

DOT HS-801 151

**FACTORS INFLUENCING ALCOHOL SAFETY
ACTION PROJECT POLICE OFFICER'S
DWI ARRESTS**

Contract No. DOT-HS-123-3-774

June 1974

Final Report

PREPARED FOR:

**U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
WASHINGTON, D.C. 20590**

"Prepared For the Department of Transportation, National Highway Traffic Safety Administration under Contract No. DOT-HS-123-3-774. The opinions, findings, and conclusions expressed in this publications are there of the authors and not necessarily those of the National Highway Traffic Safety Administration.

TECHNICAL REPORT STANDARD TITLE PAGE

1. Report No. DOT HS-801 151		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle Factors Influencing Alcohol Safety Action Project Police Officers' DWI Arrests				5. Report Date 29 April 1974	
				6. Performing Organization Code	
7. Author(s)				8. Performing Organization Report No.	
9. Performing Organization Name and Address ARTHUR YOUNG & COMPANY 1025 Connecticut Avenue N.W. Washington D.C. 20036				10. Work Unit No.	
				11. Contract or Grant No. DOT-HS-123-3-774	
12. Sponsoring Agency Name and Address National Highway Traffic Safety Adm. 400 7th Street SW Washington D.C. 20591				13. Type of Report and Period Covered Final Report	
				14. Sponsoring Agency Code	
15. Supplementary Notes					
16. Abstract This report summarizes the results of a study to determine the factors influencing ASAP police officers' DWI arrests and the formulation of approaches to minimize the influence of those factors which might tend to constrain the arrest of persons who appear to be driving under the influence of alcohol and augment those factors which might support a decision to arrest. The study was carried out during a series of 16 visits to selected ASAP sites. During the visits, officers and supervisors were interviewed in-depth while performing their duties to determine what factors impacted on their DWI arrest decisions. Verification interviews were held with local court personnel, police administration ASAP staff and others to develop input parameters for programs to improve officer performance. This survey was followed by the development of recommendations designed to address the factors identified during the site visits.					
17. Key Words DWI Arrests Influencing Factors ASAP Officers				18. Distribution Statement *	
19. Security Classif. (of this report) Unclassified		20. Security Classif. (of this page) Unclassified		21. No. of Pages 137	22. Price

Form DOT F 1700.7 (10-69)

*To be provided by NITSA.

TABLE OF CONTENTS

	<u>PAGE</u>
I. <u>INTRODUCTION</u>	1
1. BACKGROUND	1
2. THE PROBLEM	2
3. OBJECTIVES OF THE STUDY	3
II. <u>METHODOLOGY UTILIZED</u>	4
1. THE STUDY APPROACH	4
2. PREPARATION OF SURVEY INSTRUMENTS	5
3. TYPICAL SITE VISIT SCHEDULE	7
4. ANALYSIS OF SURVEY DATA	14
III. <u>THE ASAP OFFICER AND THE FREQUENCY OF DECISION- MAKING IN DWI ARRESTS</u>	15
1. THE ASAP OFFICER	15
2. FREQUENCY OF DWI DECISION	17
IV. <u>FACTORS INFLUENCING DWI ARREST</u>	19
1. PERSONAL FACTORS	21
2. DRIVER RELATED FACTORS	36
3. OPERATIONAL FACTORS	51
4. DEPARTMENTAL FACTORS	71
5. OUTSIDE INFLUENCES	84
V. <u>RECOMMENDATIONS</u>	96
1. ESTABLISHMENT OF THE COUNTERMEASURES PROGRAM	97
2. ADMINISTRATION OF LAW ENFORCEMENT	102
3. MANAGEMENT OF OPERATIONS	114
4. THE ADJUDICATION AND SANCTIONING PROCESS	121
5. TRAINING REQUIREMENTS	130

I. INTRODUCTION

1. BACKGROUND

For the past six years, statistical evidence has continued to grow indicating that the drinking driver is the single factor most frequently present when traffic fatalities are analyzed. Roadside surveys conducted in five states during 1971 showed that between the hours of 7 p.m. and 4 a.m., four percent of all drivers checked were legally drunk.

The Alcohol Safety Countermeasures Program was approved by Congress in 1970. It is national in scope and its objectives are:

- . To identify the heavy drinking drivers and prevent them from operating motor vehicles while intoxicated and
- . To channel as many of these drivers as possible into treatment and rehabilitative programs so that many of them may ultimately become responsible drivers.

One of the best known elements of the program is the Alcohol Safety Action Projects (ASAP). These are NHTSA - funded projects wherein communities organize (and perhaps augment) their local resources and develop innovative approaches to meeting the objectives of the Alcohol Countermeasures Program.

These projects involve local and State law enforcement agencies, the courts, public prosecutors and defenders, and other members of the legal profession, social and service groups, the public information services, and other State and local agencies. While each project may differ in its approach in varying degrees, most place heavy emphasis on initial identification of persons who drive while under the influence of alcohol. Following such identification which is usually a product of arrest, these people are subjected to the formal legal processes leading to their conviction for alcohol related offenses, and to improved programs or sanctions which might lead to their rehabilitation.

Countermeasures developed to improve the potential for identifying these drivers include special training of enforcement officers in recognition, establishment of evidence, arrest, and court testimony. Judges and court personnel, as well as prosecutors also receive special training or orientation which better equips them to assure that the problem drinker is identified and made a subject of special concern. This training is intended to assure that the problem drinker who drives is identified and convicted so that steps may be taken to control his driving. ASAP communities have usually dedicated a specific cadre of police officers to the effort of increasing the arrest rate of these problem drivers.

2. THE PROBLEM

Since the inception of the Alcohol Safety Action Program, there has been some noticeable improvement in the number of arrests for alcohol related offenses. The incidence of arrest for the offense of Driving While Intoxicated (DWI) is a primary indicator of the level of program activity in ASAP locations as this is the most basic method of identifying the drivers who are the targets of the program.

Although DWI apprehensions have increased, data from the ASAP sites indicated that there has been wide variance among individual police officers in their levels of enforcement of DWI laws. The police officers personal attitudes and motivations as well as the political and sociological climate of his community certainly influence a police officer's decisions relating to DWI encounters. Without an understanding of the significance of these factors in influencing an officer's rate of DWI apprehensions, development of programs to enhance the level of DWI enforcement in a community will not be truly productive.

Various personal, administrative, political and sociological factors might directly affect the use of a police officer's discretion concerning whether or not to arrest. Depending on the combination of factors influencing him at any one time he might

arrest the subject for DWI, cite the driver for a lesser charge, release him, or perhaps even assist him in getting to his home. There is no doubt that an officer's exercise of discretion is inherent and inescapable in his day-to-day enforcement efforts. Little attempt has been made to identify and document the variables which influence an officer's discretion and the degree of influence which each variable exerts as a basis for improving the probability that a drinking driver will be identified through the law enforcement process.

3. OBJECTIVES OF THE STUDY

To improve the potential for identification of drivers who drive while intoxicated, NHTSA desires to gain a better understanding of the factors influencing an officer's decision to apprehend drivers for alcohol related offenses. Specifically, the purpose of the study was to determine:

- . The factors which influence an officer in making a decision to arrest for DWI when he has reasonable cause to believe such a charge would be warranted and to determine the degree of influence of each of those factors in the officer's decision.
- . The frequency of the incident of police decision making in DWI enforcement.
- . Approaches to minimize the influence of those factors which might tend to constrain the arrest of persons who appear to be driving under the influence of alcohol and to augment those factors which might support a positive decision to arrest.

II. METHODOLOGY UTILIZED

A brief summary of the methodology utilized in performance of this study and in the derivation of the study conclusions and recommendations is presented in this section of the report. Included is a characterization of the approach, discussion of the study instruments utilized in performance of our investigation and a description of a representative visit to a study site (ASAP community). Finally, the analytical process applied in reaching the study conclusions are described.

1. THE STUDY APPROACH

The basic premise upon which this study was based was that the questions to be answered were highly personal. The extent to which the procedures, policies, or mechanisms applied in an ASAP community appeared proper, or met certain preconceived ideas of propriety, mattered very little if they were perceived by a police officer or affected him in a manner which influenced him to perform contrary to the objectives of the program. The survey team also wanted to discover factors which may not be addressed by the program but which also had a negative influence on the officer's motivation to arrest drunk drivers.

Therefore a study procedure which would elicit candid responses from the officers was developed. The survey team wished to gain both direct answers to questions directed to the officer and also motivate him to volunteer information -- to tell us "how it is" with him. Facts concerning his attitudes were of primary importance, but the team was willing to settle for opinions if they were strongly held and, in his opinion, influenced his actions. It was necessary to know what factors influenced his decisions and why.

Interview procedures were established by which the officer would be at ease and be motivated to "level" with the interviewer. As might be expected, the team was not aiming for a reliable set of statistics but a statement of the true "sense" of the problem from the officers view. This is termed the "Delphi" approach in

which commonality of opinion or attitude is enough to justify definition of a condition of concern. In this manner the information needed to define the required variables, the level of their influence and the frequency with which they influenced the officer would be obtained.

A second strata of inquiry involved investigating the operational environment with which the officer is concerned: The ASAP program; police department supervision and management, the courts and officers of the court; and in some cases, the peculiar characteristics of the community itself. This was done for two reasons. First to determine if the conditions cited by the officer as influencing him were real or imagined. Secondly, to determine if changes to the systems influencing the officer were feasible. It was intended that our recommendations must be either directed toward changing those factors influencing the officer or reducing their impact upon him.

2. PREPARATION OF SURVEY INSTRUMENTS

Survey instruments were prepared to assure a consistent approach to inquiry by interviewers in each ASAP community visited. These documents were prepared to be completed by project staff and were not to be used as "questionnaires" to be completed by respondents.

(1) Interview Guide for Police Officers

The interview guide for police officers was made up of three parts. The first concerned identification and activity data on the officers involvement in DWI patrol and arrest. As most officers interviewed were dedicated to this activity there was little need to gain data on other law enforcement activity.

The second part was to be completed with information generated by a general discussion of factors influencing

arrest. The interviewer discussed the program with the officer and the officer "volunteered" factors that he felt influenced himself or other officers in the decision to arrest a "DWI". It was felt that a "volunteered" item would be considered to have more significance than a factor suggested to the officer for discussion. For each factor raised, the officer was asked if it had an influence on him, if it was positive or negative (arrest or not) the degree of influence (significant, moderate, or negligible) and the frequency with which the factor came into play (most cases, many, some).

The third phase, and the most time consuming, involved questioning the officer as to the influence of a series of factors which were developed at the inception of the project. This listing, as well as the instrument and survey technique was tested at two sites prior to using it in the field. Questions which were unclear were revised and factors were added (or deleted) as a result of this testing procedure.

For most of the factors discussed, the officer had the opportunity to discuss the effect that factor (in his opinion) had on other officers and then, the effect it had on him. His comments or qualifications were also noted on the form. The same entries were collected concerning the positive or negative impact of the factor, the degree, and the frequency of influence.

Finally, the officer was asked for additional comments or recommendations as to how the DWI enforcement effort could be improved.

(2) Interview Guide for Police Supervision

Since the basic thrust of the interviews with the police supervisors was to determine what the supervisor perceived the attitude, and beliefs of his subordinates to be,

a modified version of the police officer questionnaire was used. Questions dealing with the frequency of decision-making, and some operational details were omitted.

(3) Other Interview Guidelines

As indicated earlier, interviews were held with police administrators, court officials, prosecutors, ASAP officials and others, for the purpose of verifying the information provided by the officers, and to develop input parameters for programs to improve the performance of police officers in the area of DWI law enforcement.

To facilitate the interview process and insure reliable data collection, a series of interview guides were developed for use by the survey team. For each agency, relevant areas of inquiry were identified, and a number of questions were formulated to determine the accuracy of the police officers perceptions relating to the functions and practices of that agency. The areas covered included:

- . A definition of the agency's role in the ASAP program
- . The policy of the agency toward DWI enforcement
- . The attitude of the agency toward DWI enforcement
- . The relationship between the officers and the agency and what, if any impact this has on the agency
- . Any changes in policy and/or attitude toward DWI enforcement attributable to ASAP
- . The agency's perception of the factors that influence a police officer's DWI decisions
- . Any recommendations or solutions to problems between the agency and the police officer.

3. TYPICAL SITE VISIT SCHEDULE

During this study, the survey team visited fifteen ASAP sites throughout the country. While the exact chronology observed for each site varied somewhat due to local conditions, generally the

site visit followed a specific order of activities. Reliance was placed upon the local ASAP Project Director to make appointments and select the proper officials for interviews. At sites where multiple police agencies were involved, selection of a representative police chief and other officials was made by the ASAP Project Director.

Site interviews were generally conducted with but not limited to, police administrators, supervisors and officers, court personnel and ASAP staff members. At many sites, discussions were also held with city officials, public defenders, members of the media and concerned citizens. The following is a chronology of a typical site visit.

. Monday

- AM - Meet with the local ASAP Project Director
Meet with the local Police Administrator
- PM - Meet with the ASAP Police Commander
Attend ASAP roll call
Review Police Department performance statistics
Review individual officer's performance
- EVENING - Ride patrol with ASAP officers/supervisors

. Tuesday

- AM - Meet with Patrol Commanders and Supervisors
- PM - Meet with Traffic Commanders and Supervisors
Attend patrol roll call
- EVENING - Ride with regular patrol officers/supervisors

. Wednesday

- AM - Meet with Court officials
Attend Court sessions
- PM - Meet with prosecution officials
- EVENING - Ride patrol with ASAP officers

. Thursday

- AM - Meet with **Elected** or Appointed city officials
Meet with other concerned persons
- EVENING - Ride with ASAP patrol officers

. Friday

- AM - Complete interviews
Complete records searches
- PM - Meet with local Police Administrator
Meet with local ASAP Project Director

(1) Police Administrator

The classic approach to performing survey activity in a police agency requires support and clearance from the highest command level to which the team has access. Therefore, the survey team endeavored to make the initial contact with the chief or his designated subordinate. During the interview the purpose of the study was set out, the information needs explained, and the preferred procedures for interviewing members of the department outlined. Care was taken to ensure that the purpose of the study was not to be a "report" on the particular jurisdiction, rather it was to develop a national profile of ASAP officers. Arrangements were also made to schedule a final interview so that initial findings could be discussed and any remaining questions answered.

(2) Police Officers

The most comprehensive interviews were held with police officers in the field. Officers were interviewed to ascertain their attitudes and the effect of those attitudes as they relate to their DWI decisions. The thrust of the inquiry was to determine what constrained them from doing their job. However, in anticipation of such a problem, the survey team adopted an approach designed to develop a rapport with the officers and assure them that the survey could have no personal repercussions on them. Once the officer understood the purpose of the survey and how the results would be used he generally was quite ready to cooperate.

The officers were interviewed while on patrol performing their regular duties. Interviewers spent anywhere from two to five hours riding and talking with the officers and were able to place the officer at ease and involve him in conversation often more illuminating than his responses to the questions. By riding patrol with the men, the survey team had the opportunity to observe various patrol, arrest, testing

and processing techniques first-hand. These experiences further enabled the interviewers to gain valuable insight into many of the problems the officers face in their work.

It would be helpful to describe the procedure followed when interviewing the police officers. Generally a survey team member would attend roll call and be introduced to the members of the unit and specifically, the officers with whom he would ride that night. Once on patrol, the interviewer would, in conversational terms explain the purpose of the study, stressing the confidential nature of the information received, and the nature of the questions to be asked. In most cases, the officer and interviewer would ride for a while before starting the questionnaire. This time was used to permit the interviewer a chance to find out something about the officer and allow the officer to relax since he was in a "friendly" environment.

Next, the interviewer would start to go through the questionnaire with the officer, recording his response to each question. At no time did the officer fill out any questionnaire information. Usually the procedure was completed in a diner over coffee, however, some members of the survey team reported conducting interviews in the patrol car awaiting impoundment of a suspect's vehicle or in a hospital awaiting results of a breath or blood test. This "on patrol" approach allowed the survey team to make many important observations that were later identified as factors influencing an officer's DWI decision, and aided in the formulation of recommendations designed to overcome the effects of those factors. The survey team was very pleased with the candor and honesty displayed by the officers with whom they worked during the survey phase of this study.

(3) Police Supervisors

To determine the accuracy of the various attitudes and beliefs expressed to the interviewers by the officers, the

survey team interviewed the department supervisors. It was hoped that by discussing the various factors and their effects with the supervisors the survey team might also be able to measure the accuracy of the supervisor's perception of the attitudes and beliefs of his men.

Since the supervisors were usually responsible for the assignment of officers to be interviewed, it was important for them to fully understand the purpose and scope of the study. They also supplied the interviewers with explanations of policy and procedure that were used to qualify the statements of the officers.

(4) Courts, Prosecutors, and Others

Earlier in the methodology, the reasons for our interviews with these other officials were described in some detail. Simply stated, the project team desired to gain as complete a set of views concerning the factors affecting the officer's decision as was possible. If an officer said the courts did not support DWI enforcement because they bargain away all the cases, was this true and if so what were the reasons therefore? To answer such questions, a series of guidelines for use during these interviews were devised and they are discussed in detail in Section 2.

Generally, the interviewer would explain the purpose for the study, the nature of the information he was seeking from the official and stress the confidentiality of any information received. These interviews were generally conducted in the officials office and were one-half hour to 45 minutes in length.

(5) Record Searches and Data Reduction

During their visits, the survey staff performed record searches of individual officer enforcement activity in order to verify and supplement information received from the officers we spoke with. Several ASAP annual and quarterly reports were

obtained to aid the survey staff in the identification of local elements and problems that would influence a police officer's decision in DWI encounters.

Because of the volume of data collected during the site visits; some initial data reduction was completed while the staff members were on site. Generally, the tasks performed included extraction of relevant information pertaining to influencing factors from the various ASAP reports; examination of the different types of statistical data obtained to determine what was necessary to complete the site survey, and the preparation of a master questionnaire for each group of officers interviewed at the site, listing their responses and comments.

(6) Site Survey Reports

The last function performed by the survey staff members was the completion of a "Site Survey Report" containing general background information about the site, descriptions of the various ASAP program countermeasures, the results of the program thus far as perceived by the police officers and the various court, police, and ASAP administrators, all relevant statistical data, and a statement of the staff member's overall findings and conclusions as to the various influencing factors. A sample format follows this page.

As each site report was received, an initial review of this material was conducted to determine the completeness of the information submitted and the comparability and accuracy of the data collected. The officer response data was then arrayed on summary sheets, by site, to allow direct comparison and correlation of that information to be made.

OUTLINE OF SITE REPORT

I. INTRODUCTION

1. A description of the site generally
2. A description of the enforcement countermeasures
 - . The number of men assigned
 - . How they are selected
 - . How they are managed
 - . What hours they work
 - . How these hours were selected.
3. A description of the general results of the program
 - . As described by the persons interviewed
 - . As indicated by the increase in arrests
 - . As indicated by the total accident picture
 - . As indicated by the reduction in alcohol related accidents (where available).

II. OVERALL FINDINGS AND CONCLUSIONS

1. As assessment of the public support for DWI enforcement
2. An assessment of the prosecutor's support for DWI enforcement
3. An assessment of the court's support for DWI enforcement
4. An assessment of the police support (command level) for DWI enforcement
5. Specific factors of major proportion
6. General observations of the survey staff member.

III. SUMMARY INFORMATION ON EACH FACTOR

1. Make a key of the ASAP officer's response to the questionnaire
2. Make a key of the ASAP supervisor's response to the questionnaire.

IV. SUMMARY STATISTICAL DATA

1. Arrest per man-hour of patrol on the site
2. Conviction rates (where available)
3. Other police performance statistics.

V. ATTACHMENTS

1. Attach all notes, reports, etc.

4. ANALYSIS OF SURVEY DATA

It was anticipated that many findings and conclusions would result from our analysis, however, NHTSA required that two specific types of information be developed: (1) the frequency of the DWI arrest decision and (2) the frequency and levels of influence of the factors identified. In addition, the team was responsible for developing various approaches to counter those factors which constrained the officer's arrest decision while emphasizing those factors that enhanced such decisions.

The survey team first reviewed the factors identified by the site reports to determine what characteristic groupings and relationships existed among the factors and grouped the factors into areas of common concern. The results of our questionnaires were then placed into these categories and compiling the relevant statistics and comments as a basis for further analysis was commenced.

Matrixes for compilation of statistics relative to the effect of the factor, its degree of influence, and the frequency with which the influence occurs were developed. Areas of consistency and areas of differences were established and the reason therefore determined. Site survey reports were examined to discover if inconsistencies were a result of localized conditions and therefore not indicative of other sites.

Next, the survey staff attempted to draw some conclusions from the statistics and comments as well as checking them for consistency and identifying various interrelationships. Definition of the characteristic problems relating to the influencing conditions and isolate both the negative and positive factors was successful. However, the project team was not successful in fully determining the interplay among all of the various influences identified. This discussion of the factors will be found in Section IV.

III. THE ASAP OFFICER AND THE FREQUENCY OF DECISION-MAKING IN DWI ARRESTS

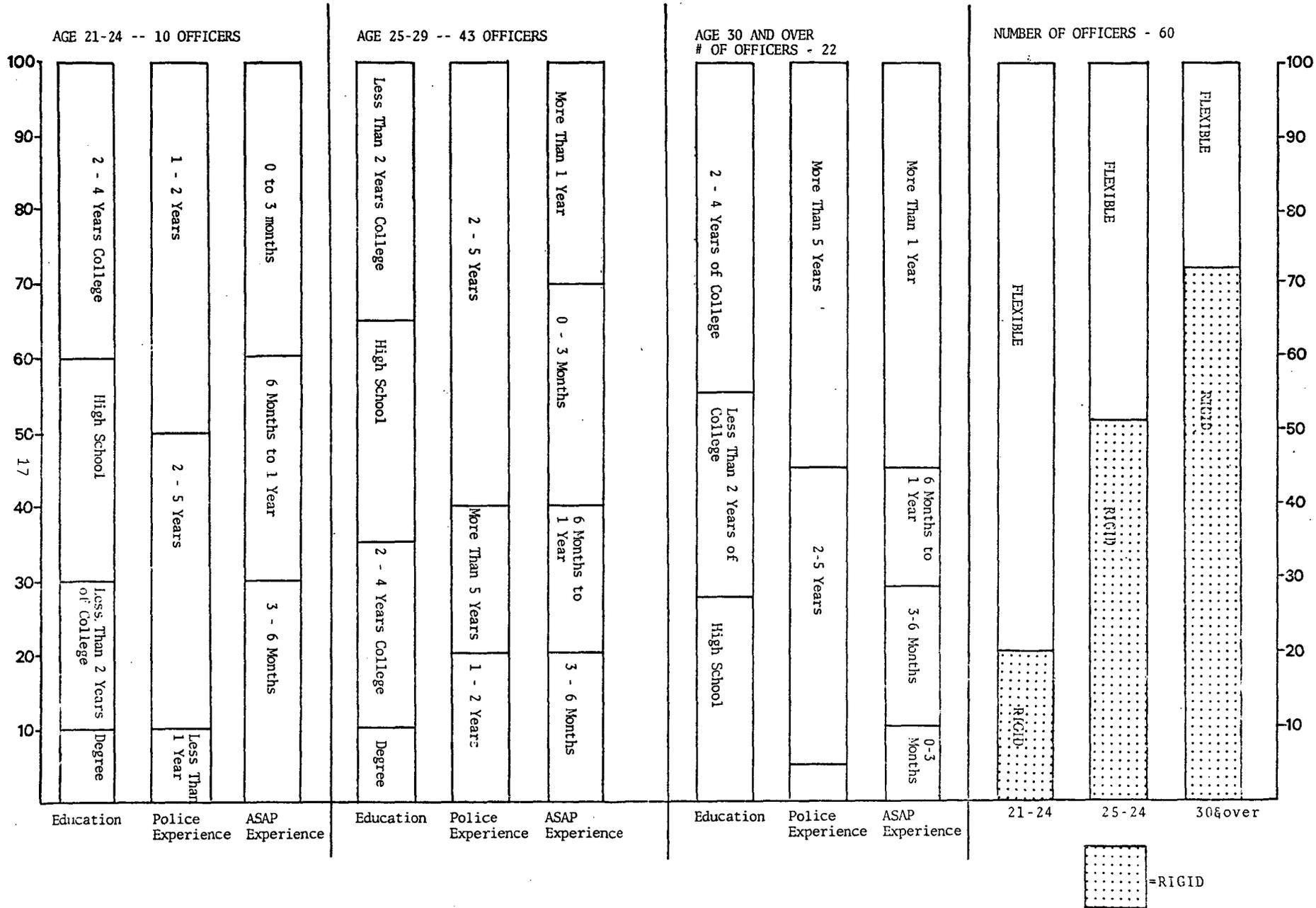
Before discussing the various factors that influence a police officer's decisions relating to DWI encounters, it is important to understand: (1) what type of officer works ASAP patrol and (2) how often he exercises his discretion in DWI encounters.

