

Alcohol

Enforcement, Adjudication and Public Information Strategies
For the General Deterrence of Driving While Intoxicated

INFORMATION FOR POTENTIAL FIELD SITE PARTICIPANTS

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OCTOBER, 1982

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Enforcement, Adjudication and Public Information Strategies
for the General Deterrence of Driving While Intoxicated

INFORMATION FOR POTENTIAL FIELD SITE PARTICIPANTS

Introduction

The National Highway Traffic Safety Administration (NHTSA) through a contract with the University of North Carolina Highway Safety Research Center (HSRC) is intending to field test the effectiveness of selected general deterrence programs directed at drunk driving that combine enforcement, adjudication and public information procedures. The information in this packet is provided to help explain the project's background, objectives and field test design for jurisdictions interested in participating in the project. We are looking for areas with an interest in decreasing the amount of drunk driving in their jurisdiction, and who have an interest in participating in a field test of general deterrence programs that can be implemented within existing resources.

Background

The general deterrence approach has good potential for reducing the deaths and injuries resulting from drunk driving because it attempts to affect a large target population - the potential drinking driver (not only those who have been caught). An essential element of achieving a general deterrent effect is to raise the driving public's perception of the risk of arrest and subsequent sanctioning. If this perceived risk is raised to a high enough level, potential drinking drivers should alter their drinking and driving behavior in order to avoid the consequences of being arrested and sanctioned for DWI. Thus, the thrust of this project is to determine the effectiveness of selected enforcement, adjudication and sanctioning procedures combined with public information programs designed to increase the driver's risk perception for DWI.

An individual drivers risk perception associated with DWI can be classified as follows:

- o risk of being observed (seen) by the police
- o risk of being stopped by the police
- o risk of being identified as an alcohol-impaired driver
- o risk of being being punished (suffering a negative consequence) for driving while impaired
- o perceived severity of the penalty

It is likely that most drivers have not given much thought to these individual factors comprising their overall perception of the risk of being detected, apprehended, and sanctioned for drunk driving. They are likely to think about the risk involved in drunk driving in a simpler fashion (with all these components lumped together under the general topic of being arrested and punished for DWI). However, during a crackdown on drunk driving it is likely they will learn (through media reports and public information) more about drunk driving arrest procedures, adjudication procedures and typical sanctions given to convicted drunk drivers. As a result, they will begin to consciously think about some of these components that they had not previously considered in a separate fashion. In particular, they are likely to react to any weak links that mean you can get away with DWI. For this reason, an effective general deterrence program will have to achieve a high risk perception for all five of these factors.

We have conducted a review of possible DWI enforcement and adjudication procedures and classified them as either promising or not promising for influencing each risk perception factor listed above. A list of the promising procedures (specified as Recommended or Highly Recommended) is shown on the next page. A more detailed description of each procedure and the type of associated public information theme appears in Appendix A. Also included in the Appendix are some additional enforcement related public information themes that may support the other techniques but are not designed for any one specific technique.

We have attempted to identify enforcement and adjudication approaches which can be implemented without requiring large amounts of additional resources. Experience shows that such resources are not likely to be available in the long term and thus approaches requiring them are not likely to be continued unless the additional funding continues. Our public information and education approach is designed to foster community knowledge and support of enforcement activities (see Appendix B for an overview of our PI&E approach). Themes supportive of the enforcement/adjudication activities but which do not oversell will be presented to the community not only through mass media but also through speakers bureaus, civic clubs, professional organizations and the like so that support for the enforcement effort can be adopted by the community and can stay before the public's mind.

Enforcement and Adjudication Procedures to be Tested

The specific program to be field tested will be the joint creation of the local officials and NHTSA. Some recommended techniques may already be in place. Local considerations may make some of the recommended techniques inappropriate for that jurisdiction. However, the total program must be designed to have a strong influence on each of the five components of the general deterrence approach, namely, raising the driving public's perceived risk of being: observed, stopped, identified and of suffering an adverse consequence for DWI, and perceiving the consequence as sufficiently severe.

