

Overview of Sobriety Checkpoints

A sobriety checkpoint is a law enforcement tool utilized to detect and deter impaired driving. Officers are set up at a checkpoint on a roadway to stop vehicles to check for impaired drivers. The checkpoint can be utilized to identify alcohol impairment or another drug impairment. They are conducted in a fixed location and vehicles are stopped according to a pre-determined plan (e.g. every car, every other car, every 4th car, etc.). During the stop, officers engage the driver in a brief conversation in an attempt to determine if the driver is impaired. If the driver is found to be impaired, appropriate enforcement action is taken. If it is determined the driver is not impaired, they are allowed to proceed on their way. The length of the stop is short and non-impaired drivers' interaction with law enforcement is minimally intrusive.

The Goal of Sobriety Checkpoints

Sobriety checkpoints serve several purposes:

- Identify impaired drivers and remove them from the road.
- Deter impaired individuals from attempting to drive after consuming alcohol or other drugs.
- Increase the perception that drinking and driving is dangerous and risky.

"Sobriety checkpoints' most important value is deterrence, with just a few officers, a bit of publicity, and no inconvenience for motorists, regularly scheduled sobriety checkpoints have been shown to reduce the number of crashes and ultimately, the number of tragedies, largely through deterrence."¹ High visibility enforcement is also effective. The National Highway Traffic Safety Administration (NHTSA) noted that "When the perceived risk of getting caught goes up, the likelihood that people will make the fatal decision to drink and drive decreases. This general deterrent effect can come only when enforcement is known about and feared."²

Why Sobriety Checkpoints are Important to Communities

Impaired driving is a significant problem in the United States, resulting not only in permanent injury, but all too frequently the tragic loss of life. In 2016 there were 10,947 people killed in alcohol-impaired driving crashes, which equates to 29 deaths a day (an average of 1 death every 50 minutes)³. There is substantial and consistent evidence from research that highly publicized, highly visible and frequent checkpoints in the United States can reduce impaired driving fatal crashes by 18%-24%.⁴ Research also shows that for every dollar spent on conducting checkpoints, communities can save between \$6 and \$23 in costs associated with alcohol-related crashes.⁵

While drunk driving spans all ages, the data indicates that young drivers are at greater risk of experiencing the negative consequences associated with impaired driving. Motor vehicle crashes remain the leading cause of death for the 15-20-year-old age bracket.⁶ At a BAC of .07 (which is lower than the legal limit of .08 for drivers over 21 in the U.S.), drivers under 21 are more than five times more likely to be involved in a crash than drivers over 21.⁷ In fact, 26% of 15-20-year-old drivers involved in fatal crashes had been drinking, and 21% had a BAC of .08 or higher.⁸

Research strongly suggests that when coupled with a strong awareness campaign, checkpoints do decrease alcohol-related traffic crashes and fatalities among youth. In a study that reviewed zero-tolerance laws and minimum legal drinking age laws (MDLA) in the 50 states, it was found that the enforcement of zero tolerance laws alone was associated with a 24% reduction in fatal crashes in young drivers. Additionally, the same review indicated that when both zero tolerance laws and the 21 MDLA law were enforced, fatal crashes among underage drinkers were reduced by 39%.⁹

Considerations for Sobriety Checkpoints

The detention of motorists at sobriety checkpoints raises the constitutional issue of an unreasonable search and seizure under the Fourth Amendment of the Constitution. The US Supreme Court determined sobriety checkpoints are legal. They stated the substantial government interest in preventing drunk driving and saving lives outweighed the negligible impact on the driver's Fourth Amendment rights (*Michigan Department of State Police v Sitz*, 496 US. 222(1990)). Additionally, the Illinois Supreme Court determined sobriety checkpoints were legal (see *People v Bartley* 486 N.E. 2nd 880 (Ill 1985)). The Louisiana Supreme Court established minimum guidelines for the operation of sobriety checkpoints. (See *State v Jackson* 764 So 2nd 64, 72-73 (La, 2000)). The guidelines are as follows:

- The location, time, and duration of the checkpoint, and other regulations for operation of the checkpoint should be established (preferably in written form) by supervisory personnel rather than front line officers working the checkpoint.
- There should be advanced warning of the checkpoint with flares, lights, and ample signage making it clear to the motorists the checkpoint is ahead and that it is a police operation.
- Detention of the driver is for a short period of time.
- There is a systematic non-random method in place to stop the vehicles.