1. THE ASAP OFFICER

It is difficult to identify what types of variables affect a police officer without measuring the most important variable -- the officer himself. In this section, a description, to a limited extent, of the type of officer currently on ASAP duty is offered. This is not an in-depth probe of his personality, rather it is a presentation of four personal characteristics: age, education, years of police experience and length of time on ASAP assignment. No attempt was made to present a statistical representation of all police officers; instead, the data is intended to give a general picture of the kinds of people the survey staff worked with; the men who were interviewed to acquire the survey data.

The information pertaining to those personal characteristics has been arrayed in four graphs (Exhibit I). The first three depict the various combinations of education and experience by age group; 21-24, 25-29, 30 and over, while the fourth displays the percentages of "rigid" and "flexible" officers for each age group. Information for the fourth graph was arrived at by giving the officers "enforcement ratings." These ratings were determined by the observer after spending several hours on patrol with each officer and observing his actions, his responses to the questions, and other indices obtained during conversations with the officer. It was not based upon the officer's arrest activity nor on answers to specific questions. Not all of the officers were rated because time limitations or other factors prevented the staff member from gaining a sufficient "sense" of the officer's enforcement attitude. Officers were rated either "rigid" or "flexible" in their enforcement attitudes.

EXHIBIT I



Based upon the data collected, the average ASAP officer is 29 years old; has at least one year of college; been a police officer for two to five years and been with ASAP for six months to a year. His general enforcement attitude can be termed rigid. However, this is not a complete picture.

When broken down by the various factors, the data reveals certain trends. For example, ages of ASAP officers vary from a high of 48 years old to a low of 21 years old. Based upon the subjective enforcement rating applied by members of the survey staff, the younger officers tend to be less rigid in their enforcement attitude than the older men. Examination of length of police and ASAP experience indicates a similar trend.

Of those officers with less than two years of police experience, the large majority were rated as rigid DWI enforcers: the same is true of officers with more than five years police work. However, for officers with between two and five years of police work, 55% were rated flexible in their enforcement attitude. One possible explanation for this is that as officers gain more experience, their attitudes undergo a series of changes starting with an initial period of "going by the book"; then, after a year or so on the force, beginning to question certain aspects of their work; and finally, as their exposure to various DWI encounters grows, they again become more rigid in their enforcement attitude.

Examination of the data pertaining to length of ASAP experience tends to confirm this finding; and one can plot a steady rise in rigid enforcement attitudes as the officer spends more time on ASAP. For example, of the officers with less than 3 months ASAP duty, 67% were rated as flexible while 71% of the officers with one year or more experience were considered "rigid" enforcers.

Finally, our findings revealed that education levels definitely affect an officer's enforcement outlook and as an officer's education level increases, he tends to be more flexible in his DWI enforcement attitude. Of those officers with a high school

education or some college, over 66% were considered "rigid," while only 53% of those officers with 2 to 4 years of college were so rated. When officers who had earned college degrees were rated by survey staff members, 67% were rated as "flexible" enforcers of DWI laws, a complete reversal from the high school educated group.

2. FREQUENCY OF DWI DECISION

As stated in the discussion of our methodology, one type of information developed by the survey staff was the frequency with which the officer exercised his discretion in arrest decisions. The survey staff collected this information in order to determine the decision-making framework in which the factors identified operated to influence that arrest decision.

Measurement of the frequency of discretion was based upon the officer's responses to four questions:

- . How many drunk driving arrests have you made during the past six months?
- . How frequently do you stop a vehicle because you suspect the driver is under the influence of alcohol?
- . What proportion of the vehicles you stop for suspected DWI violations result in the administration of a test of some type for DWI?
- . What proportion of the field tests you administer to suspected DWI violators result in a finding that the driver was actually in violation of DWI laws?

The survey staff endeavored to verify the information received from the officers through examination of individual enforcement activity records; however, they were not able to do this for all of the officers interviewed. A comparison of data for approximately 75% of the responding officers indicated the officer's estimates were correct to within plus or minus 10-12%. Therefore, the survey staff chose to assume that all responses, verified or not, were accurate to this level.

The results are displayed in a summary chart (Exhibit II) that sets out:

- . The average number of stops made per week
- . The number of stops that resulted in the suspect being tested for DWI
- . The number of suspects actually found to be DWI
- . The number of suspects arrested for DWI
- . The arrest percentage, the number of arrests divided by the number of stops.

As the figures illustrate, an ASAP officer makes an average of 32 stops per week. Of these, 50% (16) of the motorists are tested for DWI; 28% (9) are found to be DWI; yet only 9% (3) are arrested for driving while intoxicated. This indicates that officers are exercising a great deal of discretion in their DWI decision-making, so much so that less than 10% of the suspects stopped are ever arrested and charged with DWI.

Examination of the data by site indicated that within the units the level of arrests varies. For example, at one site, the high man had an arrest percentage of 86%, while the low man arrested only 5% of the suspects he stopped. Therefore, the survey staff concludes that the individual officer is more likely to respond to various pressures and influences rather than the entire unit. If the officer is younger and less experienced, generally he will be more lenient in his DWI arrest decisions while the older officers will be more rigid in their enforcement attitudes. However, all officers are influenced in some way by a large array of factors when making decisions relating to drunk drivers.

In the next section, we will identify these factors, based upon the responses of the officers and their supervisors and on observations made by members of the survey team. In addition, we will measure the degree of influence that many of these factors exert upon the police officer's DWI decisions.

Showing The Summary Chart Frequency of DWI Decision-Making By ASAP Officers

STOPS PER WEEK	TESTS GIVEN PER WEEK	FINDINGS OF DWI PER WEEK	ARRESTS FOR DWI PER WEEK	ARREST PERCENTAGE
32	16	9	3	10%

Summary Charts for Two Selected ASAP Sites Showing The Frequency of DWI Decision-Making By Individual ASAP Officers

SITE A

OFFICER	STOPS/WK.	TESTS GIVEN	FINDINGS OF DWI	ARREST/WK	ARREST PERCENTAGE
1	50	25	17	5	10%
2	25	25	5	3	12%
3	30	20	15	5-1/2	20%
4	30	15	15	3-1/2	13%
5	85	4	4	3	4%
6	30	6	6	4	13%
AVERAGE	42	15	10	4	10%

SITE B

OFFICER	STOPS/WK.	TESTS GIVEN	FINDINGS OF DWI	ARREST/WK.	ARREST PERCENTAGE
1	12	10	9	6	50%
2	7	6	3	6	86%
3	42	21	21	6	14%
4	40	10	9	5	13%
5	40	20	3	2	5%
AVERAGE	28	13	9	5	18%



IV. FACTORS INFLUENCING DWI ARREST

In this section, the project team will identify and discuss those factors that influence a police officer's DWI decisions. Previous material has discussed the purpose of the study, methodology employed in securing data, sketched a brief picture of the officers in ASAP, and indicated the frequency of decision-making these officers exercise. Now a discussion of the various factors studied to determine influences on DWI enforcement personnel is presented.

At the conclusion of our initial data analysis, the survey staff had isolated a total of 53 different influencing factors. Since a straight presentation of the factors would, in the staff's opinion, be confusing, further analysis was performed and it was determined that the factors could reasonably be grouped into areas of concern such as "personal" or "driver-related" factors. Five main categories of influencing factors were defined. They are:

- . Personal Factors -- Every police officer's actions are influenced to some extent by his personal attitudes and beliefs. His drinking habits, attitude toward drunk drivers, the severity and deterrant effect of DWI laws all can impact on the officer's arrest decisions.
- . Driver Related Factors -- Generally operate in combination with factors from the other groups to influence the officer. Among the variables discussed are the age and sex of the suspect, his attitude toward the officer, and the degrees of driving behavior and intoxication.
- . Operational Factors -- Those variables that result from the daily environment in which the officer works; factors such as suspect processing time, court appearances, facilities, and equipment can impact upon the officer and his DWI decisions.
- . Departmental Factors -- The law enforcement agency plays an important role in DWI enforcement and can impact officer morale and attitudes. Factors to be discussed include standards of performance, existence of DWI policy, supervision, and officer isolation.

Other Influences -- Since the officer is only one part of a criminal justice system which also includes the courts and prosecutor, the actions of these agencies can affect the officer's decision-making. Another important group outside of the law enforcement agency that impacts the officer is the community and its support of his work.

Each factor will be discussed within its respective group and the presentation will follow a set format. First the factor to be discussed will be identified accompanied by a short explanation of its possible effects and a description of what the survey team hoped to discover about the variable. Next, the question asked or observations used to make our findings and conclusions is presented and, for those factors where the responses of the officers were quantifiable, a table setting forth the results of the responses will be displayed along with the question(s) asked of the officer. This tabular format is illustrated in Exhibit III

The table displays several types of information that were utilized in forming our findings and conclusions. From left to right, the information contained in the table includes: A/R -- the ratio of answers received to the number of possible responses; Response -- the number of officers who felt the factor influenced his decisions; Effect -- the response of the officers as to whether the factor had a positive or negative influence on his decision to arrest; Degree -- the officer's estimation of the impact the factor had on his decisions; and Frequency -- how often did the factor influence his decisions.

In some cases, other charts and graphs will be utilized in displaying the results of our survey, however, they will be self-explanatory. Also, many times an officer would indicate that a factor did affect his DWI decisions but failed to respond further. Therefore, some of the statistics for the Effect, Degree and Frequency will not always equal the total number of Responses to a particular question.

Following this will be a detailed discussion of the data that points up trends, notes the significance of the responses, and indicates inconsistencies. Finally, the team will offer their

ANSWER/RESPONSE - The number of answers received out of the total number of possible responses.

RESPONSE - The respondent's indication of whether the factor did or did not effect their decisions.

FREQUENCY - The respondent's estimation of the number of decisions effected by the factor. A response of MOST cases indicates the factor effects the major portion of his DWI decisions. MANY cases indicates numerous decisions were effected, while SOME cases indicates the factor effects very few of the respondent's decisions.

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	71/72	61 86%	10 14%	40 56%	23 32%	43 61%	10 14%	8 11%	42 59%	9 13%	10 14%
NON-ASAP	19/21	12 63%	7 37%	8 42%	4 21%	7 37%	2 11%	3 16%	7 37%	2 11%	3 16%
ASAP SUPERVISORS	13/13	11 85%	2 15%	7 54%	5 38%	9 69%		1 8%	9 69%	1 8%	

EFFECT - The respondent's estimation of what influence the factor had upon his decision. A POSITIVE response means he would be inclined toward arrest, while a NEGATIVE response means he would be more flexible in his decision.

DEGREE - The respondent's estimation of the strength the influence had on his decisions. A SIGNIFICANT response indicates the factor exerted a great influence, a MODERATE response indicates the factor exerted a limited influence, and a MARGINAL response indicates little or no influence.



findings, including interrelationships with other factors, and their conclusions as to the overall effect of the factor on a police officer's DWI decision.

1. PERSONAL FACTORS

All of our actions are influenced to some extent by our personal bias and attitudes. The police officer, no matter how well trained, has still been conditioned and is influenced by his personal experiences.

There are many personal factors that can affect a police officer's decisions relating to DWIs. To accomplish the goals of this study, however, the variables investigated were limited to those which might be impacted by training, new operational concepts, or conditions controlled by the community. Such things as an officer's health, his home life, and personal relationships with other officers or supervisors were sometimes discussed with the officers but no attempt was made to measure and quantify them as they were considered beyond the scope of the project.

Personal factors identified in the survey were selected because of their potential influence on the exercise of police discretion in arresting or not arresting an alleged offender. Specifically, questions were designed to determine the impact of the following factors on an officer's arrest decision: a police officer's drinking habits; his attitude toward drunk drivers; the severity and deterrant effect of drunk driving laws; the impact traffic accident investigation work may have, and the officer's attitude toward the ASAP program.

(1) Drinking Habits

Responses to questions concerning an officer's drinking habits hopefully could demonstrate whether those officers who are moderate to heavy drinkers tend to empathize with DWIs and thus make fewer arrests, or, conversely, if officers who do not drink set higher standards and made more arrests.

Conclusions concerning this variable were developed after considering ASAP officer's observations of the actions of other officers as well as themselves. The questions asked and the tabulated results of this line of inquiry were:

. "Do you feel that a police officer's drinking habits affect his decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	85/85	61 72%	24 28%	12 14%	43 51%	24 28%	11 13%	20 24%	21 25%	7 8%	27 32%
NON-ASAP	20/21	12 60%	8 40%	1 5%	11 55%	4 20%	8 40%	0	5 25%	4 20%	3 15%
ASAP SUPERVISORS	13/13	5 38%	8 62%	2 15%	4 31%	2 15%		3 23%	2 15%	1 8%	2 15%

. "Do your drinking habits affect your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	84/85	15 18%	69 82%	12 14%	2 2%	8 10%	2 2%	4 5%	9 11%	1 1%	4 5%
NON-ASAP	20/21	1 5%	19 95%	1 5%	1 5%				1 5%		
ASAP SUPERVISORS	0/13	NOT ASKED									

The results, as well as the officers' comments, indicated that a large number of the respondents believe that fellow officers with moderate to heavy drinking habits are more

sympathetic or lenient to suspected drunk drivers because these officers could easily picture themselves in a similar situation and "give the guy a break." Over 50% of the officers interviewed, both ASAP and non-ASAP felt an officer's drinking habits had a negative influence on his decision relating to drunk drivers. There was, however, no consensus on the degree of impact the factor had on the decision nor the number of cases the factor influenced. In addition, this factor was initially volunteered by five officers who indicated it had a significant, negative affect on their DWI decisions.

Over 80% of the ASAP officers and 95% of the non-ASAP officers indicated that their personal drinking habits had no affect on their DWI arrest decisions. In view of their response to the first question, it would appear that some of the officers were not entirely candid in their answers to this question.

The interviewers refrained from directly asking the respondents about their personal drinking habits but most officers, in the course of the interview, would volunteer this information. Based upon these volunteered statements, we found the majority of ASAP officers to be very light drinkers, if they drank at all.

(2) Attitude Toward Drunk Drivers

The influence that a police officer's attitude toward drunk drivers has upon his arrest decisions may vary considerably from that exerted by his personal drinking habits. Some officers may be moderate-to-heavy drinkers, yet be intolerant of drunk drivers, while others who are light users of alcohol, may perceive the drinking driver as a victim of alcohol and decide not to arrest him.

Measurement of this variable was achieved on the basis of police officer's observations of their own actions as well

as their comments regarding other police officers. The questions asked and the tabulated responses thereto were:

- "Do you feel that a police officer's attitude toward drunk drivers will affect his decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	71/72	61 86%	10 14%	40 56%	23 32%	43 61%	10 14%	8 11%	42 59%	9 13%	10 14%
NON-ASAP	19/21	12 63%	7 37%	8 42%	4 21%	7 37%	2 11%	3 16%	7 37%	2 11%	3 16%
ASAP SUPERVISORS	13/13	11 85%	2 15%	7 54%	5 38%	9 69%		1 8%	9 69%	1 8%	

- "Do you feel that your attitude toward drunk drivers has an effect on your decisions relating to drunk drivers?" (What is your attitude?)

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	70/72	42 60%	28 40%	41 59%	1 1%	37 53%	3 4%	2 3%	38 54%	2 3%	2 3%
NON-ASAP	18/21	7 39%	11 61%	6 33%	1 6%	5 28%	2 11%		5 28%	1 6%	1 6%
ASAP SUPERVISORS	0/13	NOT ASKED									

A large number of ASAP officer respondents answered this question in terms of an officer's exposure to drunk drivers and their own exposure to drunk drivers, and indicated such exposure

had a positive influence on the officer's decision, e.g., the greater the officer's exposure the more inclined he would be to arrest a DWI suspect. Responses from non-ASAP officers and ASAP supervisors show similar results.

When asked about themselves; almost 60% of the ASAP officers indicated that their exposure to drunk drivers made them stricter in enforcement. Their attitude toward drunk drivers was one of dislike and distaste and there was no indication of "sympathy" for the drivers who were seen as "hazardous," "socially harmful" or "dangerous to themselves and others". Non-ASAP officers tended to be less affected by this factor perhaps because they daily witness a far greater range of antisocial behavior than do ASAP officers and do not therefore perceive drunk drivers to be as great a threat to the community.

Comments by the ASAP officers show some correlation between an officer's exposure to drinking drivers and his experiences in traffic accident investigation; especially alcohol related fatalities. This correlation will be explored more fully in the subsequent discussion of traffic accident investigation experience as a factor affecting a police officer's DWI decisions.

(3) Severity of Punishment

Police officers may feel that the punishment for violation of DWI laws is too severe, and therefore be reluctant to make arrests. On the other hand, an officer may feel that the punishment for violators is too lenient and limit his enforcement activity out of a sense of frustration.

Statements made by police officers concerning their assessments of the sanctions applied upon conviction for DWI and the effect thereof on their DWI arrest decisions formed the basis from which our conclusions were drawn. The questions asked and the tabulation of the officers' responses were:

- "Do you think the punishment for DWI law violations are too severe?"

	A/R	Yes	No
ASAP	84/85	5 6%	79 94%
NON-ASAP	21/21	2 10%	19 90%
ASAP SUPERVISORS	0/13	NOT ASKED	

- "Do you feel that your attitude concerning the severity of punishment for violations of DWI laws affects your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	84/85	23 27%	61 73%	4 5%	15 18%	5 6%	3 4%	11 13%	4 5%	3 4%	12 14%
NON-ASAP	20/21	8 40%	12 60%	3 15%	5 25%	4 20%	2 10%	2 10%	5 25%	1 5%	2 10%
ASAP SUPERVISORS	13/13	8 62%	5 38%	2 15%	6 46%	2 15%	2 15%	4 31%	1 8%	2 15%	5 38%

Over 90% of all officers responding felt the punishment for DWI law violations was not too severe "in most cases". The

officers also indicated that their feelings concerning the severity of punishment generally did not effect their DWI arrest decisions. However, when asked to comment on what they felt the penalties should be, the officers were less unanimous in their opinions.

While the officers generally agreed that penalties for repeat offenders should be toughened to include jail sentences, heavy fines and license suspensions, their comments indicated they really do not believe such measures will solve the problem especially for first offenders and problem drinkers.

Some expressed concern over the harm that severe penalties might have on first offenders, particularly young drivers and women, and were opposed to imposition of stiff or mandatory sanctions in these cases. Others believed current penalties to be sufficient but blamed the courts for unequal application of punishment. This was the first indication that the officers felt frustrated by the adjudication and sanctioning process, and their answers to subsequent questions, like faith in court justice, revealed this feeling was strongly held by many.

The survey team concluded that the officers generally do not believe that stiff penalties are the answer to the DWI problem; however, they did not believe their enforcement efforts were affected by their attitudes concerning the severity of punishment. They are concerned about the effects these sanctions may have on others, especially repeat offenders, and most believe that a strictly enforced program of license suspension or revocation would be more helpful in controlling recidivism than severe jail or monetary sanctions.

(4) Deterrent Value of DWI Enforcement

It is possible for some police officers to advocate stiff penalties for DWI law violations while maintaining that aggressive DWI enforcement has no deterrant effect. Such an attitude

may cause the officer to lessen his enforcement efforts while a belief in the deterrant value of aggressive DWI patrol may motivate the officer to increase his arrest activity.

Findings and conclusions relative to deterrance were based upon the officer's description of his feelings and actions concerning this factor. The questions asked and the tabulation of the results were:

"Do you think that tough DWI law enforcement has a deterrant effect?"

	A/R	Yes	No
ASAP	82/85	70 85%	12 15%
NON-ASAP	21/21	15 71%	6 29%
ASAP SUPERVISORS	0/13	NOT ASKED	

"Do you feel that your attitude concerning the deterrant effect of drunk driving laws affects your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Post.	Neg.	Sign	Mod.	Mar.	Most	Many	Some
ASAP	85/85	52 61%	33 39%	44 52%	3 4%	35 41%	3 4%	7 8%	30 35%	4 5%	11 13%
NON-ASAP	19/21	9 47%	10 53%	4 21%	5 26%	6 32%		3 16%	5 26%		4 21%
ASAP SUPERVISORS	13/13	5 38%	8 62%	3 23%	2 15%	4 31%		1 8%	4 31%		1 8%

While 85% of the ASAP officers indicated strict enforcement did prevent many persons from drinking and driving; fully 15% felt their efforts had little or no impact in this area. This percentage was doubled for the non-ASAP officers.

ASAP officers, including those who believed strongly in the deterrant effect of DWI enforcement, indicated that simply engaging in massive enforcement efforts by making wholesale arrests would bring more harm than benefit to the program. Many officers spoke in terms of "a climate of fear" among

citizens and said "Now people try and avoid us". This was viewed by the officers as a "back-handed" compliment, a sign of success. However, the survey staff feels this pattern of avoidance, while moving some DWIs off the more heavily travelled thoroughfares does not achieve the stated aims of ASAP. Many persons are still driving while intoxicated and merely seek to circumvent ASAP patrol efforts rather than ceasing to drink and drive.

Fear of ASAP patrol and its impact can also be felt in the level of support the public gives to the program. A good indicator of community support is the verdict a jury renders in many of the sites visited by the staff indicated that a definite "backlash" against DWI enforcement was in evidence. Jury panels in many communities did not understand the purpose of ASAP and were, therefore, sympathetic to DWI defendants.

Because the officers equated the word deterrence with "fear" or avoidance of arrest, the responses received and tabulated for the second question are not really indicative of the findings the team hoped to record. The large numbers of NO responses indicate little or no awareness of deterrence and, the staff believes, shows that officers believe they are on ASAP only to do a job -- arrest drinking drivers. The relative closeness of each group's responses further heightens this conclusion.

(5) Officer's DWI Training

The amount of specialized training given law enforcement officers may significantly affect their decisions relating to DWI enforcement activity. Officers who are well trained may be better able to identify drunk drivers and to collect and present evidence in court. Well trained officers may have a high degree of confidence and a better understanding of the nature and seriousness of DWI law enforcement violations.

Here, the officer was first asked to indicate how many hours of specialized training he had received. However, the primary objective was to determine if such training had contributed to any noticeable improvement in the officer's ability to detect drinking drivers and obtain convictions in court. Also, an attempt was made to identify any significant change in the officer's attitudes toward DWI violations that the officer felt were attributable to his specialized instruction. The questions asked and the responses tabulated were:

. "How many hours of training have you had in DWI Enforcement?"

	A/R	Hours of DWI Training			
		None	10 or Less	10 - 40	Over 40
ASAP	83/85	22 27%	5 6%	31 37%	25 30%
NON-ASAP	21/21	16 76%		2 10%	3 14%

. "Has specialized training in DWI enforcement improved your performance in spotting drunk drivers on the road? (If so, how?)"

	A/R	Yes	No	No Response
ASAP	78/85	37 47%	27 35%	14 18%
NON-ASAP	21/21	4 19%	1 5%	16 76%
ASAP SUPERVISORS	0/13	NOT ASKED		

- . "Has specialized training in DWI enforcement improved your ability to get convictions in court? (If so, how?)"