RECOMMENDED ENFORCEMENT TECHNIQUES BASED ON THEIR
 EXPECTED EFFECT ON DRIVER'S PERCEPTION OF RISK

(R = Recommended, HR = Highly Recommended)

TECHNIQUE	PERCEIVED RISK OF BEING			PERCEIVED SEVERITY
	OBSERVED	STOPPED	IDENTIFIED SANCTIONED	
<u>Deployment</u>				
High DWI Accident Location	R			
High DWI Incidence Location	R			
Drinking Establishment	R			
Roadblocks	R	HR	R	
<u>Detection & Screening</u>				
DWI Detection Guide		HR		
Improved Psychomotor Tests			R	
Preliminary Breath Tests			HR	
Citizen Involvement	R			
BAC Test for Any Traffic Violation			HR	R
<u>Improved Processing</u>				
Audio/Video Tapes				R
Four Hour Lock-up				R
Impound Car				R
<u>Sanctioning</u>				
Administrative Per Se				HR
Short-term License Suspension				HR
Mandatory Minimum Sentences				R
Severe Sanctions				R
Victim Restitution				R
Severe Penalties for Refusing Test				HR
Illegal Per Se Law				HR
Implied Consent Law				R
Traffic Viol. Aggravated by Alc.				R
Lower Illegal Per Se				R

It is expected that a test jurisdiction will need to commit to implementing at least five (5) of the recommended or highly recommended Enforcement/Adjudication techniques during a twelve month period (unless existing or planned enforcement/adjudication efforts already meet these criteria). In order to cover each of the five risk perception factors it will be necessary for at least one of the techniques from each category (e.g., deployment, detection, processing, etc.) to be implemented (or already in use by the test jurisdiction).

If jurisdictions already have one or more of these programs in use, they can be counted as part of the requirement. Thus, only a part of the program may involve the implementation of entirely new enforcement or adjudication techniques. Some techniques, already in use by the test jurisdiction, may require modification in order to ensure they are being implemented in a fashion supportive of a general deterrence program (i.e., maximum visibility and increased associated public information).

Field Test Design

The field test planned for this project calls for the selection of matched test and control sites (population, DWI laws, media markets, etc.). The test jurisdiction (e.g., State, County or large metropolitan area) will implement the DWI general deterrence program while the control jurisdiction will not. We would like to collect pre- and post implementation data in both test and control sites to allow for a comparison between and within each site.

Effectiveness measures will include such data as the rates and patterns of alcohol-related accidents, DWI arrests, BAC levels of arrested drivers, and measurements of the driving public's perception of the risk of arrest and punishment for DWI. The latter information will be acquired by the administration of a telephone questionnaire in both the test and comparison sites, both before and during the implementation period. We will provide the questionnaire and analyze the results while the test and control sites, with our technical assistance, will need to arrange for the administration of the survey (e.g., through a local community college or university, citizen group, etc.).

In order for the field test to be carried out successfully, NHTSA and the test jurisdiction must work together as a team. Shown briefly below are the potential contributions to this effort that may be necessary for NHTSA and the test jurisdiction to make:

NHTSA Contributions

- o Provide assistance in selecting and implementing appropriate enforcement techniques. NHTSA staff will provide suggestions and work with the local agencies to ensure that a comprehensive general deterrence program is put together for implementation in the test jurisdiction. We expect that the program should be possible to implement within existing resources. A limited amount of funds (approximately \$75K per site) will be provided by NHTSA to assist in implementing certain enforcement techniques. For example, these funds could be used to purchase PBT's or to supplement the public information budget of the local agency.
- o Provide public information assistance. NHTSA will provide PI&E support to the test jurisdiction in terms of guidance and assistance in setting up the PI&E program, taking the lead role in designing materials, providing access to existing materials, materials development, and to a limited extent materials reproduction.
- o Provide survey instrument and survey support. A questionnaire to measure the driving public's perception of risk of arrest and punishment will be designed and provided by NHTSA. Also, the sampling design, procedures and data analysis will be provided to the test and control sites.
- o Provide effectiveness evaluation. NHTSA will be responsible for analyzing the data to determine the effectiveness of the program in the test jurisdiction. Where feasible, specific information desired by the local community will be provided.