Given the courts' opinions in this area, it is imperative stakeholders work closely with local prosecutors and local police departments to ensure your communities' sobriety checkpoints meet all statutory and constitutional requirements. It is also helpful to follow the guidelines for conducting sobriety checkpoints set forth by the National Highway Traffic Safety Administration (NHTSA). The website link to the NHTSA guidelines for conducting sobriety checkpoints can be found in the Resources and Tools section of this document.

It should be noted a recent trend is for state legislatures to curtail the use of sobriety checkpoints by placing limitations on the use of federal or state funds to conduct sobriety checkpoints. Should this occur in your community, stakeholders should work with the police department to ensure impaired driving laws are being enforced through other enforcement methods such as saturation patrols. Saturation patrols place a large number of officers in a concentrated area to target roadways to detect and apprehend impaired drivers.

Helpful Tips and Suggestions

For sobriety checkpoints to have the maximum impact, they need to be widely publicized. It is important that stakeholders develop a strong media campaign or piggyback on a national campaign to obtain the widest reach possible. Typically, there are several times a year when national high visibility enforcement (HVE) operations occur (often around the holidays). By timing your communities' checkpoints during these times, you can avail yourself of national media campaigns at a significantly reduced rate. In addition, during this time it is common to partner with other law enforcement agencies to increase the scope and effectiveness of the sobriety checkpoint. Bear in mind, youth impaired driving occurs in different settings and at different times than adult impaired driving, consequently your sobriety checkpoint protocols should be adjusted to factor in those differences.

Resources and Tools

Illinois State Police - www.isp.state.il.us

Illinois DOT Division of Traffic Safety - www.dot.il.gov

Illinois Secretary of State's Office - www.cyberdriveillinois.com

The National Highway Traffic Safety Administration (NHTSA) - www.nhtsa.gov

National Association of Governors' Highway Safety Representatives - www.ghsa.org

Conducting Sobriety Checkpoints: https://one.nhtsa.gov/people/injury/alcohol/saturation_patrols/HowToGuide.html

References

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2. Department of Transportation (US) National Highway Traffic Safety Administration (NHTSA) "Grassroots Support for Impaired – Driving Law Enforcement Crackdown Efforts Guide" NHTSA Performance Report
3. National Center for Statistics and Analysis. (2017, October). Alcohol Impaired Driving: 2016 data. (Traffic Safety Facts. Report No. DOT HS 812 450). Washington, DC: National Highway Traffic Safety Administration.
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5. MADD Sobriety Checkpoint Quick Facts Revised May 2012 www.madd.org/laws/law-overview/Sobriety_Checkpoints_Overview.pdf
6. National Center for Statistics and Analysis. (2017, February). Young drivers: 2015 data. (Traffic Safety Facts. Report No. DOT HS 812 363). Washington, DC: National Highway Traffic Safety Administration
7. A Guide for Enforcing Impaired Driving Laws for Youth Page 1 – Prepared by Pacific Institute for Research and Evaluation In support of the OJJDP-Enforcing the Underage Drinking Laws Program Award No. 98-AH-F8-0114, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice – Published April, 2000, Revised 2010
8. National Center for Statistics and Analysis. (2017, February). Young drivers: 2015 data. (Traffic Safety Facts. Report No. DOT HS 812 363). Washington, DC: National Highway Traffic Safety Administration.
9. Voas, R. B., Tippetts, A.S., & Fell, J.C. (2003). "Assessing the Effectiveness of Minimum Legal Drinking Age and Zero Tolerance Laws in the United States". Accident Analysis & Prevention, 34(4), 579-587.