	A/R	Yes	No	No Response
ASAP	72/85	37 51%	21 29%	14 19%
NON-ASAP	21/21	2 10%	3 14%	16 76%
ASAP SUPERVISORS	0/13	NOT ASKED		

- . "Has specialized training in DWI enforcement changed any of your previous attitudes or beliefs concerning DWI violations? (If so, what attitudes and how were they changed?)"

	A/R	Yes	No	No Response
ASAP	77/85	30 39%	34 44%	13 17%
NON-ASAP	21/21	3 14%	2 10%	16 76%
ASAP SUPERVISORS	0/13	NOT ASKED		

The first table, which displays the number of hours of training the officers received, indicates that 27% of the ASAP officers interviewed said they had received no specialized DWI training, and most (76%) of the non-ASAP officers responded likewise. The majority of ASAP officers averaged between 10 and 40 hours of specialized instruction, with close to one-third indicating they received over 40 hours.

Examination of the responses of the ASAP officers who indicated they had training revealed that a plurality of officers felt such training had improved their overall DWI enforcement skills. In the area of detecting drinking drivers, 47% of the ASAP respondents said that training improved their ability to spot DWIs. Specialized training, they felt, "increased awareness", gave them "better insight as to what to look for", and trained them "to observe -- know the characteristics of DWIs".

A majority of the respondents (51%) indicated that specialized instruction aided them in the collection and presentation of evidence for court. Many officers felt the training "helped in understanding technical information and procedures", and showed them "what the courts need for conviction". Changes in attitudes toward DWI enforcement caused by such training were noted by less than 40% of the ASAP officers who responded. Most of them spoke about their "increased awareness" of the problem; indicating that they would be "more likely to treat DWI as illness". However, at the same time, a large number of these officers said they would now be "more likely to enforce" or "arrest" and possessed a "more serious outlook toward DWI".

(6) Officer's Attitude Toward ASAP

Police officer's attitudes concerning the nature and value of the ASAP program may affect their decisions relating to DWI enforcement activities. For instance, an officer assigned to patrol activities other than with an ASAP group may feel that he can devote his energies to other police work and neglect DWI enforcement because there are specialized units to "handle the problem." Other officers, in ASAP, may feel that the programs are ineffective and not participate fully in the program.

Officers' statements concerning ASAP and the impact their attitudes toward the program may have on their DWI decisions formed the basis for our findings and conclusions pertaining to this variable. The questions asked and the tabulation of the results are:

"What is your feeling about the ASAP program?"

	A/R	Pos.	Neg.	No Response
ASAP	85/85	81 95%		4 5%
NON-ASAP	21/21	18 86%	3 14%	
ASAP SUPERVISORS	13/13	9 69%	3 23%	1 8%

"Do you feel that your attitude concerning the ASAP program has an effect on your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	76/85	45 59%	31 41%	41 54%		36 47%	4 5%	1 1%	39 51%	1 1%	1 1%
NON-ASAP	17/21	7 41%	10 59%	6 35%	1 6%	3 18%		4 24%	3 18%		4 24%
ASAP SUPERVISORS	15/15	10 77%	3 23%	8 62%	2 15%	9 69%	1 8%		9 69%	1 8%	

Fully 95% of the ASAP interviewees said ASAP was a good program, while 86% of the regular patrol officers felt the same. The ASAP supervisors were asked to assess the feelings of police officers in general and 69% said police officers feel ASAP is a "good program". However, the survey staff feels the responses given by the officers relate almost exclusively to the "enforcement" aspect of the program, and not the overall ASAP effort. Even so, they like the support the ASAP program management gives to their efforts and this, in turn, generates a positive influence upon some 50% of the ASAP respondents. The survey staff are conscious of the fact that this type of question usually will be answered in the affirmative and do not attempt to imply great significance to the results.

Among the regular patrol officers, there was some indication that creation of a specialized unit like ASAP will induce some slackening of their DWI enforcement effort. The non-ASAP officer indicated that "ASAP-initiated" improved processing procedures partially offset their tendency to "sluff off" DWI arrests on the ASAP patrols.

All three groups displayed little understanding of the scope of ASAP and had little comprehension of the other countermeasures being employed. Based upon evaluation of the officer's responses to questions concerning other influencing factors, the team believe this lack of understanding often combines with one or more additional factors to generate a negative influence on the officer's decisions concerning drinking drivers.

(7) Traffic Accident Investigation

A police officer's attitude concerning DWI law enforcement may be affected by his experiences with drunk drivers while investigating traffic accidents. For example, an officer who has investigated a number of personal injury or fatal accidents involving drunk drivers may have a more rigid attitude concerning DWI enforcement than an officer who has not had similar investigative exposure.

The conclusions relative to this factor were based upon the responses given by both officers who have and officers who have not had responsibility for accident investigation. Emphasis was placed upon alcohol-related accidents and their impact upon the officer. The questions asked and the tabulated responses were:

- "Are you now, or have you in the past been assigned duties which included the responsibility for investigating traffic accidents?"

	A/R	Yes	No
ASAP	85/85	84 99%	1 1%
NON-ASAP	21/21	19 90%	2 10%
ASAP SUPERVISORS	0/13	NOT ASKED	

- "If yes, do you feel that this experience affects your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	84/85	63 75%	21 25%	55 65%		51 61%	1 1%	3 4%	43 51%	3 4%	5 6%
NON-ASAP	19/21	11 58%	8 42%	11 58%		9 47%	2 11%		9 47%	1 5%	1 5%
ASAP SUPERVISORS	13/13	11 85%	2 15%	10 77%	1 8%	8 62%	1 8%	2 15%	9 69%	1 8%	1 8%

Over 90% of the ASAP and non-ASAP officers interviewed indicated they had some prior accident investigation experience. Only one ASAP officer and two of the non-ASAP officers did not have such experience; therefore, the staff was unable to adequately

compare the attitudes of officers who have and officers who have not had responsibility for accident investigation.

Generally all three groups felt such experience was a positive inducement to DWI enforcement. Although the percentage for each varied, over 55% of the men interviewed were positively affected. In addition, 5% of the officers volunteered this factor as one that influenced their DWI decisions.

Each group was split on the degree of influence and the number or frequency of decisions affected. Since 42% of the non-ASAP officers indicated that traffic accident investigation experience had no affect on their arrest decision, the responses were well below those for the ASAP officers and supervisors.

ASAP personnel generally believed that prior traffic accident investigation experience is a factor that enhances an officer's enforcement attitude and effort. Despite a large number of positive responses, over one-quarter of the officers indicated such experience had no affect on their DWI decision-making. However, since many of these officers held rigid enforcement attitudes towards DWI prior to being assigned to ASAP or prior to their accident investigation work, these negative responses are not of any real consequence.

(8) Officer's Confidence

The amount of confidence a police officer has in himself can play a role in his DWI arrest decisions. Confidence, or the lack thereof, extends from the initial contact with the suspect (is he intoxicated? How can I tell?) right through to the officer's appearance in court.

One general observation made by staff members was that newer officers did not have confidence in their ability to identify a DWI once he was stopped because they were generally unsure of the "symptoms" of intoxication. This resulted in administration of many unnecessary breath tests or in release of

many possible DWIs. Lack of confidence was also evident in court presentations by newer officers who suffered from lack of adequate preparation and often admitted to being scared of testifying.

There is evidence to suggest that with continued ASAP experience, the younger officers will gain more confidence and overcome these negative influences. Many of the older ASAP officers indicated their first exposure to ASAP was marked by many instances where lack of self-confidence resulted in their releasing a possible DWI. They indicated that as their enforcement attitude became more rigid, their self-confidence increased markedly.

In summary, it was found that the ASAP officer's personal beliefs and experiences generally will act to enhance his DWI arrest decisions and make him more rigid in his enforcement attitudes. Exposure to drunk drivers, traffic accident investigation experience and the "prestige" of ASAP duty, in combination with age, training and years of police work, are all positive inducements that influence the officer's enforcement attitudes. While the younger, less-experienced officers lack self-confidence and exercise discretion more often, their enforcement attitudes will become more rigid with time and specialized DWI training.

Survey results demonstrate that officers perceive their job to be arresting drunk drivers and despite concern for the possible punishment a suspect might receive as a result of that arrest, thus, the officer's personal drinking habits do not change his belief that DWIs present a grave threat to the community.

2. DRIVER RELATED FACTORS

Factors relating to the subject driver can effect a police officer's decisions relating to arrest. These factors include the indentity (socially or politically prominent?), character (abusive of cooperative attitude?) or condition (how intoxicated

is he?) of the driver. These factors also include the circumstances under which the officer encounters the driver (close to home?).

Generally, these factors do not operate independently to impact upon the officer, usually they will act in combination with other influencing factors to affect the officer's DWI decisions. Among the factors considered in this inquiry were the age and sex of the driver, his attitude and social political status, the degree of intoxication, the presence of a licensed, sober driver with the DWI, and stopping a DWI close to his home.

(1) Attitude of the DWI Suspect

Often the attitude of a DWI suspect toward the officer can influence the officer's decisions relating to DWI arrests. For example; a DWI suspect whom is loud and abusive toward the officer quite probably will be arrested despite any other mitigating factors, while others who display a courteous attitude may be released without arrest.

Since this factor was identified as significant after the initial field surveys were completed; the survey sample is slightly smaller than that used for other variables. The question asked and the tabulated results were:

"Does the attitude of the DWI responsible affect your decision to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	78/78	43 55%	35 45%	10 13%	30 38%	23 29%	5 6%	12 15%	22 28%	6 8%	12 15%
NON-ASAP	21/21	16 76%	5 24%	8 38%	7 33%	12 57%	1 5%	2 10%	13 62%	1 5%	1 5%
ASAP SUPERVISORS	13/13	9 69%	4 31%	5* 38%	6 46%		3 23%	6 46%	1 8%	1 8%	7 54%
VOLUNTEERED	24/119	20%		4 3%	20 17%	22 18%		2 2%	22 18%		2 2%

* Reflects fact that several supervisors indicated the factor had both a positive and negative affect, depending upon the circumstances surrounding the case.

Survey results show that over 50% of the ASAP and 75% of the non-ASAP officers stated they were influenced by the suspect's attitude during arrest. Even more important was their unanimity that attitude nearly always influenced them and had a significant impact on their decision-making process.

Both the positive and negative responses to this question appear support the same proposition - anyone who exhibits a poor attitude during a DWI stop will most certainly be arrested. For example, those officers who felt the factor caused them to be flexible, said borderline DWI suspects with "good" or "cooperative" attitudes would be released. Conversely, the more rigid groups indicated they always arrested a suspect who was a "loudmouth" or "tried to act like a big shot".

The responses to the question on "attitude" were probably the strongest indicator of the officer's prerogative to exercise "discretion." As DWI is usually a "victimless" crime the officer feels perfectly justified in judging if the subject "should" be arrested. This decision is many times based on factors not related to the level of intoxication. It is interesting to note that many of the supervisors questioned concerning this factor both recognized the use of the "attitude test" and accepted it's application.

(2) Social or Political Status of DWI

The social or political prominence of a DWI suspect may have an affect on a police officer's decision to make a DWI arrest. For example, if the officer knows his arrest decision in sensitive cases might not be supported, he may be less inclined to make an arrest.

Measurement of this variable was based on the responses and comments made by the officers and a verification of their attitudes with the supervisors. In addition, while the officers were not directly asked if they would arrest another police officer, the interviewers did elicit some responses and noted the results. The question asked and the results of responses were:

"Does the importance (either political or social) of the DWI responsible have an influence on your decision to make arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	77/78	21 27%	56 73%	7 9%	14 18%	8 10%	2 3%	11 14%	9 12%	2 3%	10 13%
NON-ASAP	21/21	3 14%	18 86%	2 10%	1 5%	3 14%			3 14%		
ASAP SUPERVISORS	13/13	4 31%	9 69%	1 8%	2 15%	3 23%			2 15%		1 8%
VOLUNTEERED	8/119		7%	3 3%	5 4%	5 4%	2 2%	1 .8%	3 3%	2 2%	2 2%

The direct responses to this question were not consistent with the comments of the officers and cannot be accepted as indicative of their real attitudes. Generally it was accepted as an unwritten policy that police officers and their immediate family were never arrested for DWI. Where the law enforcement agencies were headed by elected officials, comments by the officers indicated that this factor had a greater tendency to discourage arrests of prominent citizens. One of the reasons alluded to by the respondents was fear of losing their jobs if they should arrest an important person.

In assessing the impact of social prominence upon the officer's DWI decision-making, the survey staff examined the level of support provided the officers by the ASAP director, enforcement coordinator and other officials. Some sites were very active in supporting the men in "sensitive" cases by attempting to generate favorable public opinion for the officer's action. At other sites, local political realities prevented ASAP administrators from backing up the enforcement personnel in such cases. Where the officers did not receive support, or were operating without any clearly defined policy, they exercised a great deal of discretion and were less enthusiastic about DWI enforcement involving socially or politically prominent persons.

(3) Age of the DWI Suspect

The survey team did not initially plan to measure the effect a suspect's age might have upon an officer's DWI decision. However, officers in the field indicated that age did indeed play a role in their DWI encounters. While the data acquired from interviews did not lend itself to quantification; the survey team, through the comments of supervisors and officers, were able to reach some conclusions concerning the age of a DWI suspect as an influencing factor.

Age of a suspect is not a significant or prominent factor influencing an officers arrest decision; but it does constrain some officers' DWI decisions. Generally, officers do not like to arrest elderly drivers because they respect older persons; they fear the shock could cause some physical damage to the elderly, or they have difficulty in determining whether an elderly person is or is not intoxicated. When confronted with this situation, the officers will usually send the person home.

Younger DWIs also present a quandary for officers because the officer does not desire to be the first to arrest a youth and "start him out on the wrong foot". Officers also disagree with the penalties the younger drivers may face. They are not commensurate with the offense according to many officers and they do not like to "see a kid get pounded for a mistake".

(4) Sex of DWI Suspect

There were early indications that the sex of the DWI suspect might also influence the officer's decisions relating to DWI encounters. Perhaps the officer's sense of "gallantry" may cause him to be more flexible in his arrest decision. On the other hand, the officer may have an excessively negative reaction to women drunk drivers and therefore be more rigid in his enforcement of the law.

An examination was made of the effect the sex of a DWI suspect on decisions relating to DWI arrests, based upon information provided by police officers and their supervisors. The question asked and the tabulated responses were:

"Does the sex of the DWI suspect have an influence on your decisions to make arrests or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	59/72	11 19%	48 81%	3 5%	7 12%	3 5%	2 3%	5 8%	4 7%		6 10%
NON-ASAP	18/21	6 33%	12 67%	2 11%	4 22%	2 11%	3 17%	1 6%	2 11%	3 17%	1 6%
ASAP SUPERVISORS	10/13	1 10%	9 90%		1 10%	1 10%			1 10%		

The survey results point-up the officer's dislike for handling the arrests of female DWI suspects. Generally, the officers point to four "trouble" areas of concern in processing women. One is the possibility of various charges of brutality or taking advantage of a woman inherent in such situations, the so-called "sex of sex". Since the officers are unable to "frisk" female suspects for concealed weapons, many officers fear that "some drunk women will pull a knife on me" and they would not be in a position to defend themselves. They are also concerned for their image as a law enforcement officer and believe arresting women, even if they are DWI, does nothing to enhance their standing in the community.

Perhaps the area of greatest concern, and a factor that really underlies the other three elements, is the very complex procedures currently employed by agencies to handle female DWI arrests. The officers are really "turned off" by the elaborate safeguards they must observe and feel such an arrest is not worth the bother.

Respect for women does not appear to play a significant role in the officer's decision; however, dislike of a drunk woman does make some officers more rigid in their enforcement attitude. Several officers said that "Drunk women are a pain, but they are no different than men if they break the law".

One observation made by the interviewers at most of the sites visited was the relatively small number of women being stopped for DWI. There are several explanations given for this; probably the most significant is many female DWIs are on the roads during the afternoon hours when ASAP patrols are not operating and other DWI enforcement activity is difficult due to heavy traffic.

(5) Social/Problem Drinker

A police officer's decisions relating to drunk driving arrests may be affected by the officer's perception of the suspect as either a social or problem drinker. If the officer believes the DWI suspect to be a social drinker who simply had one drink too many, he may be less inclined to arrest the suspect. Conversely, should he discern that the suspect has a drinking problem, he may arrest the individual anticipating that he will receive treatment. The questions asked and the tabulated results were:

"If the DWI responsible is apparently only a social drinker, will your decision to arrest or not be affected?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	60/78	11 18%	49 82%	1 2%	10 17%	3 5%	1 2%	7 12%	3 5%	2 3%	6 10%
NON-ASAP	13/21	5 38%	8 62%		5 38%	1 8%	1 8%	3 23%	2 15%		3 23%
ASAP SUPERVISORS	9/13		9 100%								

"If the DWI responsible is apparently a problem drinker, will your decision to arrest or not be affected?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	61/78	21 34%	40 66%	21 34%		18 30%	1 2%	2 3%	19 31%		2 3%
NON-ASAP	13/21	5 38%	8 62%	5 38%		5 38%			5 38%		
ASAP SUPERVISORS	9/13		9 100%								

Many officers indicated they were unable to determine whether a DWI is a social or problem drinker in the field. Therefore, the number of answers received was low and this clouds the tabulated results. Where the officer perceives the suspect to be a social drinker, he tends to be more flexible in his arrest decisions; however, if he feels the suspect has a drinking problem he will be more rigid or positive in enforcement activity.

Because of the officer's inability to accurately determine the nature of a suspect's drinking behavior, data received concerning the degree or frequency of influence was inconclusive. Officers indicated that where a suspect's known to him or he receives unsolicited comments from the suspect. ("I've had a couple of drinks too many, I usually don't do this sort of thing, etc") this factor exerts a negative influence in many cases.

The responses of the ASAP supervisors indicate that for some factors, they are not aware of the impact the factor might exert upon their subordinates. This can be seen in the fact that 34% of the ASAP officers believed they were affected by this factor, while none of the supervisors felt this had any impact at all on their officers.

(6) Licensed Driver With DWI Suspect

Many times an officer will stop a car with a DWI suspect and discover there is a sober, licensed driver in the car with the DWI. Such a situation may affect the officer's arrest decision. For instance, the officer may not wish to embarrass the driver in front of his sober passenger (wife, etc.); or perhaps one or another of the other factors is indirectly influencing him not to make the arrest.

This variable was studied based on the observations, responses and comments of the officers and supervisors. The sample size was smaller than others since this factor was one of several Arthur Young & Company did not at first anticipate measuring; however, officers in the field indicated that this and other factors influence their decisions in DWI cases. The questions asked and the tabulated results were:

"Does the fact that a licensed driver who is sober, is with the DWI responsible and can drive him home, have an effect on your decision to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	78/78	35 45%	43 55%	1 1%	32 41%	6 8%	6 8%	21 27%	8 10%	1 1%	24 31%
NON-ASAP	21/21	13 62%	8 38%		13 62%	4 19%	4 19%	5 24%	4 19%	1 5%	8 38%
ASAP SUPERVISORS	13/13	5 38%	8 62%	1 8%	4 31%	1 8%	1 8%	3 23%	2 15%		3 23%
VOLUNTEERED	4/119	3%			4 3%		2 2%	2 2%		2 2%	2 2%

The tabulated responses indicate that close to 50% of the ASAP officers and over 60% of the non-ASAP officers feel their arrest decision is influenced by this factor. Of these, the overwhelming majority indicate it's influence to be a negative one. With regard to the degree of influence and the frequency of effect, the officers were less uniform in their responses. Most ASAP officers felt that the presence of a licensed, sober driver exerted only minimal pressure on their decisions but the non-ASAP officers were pretty evenly divided as to degree. This factor, according to the officers' response, generally will be influential in a small number of cases; however, the officer's comments indicate that releasing a DWI who has a licensed sober driver in the car is more than a rare occurrence. The ASAP supervisors' responses closely mirrored those of their subordinates.

The tabulated results and the officer's comments illustrate a conclusion common to many of the factors isolated by the survey staff, that is where an officer is presented with an immediately available alternative to arrest, he will generally take advantage of it. Many officers who responded affirmatively to this question said they generally do not like to become involved in embarrassing situations in front of sober passengers. Most often cited were cases where the DWI's wife and/or children were with him.

In several cases the officers said they felt simply preventing the DWI from driving any further was sufficient and that this was part of their overall DWI enforcement activity. Also, by allowing the sober driver to take the DWI home, the officers felt they avoided "getting the guy in trouble he doesn't need", a clear reference to the officers concern about the consequences of a DWI arrest.

(7) DWI Stopped Close to Home

A traditional attitude held by many police officers is if a DWI suspect can make it to his home, or close to it,

without incident, then the officers will not arrest him. It is hoped that ASAP, with its concentration on DWI, emphasis on training and increasing police awareness of the problem may have modified this practice.

This time-honored concept and its attendant affect was examined based on the responses and observations of the officers and supervisors. The sample size here was smaller than for other factors as this factor was initially not considered. However, police officers in the field indicated that this factor influenced their decisions in DWI cases. The question asked and the tabulated responses were:

"Will it affect your decision if the DWI responsible has been stopped close to his home?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	77/78	29 38%	48 62%	1 1%	26 34%	6 8%	8 10%	13 17%	5 6%	4 5%	18 23%
NON-ASAP	21/21	15 71%	6 29%	2 10%	12 57%	6 29%	2 10%	6 29%	7 33%	2 10%	5 24%
ASAP SUPERVISORS	13/13	5 38%	8 62%		5 38%	1 8%	2 15%	2 15%		1 8%	4 31%
VOLUNTEERED	8/119		7%		8 7%	5 4%	2 2%	1 .8%	4 3%	2 2%	2 2%

One-third of the ASAP officers and supervisors surveyed indicated that stopping a DWI suspect close to home has a negative effect on their decision to arrest the suspect. Among non-ASAP officers, the percentage who indicated this factor adversely influenced their decisions was 57%. Some officers, however, were proud of the fact they had arrested persons close to their homes and this is reflected by the 62% of the ASAP personnel who indicated this factor played no part in their enforcement efforts.

Many other factors combine with stopping a driver close to home to generate negative influences on DWI arrest decisions; however, even officers who tend to be lenient in these situations admit to making an occasional bad judgment. On patrol one evening, an ASAP officer stopped a suspect in the driveway of his own home. The suspect indicated to the officer that he was going to go inside and retire for the night and the officer did not arrest him. Later that night the suspect did, in fact, leave the house for more drinking and on his second trip home was involved in a fatal accident. Several officers expressed fears of this happening to them and tempered their inclination to release the subject.

(8) Other Driver Related Factors

Many times a police officer's decision to arrest a DWI suspect will be affected by the explanation a suspect offers for his conduct. These excuses, or "sob-stories", as the officers termed them, would at times, cause the officer to sympathize with the suspect and "cut him a break".

To determine what impact these excuses had upon the officers, the survey team elected to rely on anecdotal information supplied by the officers. The staff felt quantification of this variable would be difficult and, in order to make adequate recommendations for dealing with the effects of this factor, an understanding of the types of "stories" the officers were subject to was necessary.

Each interviewer asked the officer a series of questions designed to afford him an opportunity to relate his various experiences and his reactions to those experiences. The questions asked were:

- . Under what conditions will you permit a DWI responsible to be released without any charge?
- . Under what condition will you charge a DWI responsible with a lesser offense which is not alcohol related?
With a lesser offense which is alcohol related?

- . In the past you may have had incidents where you allowed a DWI responsible to go without charge, could you describe these incidents?

The responses received to this series of questions support the finding that officers are indeed susceptible to a "sob story" or excuse offered by a suspect. Of course, the impact of a sob story may be enhanced by the influence of other factors at work on the officer at that time. For example, if it is late in the officer's duty tour and a DWI suspect offers an excuse such as "my wife and I had a fight so I went out and had some drinks", the officer might release the DWI without charging him.

Among the factors officers give consideration when evaluating a suspect's excuse are: if the driver is close to home; the suspect is "not too drunk"; if there is a sober driver in the car the DWI has a "good attitude" or if the DWI is a friend, relative or "big shot".