Test jurisdiction contributions

- o A commitment to select and implement a combined enforcement/ adjudication and public information program and to continue implementation for at least one year. At least five of the recommended techniques will need to be used and all five of the risk perception categories will need to be covered (by existing or newly implemented techniques).
- o Provide access to data. To allow for proper evaluation of the field test effort, the sites must grant access to and cooperate in the collection of relevant accident, arrest and risk perception data.

- o Provide local PI&E support for the program. The community integration PI&E approach requires that someone in the jurisdiction familiar with both the project effort and community contacts coordinate the PI&E activities. While not absolutely necessary, it would be extremely useful if the jurisdiction will designate a person for that function (e.g., someone affiliated with a local agency). Also, the jurisdiction is expected to assist in the development, reproduction and distribution of materials (e.g., brochures, posters, etc.).
- o Assist in Questionnaire Administration. The project team has designed and pre-tested a questionnaire and will be able to analyze the results. However, the questionnaire is to be administered under the auspices of the local jurisdiction which will need to work with us in locating someone to administer the questionnaire (e.g., community college).

Site Selection Process

After an expression of interest is received from a jurisdiction a meeting will be arranged with relevant representatives of the jurisdiction and NHTSA. At this initial meeting NHTSA will describe in more detail the field test effort we have envisioned and what support and services we have to offer the test jurisdiction. Also, the nature and extent of the contributions expected of the test jurisdiction will be explored more fully. If appropriate, a preliminary enforcement/adjudication and public information program may be brought up for discussion.

APPENDIX A

ENFORCEMENT/ADJUDICATION TECHNIQUES

&

ADDITIONAL PI&E THEMES

COMBINED ENFORCEMENT/ADJUDICATION AND PUBLIC INFORMATION TECHNIQUES FOR DWI GENERAL DETERRENCE

Introduction

This appendix is a listing of recommended and highly recommended enforcement/adjudication and some additional public information techniques judged promising from a general deterrence point of view. These techniques are presented here in an analytic framework developed in an attempt to assist persons interested in assessing the technique prior to and after implementation, and those interested in selecting and implementing the techniques.

The features that have been chosen as the basis for describing the techniques are output oriented. In other words, an attempt has been made to identify those items which describe (a) the objective of the technique in terms of results related to general deterrence, and (b) the features that are important in determining if the application of the technique will achieve the objective.

Each technique is described by presenting information under several headings described below:

General Deterrence Objectives - Because the various techniques can, and usually do, serve purposes other than general deterrence (e.g., specific deterrence, public willingness to cooperate), it is important to specify what the specific objectives or outcomes are that should be achieved in order to support the general deterrence approach. These are listed under this heading.

There are two ways in which general deterrence objectives are described. First, they are described in terms of an effect on a person or his perception. That is, what changes are desired in a person's perception of the world so that he will be deterred from DWI? This is stated in terms of the specific kind and way a person's perception is changed, such as an increased expectation that he will be detected if he drives while impaired, or an expectation that the sanctions or consequences are severe enough to be avoided.

In order to achieve such changes in peoples perception, a particular technique is supposed to do something that will stimulate and bring about the change. In other words, the technique ought to do something that will come to the attention of the person and shift his perception. These intermediate objectives are described in terms of observable events. That is, things that we can observe to see if the technique is doing what it is supposed to do e.g., if information about the enforcement activity is reaching the public. Two kinds of observables are noted: (1) those that cause the information to come directly to the attention of the person (e.g., he sees it for himself) and (2) those that cause the information to come to him indirectly (e.g., from word of mouth or media reports of enforcement activity).

