other drug violations, this typically involves referral to Prairie Ridge Addiction Treatment Services. Prairie Ridge conducts an "assessment" leading to treatment recommendations. Most often, treatment consists of a series of alcohol/drug treatment sessions.

**How to**

The key to the program is to get all parties talking to one another and sending the same message to the student. This includes police, adjudication, school and parents. Each brings a different perspective to the problem while having very similar objectives.

Procedures, forms and paperwork are less important than ensuring that, whatever the procedures may be, all parties are aware of them long before they may be needed.

"Restitution" must be real and performance of the restitution plan must be monitored. The program must be seen by all parties as an alternative rather than as an escape or easy way out.

School officials were insistent on the need for shared authority and responsibility. At the school, responsibility is shared with the counselors (work with student to develop plan), Student Assistance Committee (faculty that approve the restitution plan) and Student Planning (faculty that monitor performance). It was also clear that responsibility for the success of the program was "shared" with police, juvenile probation and parents.

The program's reliance on student (and/or parent) self-report is, presumably, a weak link. However, Charles City is a relatively small community. School officials were quite confident that they would eventually find out about most drug and alcohol enforcement actions and eventually find out who was involved. This may or may not be the case in larger cities.

This is not an impaired driving program, per se, nor is it an enforcement program. The most common charges involve "minor in possession" of alcohol and "open container." Nevertheless, both of these "lesser" charges are clearly related to impaired driving and the program has had a direct effect on enforcement practices.

The program has been operating for nine years. During this period, the police and prosecutor both report an increase in the number of alcohol and other drug arrests. In effect, the program has removed an "obstacle" to enforcement concerning the double penalties applicable to high school students (loss of eligibility and court). It has also sent a "message" to the police that the community "wants" youth alcohol/drug enforcement. An important part of this message is that an arrest will open the door to a supportive program.

The police felt, prior to the program, that an alcohol or other drug arrest involving a high school student simply meant that they would now have responsibility for the student seven nights a week. Loss of eligibility meant that the student would have more time "on the street" and less time at the high school. This feeling no longer prevails.