The following are some of the situations officers described to the interviewers where they released DWIs without any charge.

- . On a busy night, an officer hid a DWI's keys so he would not be tied up by the arrest
- . One officer let a DWI go who had just lost his job and his wife within a week and "the guy really needed a break"
- . An ASAP officer let an 18 year old boy go. The boy was scheduled to go into the service the next day, was cooperative and had a .14% BAC.
- . An 85 year old man who was very cooperative and had a low BAC was taken home
- . Several officers told of cases where the DWI's wife and/or family was in the car with him. In these situations the officers had the sober driver take the DWI home.

Most officers, once they decided not to arrest the DWI, would make arrangements to get the suspect home safely. In no case did the officers let the DWI drive any more after apprehension. Some examples of the officers ingenuity are:

- . One officer took a mother and her child to a motel so the mother could "sleep it off" and the child was safe
- . Several officers would hide keys on the suspects, let them sleep for awhile and then return the suspect's keys
- . A few officers will call cabs for DWIs or drive them home in the patrol cars.

In summary, evaluation of all these factors and responses and comments of the officers indicate that ASAP officers are torn between two enforcement attitudes. He may have difficulty in totally separating himself from the suspect and adopting an absolutely rigid enforcement attitude. On the other hand, he recognizes some of the dangers inherent in being "Mister Nice-guy" and identifying too closely with the suspect. Once he does so, his enforcement attitude will become overly flexible.

The factors isolated in this section indicate that the officer will always exercise some discretion simply because when given a choice to be either an enforcement "automation" or a "regular guy", he will choose the latter. Later, in the section dealing with recommendations, these problems will be addressed and methods proposed that will tend to limit the amount of discretion an officer can exercise while, at the same time, accomodating the officer's natural desire to appear "human" in performance of his duties.

3. OPERATIONAL FACTORS

Certainly the environment in which a police officer carries out his enforcement activity can play a large part in shaping his attitudes towards this activity. The day-to-day conditions the officer must deal with can exert a negative influence on his decisions relating to drunk drivers.

For example, many of the factors identified in the survey phase of this study deal with time and impact of "inconvenience". The time necessary to process a DWI suspect; the duty hours each officer must work, and the time taken by appearing in court, if excessive, can reduce the officer's enforcement effort. In addition, other factors such as poor equipment, poorly located or cramped facilities, and the areas he assigned to patrol can adversely influence his DWI decisions. In this section we will examine these and other operational factors that might impact upon the officer.

(1) Degree of Good/Bad Driving By DWI Suspects

The extent of a DWI suspect's driving may have a substantial affect on a police officer's decision concerning DWI arrests. In many jurisdictions, the officer must present some evidence of erratic driving behavior as part of the proof necessary for a DWI conviction. If the officer has evidence that the suspect is intoxicated but feels the proof of erratic driving behavior is not sufficient, he may not arrest the suspect.

In order to formulate some conclusions concerning this factor and measure the effects it may have upon the officer, the officer was asked several questions relating to the suspect's driving behavior. The questions asked and the tabulation of the results were:

"What are the actions on the part of the drunk driver which normally bring them to your attention?"

WEAVING	- 32	
ERRATIC DRIVING	- 31	
LIGHTS (BRIGHT OR OFF)	- 18	
ERRATIC SPEED	- 17	
MOVING VIOLATION	- 11	ASAP only -- however; the responses of the non-ASAP
ACCIDENT	- 5	officers were similar
BRAKING	- 3	
OPEN WINDOW IN WINTER	- 3	
OTHERS	- 3	

"What do you consider to be the major problems in spotting the DWI suspect on the road?"

DRIVING ON "RADAR"	- 25	INATTENTION	- 4
HEAVY TRAFFIC	- 14	GETTING CLOSE	- 11
MARGINAL DRIVING	- 6	OTHERS	- 6
NONE	- 5		

"Does the extent of bad driving by the DWI responsible affect your decision to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	73/73	57 78%	16 22%	26 36%	26 36%	37 51%	8 11%	6 8%	38 52%	6 8%	7 10%
NON-ASAP	20/21	16 80%	4 20%	10 50%	5 25%	14 70%		1 5%	14 70%		1 5%
ASAP SUPERVISORS	13/13	10 77%	3 23%	6 46%	4 31%	7 54%	1 8%	1 8%	7 54%	1 8%	1 8%
VOLUNTEERED	18/119	15%		12 10%	6 5%	15 13%	2 2%	1 .8%	12 10%	4 3%	2 2%

It is clear from the responses to the first two questions that, in general, drunk drivers do not drive poorly. Such a statement is based upon two facts; (1) the officers indicated they look for broad indicators of DWI such as weaving, erratic speeds and other exaggerated driving behavior; and (2) the problem most often cited by the officers in spotting DWIs was "drunks drive on radar" and are hard to detect. Based upon the observations of the survey staff as well as officers and supervisors, it is apparent that the officer who makes a large number of traffic stops will have more DWI encounters and generally higher arrest rates.

When asked what effect this factor had on their DWI decisions, over three-quarters of the officers and supervisors indicated this factor had an effect on them. ASAP officers were split down the middle on the effect driving behavior has on their arrest decision; however, the impact of this factor is really not significant because those officers who felt a positive influence generally believed that "bad" driving would enhance arrest. Likewise, those who indicated driving behavior exerted a negative influence replied that the absence of "bad" driving would constrain their arrest decision.

Non-ASAP officers were more positively influenced by driving behavior because they tend to arrest the more obvious DWIs. The ASAP supervisors were almost equally divided in their subordinates with regard to the positive or negative effect of the variable.

(2) Degree of Intoxication

The degree or state of intoxication can have a strong influence on a officer's decision relating to drunk drivers. In all jurisdictions there is an established maximum safe blood alcohol concentration level. Usually this level is set at .10% alcohol by weight in the blood. Any motorist

operates his automobile with a BAC higher than this level is driving under the influence of alcohol. Therefore, the degree of intoxication is the keystone upon which an arrest for DWI will rest.

To measure the impact of this variable, the officers were first asked to describe the indicators or signs of intoxication they look for during their initial contact with the suspect and then what, if any, effect the degree of intoxication of the suspect had on their DWI arrest decision. The questions asked and the tabulation of the results were:

"What factors do you look for during the initial contact with an individual to indicate the suspect might be under the influence of alcohol?"

COORDINATION	-	40	BLOODSHOT EYES	-	18
ODOR	-	39	APPEARANCE	-	17
SPEECH	-	21	OTHER	-	5

"Does the degree of intoxication of the DWI responsible affect your decision to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	68/70	44 65%	24 35%	9 13%	28 41%	26 38%	7 10%	4 6%	25 37%	8 12%	4 6%
NON-ASAP	19/21	16 84%	3 16%	4 21%	11 58%	3 16%	1 5%	11 58%	10 53%	3 16%	2 11%
ASAP SUPERVISOR	13/13	6 46%	7 54%	1 8%	4 31%	4 31%		1 8%	4 31%		1 8%
VOLUNTEERED	24/19	20%		4 3%	20 17%	15 13%	8 7%	1 .8%	15 13%	7 6%	2 2%

While prearrest breath testing devices are available for work in the field by ASAP patrols, the project team did not observe them to be in widespread use. In their responses to the first question, the officers indicated they usually try to look for the "traditional" signs of intoxication such as odor of alcohol, flushed face, blood-shot eyes and lack of coordination. If, after his initial observation, the officer believes the suspect to be intoxicated, he may then administer a field coordination test that requires the suspect to perform several exercises such as walking a straight line, or touching the fingertips to the nose. Should the subject perform well in these tests, chances are good he will be released without charge according to many officers.

When asked what influence a suspects state of intoxication might have on their arrest decisions, over 40% of the ASAP officers and close to 60% of the regular patrolmen said it constrained their enforcement. Of more importance is the large number of ASAP officers who believed the factor had a significant impact on the large proportion of their DWI encounters. In contrast, most of the non-ASAP officers felt the factor had only marginal influence on their enforcement efforts. The ASAP supervisor's responses were very similar to those of their subordinates.

These results correlate with many of the comments made by ASAP officers that indicated they "convict in the field" and arrest only those suspects they feel will be convicted. Others said they were able to "predict" a suspect's BAC to within one-tenth of one percent. Because of this "ability" they did not feel compelled to breath test all suspects and believed that by releasing suspects on the spot they were able to devote more time to patrol.

(3) Time Required to Process DWI Suspects

It frequently requires a long period of time to apprehend, breath test, process and write reports for a DWI arrest.

This period of time, necessary for completion of the various processing steps, can have an influence upon a police officer's attitude toward DWI arrests. If the processing time is lengthy, this could discourage an officer from making arrests.

The survey staff made a study of the various procedures employed at each site and the time required to complete the process to determine the impact of this factor. The responses of the officers formed the basis for their findings and conclusions concerning processing time and its effect upon DWI arrest decisions. The questions asked and the tabulation of results were:

"Is there as well established routine procedure established for processing drunk drivers?"

	A/R	Yes	No
ASAP	77/77	77 100%	
NON-ASAP	20/21	19 95%	1 5%
ASAP SUPERVISORS	13/13	13 100%	

"Does this factor effect your decisions to arrest or not arrest DWI responsibilities?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	72/78	23 32%	49 68%	23 32%		18 25%	1 1%	3 4%	18 25%	1 1%	3 4%
NON-ASAP	20/21	11 55%	9 45%	9 45%	2 10%	7 35%	1 5%	3 15%	9 45%		2 10%
ASAP SUPERVISORS	13/13	8 62%	5 38%	8 62%		8 62%			7 54%	1 8%	

Before discussing the officer's responses to this question, a description of the basic ASAP arrest process would be helpful. Typically, the first step is an arrest for a traffic offense observed by the officer, or an accident he investigates. Should the officer decide the motorist is DWI he will give the motorist a preliminary field test for coordination, speech, and the like. Once convinced the suspect is DWI, the officer places the DWI under arrest and arranges for the DWI's automobile to be impounded. The officer then proceeds to a testing site and administers a breath, or blood test to determine the suspect's Blood Alcohol Concentration. If the suspect "passes" the test, e.g., his BAC is over the legal limit, he is then formally processed, booked and incarcerated.

Most ASAP officers said the arrest procedure presented no problems for them since the time for processing has been reduced since ASAP. Also, by working on a special unit, other responsibilities these officers might have had in the past are no longer incumbent on them.

This was not true of non-ASAP officers, and 40% of them indicated processing time did not have an affect on their decisions, however, they were divided equally as to whether the influence aided or hindered their DWI arrest decisions. In their comments accompanying this question, many of the officers did indicate that they are often pressured by their supervisors to stay away from DWIs because they consider it a waste of time.

(4) Structured Arrest Processing Procedure

A police officer's DWI arrest decisions may be influenced by the existence of a well structured routine procedure for processing such arrests. If, for example, there is no set procedure the confusion and time wasted may constrain an officer from making an arrest.

Arthur Young & Company did not initially intend to measure this factor, however, when police officers in the field indicated to staff members that this was an influencing factor in their decisions, it was added to the questionnaire. The questions asked and the tabulated results were:

"How much time does it take to process the average drunk driver?"

A/R	Less Than 30	31-45	46-60	61-90	91-120	121-
ASAP 85/85	5 6%	14 16%	28 33%	25 29%	12 14%	1 1%
NON-ASAP 21/21	1 5%		10 48%	7 33%	2 9%	1 5%
ASAP SUPERVISORS 0/13	NOT ASKED					
TOTAL 106/106	6 6%	14 13%	38 36%	32 30%	14 13%	2 2%

"Does the fact that it takes this amount of time to process a drunk driver have an effect on your decisions relating to the arrest of drunk drivers?"

A/R	Response		Effect		Degree			Frequency		
	Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP 85/85	22 26%	63 74%	12 14%	11 13%	11 13%	4 5%	6 7%	11 13%	1 1%	9 11%
NON-ASAP 20/21	8 40%	12 60%	4 20%	4 20%	5 25%	2 10%	1 5%	5 25%		3 15%
ASAP SUPERVISORS	NOT ASKED									

In each site surveyed, the officers said there was a well established procedure for processing drunk driving arrests. They also indicated that prior to ASAP, the procedures were inconsistent, haphazard and time consuming. Prior to ASAP, a DWI arrest could take as long as four to six hours due to difficulty in obtaining blood samples, filling out Alcohol Influence Reports and booking the suspect. A more detailed

description of ASAP DWI arrest processing procedures is found in the discussion of the time required to process arrests.

A large number of the ASAP officers (68%) felt their arrest decisions were not affected by a standard processing procedure, however, many indicated that current practices showed a marked improvement over prior arrest procedures. Among non-ASAP officers, over half were influenced by this factor and 45% believed this made them more affirmative in their arrest decision because of the time saved, paperwork and uniformity of evidence obtained.

Since ASAP, arrest processing time has been reduced and the process standardized and simplified the result has been an improvement in the attitudes of all officers toward handling DWI arrests. As one supervisor stated "Once these guys see how easy it is to make a DWI arrest, they'll start looking out for them".

(5) Prior Arrest Made During Officer's Duty Tour

A police officer's arrest decision may often be affected by his already having made one arrest in his duty tour. For example, if an officer who has court the next day makes a stop and finds the motorist "borderline" DWI, the fact that he has made an arrest prior to this could have a negative influence on his decision. Conversely, if the officer has not made an acceptable number of arrests for the month, he may become more rigid in his arrest decision since it will reflect favorable on his activity sheet.

The survey staff's findings and conclusions concerning this variable were based upon the responses of the officers and

supervisors to our question. The question asked and the tabulated results were:

"Will it influence your decisions to make an arrest or not for DWI if you have already made one DWI arrest during the duty shift?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	64/66	11 17%	53 83%	1 2%	10 16%	2 3%	1 2%	8 13%	3 5%		8 13%
NON-ASAP	18/21	6 33%	12 67%	1 6%	5 28%	2 11%	1 6%	2 11%	2 11%		4 22%
ASAP SUPERVISORS	10/13	1 10%	9 90%		1 10%			1 10%			1 10%

Based upon the officer's responses to this question, it was initially concluded that the factor of a prior arrest during a duty tour has little or no affect on the officers. Over 83% of the ASAP officers and 90% of their supervisors say this has no influence on their decision to arrest. However, of those who indicated they felt some impact, most said the factor acted to constrain their arrest decisions.

Non-ASAP officers tend to be influenced more by this variable (33%) because they place a lower priority on DWI enforcement and if they have already made one such arrest, they do not feel compelled to make another. On the other hand, this is part of the job expectations for ASAP personnel.

One of the most frequently mentioned situations where this factor has a negative impact is where the ASAP supervisor has set-up an informal standard for performance. Usually such standards call for one arrest per night and when an ASAP officer gets that arrest, he often feels he has done his work for the evening and is less rigid in enforcement attitudes.

(6) Suspect Stopped Late in Shift

As a result of stopping a suspect near the end of the assigned duty tour, an officer may be required to work past his normal quitting time in order to process the DWI arrest. This possibility of working overtime may have an affect on the officer's decision to arrest. For example, if the officer knows he must appear in court in the morning, making the arrest may mean sacrificing a few hours of sleep prior to court. If he is tired, the officer may decide not to arrest the DWI suspect. Findings and conclusions pertaining to this variable were based upon the officers responses and comments. The question asked and the results obtained were:

"If you stop a DWI suspect late in your duty shift, does this affect your decision to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	78/78	26 33%	52 67%		25 32%	1 9%	9 12%	9 12%	8 10%	4 5%	13 17%
NON-ASAP	21/21	11 52%	10 48%		11 52%	5 24%	4 19%	2 10%	6 29%		5 24%
ASAP SUPERVISORS	13/13	6 46%	7 54%	1 8%	5 38%	2 15%	1 8%	3 23%	2 15%	2 15%	2 15%
VOLUNTEERED	6/119				6 5%	3 3%	1 .8%	2 2%	2 2%	2 2%	2 2%

Stopping a DWI suspect late in a shift has a demonstratively negative affect on the officers decisions relating to arrest. While only a third (33%) of the ASAP officers and barely one-half (52%) of the non-ASAP officers claim to be influenced by this factor; they are unanimous that when stopping a suspect late in the shift they are less prone to arrest the suspect. The ASAP supervisors basically agree, however, their results vary slightly in terms of effect, degree and frequency of influence.

(7) Frequency of Court Appearance

As a result of DWI arrests, police officers are frequently required to spend long periods of time in court. DWI arrests, perhaps the hardest case to prove, more than any other misdemeanor require court appearances in virtually all cases. Some court appearances take place on the officer's day off, and almost all of his cases are heard during his off-duty time.

The survey staff first asked the officer to estimate his frequency of court appearances in order to determine the scope of the factor. Then to measure the effect, the officers were asked to comment on what influence court appearances exerted on their DWI decisions. The question asked and tabulated responses were:

"What is the frequency of incidents where you have made a DWI arrest when you must appear in court?"

	A/R	Most	Some	Few
ASAP	75/85	47 63%	5 7%	23 30%
NON-ASAP	20/21	9 45%	3 15%	8 40%
ASAP SUPERVISOR	0/13	NOT ASKED		

"Does this amount of time you spend in court have an affect on your decisions relating to the arrest of drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	76/85	16 21%	60 79%	4 5%	12 16%	7 9%	2 3%	7 9%	8 11%	1 1%	7 9%
NON-ASAP	20/21	2 10%	18 90%		2 10%	1 5%		1 5%	1 5%		1 5%
ASAP SUPERVISOR	13/13	7 54%	6 46%		7 54%	5 38%	1 8%	1 8%	5 38%		2 15%
VOLUNTEERED	14/119				14 .12%	13 11%	1 .8%		12 10%	2 2%	

While a large number of officers interviewed said they must appear in court in most cases where they are the arresting officer, they indicated that this time spent in court had little or no effect on them. Among the officers who felt they were influenced, most (16%) were negatively affected to varying degrees. The high number of ASAP supervisors who felt court time is a problem are probably expressing their concern over the impact of frequent court appearances rather than voicing actual concerns of their subordinates.

One reason the amount of time spent in court has such a surprisingly minor affect on the officers is that most respondent's indicated they were either paid overtime or received compensatory time off for their appearances. This factor also operates as an indirect influence on other factors that affect the officer's decision relating to DWI encounters such as personal or family problems, stopping a suspect late in the shift, or the time necessary to process a DWI suspect. A further indication of the impact excessive court time can have on the officer's decision is that 12% of the officers and supervisors interviewed volunteered court time as a factor they felt influenced their DWI decisions.

(8) ASAP Duty Hours

Most ASAP units patrol the late evening and early morning hours as this is the time when DWI activity is at its highest level. These hours can often become a grueling test of endurance when coupled with court appearances during the day. What effect does this schedule have on a police officer's decisions concerning DWI arrests?

According to the officers the hardships fall on three areas. Perhaps the hardest impact is on the officer's family relationships. Many officers indicated they had experienced some marital difficulties because of their working hours and several incidents of divorce among ASAP officers were noted.

Morale among the officers also suffers as a result of the odd duty hours. These hours serve to heighten the officer's isolation from others on the force and when coupled with other factors such as marital problems, enforcement activity decreases. Finally, the long hours will often have a deleterious affect on the officer's physical health. Several officers said they had begun to slack off in their enforcement activity as their fatigue increased.

(9) One and Two-Man Patrol Units

Several of the law enforcement agencies we visited utilized two-man patrol units. Two-man units, officers felt, provided a necessary safety margin to protect them from possible harm. The survey staff, after observation of both one and two-man units concluded that the two-man units made no more arrests then the one-man units. Several reasons for this were:

- . Two-man units are generally out of service more for "personal business"
- . The officers in the unit often become involved in discussions and are not as attentive to their duties
- . The officers in the unit are less receptive to supervision because their partner is an "ally" against the supervisor.

It was also found that two-man units double the discretion that accompanies DWI arrests, and if one of the men objects to the arrest, the suspect generally is not charged. This, of course, has a negative impact on the DWI enforcement activity.

With regard to the aspect of safety, survey staff members concluded that officers well trained in apprehension techniques, e.g., how to approach a stopped vehicle, conducting frisks for dangerous weapons, appeared to have confidence in their ability to protect themselves.

(10) ASAP Patrol Area Selection

A police officer's decision relating to drunk drivers often is affected by the area he is assigned to patrol. If officers are assigned to areas where the incidence of DWI encounters is low, this may lessen his enforcement activity.

In some of the ASAP sites visited, the police department would divide the jurisdiction into patrol areas or beats and the ASAP units would serve as backup support for the regular beat patrolmen. This resulted in little concentration on the DWI problem areas.

At the other sites certain areas of the jurisdiction containing minority groups were not patrolled because, as one officer put it "they take care of their own, besides they surely don't like us". This despite the fact that a documented need for DWI patrol existed for these areas.

Because of these patrol area selection practices, many officers felt they had little impact upon the DWI problem, were frustrated by this realization, and as a result, reduced their enforcement activity. Morale was also effected by this variable and eventually impacted adversely upon every member of the unit.

(11) ASAP Officer Patrol Techniques

The techniques an officer employs in spotting possible DWIs on the road has a direct influence on his enforcement activity. Arthur Young & Company, did not anticipate surveying the impact of this factor, however, police in the field, in unsolicited comments, indicated this factor should be considered. Basically it deals with the number of DWI encounters an officer will have while on patrol. It is important to stress that none of these factors operate in a vacuum, and patrol technique can be affected by numerous variables.

It is possible, however, to make a general observation. Usually, the officers who stopped the most automobiles had more DWI contacts and subsequent arrests than did those officers who "looked" for DWIs. Because current instructional techniques stress exaggerated driving behavior on the part of DWIs, many officers were merely responding to their training by looking for the traditional indicators of DWI. Such indicators, as erratic driving, weaving, excessive speed or making wrong turns may be caused as much by inattention as by driving while intoxicated. Therefore the aggressive officer who made stops for all types of moving and equipment violations had more DWI contacts and a higher activity rate than other officers.

(12) Volunteers for ASAP Duty v. Conscripted Officers

The circumstances surrounding an officer's presence on ASAP duty does have an impact on his DWI decision-making. These officers who volunteer for ASAP duty tend to be more rigid enforcers because they had a commitment to DWI enforcement prior to joining ASAP. Officers who are "drafted" for ASAP assignment usually do not share this commitment and this is often reflected in their enforcement activity.

From interviews with officers and supervisors, the survey team found that two types of officers were "drafted" for ASAP duty. First, at some sites, assignment to ASAP duty was used as punishment for officers, while other sites would assign goof-offs or misfits to ASAP. Secondly, some were assigned to ASAP right out of recruit school to give them more "exposure" to various types of police work.

Generally, "drafting" men to work ASAP detail affected the support the "draftees" gave DWI enforcement and resulted in poor quality officers with low DWI enforcement interest being on the unit. In the case of rookies, often they felt DWI enforcement was not "real" police work and most were just biding their time, waiting for their assignments to be shifted.

At one location, this practice did result in shaping a positive enforcement attitude among some of the recruits. However, this was a result of good supervision rather than a result of exposure to DWI enforcement.

(13) Informal Competition Between Officers

A climate of informal competition existing between various officers can have a stimulating affect on DWI enforcement activity. No attempt was made to quantify this factor; however, observations, based on unsolicited comments from officers and supervisors, were made concerning the impact informal competition has on DWI decision-making.

Where informal competition existed between officers, morale was generally higher, interest in DWI enforcement was good, and the level of enforcement, as measured by numbers of arrests, was high. The competition was often between the officers in the ASAP unit, or between different law enforcement agencies within the same ASAP program, e.g., State police, sheriffs department. In some locations, this sense of informal competition was fostered between the ASAP officers and the non-ASAP officers and the comments received concerning this practice were quite favorable.