Critical Use Features - Given an understanding of the general deterrence objectives, how must the technique be implemented in order to achieve these objectives? An attempt to identify important information in this area is listed under this heading.

Critical Assumptions - In some cases the expected effect rests on certain critical assumptions that must be met in order to achieve the change of perception we expect. It is important that these assumptions be made explicit before the technique is chosen for application, so that a judgement can be made about the validity of that assumption. This information goes under the heading "Critical Assumptions."

Special Advantages - In some cases, a particular technique may have other advantages in addition to its general deterrence impact. If there is something special in this regard, it is placed under this heading.

PI&E Tie In - The last category in the analytic framework is a description of how public information should be used to support and enhance the effect of the technique. Examples are given of the types of activities that can be used to generate public information exposure for the technique.

The techniques included in this paper are grouped into five major headings:

- o Deployment
- o Detection & Screening
- o Improved Processing
- o Sanctioning
- o Additional Public Information Themes

The first four, refer to action by the police, courts and administrative authorities accompanied by public information directly related to that activity and its consequences. The last heading provides for additional public information supportive of the general deterrence approach which could be used in combination with techniques from the first four categories. However, no additional action by the authorities would be needed in most cases.

The specific techniques are listed on the next page followed by the descriptions according to the format described above.

COMBINED ENFORCEMENT/ADJUDICATION AND PUBLIC INFORMATION
TECHNIQUES FOR DWI GENERAL DETERRENCE

Deployment

- o High DWI Accident Locations (Highly Visible)
- o High DWI Accident Locations (Unobtrusive)
- o High DWI Incidence Locations (Highly Visible)
- o High DWI Incidence Locations (Unobtrusive)
- o Drinking Establishments (Highly Visible)
- o Drinking Establishments (Unobtrusive)
- o Roadblocks

Detection & Screening

- o DWI Detection Guide
- o Improved Psychomotor Tests
- o Preliminary Breath Tests
- o Citizen Involvement
- o BAC Test for Any Traffic Violation

Improved Processing

- o Audio/Video Tapes
- o Four Hour Lock-up
- o Impound Car

Sanctioning

- o Administrative Per Se
- o Short-term License Suspension
- o Mandatory Minimum Sentences
- o Severe Sanctioning
- o Victim Restitution
- o Severe Penalties for Refusing Test
- o Illegal Per Se Law
- o Implied Consent Law
- o Traffic Violation Aggravated by Alcohol
- o Lower Illegal Per Se

Additional Public Information Themes

- o Numbers
- o Penalties
- o Arrest Experience
- o Embarrassment
- o Typical DWI
- o Newspaper Reports of Arrests and Convictions

HIGH DWI ACCIDENT LOCATIONS (HIGHLY VISIBLE)

Description: Regular or special units are assigned to patrol high DWI accident locations/times in a highly visible fashion (e.g., marked cars, DWI patrol signs, etc.). Extra police/overtime hours may be used to make up special patrols.

General Deterrence Objectives:

Person/Perception - Make drivers think the risk of getting detected for driving while intoxicated has significantly increased

Observable Events - Direct: Drivers see increased DWI enforcement activity at night/weekends in high accident areas, drivers see increased DWI arrests

Indirect: Media reports, word of mouth from arrested drivers

Critical Use Features:

- o Police need a valid technique to identify high accident locations
- o Patrols need to be properly identified and marked so that drivers will know that they are directed at DWI
- o Sufficient personnel available to man number of patrols required to increase driver's perceptions of increased risk for drunk driving
- o Public information required to increase perceived risk for drunk driving
- o Special patrols do not impair other police required activities

Critical Assumptions:

- o Drivers observing the increased DWI patrols at high accident locations do not shift the location of their drinking/driving activity
- o Drivers observing increased patrol activity will believe it significantly increases their chance of being detected and arrested for DWI

Public Information & Education Tie In: Public communications activities emphasize that the police are patrolling high accident locations, in addition to their usual drunk driving patrol activities, to detect and apprehend the drunk driver.

