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Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

A G U I D E F O R

ENFORCING
IMPAIRED DRIVING
LAWS

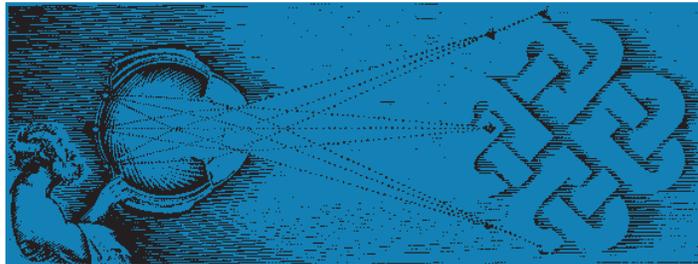
F O R Y O U T H

Prepared by

Pacific Institute

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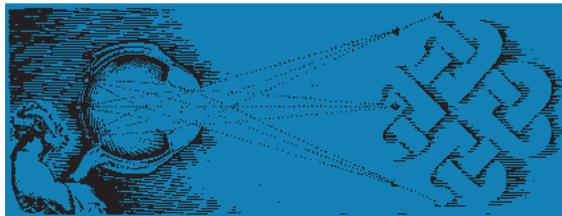


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About This Guide

While much progress has been made, alcohol related traffic crashes are all too common among young people. Motor vehicle crashes are still a leading cause of deaths and injury in this age group. This guide provides information on enforcement strategies to reduce impaired driving among youth.

State and local policymakers, enforcement agencies, and concerned citizens can use this guide to

- gain an understanding of impaired driving issues as they relate to young drivers
- learn about the evidence of effectiveness of zero tolerance laws to prevent youth from driving with even small amounts of alcohol
- motivate policymakers and enforcement officers to place more emphasis on impaired driving among youth
- identify the barriers to enforcement of laws regarding impaired driving among youth
- learn about strategies to overcome these barriers.

Introduction

The personal and societal costs associated with impaired driving are staggering. In 2007, 31 percent of young drivers 15 to 20 years old who were killed had blood alcohol concentrations (BACs) of .01 or greater, and 26 percent of young drivers had BACs of .08 or greater. These figures are lower than those for the overall driving population in which 37 percent involved BACs of .01 or greater and 32 percent involved BACs of .08 or greater in 2007 (NHTSA 2009). While too many young people are involved in alcohol related crashes, significant progress has been made. Over the last quarter century, alcohol-related crashes for all drivers have declined. But rates for drivers under 21 have declined much more sharply (Dang 2008).

This guide will provide an overview of some of the laws and enforcement techniques that can serve as valuable tools in preventing and deterring underage drinking and driving and in apprehending young drinking drivers before they can harm themselves or others. It will also discuss some of the very real barriers to enforcement and possible techniques for overcoming these barriers.

Zero Tolerance: New Tools and New Challenge

A driver's license is among the most prized possessions of youth. It follows that young people will be attentive to driving safety programs that attempt to control the conditions under which they can drive (Sweedler, 2008). All states have now established low blood alcohol content limits (BACs) of .00 to .02 for drivers under 21. These “zero tolerance” laws are an extremely important tool for reducing impaired driving by young people. It has been well established in research that even low levels of alcohol affect young drivers. In addition, because drinking is illegal for young people under 21, establishing “zero tolerance” sends a consistent message about alcohol use.

In addition to the fact that drinking is illegal for anyone under 21, there are practical reasons for establishing a low BAC for young drivers. Impaired drivers under 21 are very dangerous. 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.

The characteristics of crashes involving young drivers differ from those involving older drivers in some important ways (Bingham et al. 2009). For example, crashes involving alcohol, speeding, and carrying of passengers are about 20 times more likely for teens than for middle aged adults. Crashes occurring at night and involving both alcohol and passengers are about 9 times more likely.

Clearly, vigorous enforcement of zero tolerance laws can protect young people from a very dangerous combination of alcohol and driving. A zero tolerance law can be a powerful tool. But such laws also present some major challenges for law enforcement. Research has shown that the potential of zero tolerance laws has not been fully realized. Some of the reasons include:

- Laws can be difficult to enforce in some states because police must suspect that a young driver has a high BAC before administering an alcohol test for any measurable BAC (Ferguson, et al., 2000).
- Enforcement of zero tolerance laws reinforces enforcement of underage drinking laws. However, zero tolerance laws are difficult to enforce independent of DUI because offenders with low BACs are not likely to display the erratic driving that results in drivers with high BACs being stopped (McCartt and Kirley, 2007)
- Surveys of young people in three states found limited knowledge about zero tolerance laws, and many of those who knew about the laws did not believe they often were enforced (Ferguson and Williams, 2002).
- When zero tolerance laws are enforced they are effective. Washington State's zero tolerance law found that the law increased the likelihood that an underage person would be sanctioned for drinking and driving, especially among drivers with BACs less than 0.08g/dL (McCartt, et al., 2007).