(14) Relationship Between ASAP Staff and Police Officer

A police officer's decisions relating to DWI arrests can be affected by his relationship with the ASAP staff and his perception of their attitudes towards police officers. Possible sources of friction are many. For example, the ASAP staff may desire to see lower BAC levels for those arrested, however, the officer may have trouble obtaining a conviction in court with a low BAC level and therefore disregard the ASAP staff's directive. Should such incidents increase, the officer may slack off in his DWI enforcement effort.

Measurement of the variable was based on the observations of the interviewers after talking with police officers on patrol and later verify the officer's attitudes in discussions with their supervisors. Several actual and potential areas of friction were identified.

Generally many officers lack a clear understanding of the scope and purpose of the overall ASAP effort and are distrustful of the rehabilitation countermeasures. They cannot see the worth of their jobs if the DWIs are then "sent to school". Such an attitude touches not only this variable but also the officer's attitudes toward the courts, prosecutors, the severity of punishment and the deterrence value of DWI enforcement.

In some sites, the officers report directly to the ASAP staff or the staff will make-up daily assignments. This increases ASAP officer isolation from the police department, causes him to react to "nonpolice" ideas and strategy and, where the staff lacks expertise, generates a feeling of skepticism on the part of the officer.

Also, often the staff will stress the number of arrests of the average BAC levels and urge improvement without first communicating with the officers to see if the goals they propose are realistic. Needless to say, this does not motivate many officers to be positive DWI enforcers.

(15) Equipment and Facilities

The equipment an ASAP officer must use, or the facilities that comprise his working environment does have an affect on his decisions relating to DWI arrests. If the officers must work with shoddy or malfunctioning equipment, or is faced with cramped or inconveniently located testing facilities, his enforcement activity is negatively effected.

The problem has come about because many areas went into the ASAP program hoping to keep the equipment they received in operation for the three year length of the contract. However, by the end of the second year much of the equipment was in a state of disrepair or not operational at all. Many sites made no provisions for repairs, replacement or maintenance therefore the officers were forced to use inferior equipment. Because of this, the officers were demoralized and unhappy thus less efficient. One officer said he would spend his day off repairing his patrol car, otherwise he would not be able to use it.

Testing facilities at some sites were excellent and the officers indicated this had an influence on their arrest decisions because "testing was not a hassle and didn't take all night". However in one location the facilities were housed in one room at police headquarters. Since the room also served as the ASAP supervisor's office, only two suspects could be tested at one time. On heavy nights, such as Friday and Saturday, it was not uncommon to have a dozen or so officers and their suspects lined up in the hallway outside the facility waiting to get in for testing. Because of this problem, many officers do not like to actively enforce on "heavy" nights.

(16) Community Social Conditions

Community Social Conditions are those racial, socioeconomic, religious and ethnic variables that may affect a police officer's relationships and attitudes toward the citizens he serves. Arthur Young & Company did not specifically ask officers and supervisors about the effects of such conditions due to their sensitive nature. Nor did the staff feel the officers would be responsive and identify the effects of these factors. However, staff members were able to identify various trends and tendencies from our observations and from unsolicited responses by both officers, their supervisors and department administrators.

Generally, it was found police are hesitant to make arrests in areas where certain racial or socioeconomic groups are concentrated because they fear violence as a consequence of their enforcement activity or they fear the political consequences of DWI enforcement activity in those areas.

Many officers bent over backwards to avoid making any arrests that would appear to be prejudicial or racially motivated. However, there were a few officers who indicated that race of social status enhanced their enforcement attitude and activity.

In summary, the survey staff believes that operational factors, more than any other, can do more to constrain an officer's DWI decisions because they effect him day in and day out. The results of our data evaluation indicated that "inconvenience" factors such as lengthy processing time, complex processing procedures and attendant problems (female DWIs) and long duty hours are major constraints on officers DWI arrest decisions. Surprisingly, frequent court appearances appear to have little impact upon the officers due mainly to the overtime pay many officers receive for court time.

Evidentiary requirements of "bad" driving and the suspect's degree of intoxication are major factors in an officer's decision to arrest. Many officers indicated they will release suspects if they feel the evidence of intoxication or erratic driving is weak and would not result in a conviction of the suspect. This tendency to "convict in the field" is a damaging exercise of discretion and runs counter to the objectives of ASAP enforcement.

Except for poor equipment and facilities, and the problem of "drafting" officers for ASAP duty, the other operational factors do not, in the opinion of the officers, exert a significant degree of positive or negative influence on their DWI decisions. Our recommendations, presented in Section V of this report, will address the various operational factors in terms of reducing the "inconvenience" to an officer, simplifying the gathering of

necessary evidence to prove the charge of DWI, and enhancing the overall operation of a countermeasures unit to increase their enforcement effectiveness.

4. DEPARTMENTAL FACTORS

In addition to the strictly operational environment in which the officer performs his duties, the law enforcement organization itself exerts significant influence on the officers performance. Elements such as morale, peer attitudes, and strength of supervision must be considered. In addition, and probably at the base of these more personal conditions are such items as departmental priorities and policies relating to DWI and the standards by which his performance is evaluated.

In this section, these and other departmental factors affecting an officer's DWI decisions will be addressed.

(1) General Level of Morale in the Enforcement Agency

A police officer's actions are frequently influenced by the general level of morale in his enforcement agency. It is possible that if an agency's morale level is high, the ASAP team may experience a high arrest rate for DWI violations.

This potential effect of the morale of a department on decisions relating to DWI arrests was examined on the basis of comments and responses to questions provided by police officers and their supervisors. The questions asked and the tabulated responses were:

"What is the general level of morale in the department?"

	A/R	High	Medium	Low
ASAP	85/85	34 40%	26 31%	25 29%
NON-ASAP	21/21	12 57%	4 19%	5 24%
ASAP SUPERVISORS	13/13	5 38%	3 24%	5 38%

"Does this level of morale have an effect on your decisions relating to the arrest of drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	83/85	34 41%	49 59%	13 16%	16 19%	18 22%	4 5%	7 8%	8 10%	6 7%	5 6%
NON-ASAP	20/21	10 50%	10 50%	4 20%	6 30%	6 30%	1 5%	3 15%	6 30%	2 10%	2 10%
ASAP SUPERVISORS	13/13	6 50%	6 50%	2 15%	4 31%	2 15%		4 31%	3 23%		3 23%

The tabulated data and observations of survey staff members indicates that ASAP officers and supervisors believe departmental morale to be moderate to low, while the general patrol officers feel morale is high. Over 60% of the ASAP officers and 62% of their supervisors felt morale could be better. This is indicative of the fact that ASAP personnel are generally isolated from the regular department activities and not really cognizant of other officers' attitudes.

There was general agreement by all three groups that department and group morale influences their DWI arrest decisions. Percentages varied as to the degree of influence the morale factor had and there was no clear cut consensus as to the number of cases where the factor affected the officer's decision-making process.

Staff members observed officer's in jurisdictions where the departmental morale is low, spending time patrolling areas where they would not encounter DWI's; in effect, avoiding decision-making situations. This tendency was not apparent with any of the other factors because in those cases the officer usually decided not to arrest, and instead adhered to the universal tradition of sending the drunk driver home in a cab or making alternate arrangements to get him off the road. In low morale situations, where DWI contact is avoided, public safety is threatened and, of course, the potential of achieving the objectives of the countermeasures program is minimized.

(2) Level of Morale Among ASAP Officers

The morale of a special team of officers assigned to ASAP duties may vary significantly from that of the rest of the department. It is not unusual for a specialized enforcement group, such as an ASAP unit, to experience a very high level of morale while the remainder of the agency has a low morale level.

If a high level of morale is maintained it can have an effect on the DWI enforcement activity of the officers in the ASAP unit. The questions asked and the tabulated responses were:

"What is the general level of morale among the ASAP officers?"

	A/R	High	Medium	Low	No Response
ASAP	74/85	52 61%	10 12%	12 14%	11 13%
NON-ASAP	8/21	8 38%			13 62%
ASAP SUPERVISORS	13/13	7 54%	5 38%	1 8%	

"Does this level of morale have an effect on your decisions relating to the arrest of drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	75/85	41 55%	34 45%	32 43%	8 11%	31 41%	5 7%	4 5%	33 44%	4 5%	3 4%
NON-ASAP	9/21	1 11%	8 89%	1 11%		1 11%			1 11%		
ASAP SUPERVISORS	13/13	10 77%	3 23%	6 46%	4 31%	6 46%	1 8%	3 23%	6 46%		4 31%

Generally, the officers and supervisors interviewed indicated the morale among ASAP officers was good. Eliminating those officers who did not respond; over 70% of the ASAP officers felt morale was high and a unanimous 100% of the

non-ASAP officers agreed. The supervisors opinions on ASAP morale is considered evidence of their concern for morale rather than a belief that morale is not high.

High morale has a positive influence on an ASAP officer and exerts a significant degree of influence in most of his decisions relating to drinking drivers. It is important to note that a single incident can change this picture and have a devastating effect on the ASAP unit's morale. At one site a prominent judge and a prosecutor were arrested for driving under the influence. Both men requested jury trials, challenging the results of their breath tests and both were found not guilty. That one incident not only affected public support and confidence in the program but also crippled police morale and their trust in the courts and our system of justice.

Low morale may also result from "spillover" of other factors such as increased court time, personal problems caused by the odd working hours or weak supervision. These factors, if not positively dealt with, will lower morale which, in turn, increases the effect of other factors.

(3) Attitudes of Other Officers

The attitudes of an officer's colleagues towards DWI enforcement may affect the officer's decisions relating to drunk drivers. Should his peers view his work as "harrassment" or "not really police work", his enforcement attitude and effort could suffer.

Effects of peer group pressure and attitudes concerning DWI enforcement were explored with the officers. The questions asked and the tabulated responses were:

"What is the general feeling of other officers on the department concerning drunk driving arrests (if any)?"

	A/R	Good	Improved	No Change	Inconsistent	Poor
ASAP	83/85	41 49%	8 10%	2 2%	10 12%	22 27%
NON-ASAP	21/21	1 5%	11 52%		2 10%	7 33%
ASAP SUPERVISORS	13/13	1 8%	4 31%			8 61%

"Do you think that the general feeling of other officers on the department concerning drunk driving arrests has an affect on your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	80/85	14 18%	66 82%	7 9%	7 9%	8 10%	2 3%	4 5%	8 10%	1 1%	5 6%
NON-ASAP	18/21	2 11%	16 88%	1 6%	1 6%	1 6%		1 6%	1 6%		1 6%
ASAP SUPERVISORS	13/13	6 46%	7 54%	2 15%	4 31%	3 23%	1 8%	2 15%	3 23%	1 8%	2 15%

"Has there been any change in the performance of police officers subsequent to the initiation of the ASAP program? (If so, what?)"

	A/R	Marked	Slight	None	Unknown
ASAP	77/85	55 71%	7 9%		15 19%
NON-ASAP	21/21	13 62%		5 24%	3 14%
ASAP SUPERVISORS	13/13	8 62%		2 15%	3 23%

The results of the survey indicate that officers now have an improved attitude toward DWI enforcement since ASAP. Before this, many officers could not be bothered with processing DWI's because of the time and/or trouble involved. However, improved processing routines and the knowledge that non-ASAP officers can "pass off" a possible DWI arrest to ASAP patrol officers or have these officers process the drunk driver has brought about this improved attitude.

A very significant reason for the increased awareness and activity concerning DWI enforcement is the "rub-off" effect ex-ASAP officers have in the other units where they are assigned. Generally, these men act as a catalyst for increased interest about DWI arrests. Once the other officers know there is someone they can ask questions of about DWI's and find out the procedure, they are less hesitant to make arrests for drunk driving.

Since ASAP and its accompanying procedures came into existence, all three groups have noticed a marked change in the performance of police officers with regard to DWI arrests. The change has been for the better, the men feel, because of "ASAP processing"; "ASAP education efforts" and a general "pride" in all levels of police work.

However, the officers also indicated that the attitudes of other officers toward DWI arrests does not have an effect on their decisions relating to DWI encounters. Well over 80% of the ASAP and regular patrol officers agreed, but only 54% of the ASAP supervisors felt peer group pressures had no effect. The reasons for this could be a concern for the feelings of the men rather than an actual indicator of the way the officers feel.

(4) Standards of Performance

An officer's performance, and his attitude concerning DWI arrests may be affected by the standards of performance, or lack thereof, established by his department. Standards may be

established concerning the number of arrests for DWI law violations an officer is expected to make during a specific period (quota) or the number of DWI convictions per arrest which should result from his activities.

To determine if the various departments employed standards of performance discussions with police officials at all levels were held concerning activity ratings and other enforcement effectiveness measurements. Officers and supervisors were also asked to indicate what, if any effect such standards had on their enforcement decisions. The questions asked and tabulated were:

"Does your department have any standards of performance concerning DWI arrests? (For instance, are officers expected to make a specific number of arrests during a set time period, or are they expected to meet a standard of convictions per arrest?) Are these standards written?"

	A/R	Yes	No	No Response	In Writing
ASAP	85/85	6 7%	67 79%	12 14%	1
NON-ASAP	18/21	5 24%	13 62%	3 14%	
ASAP SUPERVISORS	13/13	2 15%	11 85%		1

"Do you feel that these standards of performance have an effect on your decisions relating to the arrest of drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	19/85	3 16%	16 84%	3 16%		1 5%	1 5%	1 5%	3 16%		
NON-ASAP	12/21	1 8%	11 92%	1 8%		1 8%			1 8%		
ASAP SUPERVISORS	0/13										

The responses received concerning standards of performance serve to point out that in the overwhelming majority of cases, no standards of performance exist and where departments do have such standards they have not bothered to put them into written form. Officers and supervisors agreed that most departments set informal "goals" and primarily compile activity data for promotion purposes. However, each officer within a department may have a different perception of what the "goals" are. At one site, the interviewer received four different answers from four different officers in the ASAP unit in response to this question. One officer said the standard was 50 arrests per month; while another said it was 15 arrests per month, a third officer said the Sergeant determined the monthly "goals" while the last officer said "Personnel rates each officer's performance."

The interviewers also observed that where informal standards existed, the officers did not have a clear idea what was expected of them and they set inconsistent standards by themselves. In two such sites, the officers would often arrest many persons with low B.A.C.'s and then have to release large percentages of motorists who passed the breath tests. At one site close to 10% of the persons arrested, passed the test and at the second site the percentage was a very large 24%.

(5) Policy of Officer's Supervisor

Written or informal policies of an officer's supervisor may affect his DWI arrest decisions. The policy may not encourage DWI arrests, for example, because the supervisor places a low priority of this activity. Conversely, a supervisor's insistence on increased activity may likewise affect the police officer.

"Does your supervisor have a policy relating to drunk driving arrests (if any)? (What is it?)"

	A/R	Yes	No	No Response
ASAP	84/85	24 29%	42 50%	18 21%
NON-ASAP	21/21	6 29%	12 57%	3 14%
ASAP SUPERVISORS	13/13	7 54%	5 38%	1 8%

"Do you feel that your supervisor's policy has an effect on your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	38/85	13 34%	25 66%	11 29%		8 21%	2 5%	1 3%	8 21%	2 5%	1 3%
NON-ASAP	7/21	1 14%	6 86%								
ASAP SUPERVISORS	0/13					-NOT ASKED-					

Only 29% of all the officers interviewed said their supervisors did have a policy of some kind for DWI arrests. Most of these "yes" responses were really not addressed to a specific policy that the supervisor had developed; rather, they spoke in general terms such as "arrest all you can", "keep DWI's off the streets" and "enforce the law".

Despite the responses of the officers, over 54% of the ASAP supervisors indicated they did indeed have policies for DWI arrests; however, when asked what the policies were, most responded with general statements similar to those of their men. Both officers and supervisors alike were unclear as to whether the policies were in written form and unsure of how the policies were made known.

The results demonstrate clearly there is weak supervision throughout the ASAP program and that a supervisor's policy, even when it does exist, will more than likely not be known or followed by the officers.

(6) Department Policy

A police officer's DWI decisions may be influenced by the written or informal policies of his department pertaining to DWI arrests. If the department places a low command priority on DWI arrests, the ASAP officer's enforcement activity may reflect this lack of concern. Lack of a policy might lead to the officer making his own policy and result in inconsistent levels of enforcement.

An examination of the influencing factor was made utilizing the responses of the officers and supervisors and the police administrators were asked to comment on the extent to which the officers adhere to existing policy. The questions asked and the tabulated results were:

"Does your department have a policy relating to drunk driving arrests (if any)? (What is it?)"

	A/R	Yes	No	No Response	Same As Supervisor
ASAP	85/85	30 35%	39 46%	16 19%	
NON-ASAP	21/21	5 24%	11 52%	2 10%	3 14%
ASAP SUPERVISORS	13/13	2 15%	8 62%		3 23%

"Do you feel that your department's policy relating to arrest of drunk drivers has an effect on your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	44/78	13 30%	31 70%	11 25%	2 5%	10 23%	2 5%	1 2%	8 18%	4 9%	1 2%
NON-ASAP	15/21	4 27%	11 73%	3 20%	1 7%	4 27%			4 27%		
ASAP SUPERVISORS	0/13					-NOT ASKED-					

The responses of the officers to these questions closely parallel those received for the previous factor of supervisor's policy. Lower percentages of officers indicated that their police agency had a policy for DWI arrests. Generally the "policies" were in reality procedures to be followed for processing DWI arrests and the like. None of the responses demonstrated the existence of a policy dealing with DWI's.

One police chief felt that the State's DWI law was the department's "policy". However, this only supports the conclusion that the policeman is left to make his own policy which defeats any attempt for consistent enforcement. Survey results indicate that the officers did not feel that departmental policy, or the lack of it had any appreciable effect on the officers' decisions relating to drinking drivers.

(7) Nature of the Police Agency

During the course of this survey, each interviewer was able to observe the operations of several types of law enforcement agencies. Based upon these observations, the interviewers were able to determine what effects the nature of the law enforcement agency had on the officer's arrest decision.

State police or highway patrol officers were more militaristic and rigid in their enforcement activities. They placed heavy emphasis on DWI enforcement and tended to give suspects very few breaks.

City police officers were much more flexible in dealing with drunk driving problems and related the importance of this law enforcement activity to other enforcement problems. When the officers would be lenient with a suspect, they based their decision on reasonableness and a sense of justice. This was indicative of their general high level of competence.

Sheriff's department and small town officers often appeared inadequately trained and of lower quality than the City or State officers. They tended to be more politically aware and the political/social factors appeared to have greater influence on their arrest decisions.

It was also observed that in those agencies whose chief activity was traffic law enforcement and, by nature of their work, DWI enforcement there was a tendency among the officers assigned to ASAP to carry out their normal patrol duties placing no greater nor lesser emphasis on DWI enforcement than if they had not been in the program. Many of these officers were not fully supportive of the overall ASAP program and could not understand the reasons why Federal support was supplied to their agency. A widely held suspicion among the officers was that the ASAP staff was trying to take over control and direction of their DWI enforcement activities.

The above observations are, of course, general statements and do not apply to specific locations or situations. Each agency confronts a different set of variables each day and these variables can affect not only the officers' decisions, but also the nature of the law enforcement agency for which they work.

(8) Strength of Supervision

The strength of supervision an ASAP officer receives has a definite influence on his DWI decisions. A strong supervisor is able to instill confidence in the officers, boost morale by recognizing and dealing with various influencing factors, and insulate them from the negative impact of many of those factors which are related to department or community forces.

No attempt was made by the survey staff to measure this variable and our findings and conclusion were based upon observations by staff members. Most of the locations surveyed suffered from weak supervision of their ASAP teams and their enforcement rates reflected this. Officers who perform without strong supervision often are inconsistent enforcers, are affected more strongly by influencing factors and suffered from low morale.

(9) Isolation of ASAP Officers

An officer's attitudes toward DWI enforcement may be affected by how much the officer feels isolated from his family, his peers and the community. This feeling of isolation may be caused by one or a number of factors working singly or in concert to separate the officer from certain groups. Stresses such as the hours ASAP patrols work and the attitudes of their peers concerning the importance of their work can serve to heighten the officer's sense of seclusion.

Many of the ASAP officers interviewed do feel isolated from their families, their departments and the community. The reasons for this are the late-night hours the men must work; the specialized training they have received; the specialized equipment they were issued; and the fact that DWI enforcement is an activity considered unpleasant by other officers.

In many departments, administrators accepted ASAP with the expectation of receiving extra personnel they could then use for other activities. When they found the extra personnel and equipment were restricted to DWI enforcement; they isolated these personnel and, in effect, treated them as if they were part of another agency. The effect of this type of treatment in some communities has been devastating to effective DWI enforcement.

Based upon an evaluation of the officers' responses and comments, the survey staff has isolated several departmental factors that exert a great deal of influence on the officer's

arrest decisions. If morale on the departmental or ASAP level is low, the officers indicated they will avoid contact with DWI's thus thwarting the objectives of DWI enforcement. Lack of a clearly-defined DWI policy results in arbitrary enforcement and excessive exercise of discretion by the officers. Even the nature of the law enforcement agency can influence officers to be either rigid or flexible in their arrest decisions.

Peer group attitudes do not, in the officer's opinion, have any great effect on their DWI decisions because (1) the attitudes are improving and (2) non-ASAP officers are beginning to make greater numbers of DWI arrests. Despite this, ASAP officers tend to feel isolated from other members of the department as well as their families and the community they serve. A major cause of this is the long and irregular duty hours the men must work. These feelings of isolation have a detrimental effect in the officers enforcement attitudes and, in time, can directly lead to a decrease in a more important area-morale.

In the recommendations that follow the discussion of the various influencing factors, the survey staff discusses these factors and suggests several methods for increasing morale, ending officer isolation and building favorable peer group attitudes.

5. OUTSIDE INFLUENCES

DWI enforcement does not operate in a vacuum, it is a part of the criminal justice system that also includes courts and prosecutors. These agencies often exert pressures on the police officer that can influence his decisions relating to drunk drivers. If, for example, the officer perceives the court to be unsupportive of DWI enforcement, he may be discouraged from making arrests because of the difficulty in gaining a conviction. Conversely, should the officer feel he has the support of the court or prosecutor, his enforcement attitude might be more rigid.

Police officers carry out their enforcement activities to protect the public from harm. If the public resents or ignores the officers enforcement efforts and the officer is cognizant of this, his decisions relating to DWI encounters may be adversely affected. The officer may begin to question the purpose of his work and his morale may deteriorate, causing a corresponding decline in his arrest efforts.

(1) Court Support of DWI Enforcement

The attitude of the local court toward drunk driving enforcement, and the reflection of their attitude through the conduct of DWI cases by the court may affect the officer's decisions concerning DWI's. For example, if the court is disrespectful to the officer or appears to side with defense counsel, the officer may be constrained in his enforcement effort feeling that "it's just not worth taking that" or that the court will probably not convict the defendant anyway.

Findings and conclusions concerning this factor were based upon the opinions of the officers as to the level of court support they received; what effect this support or lack of it had on their decision-making process, and what, if any change in court support was attributable to ASAP. The officers were asked to comment on the problems they have experienced in obtaining convictions in court. The questions asked and the tabulated responses were:

"What is the degree of support the local courts give to DWI enforcement?"

	A/R	Good	Improved	No Change	Inconsistent	Poor
ASAP	83/85	41 49%	8 10%	2 2%	10 10%	22 27%
NON-ASAP	18/21	8 44%			3 17%	7 39%
ASAP SUPERVISOR	13/13	5 38%			5 38%	3 23%

"Do you feel the attitude of the local courts has an effect on your decision relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	84/85	31 37%	53 63%	15 18%	12 14%	13 15%	2 2%	6 7%	12 14%	2 2%	7 8%
NON-ASAP	20/21	7 35%	13 65%	3 15%	4 20%	4 20%	1 5%	2 10%	4 20%	2 10%	1 5%
ASAP SUPERVISORS	13/13	7 54%	6 46%	2 15%	5 38%	4 31%	2 15%	1 8%	6 46%		1 8%

"Has there been any change in the court's attitude concerning DWI law enforcement subsequent to the initiation of the ASAP program? (If so, what?)"