Campaign staff or representatives (e.g., police or public safety public information officer) work with reporters (press releases, active assistance in researching, outlining, and writing) to generate news stories explaining to drivers that, in addition to their regular drunk driving patrolling throughout the jurisdiction, police are watching high DWI-accident locations especially closely. Messages, presented through various channels, warn drivers that although they will see increased police activity at some high accident locations, they shouldn't feel safe (if they've been drinking excessively) driving in other areas because the police patrols will be rotating among a number of locations in the community.

E.G.:

- o Press conference held by police agency announcing the increased enforcement emphasis being given to DWI and the use of this technique

- prior to initiating technique
 - periodically after implementation to report on results (number of drivers arrested, etc.)

Community Group lecture series

- at meetings of clubs/groups
 - prepared by project staff

HIGH DWI ACCIDENT LOCATIONS (UNOBTRUSIVE)

Description: Regular or special units are assigned to patrol high DWI accident locations/times (unobtrusively) for suspected DWIs. Extra police/overtime hours may be used to make up special patrols.

General Deterrence Objectives:

Person/Perception - Make drivers think the risk of getting detected for driving while intoxicated has significantly increased

Observable Events - Direct: Drivers see increased DWI arrests at night/weekends in high accident areas

Indirect: Media reports, word of mouth from arrested drivers

Critical Use Features:

- o Police need a valid technique to identify high accident locations
- o Sufficient personnel available to man number of patrols required to increase driver's perceptions of increased risk for drunk driving
- o Public information required to increase perceived risk for drunk driving
- o Special patrols do not impair other police required activities

Critical Assumptions:

- o Drivers observing the increased DWI arrests at high accident locations do not shift the location of their drinking/driving activity
- o Drivers observing increased DWI arrest activity will believe it means that they have a significantly increased chance of being detected and arrested for DWI

Public Information & Education Tie In: Public communications activities emphasize that the police know the areas where alcohol-related accidents

occur, that drunk drivers will not know which areas these are, and will be caught unaware that they are being heavily patrolled.

Campaign staff or representatives (e.g., NHTSA project staff) will work with reporters (press releases, active assistance in researching, outlining and writing) to generate news stories on how the police are, in addition to their regular drunk-driving patrol activities throughout the area, closely, but unobtrusively, watching high drunk-driving accident locations (known only to them) and arresting drunk drivers. Various communications channels are used to communicate messages such as "if you happen to be driving at/above the legal limit and pass through these areas, you won't see the police, but they will see you and you will be arrested for drunk driving."

E.G.:

- o Press conference held by police agency announcing increased enforcement emphasis being given to DWI
 - prior to initiating technique
 - periodically after implementation to report on results (number of drivers arrested, etc.)
- o Reporters invited to ride along with police on patrol to generate personal accounts of drunk driving enforcement.

HIGH DWI INCIDENCE LOCATIONS (HIGHLY VISIBLE)

Description: Regular or special units are used at high DWI incidence locations in a highly visible fashion (e.g., marked cars, DWI patrol signs, etc.). Extra police/overtime hours may be used to make up special patrols.

General Deterrence Objectives:

Person/Perception - Make drivers think the risk of detection and arrest for driving while intoxicated has significantly increased

Observable Events - Direct: Drivers see increased DWI enforcement activity at high DWI incidence locations, drivers see increased DWI arrests

Indirect: Media reports and word of mouth regarding the increased DWI enforcement

Critical Use Features:

- o Police need a valid technique to identify high DWI incidence locations (e.g., arrest patterns)
- o Patrols need to be properly identified so that drivers will know that they are focusing at DWI
- o Sufficient personnel available to man the necessary number of patrols required to increase drivers perception of risk
- o Public information required to increase perceived risk for drunk driving
- o Special emphasis at specific locations does not impair other required police activities

Critical Assumptions:

- o Drivers observing the increased DWI patrols at high DWI incidence locations do not shift the location of their drinking/driving

- o Drivers observing increased DWI patrol activity will believe it significantly increases their chance of being detected and arrested for DWI

Public Information & Education Tie In: Public communications activities emphasize that, in addition to their regular patrol activities throughout the jurisdiction, police are watching those routes where drunk drivers are known to drive.