How can these challenges be overcome?

- In any stop of a young driver, be alert for the presence of alcohol and keep in mind that any amount is a violation for drivers under 21.
- Where permitted by law, use passive alcohol sensors to detect the presence of alcohol.
- Use sobriety checkpoints as an opportunity to identify young drivers who have been drinking and to enforce the zero tolerance laws.
- Work with enforcement and community leaders to identify problems with the law or policies that implement the law and to reduce or eliminate those problems with legal or procedural changes.

Remember: The vigorous implementation of zero tolerance laws can be one of the most important and lifesaving activities of an enforcement agency. Deterring young people from drinking and driving, and detecting young people on the road who have been drinking can help to preserve one of our nation's most precious resources—our youth.

Connecticut campaign to raise awareness and enforcement of zero tolerance law

The Connecticut Coalition to Stop Underage Drinking teamed with the Connecticut Department of Transportation to launch a public awareness campaign regarding the state's zero tolerance law for impaired driving by youth. The campaign, timed to coincide with "National Drunk and Drugged Driving Prevention Month," was designed to increase the awareness and enforcement of this law.

Zero tolerance was not a new law in the state at the time of this campaign. However, very few people, including law enforcement officers, were aware of this 1995 law, its definitions, and its legal penalties. Therefore, the coalition, composed of state agencies, community organizations, elected officials, law enforcement, retailers, and youth, made this awareness effort a priority.

The dramatic, hard-hitting campaign was created by a local public relations firm, which donated a portion of its time to the project. Working with a variety of community partners, the coalition identified two target audiences for the campaign: 1) adults, particularly parents, who may supply alcohol to youth, and 2) youth themselves. The campaign included a brief video, ad slicks for newspapers, posters, bill inserts for companies, and billboards. These materials were used by community agencies, schools, state departments, and media outlets throughout the state. Additionally, the campaign featured radio public service announcements that were created by youth. Along with information about the zero tolerance law and its legal penalties, the campaign carried messages to discourage parents and other adults from supplying alcohol to underage youth.

By working with a variety of community partners including the media, the Connecticut Coalition to Stop Underage Drinking was able to aid law enforcement efforts to address impaired driving by youth.

Teen volunteers for MADD's Youth in Action program in Dallas, Texas, took their concerns about the enforcement of zero tolerance laws to the police. They surveyed police chiefs, held a series of police chief briefings, and distributed pocket cards to patrol officers. The message that they tried to convey is that this is an important issue for young people and that they want this key law enforced for their protection and that of their peers.



Drinking and Driving Enforcement for Young Drivers

Major Barriers

Youth are under-represented in drinking and driving arrests at any blood alcohol level, even though they are over-represented in alcohol-related traffic crashes. Why don't young drinking drivers get arrested? A study carried out for the National Highway Traffic Safety Administration found that there are several barriers that prevent young drinking drivers from being arrested:

Place

Perhaps the greatest obstacle to youth DWI enforcement is that young people do not drink and drive in the same places that adults do—and where most DWI enforcement resources are deployed. Roadways to and from drinking establishments are routinely covered by DWI patrols. Most youth, however, are not drinking in bars and restaurants, but rather in parks, private homes, and so forth. Many young drivers express the belief that they would never get caught as long as they stayed off the main highways.

Overwhelming concentrations of youth can also occur when there are special events. For example, one small city with a major university reported that almost no drinking and driving arrests are made on the days of football games—even though these are some of the worst days of the year for drinking and driving. Demands for other police services during that time are so intense that police are not able to carry out DWI enforcement.

Keg parties are other situations in which so many youthful drinking drivers are concentrated in one area that enforcement may pose

particular challenges that must be addressed through the application of effective dispersal strategies.¹

Time

Young drivers, especially 16- to 17-year-olds, tend to drink on weekends at slightly earlier times than older drivers do. The peak time for young impaired drivers is Fridays and Saturdays from about 10 p.m. to about 1 or 2 a.m. There is also a weekend peak for older drivers, but it is not as pronounced and tends to continue later into the night. These Friday and Saturday night periods are also peak demand periods for police services of all types. Making a DWI arrest can be time-consuming. Officers may be hesitant to pursue impaired drivers vigorously because the arrest processing takes them off patrol, leaving fellow officers to handle potential problems without backup.

Driving cues

Young impaired drivers may exhibit quite different driving behavior from older drivers. Young drivers are more likely to speed and drive aggressively. They are more erratic and impulsive. The cues that officers are trained to recognize, like slow weaving or crossing the center line, may not be present for young impaired drivers, who may show more “hard” weaving and behave as if they are showing off. These behaviors, while impaired, are not noticeably different from youthful driving behaviors in general.