	A/R	Marked	Slight	None	Unknown
ASAP	73/85	37 51%	4 5%	12 16%	20 27%
NON-ASAP	21/21	7 33%		4 19%	10 48%
ASAP SUPERVISORS	13/13	8 62%		3 23%	2 15%

"What do you consider to be the major problem in obtaining convictions in DWI cases?"

The tabulated results indicate that the officers were almost evenly divided as to the level of support they feel the courts give to DWI enforcement. Significant was the fact that 48% of the ASAP officers, 56% of the regular patrolmen and 61% of the ASAP supervisors felt court support was less than good.

A large number of the responding officers felt court support had no affect on their DWI decisions. Those who indicated they were influenced believed the factor significantly affected their DWI arrest decisions; however, they were split as to the nature of the influence. The staff believes therefore, that court-related factors such as frequency of court appearances, faith

in court justice and prosecutor support play a larger role in shaping the officer's attitude toward the criminal justice system than the ASAP program plans generally recognize. Seldom were significant efforts in effect to strengthen the officer's attitudes toward the court.

Among ASAP personnel only half of these officers believed the Courts had shown a marked change in their level of support for DWI enforcement and that this change has been for the better. Since non-ASAP officers are in court less than ASAP personnel, almost 48% were unable to tell if there had been any change or not.

When asked to name the chief problem facing them in obtaining convictions in court, the officers generally cited the judges or prosecutors as the main obstacles. Many felt the judges did not fully understand the law surrounding DWI cases; were unsure of what was relevant evidence and tended not to believe in breath test results. Officers also objected to losing cases on what they termed "technicalities" and fine points of the law which the police officers felt the judges used to help out their fellow attorneys.

Prosecutors were mentioned often in conjunction with plea bargaining and poor case preparation. All too often, they indicated, the prosecutor, faced with a large caseload, will bargain away as many cases as possible. This, the officers feel, negates their enforcement effort since many problem drinkers are permitted to plead to a lesser non-alcohol related charge and are then free to drink and drive again.

(2) Faith in Court Justice

A police officer's faith in the fairness of court justice may have an influence on his decisions relating to DWI encounters. If, for example, the officer believes that citizens who can afford an attorney receive more favorable treatment in court, he may be discouraged and limit his enforcement activity to those cases where he has an "air tight" case.

The attitudes and responses of officers questioned were verified in further discussions with court personnel, prosecutors and public defenders. The sample size for this factor is smaller than that collected for other factors as this question was not initially identified; however, police officers in the field indicated this factor did influence their decisions in DWI cases. The question asked and the tabulated results were:

- "Does the inequity of some court findings have an effect on your decisions to arrest or not?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	76/85	16 21%	60 79%	5 7%	10 13%	7 9%	1 1%	7 9%	4 5%	1 1%	10 13%
NON-ASAP	18/21	6 33%	12 67%	1 6%	5 28%	1 6%	4 22%	1 6%	1 6%	3 17%	2 11%
ASAP SUPERVISORS	13/13	4 31%	9 69%		3 23%	1 8%	2 15%		1 8%	2 15%	

Based upon the responses of the officers questioned, the effect of court justice or injustice has little direct impact on an officer's DWI arrest decisions. Generally the officers appeared to accept as a fact of life that more affluent persons get better medical care, eat better and are able to afford better representation in court. Therefore, they try not to carry over the real sense of frustration they feel because of legal inequities to DWI enforcement.

Indirectly, in concert with other factors, the officer's lack of faith in court justice tends to reduce his enforcement effort. The people who suffer from court injustice are the lower and lower-middle class groups, usually of the same backgrounds as those of the officers. The officers sympathy is generally with these people and often he is bitter

towards the more affluent whom he feels get away with breaking the law. This bitterness is a double-edged sword and cuts both ways. Some officers become discouraged and reduce all DWI enforcement activity, while others try harder to build good cases against those suspects they feel can "afford the arrest".

(3) Support of Local Prosecutor

The attitude of the local prosecutor toward drunk driving cases, and the representation of this attitude through the filing of complaints, participation in plea bargaining and the presentation of DWI cases in court may have an affect on police officers' decisions relating to drunk driving arrests.

Officers and supervisors were asked to estimate the level of support they felt the prosecutor's office gave to DWI cases; what affect this support (or lack thereof) had upon their decisions relating to DWI arrests, any change in the prosecutor's support they found since ASAP; and what problems, if any the prosecutor faced or posed in obtaining convictions in court. The opinions of the officers were verified in interviews with prosecutors, court officials and others. The questions asked and the tabulated responses were:

. "What is the degree of support the local prosecutor gives to DWI law enforcement?"

	A/R	Good	Fair	Poor
ASAP	83/85	61 73%	12 14%	10 12%
NON-ASAP	18/21	11 61%	3 17%	4 22%
ASAP SUPERVISORS	13/13	6 50%	5 42%	1 8%

"Do you feel that the attitude of the local prosecutor has an effect on your decisions relating to drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	83/85	25 30%	58 70%	14 17%	10 12%	3 16%		8 10%	13 16%	1 1%	6 7%
NCN-ASAP	17/21	5 29%	12 71%	3 18%	2 12%	1 6%	2 12%	2 12%	2 12%	1 6%	2 12%
ASAP SUPERVISORS	13/13	8 67%	4 33%	5 42%	3 25%	4 33%	2 17%	1 8%	4 33%	1 8%	2 17%

"Has there been any change in the prosecutor's attitude concerning DWI law enforcement subsequent to the initiation of the ASAP program? (If so, what?)"

	A/R	Marked	Slight	None	Unknown
ASAP	66/85	26 39%	6 9%	16 24%	18 27%
NON-ASAP	21/85	4 19%		4 19%	13 62%
ASAP SUPERVISORS	11/13	7 64%		4 36%	

The respondents gave prosecutors high marks for their support. Over 73% of the ASAP officers and 61% of the non-ASAP officers felt the support to be good; while the percentage for fair or poor support varied. Among the supervisors, there was a tendency to rate the prosecutors more harshly with 50% of the respondents rating support either fair or poor; this reflecting their concern over the possible impact of support on the men under supervision.

Prosecutor's support had no effect on 70% of the police officers interviewed; with the supervisors again showing more concern than real indication of the feelings of their men. These figures should not be taken to mean there is no real problem and support is uniformly considered good. Examination of the officers comments uncovered three problem areas that should be addressed in any community considering establishment or improvement of an alcohol countermeasures program. These areas are:

- . Plea bargaining -- many officers felt that if they are not given the opportunity to input to or receive feedback from the plea bargaining process; the DWI arrest becomes a hollow exercise and does not accomplish the task of keeping the drinking driver off the streets.
- . Inexperienced prosecutors are blamed by many officers for losing many cases in court since they do not possess the experience to cope with technicalities and lack the ability to present a prima facie case to the court. As one officer put it, "its a sad day when I have to tell a prosecutor when to object to a question".
- . Excessive caseloads directly impact the two aforementioned problems and pose yet another. The large caseloads each prosecutor must deal with prohibit discussion of the case with the officer prior to trial; this leaves the officer on his own to prepare his testimony and often many officers indicated, the prosecutor would leave out a relevant portion of the testimony and the case would be lost.

(4) Community Attitudes and Support

The attitude and support of the public may have an affect on police officer's decisions relating to DWI enforcement. For example, strong public support may cause a police officer to be aggressive in his DWI law enforcement while an impassive or apathetic public attitude may have the opposite affect.

Questions were asked to determine an officer's perceptions of public attitudes and the effect of these attitudes might have on his decisions concerning DWI arrests. Attempts were made to verify officer's observations regarding public support through interviews with court officials, prosecutors, elected or appointed city officials and others. However, the survey staff found that not only the officers, but other officials as well had no conception of what public attitudes and levels of support were. Because the officers were not really tied into community attitudes, attempts to accurately measure the change in public since ASAP was not entirely successful. The questions asked and tabulated results were:

. "What are the general community attitudes and degree of public support for DWI enforcement?"

	A/R	Good	Marginal	Poor	Unknown
ASAP	77/85	36 47%	15 19%	11 14%	15 19%
NON-ASAP	21/21	7 33%	2 10%	5 24%	7 33%
ASAP SUPERVISOR	13/13	4 31%	4 31%	3 23%	2 15%

. "Does the degree of public support have an affect on your decisions relating to the arrest of drunk drivers?"

	A/R	Response		Effect		Degree			Frequency		
		Yes	No	Pos.	Neg.	Sign.	Mod.	Mar.	Most	Many	Some
ASAP	72/85	21 29%	51 71%	18 25%	4 6%	13 18%	2 3%	4 6%	15 21%	1 19%	6 8%
NON-ASAP	19/21	7 37%	12 63%	4 21%	2 11%	3 16%	3 16%		3 16%	2 11%	1 5%
ASAP SUPERVISORS	11/13	7 54%	4 31%	6 55%	1 9%	5 45%	1 9%	1 9%	5 45%	1 9%	1 9%

"Has there been any change in the public support for DWI law enforcement subsequent to the initiation of the ASAP program? (If so, what?)"

	A/R	Marked	Slight	None	Unknown
ASAP	83/85	46 55%	11 13%	4 5%	22 27%
NON-ASAP	21/21	8 38%	4 19%	4 19%	5 24%
ASAP SUPERVISORS	13/13	8 62%	2 15%	3 23%	

Close to 50% of the ASAP officers responding felt community support to be good, while just over 30% of the regular officers and ASAP supervisors agreed. Of more importance was the large percentage of officers and supervisors who simply did not know what the prevailing community attitudes were nor what level of support the public gave to DWI enforcement. Almost 20% of the ASAP officers and 15% of their supervisors were unable to gauge the public's support, and the percentages were double that for the non-ASAP officers. Further, when asked to determine what change, if any, has occurred in public support since ASAP, almost 30% of the ASAP officers indicated they were not able to answer the question.

Additional evidence of the officer's lack of contact with the community may be found in comments offered by the officers on public attitudes and subsequent changes in that attitude. For the most part, the officers and supervisors spoke in terms of the citizens' "awareness" or "interest", while others stated the public was simply afraid of being arrested. These comments correspond with those made by the officers concerning the deterrence value of strict DWI enforcement.

That the officers feel a need for public support of their DWI activities is evident in their responses indicating 25% of the ASAP officers responding agreed that community approval has a positive influence on their arrest decisions. However, as their responses bear out, the ASAP officers and supervisors, as well as the regular patrol personnel are not closely attuned to community feelings.

(5) Legality of ASAP Countermeasurements

The legality of various ASAP countermeasures, particularly those in the rehabilitation area may have an affect on a police officer's attitude concerning DWI arrests. For example, in many states a DWI conviction results in automatic suspension or revocation of the defendant's driving privileges. If a court, wishing to avoid this consequence, allows the defendant to plead guilty to a lesser offense he may not have even committed in return for a promise to enter training or treatment programs, the arresting officer may feel frustrated because the suspect was not tried and convicted on the DWI charge.

No quantifiable measurements were taken to determine the effect of this variable; however, the interviewers, through observations of the officers and discussions with their supervisors were able to make certain findings.

In several sites where various forms of probation without verdict, pleading guilty to a lesser charge in return for entering treatment programs and disregard for mandatory penalties were used, police attitudes were affected. Many of the officers raised a concern with the court's use of these practices and at times felt frustrated because of this. Most directly affected was their attitude towards the severity of punishment for DWI law violations and their enforcement effort.

(6) Weather

This variable was identified late in the survey because the survey start-up was in the summer and it was not until the late stages of the work, in November, that the interviewers rode with the officers in bad weather conditions. Quantification of this factor was therefore not possible.

Adverse weather conditions may not affect the officer's attitudes toward DWI enforcement; nor have a great deal of influence on his arrest decisions. Bad weather will limit his DWI contacts and in this manner affect his rate of enforcement. Inclement weather may cause the officer to stay in his car more; it may also make it more difficult to spot DWI's on the road.

Finally, bad weather may cause the time and location of DWI contacts to change. For example, in areas where working men are let out early, they may go to taverns and spend time there; hitting the streets around 6-7 P.M. If so, ASAP will not apprehend them since they generally do not start patrols until 8 or 9 P.M.

V. RECOMMENDATIONS

In this section of the report are presented the staff's recommendations to minimize the influence of those factors which tend to have a negative impact on an officer's decision to arrest persons who appear to be driving under the influence of alcohol. The implementation of these recommendations would also augment or support those "positive" factors, such as the officer's natural predilection toward duty, which influences him to enforce the law.

The subjects of this survey were a relatively selective group of officers; those assigned to ASAP duty. These men were generally assigned full time to a dedicated special force having no other duty. In some jurisdictions they were drawn from other duty rosters (traffic, regular patrol) for this type of patrol on a day by day or short period assignment (as overtime). While they were on ASAP patrol, they were usually not interrupted by other duty requirements. As a result, the findings leading to these recommendations cannot be generalized to apply to all officers who might be called upon to enforce DWI laws. However, where there was an opportunity to interview officers on some other duty basis significant differences in their attitudes or concerns were not evident.

Although the recommendations presented here would be effective in improving conditions at ASAP sites, the staff attempted to frame them so that they would be generally applicable to the establishment and maintenance of an alcohol countermeasures program in any community. The thrust of these recommendations is directly oriented toward the police officer rather than to the total program. It is believed that their implementation, or at least improvement in the areas discussed, will have a positive impact upon the level and quality of arrests made by police officers in DWI enforcement.

Recommendations have been grouped into five areas of concern. These are:

. Establishment of the Countermeasures Program

- . Administration of Law Enforcement
- . Management of Operations
- . The Adjudication and Sanctioning Process
- . Training Requirements.

1. ESTABLISHMENT OF THE COUNTERMEASURES PROGRAM

The attitudes of the officer are influenced significantly by the structure of the countermeasures program in his community. This structure will, to a large measure, determine the attitudes of his peers, the citizens, and the other agencies and organizations with which he must work. The program structure should also assure that the laws and ordinances, which the officers enforce, are consistent with the objectives of the program and support their activity. The following recommendations address the overall program management elements which appeared to negatively influence enforcement of DWI laws.

(1) Establish a Central Administrative Authority for Direction of the Program

The officer is often faced with the realization that, as independent agencies, the activities of the courts and the District Attorney are not always consistent with his understanding of the objectives of the program. When these agencies do not "do their job" or frustrate his efforts to "nail" a bad driver, he becomes discouraged with the potential for proper administration of justice. When he sees no mechanism for changing this situation he is less inclined to work within the program structure and begins to administer "curbstone" justice.

To assure support of each of the agencies concerned with implementation of the program, a program coordinator should be appointed having a direct charter from the mayor and/or City Council to direct the implementation and maintenance of the program. His responsibility should be to assure common support of the program objectives by those agencies involved,

consistent and effective performance of the functions assigned to those agencies, and acquisition and optimal maintenance and utilization of the facilities and equipment available. He should also be responsible for acquisition of funding necessary for implementation and maintenance of the program.

He should assure that program plans are established and implemented by each agency and monitor their performance and the effectiveness of countermeasures applied. Authority to direct the efforts of individual agencies, however, should remain with the elected or appointed officials. The mayor or city council should direct improvement when necessary. In no case should the coordinator directly insert himself in the command structure of the enforcement agency.

(2) Establish Legislation And Ordinances That Facilitate Performance of Arrest And Adjudication Efforts

Police officers are often discouraged in the performance of their duties by inadequate definition of "acceptable" BAC levels for arrest; lack of sufficient authority to require testing for BAC; unavailability of effective field tests to screen out motorists with "borderline" BAC's; and requirements for "companion charges" to justify the initial stop and investigation.

It has also been determined that some officers consider the mandatory penalties for persons convicted of DWI to be excessive in many cases and condition their decisions to arrest on their opinion of the extent to which that penalty is warranted or the effect of such a sanction on each individual case.

States and communities implementing alcohol countermeasure programs should assure that their laws or ordinances:

- . Include a per se statute with a BAC limit of .10% of which the subject must be charged and convicted.
- . Include an "implied consent" requirement whereby on acquisition of a drivers license each driver consents to subject himself to tests which will determine his BAC when the officer has reasonable cause to request such a test.

- . Include authorizations to utilize preliminary tests in the field such as portable breathtesting devices that are more indicative of BAC than the standard field sobriety tests.
- . Exclude any requirements for companion charges as essential to an alcohol-related offense (i.e., using "bad driving" as additional proof of drunkenness).

(3) Countermeasures Must Be Implementable Within Existing Law

In many of the jurisdictions visited it was found that the mandatory sanctions on conviction of DWI included jail and/or large fines. These sanctions, specified in the motor vehicle codes, make no allowance for special rehabilitative programs which have been developed as a part of the alcohol safety countermeasures program. As an inducement to bring drivers charged with an alcohol-related traffic offense into this program, the judges and prosecutors have made plea bargaining an essential element of the judicial process on this charge. The subject drivers are offered the opportunity of pleading to a lesser charge than DWI on the condition that they will enroll in the rehabilitation training programs. In effect, of the intent of the law, as written, is being subverted. Many of the officers interviewed had developed negative opinions on the quality of justice administered in the courts and lack confidence that their arrests, no matter how good the evidence, would result in convictions for DWI. Without the assurance that a good arrest would lead to a good conviction, the officer will in many instances reduce the charge on the spot assuring that he has a good conviction rate on his arrests.

It is recommended that rehabilitative countermeasures developed as a part of the program should only be applied following conviction for the charge set by the officer. Plea bargaining or adjustments to the charge for any reason other than lack of evidence is not acceptable to the officer and reduces his confidence in the integrity of the judicial processes of the courts. Additionally, an effort should be made to reduce all mandatory sanctions and permit increased judicial discretion for the purpose of sentencing DWI's to rehabilitative programs.

(4) Public Relations Programs Must Emphasize the Positive Aspects of Law Enforcement

Officers are affected by community attitudes toward driving while intoxicated and toward the enforcement of DWI laws. Many officers, when asked to comment on the deterrent effect of DWI enforcement indicated people were "afraid of ASAP"; "scared of getting caught"; and "trying to avoid us". Most officers interviewed expressed little desire to be feared. They would much prefer to be respected and to have the public clearly understand the importance of their work. Many officers went out of their way to assure that the public did not consider them rigid in their enforcement of DWI laws.

From its inception, the alcohol countermeasures program in a community should direct a significant portion of its public information and education efforts toward dispelling this climate of fear. Community support should be built and maintained by emphasizing the serious nature of the DWI program and "protective" aspects of DWI enforcement. These police officers are performing a significant service to their community by identifying drivers who are incapable of driving safely. The objective of the enforcement process is to remove these drivers from the roadways and thereby reduce significantly the hazards faced by the responsible citizen when he uses the streets of this community.

An effective public relations program will also emphasize that the officer is a dedicated citizen, trained to provide a service to his community which could probably not be provided in any other manner. His training allows him to identify and apprehend citizens who are driving while intoxicated and, where necessary, provide emergency assistance to those who are victims of these irresponsible persons. Police officers can be very effective in getting this point across to civic groups when they have opportunity to speak to them about their jobs. This humanizing of law enforcement has not only been effective in creating community support for enforcement programs but has reduced the level of defensiveness some police officers feel in performing their duty.

(5) Law Enforcement Agencies Should Adopt a Policy Relating to DWI Enforcement Activities

Absence of a departmental policy pertaining to DWI enforcement can lead to a feeling by dedicated officers that the department is not supportive of their work. Lack of clear direction results in uneven performance among officers, abuse of discretion and high numbers of poor quality arrests. A clearly defined agency policy pertaining to DWI enforcement can do a great deal by boosting morale, officer confidence and enforcement effort.

Any department policy should clearly set out:

- . the priority to be given DWI enforcement -- commitment to enforcement activity
- . the role general patrol and specialized patrol officers will play in DWI enforcement -- more specifically, the relative priority of alcohol countermeasure activity
- . instructions on the treatment of V.I.P.s and other officers found to be DWI
- . parameters for evaluation of officers performance.

The law enforcement agency should make clear that all suspects will be treated alike regardless of social or political prominence and set out administrative penalties for any officer who may extend VIPs any special treatment.

(6) Courts Should Adopt A Policy Relating to Their Support of DWI Cases

Before any court becomes a part of an Alcohol Countermeasures program, the court administrators should develop and implement a policy that details their support of the goals of the Alcohol Countermeasures Program. Next, the policy should pledge consistent application in procedural matters such as acceptability of evidence, sanctioning, and plea bargaining.

Because increased enforcement will create corresponding growth in caseloads, the court should be prepared to commit the resources that are necessary to handle large numbers of

defendants. The court should also resolve to dispose of all DWI cases as expeditiously as possible without jeopardizing the defendant's rights. Finally the policy should state a determination to work with the law enforcement agency to develop and implement procedures for effective scheduling of police officers into court through the use of pre-set officer appearance schedules. This concept is discussed more fully in the recommendations pertaining to the Adjudication and Sanctioning Process.

It is important that these matters be settled and the appropriate policy implemented prior to the start of any Alcohol Countermeasures Program to ensure that the court and law enforcement agencies do not create unnecessary burdens for one another.

2. ADMINISTRATION OF LAW ENFORCEMENT

A number of factors that influence a police officer's decisions relating to DWI encounters are related to the degree of support his department gives to his activities. Morale, self-confidence and dedication to duty are all impacted by procedures for processing arrests, the supervision of the unit, and standards of performance evaluation. These elements are generally controlled by the law enforcement agency and serve as chief indicators of the agency's basic attitude toward DWI enforcement. The following recommendations address the elements set out above and others relating to Law Enforcement Administration which appeared to negatively influence his enforcement attitudes.

(1) Establish a Simple and Expeditious Procedure for the Processing of DWI Arrests

Prior to ASAP, the processing of a DWI arrest in many communities, was a tedious process that required between two and six hours of an officer's time. Survey findings indicated that lengthy processing of suspects does constrain an officer's arrest decisions; however, this effect is closely tied to several other influencing factors such as collection

of evidence, the sex, age of the subject, and the disposition of the suspects vehicle. All of these elements pose unique processing problems that many officers feel are not worth the bother. Therefore, the officers generally decide not to arrest "borderline" DWI's if they know the arrest will keep them away from duty for an extended period of time.

Under ASAP processing time has been reduced through utilization of BAC testing equipment such as the "Breathalyzer", reduction of unnecessary paperwork and simplification of other processing steps. Generally, a suspect can be processed in 60 to 90 minutes by an experienced ASAP officer; however, for unexperienced ASAP and non-ASAP officers, the process can still take over two hours.

The first area of improvement should be in the establishment of improved field tests for the officers. The existing tests for coordination and comprehension are generally unreliable. A more comprehensive field test should be devised, including use of pre-arrest portable breath-testing devices. Hopefully these would reduce the number of unnecessary DWI arrests by providing the officer with more substantial indicators of the suspect's degree of intoxication.

Alcohol Influence Reports should be reformatted to cover only that information necessary to prove the elements of DWI. Flexibility should be retained; however, to allow the officer to sufficiently identify the suspect's condition and relate it to the court, thereby reducing the likelihood of the officer committing an evidentiary error.

Vehicle impoundment procedures should be made more responsive to the officer's needs. At some sites visited, officers waited up to 40 minutes for a tow truck to arrive. The law enforcement agency should establish procedures to reduce this time by one-half either by operating their own wreckers or contracting for sufficient wrecker service.

Booking procedures and transportation of suspects to the jail should be changed to allow a "turnkey" officer to transport the subject to the lock-up, complete the necessary arrest and booking forms and incarcerate the suspect, thereby freeing the ASAP officer to return to patrol. Perhaps regular station/headquarters personnel or police reserves could be utilized to supply this service, especially on heavy DWI nights such as Friday and Saturday.

Finally, the law enforcement agency should provide adequate facilities and devise specific procedures for the expeditious processing of female suspects with a minimum of difficulty. Some sites have assigned policewomen to the various testing locations for the purpose of testing and booking female suspects, while others video tape all processing of female suspects. Each department should study the problem and devise suitable procedures that address their particular needs and reduce the negative implications of this type of arrest.