Campaign staff or representatives (e.g., police public information officer) work with reporters to generate news stories on how the police are watching areas where drunk drivers are known to drive. These stories will warn drivers that, although they will probably see increased activity in certain locations, they should not feel safe (if they're driving drunk) in other areas because the police will be rotating among a number of high DWI incidence locations.

E.G.:

- o Police use specially-marked cars to provide photo/film opportunity for stories about use of this technique.
- o Posters, bumper stickers could be distributed with a campaign slogan on them.

HIGH DWI INCIDENCE LOCATIONS (UNOBTRUSIVE)

Description: Regular or special units are used at high DWI incidence locations (unobtrusively) to patrol for suspected DWIs. Extra police/overtime hours may be used to make up special patrols.

General Deterrence Objectives:

Person/Perception - Make drivers think the risk of detection and arrest for driving while intoxicated has significantly increased

Observable Events - Direct: Drivers see increased patrols at high DWI incidence locations

Indirect: Media reports and word of mouth regarding the increased DWI enforcement

Critical Use Features:

- o Police need a valid technique to identify high DWI incidence locations (e.g., arrest patterns)
- o Sufficient personnel available to man the necessary number of patrols required to increase drivers perception of risk
- o Public information required to increase perceived risk for drunk driving
- o Special emphasis at specific locations does not impair other required police activities

Critical Assumptions:

- o Drivers observing the increased DWI arrests at high DWI incidence locations do not shift the location of their drinking/driving
- o Drivers observing increased DWI arrest activity will believe it means that they have a significantly increased chance of being detected and arrested for DWI

Public Information & Education Tie In: Public communications activities emphasize that the police know what routes drunk drivers use and are focusing resources on patrolling these areas. Potential violators will not know the exact location of high incidence areas and will not be able to see the police, so they will not be safe from being arrested for drunk driving throughout the jurisdiction.

Campaign staff or representatives (e.g., NHTSA project staff) interact with reporters to generate stories on how the police, using DWI arrest/accident data, etc., are able to identify the routes that are frequented by drunk drivers and are focusing enforcement at these locations.

E.G.:

- o Police public information specialist may work with reporters to generate stories about the increased likelihood of DWIs getting caught. Reporters might be invited to ride along on patrol to generate personal "eye-witness" stories.
- o Toll booth handouts describing the enforcement efforts being used by the police
- o Letter inserts (license, registration renewals) distributed by the DMV could caution drivers about the likelihood of detection and apprehension for drunk driving and describe the current enforcement efforts

DRINKING ESTABLISHMENT (HIGHLY VISIBLE)

Description: Regular or special traffic units are assigned to patrol the areas around and at drinking establishments to observe for suspected DWIs in a highly visible fashion (e.g., marked cars, patrolling bar parking lots, walking into bars, etc.).

General Deterrence Objective:

Person/Perception - Make drivers think the risk of being detected and arrested for driving while intoxicated after drinking in a bar has significantly increased

Observable Events - Direct: Bar patrons see a high degree of police activity and arrests being made near bars and decide they are likely to be arrested if they drive drunk

Indirect: Bar patrons see arrests being made and report this to other patrons, drivers who are arrested return to bar relating their experience, media reports of DWI enforcement activity near bars

Critical Use Features:

- o Police need valid techniques for identifying drunk drivers
- o Sufficient exposure in bar areas to increase peoples perception of risk for drunk driving
- o Bars in jurisdiction cluster in certain areas to allow for sufficient level of arrests
- o Bar owners are cooperative with enforcement effort
- o Can not be only DWI enforcement technique employed by police (activity at other locations necessary)

Critical Assumptions:

- o Since approximately 35% of DWIs get drunk at bars, if this strategy is effective in raising bar patrons perception of risk for engaging in DWI and in changing their behavior, there will be meaningful impact on the problem
- o People don't decide its okay to drive while impaired by alcohol so long as they are not near any bars

Public Information & Education Tie In: Public communications activities increase awareness that, in addition to their regular enforcement activities throughout the jurisdiction, police are concentrating enforcement efforts on bar drinkers and draw attention to the highly visible patrols being stationed near all types of bars.