Arrest processing

Processing any DWI arrest can be time-consuming. The special requirements for juveniles can make arrests of young drinking

¹For more information on dealing with underage drinking parties see *A Practical Guide to Preventing and Dispersing Underage Drinking Parties*, available from the Underage Drinking Enforcement Training Center, Phone (toll free): 877-335-1287.

drivers particularly difficult. Some communities have attempted to overcome some of the difficulties by designating a hospital emergency room or similar facility as a place where juveniles can be held.

Overcoming Barriers

More effective and efficient enforcement of impaired driving laws among young drivers may be one of the most important and lifesaving activities of an enforcement agency. It is well worthwhile to try to overcome the barriers to enforcement. Some of the key approaches to overcoming barriers include

Command emphasis

All enforcement agencies have budget and personnel limitations and must set priorities. To the extent that management leaders put an emphasis on impaired driving enforcement and enforcement for young drivers, line officers in the agency will vigorously pursue impaired drivers. Vigorous enforcement requires that officers be encouraged by management to actively pursue impaired drivers. It also requires that DWI enforcement be a significant part of

The holdover program: a new approach to juvenile arrest processing

The National Highway Traffic Safety Administration (NHTSA) in partnership with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has recognized the difficulties faced by law enforcement officers in dealing with juveniles. Officers are often faced with the dilemma of what to do with juveniles once they are detained if no legal guardian can be found. These difficulties can lead to a lack of enforcement of a variety of laws, especially those related to impaired driving and alcohol purchase and possession.

To deal with this problem, jurisdictions all over the country have established juvenile holdover facilities that provide a means for encouraging the enforcement of underage drinking laws and other laws related to delinquent behaviors of youth. These holdover programs can be cost-effective and easily accessible. The goal of most of these programs is to get the enforcement officer back on the street within 15 minutes of arriving at the facility.

For additional information regarding juvenile holdover programs, or if you would like to be placed on the mailing list to receive a copy of *An Implementation Guide for Juvenile Holdover Programs*, please contact the National Highway Traffic Safety Administration (NHTSA).

performance measurement, and that management take a proactive rather than a reactive approach to impaired driving.

Training

Commanders and supervisors in police agencies with high DWI arrest rates consistently emphasize the importance of training. Special training is particularly important for enforcement of impaired driving among youth. DWI enforcement topics can be included in refresher and roll-call training. When special laws for youth are implemented, officers should receive training in applying the laws.

Tools and technology

Tools such as passive breath sensors or preliminary breath testing devices can be extremely valuable in detecting young drinking drivers, especially at low BACs.

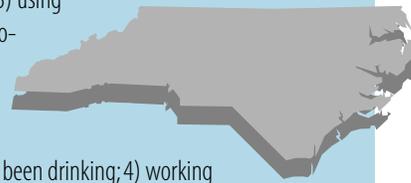
Community and system support

In the long run, enforcement agencies can only enforce to the level that the community will support. If the community tolerates or even condones underage drinking and impaired driving, it is very difficult for enforcement

Hardly a “dry” idea

“Operation Dry Run,” sponsored by the Wilson, North Carolina, Police Department, is a four-pronged campaign that fuses community involvement, enforcement activity, and the media. It was inspired by the alarming statistic that alcohol is a major factor in the three leading causes of death for United States teenagers: motor vehicle crashes, suicide, and homicide.

The operation includes 1) patrolling and setting up sobriety checkpoints in those areas where teenagers tend to drink and drive; 2) organizing special patrols to be alert for underage drinking parties; 3) using computerized alcohol sensors to help officers quickly identify drivers who have been drinking; 4) working closely with the district attorney to see that cases are prosecuted. It has been designed to run for three to five months, with the objective of ultimately implementing the project into regular patrol activities.



agencies to invest the resources needed to enforce the law and to get the kind of enforcement follow-through that fosters vigorous enforcement. The community's level of support, the behavior of prosecutors and judges, and the policies of licensing agencies all have a direct effect on the priority placed on impaired driving by enforcement agencies and the decisions of individual officers. Communities who truly want to protect their children need to provide support and incentives to law enforcement agencies to enforce impaired driving laws among youth.

Working With the Media

In any enforcement effort it is important to make full use of the power of the news media to generate support and amplify effectiveness. Often, we think of media coverage as something that happens to us. But it is possible to generate and attract positive media attention and to include the news media as valuable partners in enforcement.²

Using Media To Amplify Deterrence

One of the most important and effective uses of the news media is to publicize enforcement efforts so that potential impaired drivers or others who might be tempted to break the law will be deterred because of a fear of being caught. In any law enforcement program, detecting, apprehending, and punishing violators cannot have as great an impact as deterring them from offending in the first place. Certainly this is the case for young drinking drivers. Deterrence is strongest when people believe that they are likely to be apprehended. Therefore, the effects of any enforcement effort can be amplified if the campaign is well publicized, both before and after

²For more information on working with the media, see *Strategic Media Advocacy for Enforcement of Underage Drinking Laws*, available from the Underage Drinking Enforcement Training Center, Phone (toll free): 877-335-1287.

the event. Working proactively with the news media can ensure that coverage is thorough and positive.