(2) Develop an Information System To Be Used in Conjunction with Established Standards of Performance and Officer Evaluation

In discussing standards of performance as a factor affecting a police officer's decisions relating to drunk drivers, the staff noted that where such standards were altogether absent or informal in nature, officers tended to make a large number of poor quality arrests. In several sites as many as 24% of all suspects arrested were later released because breath tests showed them to have low BAC's. Therefore, to avoid the consequences that accompany a large number of poor quality arrests, each law enforcement agency institute specifies standards of performance and evaluation for DWI enforcement officers.

Many will argue that "standards" are merely another name for "quota" systems that might lead to even greater abuses. However, a clearly drawn, flexible set of performance guidelines should not have such an effect and would serve an additional

function -- that of evaluating an officer's DWI enforcement effectiveness. The overall result will be the creation of parameters or guidelines, for enforcement activity that give each officer a clear understanding of the level of activity expected of him.

Before developing such guidelines, the law enforcement agency should consider each officer's experience, training, length of countermeasure assignment, and the extent of the DWI problem in patrol areas. Once this information is collected and evaluated, a formula can be devised to determine standards for the unit and each individual officer. The staff recommends that the parameters of expected activity be applied to a long-term period, such as a quarter, and encompass a range of goals so the officer may achieve a median level of performance. For example, Officer X, with several years of experience and training may be expected to average between 50 to 70 arrests per quarter (5 per week x 4 weeks x 3 months = 60) with a conviction rate of 90%. A less experienced man might generate between 30 and 50 arrests. Each unit's supervisor should be tasked with the responsibility of reporting the extent of each officer's compliance with the parameters to the department and receiving any feedback concerning an officer's activity.

In order for an officer evaluation program to be successfully carried out, the law enforcement agency must initially isolate specific evaluative criteria that will give them an accurate picture of the officer's performance. Such information includes:

- . The number of stops made by the officer
- . The number of suspects tested by the officer
- . The number of suspects arrested by the officer
- . The BAC's for all suspects tested by the officer
- . The disposition of all cases involving the officer

- . The number of breath tests administered by the officer in cases where he was not the arresting officer.

The information to be included might cover the time and location of the officer's arrests, and the number of alcohol-related accidents investigated by the officer. This information could be collected for a week, month or quarter depending on the agency's needs.

The gathering and evaluation of this data is a large task, therefore law enforcement agencies should develop an information system designed to collect the necessary inputs and present the assembled data in forms conducive to evaluation and analysis. Such an information system need not be limited to providing data for officer evaluation. Other areas of utilization might be: deployment strategies, manpower and equipment allocations; accident statistics and incidences of DWI activity.

This information will enable the law enforcement agency to be more responsive to DWI trends and the need for enforcement in various areas of the community. It can provide an accurate picture of the level of DWI enforcement activity being conducted and measure the impact of this activity on the DWI problem in the community.

(3) Law Enforcement Agencies Should Analyze Their Needs and Expectations for DWI Enforcement Before Deciding to Establish a Dedicated Unit

Before a law enforcement agency and Alcohol Countermeasure Program management decide to establish a specialized unit for DWI enforcement, they should evaluate their situation and consider possible alternatives. Often, due to long, irregular hours, frequent court appearances and the belief among fellow officers that DWI enforcement is not really "police work", assignment to a dedicated unit can be viewed as undesirable which decreases enforcement effectiveness.

If officers are "drafted" into specialized units or are assigned to the unit as "punishment" for past misdeeds, they cannot be expected to maintain high level of participation. Some agencies may even be tempted to use such units as dumping grounds for department "misfits", further reducing the potential of the enforcement effort.

Creating a sense of pride or prestige within the unit can, of course, overcome some or all of these obstacles; however, this brings with it additional problems such as the possibility of isolating the dedicated officers from the rest of the department. In agencies where traffic patrol duty and DWI control are an integral part of their enforcement duties, specialized officers generally will not patrol much differently than regular patrol officers thus negating any expected advantage in dedicated units.

Therefore, before the agency begins to set up any type of DWI enforcement unit, its administrators and the staff from the Alcohol Countermeasures Program should evaluate their particular situation and consider the following alternatives:

3.1 Dedicated Unit--should the law enforcement agency decide to create a special DWI unit, the stigma of undesirability must be overcome. The department should build up a sense of esprit de corps among the officers in the unit and place increased emphasis on the importance of their activity. Incentives to attract capable officers into DWI units should be considered such as increased compensation, more vacation time and special recognition of the officers.

Isolation and its attendant morale problems might be created by such recognition; therefore, we recommend that the dedicated officers be rotated out of the unit to other assignments for two-week periods in order to "keep them in touch" with the activities of the department. The vacancies created by this temporary duty can be filled by regular patrol officers who can then receive training in DWI enforcement techniques. Rotation would have to be on a staggered schedule initially to avoid depleting experienced manpower from the unit. However, as soon as a reserve of trained officers is created, then each special officer should be rotated to another assignment every three months.

In no case should the officers be forced to accept assignment to a specialized unit. These units should be staffed with volunteers whom meet established personnel standards. This way, each agency can be assured of placing proven, dedicated officers on the unit. Should there be no volunteers, the agency should immediately determine the reasons and take the appropriate steps to correct the situation.

To overcome the attitudes of other officers that DWI arrests are a waste of time, the agency should assign its dedicated officers and trained reserves with the responsibility of changing these attitudes. They can correct any misconception other members of the force may have and explain the proper DWI enforcement procedures. They can also give presentations to new recruits, church and civic groups and, at the same time, reinforce their commitment to DWI enforcement.

3.2 Combined Units are most effective in smaller communities and in those agencies already charged with traffic law enforcement including DWI control activity. A dedicated unit is really not essential in these situations. Our observations indicated that these officers will follow their normal patrol patterns whether they are out of a dedicated unit or not.

Therefore, we recommend that instead of creating special units, support in the form of patrol vehicles, testing equipment, improvement of DWI arrest processing procedures and DWI enforcement training supplied to these agencies. In this way, all the officers will be able to carry out DWI enforcement more effectively than one or two men in a special unit. Likely candidates for this aid are state police and highway patrols and smaller community police agencies.

3.3 Auxiliary Units -- This third alternative establishes support capability for regular patrol officers such as special vehicles with testing devices which can be brought to the arrest site. Officers can be relieved of the most onerous elements of arrest processing such as transferring the suspect to the station. The support unit might also assume responsibility for booking the suspect and impoundment of the suspect's vehicle.

(4) Law Enforcement Administrators Should Provide a Full-Time Supervisor Tasked with Monitoring, Evaluative and Motivational Responsibilities

During their visits to ASAP sites, staff members noted that many law enforcement agencies either did not provide for any direct supervision of their dedicated units or, where provided, such supervision was often on a part-time basis only. In either case, these situations served to heighten the effect of "negative" influencing factors upon an officer's DWI arrest decision.

The survey staff frequently found unsupervised officers uncertain as to what enforcement levels were expected of them and unclear as to what, if any, policy governed their actions. Such uncertainty reduces the officer's incentive to participate in DWI enforcement countermeasures, lowers morale and reduces self-confidence among the officers concerning their enforcement ability.

Strong supervision and direction is vital to the maintenance of an effective DWI enforcement countermeasure that utilizes dedicated officers. A good supervisor can sustain morale, maintain a motivated unit and identify and correct many problems before they begin to affect the operation of his unit.

4.1 A supervisor should be assigned to Alcohol Countermeasure duty on a full-time basis and be available to the men during their patrol hours. Officers often find it necessary to make interpretations of department policy that should be made by a full-time supervisor.

4.2 The supervisor should be tasked with performing several monitoring functions to insure his men are meeting established performance and evaluative standards. These tasks include:

- Monitoring the number, time and location of each officer's arrests to determine if the officer is making more than one arrest per shift; avoiding arrests late in his shift and the like.
- Monitoring the circumstances surrounding various stops and arrests to determine if the officer may be influenced by a suspect's excuse or "sob story".

- Monitoring the social or political status of various suspects to determine if the officer's are conforming to department policy.

In addition, the supervisor should evaluate his men regularly to ensure they are following department policy, employing good patrol techniques, and understand what is expected of them.

4.3 The supervisor should act as a buffer between his subordinates and the Alcohol Countermeasure staff and department administrators. Any misdirected or unnecessary criticism by the department or ACM staff can be absorbed by the supervisor before such criticism has an effect on the members of the unit. Also, the supervisor can supply the department and the ACM staff with feedback on unrealistic enforcement goals or policies they may have set for the unit.

4.4 The supervisor should be aware of overall departmental morale and when morale is high attempt to integrate his men into this and when morale declines, he should insultate his unit from it. Low morale should be combated by emphasizing the duty prestige of DWI enforcement, attempting to encourage his men to do what they can to bolster other officers' morale.

4.5 The supervisor should clearly define all interpretations of department DWI policy he may make to the officers. He should keep a file that contains all written policies, procedures and other written correspondence and memoranda concerning DWI policy.

4.6 The supervisor should utilize management and personnel techniques to develop a feeling of confidence among his men; increase their DWI awareness and enforcement attitude, and encourage social interactions between the officers to combat the effects of isolation from the rest of the department.

He should be cognizant of the various influencing factors and prepared to identify and address the problems before his subordinates are affected by them.

4.7 The supervisor should work with the department's court liaison officer in the monitoring and evaluation of the officer's court appearances. He should receive reports on each officer's case disposition, quality of testimony and demeanor in court. Where problems are apparent, he should work with the court liaison officer and the prosecutor to correct the situation.

4.8 The supervisor should receive training in techniques of supervision, monitoring the activities of his subordinates, identification and correction of negative influences, and DWI enforcement operations such as one-man patrol units and officer deployment. Emphasis should be placed upon good management techniques and motivation of subordinates to ensure effective DWI enforcement efforts by members of the unit.

(5) The Law Enforcement Agency Should Carry Out a Strong Community Relations Program Designed to Foster Support for DWI Enforcement

When discussing their attitudes toward DWI enforcement with the survey team, police officers generally stressed the need for community support of their efforts. Should the officer feel he is not responding to the desires of the community by carrying out DWI enforcement, his morale can be adversely affected. However, there is currently, a widely-held expectation on the part of the public that "social" drinkers or "borderline" cases rather than being arrested, should be allowed to go home.

Minority groups present a special problem for any type of selective enforcement program. Often charges of harrassment or bias are leveled against officers who arrest minority group members for DWI. Because of this, and a fear of violence erupting from increased police visibility in minority group areas, many officers avoid all contact with such groups if possible or are very careful to avoid the appearance of being prejudiced against minorities. If the police officer does not believe he has the support of the community, he will generally restrict his enforcement efforts to only the most obvious cases of drunkenness.

Law enforcement agencies should undertake a program to establish and maintain effective community support of alcohol countermeasures, especially arrest of drunken drivers. This level of support should be constantly monitored. The attitude of other (non-dedicated) officers in the department can be tracked concerning DWI enforcement because they often mirror

community sentiments. Development of community relations programs should involve the dedicated officers as much as possible. Our more detailed recommendations are:

5.1 That police-community relations efforts be directed toward developing an awareness in the community of increased DWI enforcement activity without creating a "fear" of police among the public. The "protective" nature of the services performed by these officers should be stressed.

In addition the increased capability of the officers to identify and apprehend those drivers who have been drinking should be noted.

5.2 Insure the public knows that all DWI's are a potential danger. Throughout the country our interviewers noted that community attitudes toward DWI enforcement, as reflected in jury verdict records, were sympathetic drinkers. Many people still consider a drunk driver to be someone who is "all over the road" or "falling down drunk".

To overcome the gross misconception about who is a "drunk driver", the police administrators through the public relations efforts of its DWI personnel should educate the public to the fact that a motorist who operates his automobile while his BAC is .10% can be just as dangerous as a motorist whose BAC is higher. In fact, many of the officers interviewed stated that many "problem" drinkers really operate their automobiles rather well as compared to a "social" drinker who is not accustomed to driving under the influence

5.3 Establish and maintain lines of communication with minority groups which may be concerned with concentrated police enforcement activity in their neighborhoods. Dialogues with minority group members can increase their awareness of the DWI problem as it relates to their community and ease their fears of police harrassment. The dedicated officers and community leader should meet face-to-face, perhaps in an open-house situation, to discuss their fears of possible violence arising from DWI enforcement in minority group neighborhoods.

5.4 Open channels of communication with church and civic groups and with tavern owners in the community. Concerned civic groups may often hold a different view of the objectives of ASAP than do the officers. Generally, these groups tend to be more oriented toward rehabilitation than enforcement, and may not have a clear understanding of the role of the police in the ASAP program. Establishment of dialogues with such groups permits both sides to

learn from one another. Hopefully, this will increase public support of DWI enforcement by these groups who can, in turn, relate this support to other community groups. Officers can also receive community feedback generated by these groups.

One ally largely overlooked by many enforcement agencies in the DWI enforcement effort are the local tavern owners. They are concerned about drunk driving just like any other citizen. In addition, they are in an excellent position to aid enforcement measures by the nature of their business. We feel that the police department should open and maintain close communications with the tavern owners to increase their awareness of the magnitude of the problem and avoid any unnecessary friction or fear. The police should encourage the owners to regulate themselves to prevent an excessive number of their patrons from drinking and driving, as well as exerting pressure on tavern owners that permit such activity.

5.5 Utilize the dedicated officers as much as possible for police-community relations efforts. By appearing before civic and church groups, the officer is afforded an opportunity to meet the public he serves and discover how they feel about the work he is doing. More importantly, the people get to see them and recognize that police officers are human and not "ogres" or "supermen". Through informal presentations and discussions, the officer can explain the role he plays in the DWI enforcement program, stress the need for DWI enforcement, and correct any misconceptions the public may have concerning DWI enforcement.

(6) Formalize Relationships between The Law Enforcement Agency and The Alcohol Countermeasures Program Management

One problem encountered by survey members at several sites was the large amount of supervisory control the ASAP staff appeared to exercise over the members of the ASAP patrol units carrying out DWI enforcement. All too often the program staff would issue confusing directives or request the unit follow unrealistic enforcement guidelines. Such direct intervention by the program management tended to alienate the officers, decrease morale and heighten the isolation of the ASAP officers from their colleagues.

The law enforcement agency should not allow the countermeasures staff to exert direct control over the dedicated officers and should not abrogate their responsibilities pertaining to maintenance of DWI enforcement. Police departments

should formalize any agreements between themselves and the countermeasures staff to insure that all enforcement activities will be the primary responsibility of the law enforcement agency. This way, the officers remain a part of the agency, the sense of "isolation" is reduced, yet the unit is flexible enough to receive input from other sources via the police agency administrators.

3. MANAGEMENT OF OPERATIONS

Certainly the environment in which an officer carries out his enforcement activity can play a large part in shaping his attitudes towards DWI decision-making. The day-to-day operational conditions under which the officer must perform exerts a significant influence on enforcement effectiveness.

In this section the operational factors will be examined that may impact upon the officer. Recommendations to mitigate any negative influences will also be presented.

(1) Officers Should Be Deployed to Locations Where They Will Be the Most Effective in Apprehending Drunk Drivers

During their visits to the various ASAP sites throughout the country, survey staff members noted that in the majority of jurisdictions, ASAP officers were deployed to traditional "beats" with little or no regard for concentrating in areas of highest DWI activity. Many officers and ASAP officials we spoke with said the lack of concentration was due, in part, to a belief that all areas of the locality should be patrolled, and a hope by the law enforcement agencies that ASAP officers would serve as backup for regular patrols. Certain minority group neighborhoods were not patrolled because the officers feared possible violence might arise from high police visibility and arrest activity in those areas.

Responses of the officers indicated such deployment strategies served to constrain their enforcement activity and lead them to feel they were not impacting the DWI problem in their

communities. Another factor, related to officer deployment that generated a negative influence on the men was inclement weather. Foul weather can change normal drinking times and locations, increases the chances of alcohol-related accidents, and reduces the mobility of ASAP patrols.

In order to overcome the various tactical problems specialized DWI enforcement can create, we recommend that officers be deployed according to strategies based upon the following:

- . The number and location of alcohol-related accidents
- . The number and location of prior DWI arrests within the area
- . The number and location of drinking establishments within the area.

After the various patrol areas have been identified, the law enforcement agency should create, and supply to the officers working each area, a "beat book" to serve as a guide. This book should contain the following information about the patrol area:

- . A description of the overall patrol area including its boundaries, main throughfares and other geographic information relevant to DWI enforcement
- . A profile of past DWI arrests and drinking patterns within the patrol area
- . A profile of past alcohol-related accidents by time, location, and weather conditions for the patrol area
- . A profile of the drinking establishments in the area by location, pinpointing the most heavily frequented taverns.

Alternative deployment strategies should also be developed to minimize the disruptions to normal patrol activity often caused by inclement weather. Such alternatives could involve advancing hours of patrol, increasing patrol area concentration and the addition of more patrol units. Each law enforcement

agency should recognize the special deployment requirements of DWI enforcement and assure their existing practices meet those requirements.

(2) Provide Adequate Working Quarters and Maintain Equipment for Alcohol Countermeasure Officer

One influencing factor isolated by the survey staff during their visit to ASAP sites was the condition of the facilities and equipment the ASAP officers used in their enforcement work. The equipment he must use or the facilities that comprise his working environment can have a negative affect on his decisions relating to DWI arrests. If the officers must work with shoddy or malfunctioning equipment or in cramped, inconveniently located testing facilities, he is generally less inclined to utilize that equipment or to take pride in it as representative of effective law enforcement.

Many of the areas went into the ASAP program thinking their equipment would last for the 3-year duration of the contract. However, by the end of the second year, much of that equipment, especially patrol vehicles, was in a state of disrepair or not operational at all. With no budget provisions for replacement or significant repair, programs limp through the last year of the program with woefully inadequate support.

All equipment such as breath testing machines, patrol vehicles or testing vans should be kept in good repair. The Alcohol Countermeasure Program should provide for maintenance and replacement schedules in their budgets based upon reasonable schedules of expected wear and tear caused by patrol activities.

The supervisor of dedicated units, or if no such unit exists, a designated officer, should monitor the condition of all equipment and facilities and promptly report any need for repair or replacement to the agency. He should also encourage his

subordinates to care for special equipment they receive and take necessary disciplinary action when officers neglect their responsibilities for such care.

Testing facilities, that were often small and cramped, made testing and processing of suspects "a real nightmare" for many officers.

The survey staff recommends that all testing and processing facilities should be of sufficient size to accommodate a large number of suspects and that these facilities should be strategically located and accessible to all officers. If the jurisdiction covers a wide area, the law enforcement agency and Alcohol Countermeasure's staff should consider establishing several testing sites.

(3) Utilize One Man Patrol Units only and Extend Duty Hours at Least One Hour Past Peak DWI Activity

During their survey, the project team was able to observe both one- and two-man patrol units in operation. Based upon our observations, it was concluded that two-man cars did not average more arrests than single units because (1) they were generally out of service more due to "personal business" and (2) the constraints on making a DWI arrest were heightened by having two officers making DWI arrest decisions rather than one. Officers confirmed that on borderline cases, two man patrol units were more inclined to be lenient.

One of the most potent negative factors uncovered was the disinclination of officers to arrest late in their patrol shift. Should he make such an arrest the officer was almost certain to be required to work extra hours, probably without recognition for his dedication and possibly without extra pay. Few of the officers interviewed were motivated to work extra hours.

To overcome the impact of these "negative influences", we recommend that (1) one-man units be utilized for DWI patrol and (2) duty hours be adjusted to end at least one hour past peak DWI activity.

By using one-man cars, the patrols can cover more territory per shift and can give a greater level DWI arrest support to non-ASAP units. If officers are instructed in proper detection and apprehension techniques, the safety factor that makes two-man units desirable will be equalized.

Extension of duty schedules to at least one hour past peak DWI activity will increase the probabilities that late arrests will be made since the officer knows he would have to work that time anyway. This would also eliminate some of the unnecessary early morning patrolling that we observed in some sites. Generally, DWI activity will peak between 2 and 4 a.m. Therefore, if the DWI arrest processing time is reduced to one hour or less, and the shift is extended to 5 a.m., making an arrest late in the shift will not require any overtime for the officer.

(4) An Effort Should be Made to Lessen the Major Evidentiary Problems An Officer Faces in DWI Arrests

Many of the officers interviewed during the survey phase of this study felt that Driving While Intoxicated was one of the hardest cases to prove in court. Three main areas of evidentiary problems were identified by the officers:

- . Proof of "bad driving" or reckless operation of a motor vehicle is often hard to come by because most problem drinkers do not exhibit a great deal of erratic driving. Judges and juries will many times fail to convict a defendant with a "low" BAC (.10%-.15%) and no evidence of exaggerated driving.
- . A "companion charge" such a "illegal turn" or "speeding" is required by some jurisdictions to provide a basis for the stopping of the defendant. Many officers complained that when they stop a suspect on "a hunch", they are forced to let him go because they have no "companion charge" to justify the stop even though their is strong evidence of drunkenness.
- . Breath tests may not be accepted into evidence by some judges unless the state health director or medical examiner testifies in court as to the accuracy of the results. This need to have an "expert witness" testify as to the qualifications of the testing process causes undue hardship upon the medical examiner and also upon the officer who believes this practice to be unnecessary.

There are other evidentiary problems in establishing evidence such as the difficulties of properly completing Alcohol Influence Reports; however, they are addressed in other recommendations. In this section, only the three problem areas discussed above will be addressed. The prosecutor, the courts, the law enforcement agency, and the Alcohol Counter-sure's staff should be jointly responsible for implementation of these recommendations.

Where possible, the necessity of demonstrating "bad" driving on the part of the suspect should be eliminated. If the arresting officer is able to place the defendant in the automobile at the time the defendant was intoxicated and can demonstrate the automobile was in operation, i.e., motor running, this should be sufficient to prove DWI. This could be accomplished by amending current DWI statutes to read "operating" instead of "driving" because courts define "operating" more broadly to include merely having the vehicle under the motorist's control.

In jurisdictions where companion charges are required, the category of acceptable charges should be expanded to include all equipment and moving traffic violations. Such an expansion would compliment increased emphasis on aggressive patrol techniques by officers.

To alleviate the necessity for expert testimony by the state medical examiner for the purpose of admitting breath test results into evidence, the prosecutor should devise a record or document, similar to that offered for calibration of speed radar devices, that the arresting officer could read into testimony. Use of blood, breath, or urine analyzers has become commonplace over the years, partially accelerated by ASAP, so judicial notice of their accuracy should be taken. This would go far in changing the officers attitudes toward the courts and strengthening their faith in court justice.

(5) All Officers Assigned to DWI Enforcement Should Meet Certain Personnel Selection Standards

Law enforcement agencies faced with staffing a specialized unit such as ASAP can avoid many of the difficulties that arise after the unit is operating by carefully screening officers prior to their selection. Candidates should be examined to measure the potential impact certain factors may have on their decisions relating to drunk drivers.

Several criteria should be established to measure the officer's possible effectiveness as a DWI enforcer. The following elements should be considered in the personnel selection process:

- . Select a self-confident officer, one who has demonstrated he can make decisions, good quality arrests and present effective testimony in court.
- . Select officers who evidence a willingness to work long hours and even past regular hours if necessary. This is important to overcome the tendency of officers not to arrest suspects late in their shifts.
- . Select officers who have substantial enforcement experience because they tend to be more rigid in their enforcement attitudes. Seek out officers who have shown a proclivity for DWI enforcement.
- . Select officers who do not have heavy drinking habits so they will not empathize with DWI suspects and not be as susceptible to "sob stories".
- . Select volunteers only for dedicated service to preserve morale of the unit and in no case should an officer be assigned to DWI enforcement as punishment duty or because he can't "make it" on regular patrol.

A psychological test should be employed to measure the potential impact of the various influencing factors we have discussed. All of the personal factors such as the officer's attitude toward DWI's, deterrence, severity of punishment and the like, as well as important operational factors like long hours, frequent court appearances, political or social importance of the suspect and the suspect's attitude should be tested.