Public awareness has been shown to be particularly important in increasing the effectiveness of zero tolerance laws. After the BAC limit was lowered for drivers under 21 in Maryland, there was an overall eleven percent reduction in the number of alcohol-related crashes among young drivers. In six counties, however, a special publicity campaign was implemented featuring local law enforcement officials as spokespeople. In those counties, the number of crashes was reduced by 50 percent.

Enforcement agencies can invite reporters to accompany them to enforcement events, such as sobriety checkpoints. Agency leadership and line officers can give interviews emphasizing the importance of enforcement and how seriously the agency takes drinking and driving. After the enforcement event occurs, the results can be announced and plans for future enforcement efforts publicized.

Using Media To Create and Demonstrate Community Support

As discussed above, enforcement does not occur in a vacuum. Enforcement must reflect the attitudes and values of the community. At the same time, the enforcement of laws can influence community attitudes and norms. The knowledge that enforcement agencies are trying to detect young drinking drivers and that arrests may occur helps to reinforce the community's sense that this behavior is socially unacceptable. By working with the news media, community leaders and citizen groups can show their concern about impaired driving among youth and express their support for vigorous enforcement efforts. Enforcement agencies can be proactive in their relationship with the media and in this way help make sure that their efforts are recognized and viewed positively.

Joint news conferences between enforcement agencies and community groups can demonstrate shared goals and values about enforcement. Involving youth in these media events can show that the young people themselves support enforcement.

Conclusions

Enforcement activities directed at impaired driving among youth are critical to preventing one of the most immediate and tragic consequences of underage drinking. These efforts are best combined with enforcement of other laws and statutes related to underage drinking and efforts to reduce the commercial and social availability of alcohol. Using comprehensive, community-wide approaches to reduce underage drinking can shift norms and expectations. This is a worthy goal that builds community collaboration and provides participants with a sense of lasting accomplishment, both in the process and the outcomes. The stakes are enormous: the health and safety of our young people.

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Other Resources

A Guide to Zero Tolerance and Graduated Licensing: Two Strategies That Work, prepared by the Pacific Institute for Research and Evaluation in support of the Office of Juvenile Justice and Delinquency Prevention's Enforcing the Underage Drinking Laws Program. Phone (toll-free): 877-335-1287.

Strategies for Success: Combating Juvenile DUI, published by the National Highway Traffic Safety Administration and the Office of Juvenile Justice and Delinquency Prevention along with the Police Executive Research Forum.

Other enforcement operations guides in this series

Reducing Alcohol Sales to Underage Purchasers: A Practical Guide to Compliance Investigations

A Practical Guide to Preventing and Dispensing Underage Drinking Parties

Strategies for Reducing Third-Party Transactions of Alcohol to Underage Youth

These publications were prepared by the Pacific Institute for Research and Evaluation in support of the Office of Juvenile Justice and Delinquency Prevention's Enforcing the Underage Drinking Laws Program. They are available from Pacific Institute for Research and Evaluation, 11720 Beltsville Dr, Suite 900, Calverton, MD 20705. Phone (toll-free): 877-335-1287. Fax: 301-755-2799.

Other publications of the underage drinking enforcement training center

How To Use Local Regulatory and Land Use Powers To Prevent Underage Drinking

A Guide To Evaluating Prevention Effectiveness

Strategies To Reduce Underage Alcohol Use: Typology and Brief Overview

Guide To Conducting Alcohol Purchase Surveys

Guide To Conducting Youth Surveys

Strategic Media Advocacy for Enforcement of Underage Drinking Laws

Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices

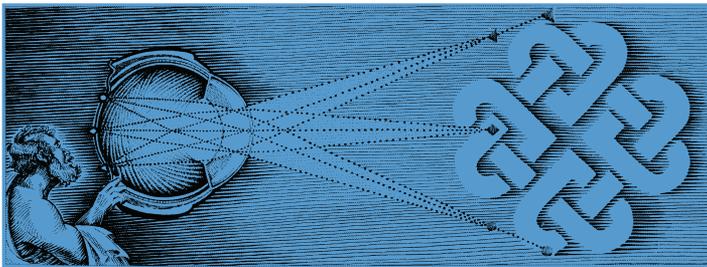
Tips for Soliciting Cohesive Enforcement Program Plans

Costs of Underage Drinking, Updated Edition

Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs

Guide to Responsible Alcohol Sales: Off-Premise Clerk, Licensee, and Manager Training

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