4. THE ADJUDICATION AND SANCTIONING PROCESS

The Adjudication and Sanctioning process can have a large impact upon a police officer's DWI decision-making. The treatment he receives from judges, prosecutors and defense counsel, as well as the quality of justice meted out to the persons he arrests can combine to severely constrain his enforcement activity. Therefore his faith in the criminal justice system must be maintained.

In the following material several recommendations designed to improve the officers attitudes toward courts and his perception of the administration of justice in his community are offered.

(1) A Police-Court Liaison Officer Should Be Provided to Coordinate Officer Scheduling and Provide Evaluative Input to The Officer

Scheduling of officers into court is perhaps the most serious area of controversy between the officer and the court. Generally, the survey staff found ASAP officers were scheduled into court on their days off, sometimes they were required to be in two courtrooms at the same time, or they must appear three or four times because the case is continued.

Officers indicated they were seldom notified of the final disposition in many of their cases. Likewise, the law enforcement agency has no way of determining how the officer performs his court duties and can not isolate and correct problem areas.

All of these factors have a definite constraining effect on the officer's DWI decision-making and should be dealt with. Therefore, the staff recommends that a Court Liaison Officer be appointed by the law enforcement agency and work within the court to deal with the problems outlined earlier. This officer would serve as a channel of input and feedback between the officers and the court. His basic duties would be divided between establishing and coordinating officer appearance schedules and the maintaining surveillance of the officers court performance and case disposition.

Police Officer Scheduling. Prior to establishing an Alcohol Countermeasures Program within the community, the court and law enforcement agency should develop a police court appearance scheduling system that would set-out the days or dates of the officer's court appearances in advance.

Prescheduling will give the officers a better idea of when they must appear in court, will alleviate the problem of scheduling an officer to be in two places at the same time, and facilitate rescheduling of continued cases.

Several jurisdictions now apply this concept to most traffic violations and, with some modification, such a system could be used for the scheduling of DWI cases. The system involves assigning an officer set dates (i.e., March 5, 12, 19) or days (i.e., Monday and Friday) on which he is scheduled to appear in court. Should the case be continued, it would be continued to the officer's next available date. To insure efficient operation of this system, the court Liaison Officer would be responsible for notifying the officer of his court dates and also supplying information to the prosecutor. He should also be tasked with keeping a record of the officer's attendance on his court dates and notify the law enforcement agency if an officer fails to appear without a valid excuse.

Police Officer Monitoring. A second function of the Liaison Officer should be the monitoring and evaluation of the performance of police officers in court. Many judges and prosecutors interviewed indicated many officers come to court unprepared and do not offer good testimony. Others cited the poor attitude of police officers toward the judge.

The Liaison Officer can act to verify these complaints and where true, notify the agency so corrective measures may be taken. He can also ensure that each officer who appears in court is likewise treated with respect. Evaluation of an officer's testimony would be another valuable service the liaison officer could perform. Feedback to the officers pertaining to reasons why they did not prove their case is essential so the men can be instructed on improving their court presentations. The Liaison Officer can work with the judges and prosecutors to pinpoint areas of trouble and pass this along to the officers and their supervisors.

Finally, the Liaison Officer should generate information concerning court dispositions for each officer so that data can be utilized in periodic officer evaluations.

(2) Officers Should Be Allowed to Contribute Input Into the Plea Bargaining Process

Plea bargaining has been a controversial practice for many years. Earlier recommendations dealing with establishment of Alcohol Countermeasure Programs, indicated this practice should not be used to bend or circumvent existing law.

The officers' objections, however, are not limited solely to the misuse of plea bargaining. During our survey interviews many officers said they were opposed to plea bargaining process itself. They felt that plea bargaining was seldom performed on the merits of the case and that the results of such negotiation "rewarded" the wrongdoer. This lack of confidence in a most common element of the judicial process often results in the officer administering "street corner justice", arresting only those defendants he feels will be convicted in court.

It would be impractical to recommend elimination of plea bargaining for DWI cases, especially when courts and prosecutors are faced with such large caseloads. However, if the arresting officer were permitted to have some input into the plea bargaining process, this sense of frustration he often feels could be reduced. The officers should be called on to supply such information as the suspect's attitude at the time of arrest, his degree of intoxication, degree of bad driving, and other facts to which the officer was a witness. With this information, the prosecutor will be in a better position to evaluate the merits of bargaining the case. The officer will feel he has made a contribution to the decision-making process and will not be left with the feeling that plea bargaining generally results in a "set aside" of justice reserved for suspects who can afford counsel.

(3) All DWI Cases Should Be Handled By Prosecutors And Officers Should Appear As Witnesses Only

In many jurisdictions, police officers are required to present DWI cases in court without a prosecutor being present. This practice is unacceptable because the officers are not

trained or equipped for this activity, defendants may feel they are being "ganged-up on" and have not received a fair trial, and the likelihood of evidentiary error is greatly increased.

Where prosecutors are supplied for DWI cases, an often heard complaint concerning prosecutorial support centers on the practice of assigning young and inexperienced prosecutors to handle the cases. The officers feel that experienced attorneys are needed to handle DWI cases because this is "one of the hardest charges to prove in court." As one officer put it "when I have to tell the prosecutor when to object to something, that is no good."

Other problems include lack of adequate pre-trial preparation by prosecutors, who because of heavy caseloads, cannot meet with the officers to discuss the case. The result is that neither the officer nor the prosecutor are coordinated and one or the other will make a mistake or leave out crucial testimony and lose the case. This frustrates the officer and reduces his enthusiasm for enforcement activity.

From its inception, the countermeasures program should make certain that full-time prosecutors are available to handle all DWI cases. In no instance should a police officer be required to carry a case forward in the court on his own. His role should be that of a witness and no more.

The project team recognize that low salary levels as well the nature of prosecuting DWI cases combine to discourage experienced attorneys from becoming DWI prosecutors. However, consideration should be given to making such work more attractive. To allow inexperienced attorneys to handle difficult or sensitive cases will raise the risk of losing the case and of discouraging the officer from making arrests. If at all possible, experienced prosecutors should be assigned to handle DWI cases. Inexperienced prosecutors should be given necessary time and assistance in preparing their cases.

Facilitating pre-trial preparation can be achieved by:
(1) committing more personnel and resources to the prosecutorial efforts; and (2) making the officer aware of what information the prosecutor needs to prepare his case. The former function is a responsibility of the court or prosecutor's office and the latter can be accomplished by having the prosecutors speak at officer training sessions. At these meetings the prosecutor could address such topics as the elements of the offense, the proof needed to prove the charge, plea bargaining, officer presentations in court and sentencing of defendants.

Prosecutors should also notify officers of changes in statutes or major case law that may effect the officer's conduct of his DWI enforcement activities.

(4) Provide Orientation for Defendants to Explain The Operation of The Alcohol Countermeasures Program

Evaluation of responses received from officers throughout the country indicated there were a wide range of social concerns the officers felt were important and in need of attention. Several of their concerns dealt with the treatment defendants received after arrest especially during judicial proceedings. The faith a police officer has in our judicial system is largely dependent upon the type of justice that he perceives the courts to be administering.

Many officers believed that average citizens -- too poor to afford a good lawyer and too rich to get free legal aid, do not receive a "fair shake" from the courts because they are often not represented by counsel. Since the vast majority of officers share similar backgrounds to these defendants, they are quick to identify and commiserate with the "little guy's" plight. The effect of this concern often causes officers to exercise "conviction in the field" as a method of equalizing the disparities the court creates.

Other officers felt some attorneys would misrepresent the countermeasures program to their clients by informing him that a "deal" is possible whereby if the client will plead guilty

to a lesser charge and promise to enroll in rehabilitation programs he will not lose his license. The officers see the attorneys as "cashing in" on helpless defendants because these so called "deals" are standard operating procedure for the court and are virtually automatic. They resent such a practice and often reduce their enforcement activities in protest.

Another area of concern expressed by the officer pertains to the confusion many defendants experience during their contact with the Adjudication and Sanctioning process. If a defendant comes away from the process with a bad impression or unsure as to what really happened to him in court, he may, the officers fear, carry this sentiment over to the arresting officer. Such bad impressions can indirectly make the officer's job more difficult in the long run as citizens begin to resent DWI enforcement and try to avoid it.

Arthur Young & Company is not in a position to speak on the merits of the officers concerns. The fact remains that police officers believe their concerns are genuine and their beliefs can effect their DWI enforcement activity. Therefore, some steps should be taken to alleviate the officer's concerns about the defendant and his treatment in the judicial process.

The staff recommends that the countermeasures program, in conjunction with the courts and law enforcement agency, establish an orientation session or prepare a booklet for persons arrested for DWI. The material in the orientation presentation should include:

- . Information on how to obtain legal advice and representation, including public defenders, legal aid, bar association, etc.
- . A description of the Alcohol Countermeasures program emphasizing its purposes and goals
- . A description of the rights and responsibilities of the defendants
- . A description of the countermeasures rehabilitation and driver retraining programs.

By providing this information to the defendants they will have a better understanding of the program and what will transpire during court proceedings, while the concerns of the officers will be addressed. The orientation may take the form of an oral presentation or a booklet given defendants upon release from jail or mailed to their homes.

(5) Courts Should Implement Procedures for Efficient Case Disposition and Plea Bargaining

Earlier in the recommendations it was stated that courts should draw up policy that states their support of DWI enforcement and the handling of such cases before them. Mentioned were sections dealing with consistent applications of procedures such as plea bargaining and a pledge to dispose of all DWI cases in an expeditious manner. Here these two suggestions will be expanded upon in some detail.

Currently courts are faced with heavy case backlogs caused by increased numbers of DWIs being apprehended and requesting trials. When combined with the normal delays attendant to the judicial process, large caseloads contribute to case dispositions of anywhere from three months to one year. The problems this delay causes are fairly obvious and have been set out in our discussions of influencing factors and other recommendations.

Therefore, it is important for the courts to establish a series of guidelines to promote fair and expeditious disposition of DWI cases. Many State judicial councils and supreme courts have already established a specific time period in which cases must be brought before the court. Most require the case to be heard within 60 to 90 days from the date of arrest, have limited the number of continuances granted in each case and restricted other delaying tactics. By creating guidelines for efficient case disposition, the court can reduce their workload and save officers many wasted hours in court.

Several courts visited during the survey phase of this study engaged in extensive plea bargaining for one reason or another. Recognizing that many problems could arise from such large-scale bargaining activity, these courts wisely developed standards for the conduct of these negotiations and methods of monitoring the progress of the process. In any case, whether the level of negotiation activity is high or relatively low, each court should develop specific standards for the conduct of plea bargaining and methods to monitor the process to prevent abuse. Such a policy should incorporate the recommendations we offered earlier concerning officer input into the plea bargaining process.

(6) Judges Should Strive to Maintain Officer's Faith in Court Justice Through Positive Actions

Because the adjudication and sanctioning process is charged with determining whether a police officer made a correct decision to arrest a suspect for driving while intoxicated, a natural animosity can build up between the two professions very easily. One root cause of this acrimony is a lack of understanding by the police officer of the adversary nature of American jurisprudence. They naturally feel the defendant is guilty because the officer arrested him for committing a crime. When a defense counsel questions the officer's decisions and attacks him for making the arrest, the officers are at once resentful of such treatment and frustrated because they do not understand the motivation behind the charges. While they bridle at being criticized for "doing their job", they fail to realize that defense counsel is also "doing his job" by affording his client the best defense possible.

Closely related to this overall lack of a basic understanding of our judicial philosophy by the officers is a distrust of the men who oversee the adversary process, namely the judges. Frequently, officers indicated they felt judges were biased toward defense counsel because "they are all lawyers and watch out for each other". Whether or not there is merit

to such a charge is irrelevant. So long as the officer perceives the judicial process to be a series of "deals" among attorneys, effective enforcement of DWI will suffer.

To counter with these attitudes, the court should take several corrective steps:

- . Participate in police officer training to instruct the officer in the adversary context of our judicial system, the restraints this places upon the judge and the officer, and what is expected of the officer by the court.
- . Conduct all judicial proceedings in open court whenever possible. The officer should be made aware of the reasons for "meetings" in chambers". This will go far toward reducing the officer's concern about "back room justice".
- . Insist that judges, counsel, and other officers of the court treat police officers with respect during the conduct of judicial proceedings.

5. TRAINING REQUIREMENTS

Lack of confidence in our ability to cope with problems is a difficulty we all may face at certain times without any lasting consequence. However, when a police officer, who is called upon to make many decisions each day and therefore confront a great range of problems, suffers from such apprehension or inadequacy, his enforcement effectiveness cannot escape damage.

Training can overcome fears and reshape attitudes. If an officer is confident that his training has prepared him to deal with most eventualities imposed by DWI enforcement, he will be a better officer. These recommendations cover three major areas of instruction: Operation of Enforcement Countermeasures, Adjudication and Sanctioning Process, and Other Topics. In addition, Supervisory Training is also covered. The survey staff has not attempted to construct a detailed curriculum or training course, rather we have attempted to pinpoint various topics we believe should be included in officer training.

(1) Training in Operations of Enforcement Countermeasures Should Be Given

The greatest potential for training which will increase arrest rates deals with the day-to-day operations of enforcement. Subjects to be covered in this area should include:

- . Aggressive Patrol Techniques. Our survey indicated that officers who make a large number of traffic stops will make more DWI contacts and arrests. Training that stresses traditional indicators of DWI such as exaggerated driving behavior are not particularly useful since many drinking drivers are not bad drivers. Officers should be taught to be more observant for all types of deviant traffic behavior and to be more aggressive in investigating instances of such behavior.
- . Processing Female DWIs. The processing of women suspects is, as one officer put it, "a royal pain". Generally officers do not like to arrest women because they are not sure what to do with them after the arrest. Officers should receive training in the problems they might encounter in processing female DWIs, the recommended procedures to follow for such an arrest, and techniques for maximizing personal safety when arresting females.
- . Determining Social and Problem Drinkers. The officers should be instructed that even if it were possible to make distinction between a social or a problem drinker in the field, it makes no difference since both are potential dangers if allowed to drive.

Officers should also be cautioned to avoid accepting excuses or "sob stories" from suspects. They should be instructed on what types of excuses suspects may offer and how to ignore such stories. A good technique would be to collect a series of true incidents where officers were influenced by suspect's stories, released the suspect whom subsequently was involved in an accident. These accounts may bring the point home and help foster a more rigid enforcement attitude among the men.

- . Field Testing and Breath Testing. Officers should be trained to use available breath testing equipment and be appraised of new methods of field testing to determine the suspect's degree of intoxication. Specifically the men should be trained to observe the suspect's reflexes and reaction time, and where such devices are in use, the operation of pre-arrest breath testing devices.

- . Deterrent Value of DWI Enforcement. The men should be made aware of the deterrent potential of their work by relating increased enforcement to a heightened sense of deterrence. Good quality arrests should also be stressed as important to prevent ill feelings in the community that might be aroused by increased enforcement.
 - . Impact of Influencing Factors. To better prepare the officers to deal with the many factors that could influence their DWI decision-making, instruction designed to make them conscious of these problems should be given. Each officer should be appraised of the possible range of problems he may encounter and the possible effects these pressures may have on his enforcement activity. Information concerning the extent of counselling services available to the officer and his family, together with instruction on how to obtain these services should be discussed.
 - . Deployment Strategies and Implementation. An earlier recommendation dealt with the development of new deployment strategies designed to concentrate officer patrol activity in areas with high incidences of DWI. The recommendation went on to outline the need for creation of alternative strategies to deal with inclement weather conditions. Once these plans are drawn up, the officers should receive instruction in the reasons for patrol area selection, their responsibilities under each plan, and foul weather patrol techniques.
- (2) Training in The Officer's Responsibilities Pertaining to The Adjudication and Sanctioning Process Should Be Given

The officers job does not end with the arrest of a suspect. He must testify in court as to the circumstances surrounding the arrest so the judge or jury has available an adequate evidentiary basis for ruling on the guilt or innocence of the suspect. The officer must be trained to perform these functions effectively. Training in this area should include instruction from prosecutors, judges and other court personnel as well as the Court Liaison Officer.

- . Prosecutor. He should stress that DWI is one of the hardest cases to prove in court and requires the officer to gather the proper evidence. Proper and orderly preparation and presentation of this evidence to the court should be demonstrated through role-playing of real life situations.

The prosecutor should outline in detail the various evidentiary pitfalls the officer may face, common mistakes he might make in preparing the evidence, and how the

evidence might be effectively presented to the court. Plea bargaining should be explained and the process detailed in the overall context of our adversary criminal court system and the roles of the defense counsel, prosecutor, and judge.

Judges. The officer should hear from the judge to learn more about the adversary nature of our courts and the restrictions this places upon the judges and the officers. Attention should be given to the court's role in the countermeasures program, particularly their attitude toward DWI enforcement.

Also, a discussion of the court's position on sentencing and rehabilitation of DWI defendants would be helpful to convey the importance corrective action plays in the entire program.

Officers Role in Criminal Justice System. Officers should receive instruction on their role in the criminal justice system so they will recognize their job does not end when a suspect is arrested. The Court Liaison Officer should reprise the instruction given by the prosecutor and judge and orient it more directly to the officer. Stress should be given to the importance of letting the courts decide the merits of the case and "street-corner adjudication" should be discouraged. The men should be encouraged to make good arrests and presentations in court.

(3) Officers Should Receive Training Materials on Various Countermeasure Policies and Objectives.

Each officer should receive some general background on the extent of the DWI problem in the community, the purposes and goals of the Countermeasures program, and information about the other agencies that comprise the program. He should also have an understanding of various policies that may effect his enforcement work.

Law Enforcement Agency Policy. The officers should be apprised of the law enforcement agencies DWI policy so they will know what it is, what responsibilities it places upon them and how to handle VIP's arrested so the officer will know how much or how little discretion he has in that situation.

- . Performance Evaluation. Clear and definitive instructions should be given on the criteria for evaluation of the officer's performance in DWI enforcement. Regular review procedures should be established and mechanisms for recognition of superior performance should be implemented.

- . The Countermeasures Program. Officers should be given material that describes the extent of the DWI problem in the community, sets out the scope of the countermeasures program, stressing its goals and methods for attaining the objectives, and an outline of each agency participating in the program. An effort should be made to motivate the officers toward awareness of the corrective nature of the countermeasures by describing the full range of rehabilitative measures provided for in the program.

- . Community Relations. An important part of the officer's work should be improvement of community relations. Therefore, all officers should be trained in various public relations techniques including public speaking, performing various demonstrations of equipment and utilization of audio-visual aids.

The officers should also receive some training in assessing community attitudes and what factors mold the public's feelings toward DWI enforcement. These factors include social acceptance of alcohol, perception of DWI as a non-criminal offense and the like.

(4) Officers Should Be Given Periodic Retraining in DWI Enforcement

As the program progress, officers should be given "refresher" sessions in all of the areas previously described. These sessions will be helpful in discussing changes in the patterns of the DWI problem within the community; relating changes in policies and procedures, and recognizing problems that may be effecting the officers.

The officers may also be brought up to date on changes in the law, new techniques for efficient patrol, or innovations in specialized equipment used for DWI enforcement. During these retraining sessions, the officers may reinforce their understanding of the goals and operations of the countermeasures program, re-affirm their commitment to DWI enforcement, and re-examine his role in the criminal justice system in terms of being a rigid enforcer.

(5) Supervisors Should Receive Training in Current Supervisory and Management Techniques

Since the countermeasures supervisors will be responsible for the day-to-day management of the unit and its men, their training should equip them to handle a large variety of situations. Good supervisory and management techniques should be stressed as well as the following topics.

- . Monitoring of Officer's Activities - explain what supervisors should be looking for when they are with the men. Activities such as effective patrol, arrest and processing techniques, evidentiary problems and court presentations should be stressed.
- . Use of Information Systems - discuss the necessity for accurate, up-to-date information and the uses thereof. The supervisors should be given a clear understanding of what information should be collected, mechanisms for data collection, and proper methods for reporting and evaluating the data.
- . Officer Performance and Evaluation Standards - point out the various factors utilized in rating an officer's effectiveness. Also illustrate the personal factors a supervisor should consider in rating officers such as the officer's attitude toward other members of the unit, his attitude toward supervision, and his behavior and attitude during duty hours.
- . DWI Policy - stress the importance of the policy and explain all DWI policies in full detail to the supervisors. Discuss the role of the supervisor in enforcing and interpreting the policies and provide examples of preferred responses to specific situations so the supervisors are clear as to the extent of their authority.
- . Countermeasure Operations - training in various patrol and processing techniques will be helpful to the supervisors for evaluative purposes. Areas to be covered should include aggressive traffic law enforcement, deployment strategies, processing procedures, handling of female DWIs and the use of one-man patrol units.
- . Court Presentations - stress the role of both the supervisor and Court Liaison Officer in monitoring the performance of officers in court, coordination of court appearances, and correction of any problems.
- . Community Relationships - train supervisors in the same public relations techniques as the officers, emphasizing the benefits of increased public support and the utilization of countermeasures officers in various public presentations.

- . DWI Problem in The Community - the extent of the problem should be made clear to the supervisors in terms of alcohol-related accidents, damage caused by DWIs, rates of DWI recidivism and the estimated number of DWIs on the roads. The supervisors should be encouraged to convey the seriousness of the problem to their men.
 - . Factors that Influence an Officer's DWI Decisions - Should be discussed in detail with the supervisors in terms of identifying potential influences, assessing their probable impact, and working to correct the problem that gave rise to the influence.
 - . Techniques of Supervision and Motivation - should be given the most emphasis in any training course. Techniques such as riding with the men to observe performance, motivational methods like participatory management and management by objectives should be discussed. Their role as an interpreter of policy, liaison with the countermeasures staff, and monitoring of officer performance and attitudes should be accented and the importance of strong supervision made clear to them.
- (6) Law Enforcement Agency Administrators Should Receive Training in DWI Enforcement Operations and Management

Training materials should be developed to better equip police administrators to make the decision necessary to form and maintain specialized enforcement units. These materials should, at a minimum, include instruction on the following topics:

- . Personnel Selection - emphasize the need for selection of qualified and motivated personnel through psychological testing and other screening methods. They should also receive guidance on how to determine the type of officer who will meet their enforcement needs.
- . Police Program Management - explain the various methods of effective management currently applicable to police work. The factors affected by program management include morale, deployment of officers, strength of supervision, and the possible isolation of countermeasures officers from the rest of the department.
- . DWI Policy - emphasize the need for a clearly defined DWI policy that sets both general command priorities and specific patrol responsibilities for regular and dedicated officers, instructions on treatment of VIPs and other police officers, and parameters for performance and evaluation of officers. Give examples of such a policy and information on implementation of DWI policies by the law enforcement agency.

- . Countermeasures Operations - train the administrators in the various methods of upgrading patrol techniques and effectiveness. These methods should include reducing the time necessary for processing DWI suspects, improving court scheduling of police officers and improved field testing procedures.
- . The DWI Problem in The Community - should be discussed in terms of alcohol-related accidents, the estimated number of DWIs currently on the streets, the rates of DWI recidivism, and the damage to the community caused by DWIs. The police administrators should be impressed with the seriousness of the problem and their role in combatting DWI made clear.
- . Management Information Systems Relating to DWI Enforcement - explain how to organize the flow of information from supervisors, officers and outside agencies in order to set-up devices to measure the effectiveness of each on DWI enforcement. Stress should be placed upon the relationship between good MIS and effective DWI enforcement.
- . Factors that Influence A Police Officer's DWI Decisions - should be discussed in detail. The administrators should receive instruction in ways of identifying potential problems and devising methods of dealing with these adverse influences effectively.
- . Community Relationships - point out the importance of good relations with the community. Explore various techniques for improving the department's ties with concerned civic and church groups such as having countermeasure officers give presentations before these groups.
- . Court Liaison - instructions on the establishment of (1) a Court Liaison Officer position and (2) a pre-set police officer court appearance schedule, should be given to the administrators. Discussion of the tasks to be performed by the Liaison Officer, methods of opening and maintaining lines of communication with the court and prosecutor, and development and implementation of a court appearance schedule are important.