Staff (e.g., police public information specialist) work with reporters to generate stories publicizing how the police are visibly covering bars and to create the impression among bar drinkers that a DWI arrest could happen to them if they drive while alcohol-impaired. Messages emphasize that all types of bars (disco, country/western, high-class cocktail lounge) are being included in this enforcement emphasis.

E.G.:

- o police hold press conference announcing special emphasis to be given to these areas because of the contribution of bar patrons to accidents
 - prior to implementing enforcement technique
 - periodically after implementation to report on results (# of arrests, reduced DWI accidents, etc.)
- o Police (with the cooperation of the bar owners) could hold BAC/PBT demonstrations in or outside bars to educate the public about the laws governing DWI, BAC and drinking.

DRINKING ESTABLISHMENT (UNOBTRUSIVE)

Description: Regular or special traffic units are assigned to patrol the areas near and along routes leading from drinking establishments to observe (unobtrusively) for suspected DWIs. Extra police/overtime hours may be used to make up special patrols.

General Deterrence Objective:

Person/Perception - Make drivers think the risk of being detected and arrested for DWI if they drive impaired after drinking in a bar has significantly increased

Observable Events - Direct: Bar patrons see arrests being made near bars and decide they are likely to be arrested if they drive drunk

Indirect: Bar patrons see arrests being made and report this to other patrons, drivers who are arrested return to bar relating their experience, Media reports of DWI enforcement activity near bars.

Critical Use Features:

- o Police need valid technique for identifying suspected DWIs
- o Need sufficient level of enforcement activity near/around bars to increase perception of risk
- o Bars in jurisdiction cluster in certain areas to allow for sufficient level of arrests
- o Can not be only DWI enforcement technique employed by police (activity at other locations necessary)

Critical Assumptions:

- o Since approximately 35% of DWIs get drunk at bars, if this strategy is effective in raising bar patrons perception of risk for engaging in DWI and in changing their behavior, there will be a meaningful impact on the problem
- o People don't decide its okay to drive while impaired by alcohol so long as they are not near any bars

Public Information & Education Tie In: Public communications activities focus on stating that the police know where drunk drivers get drunk and will be hiding near bars to arrest drunk drivers as they drive away from them. Messages will emphasize that all types of bars (disco, country/western, high-class cocktail lounge) will be patrolled and that drinking drivers cannot know when the patrol will "hit their bar." Campaign staff or representatives (e.g., NHTSA project staff) work with reporters to generate stories about the number of drinking-drivers who are caught and punished as a result of this enforcement technique.

E.G.

- o Bartender training programs could be arranged to facilitate awareness of DWI laws
- o Police and project staff could meet with bar owners/bartenders to solicit their cooperation and support prior to implementing program

ROADBLOCK/CHECKPOINT

Description: General or special patrols use a systematic procedure for stopping cars at selected locations chosen to gain maximum visibility to the potential DWI population and to generate DWI arrests. Police use a systematic and effective procedure for determining the conditions under which an alcohol impairment test (e.g., BAC) is given.

General Deterrence Objective:

Person/Perception - Designed to make people think they are likely to get arrested for drunk driving even if they do not exhibit obvious impairment.

Observable Events- Direct: Drivers see others stopped at roadblocks or are stopped themselves, drivers see DWI arrests being made at the roadblocks

Indirect: Word of mouth by drivers passing, stopped at, or arrested at roadblocks; media reports of police use of roadblocks, number of roadblocks, number of persons stopped or arrested at roadblocks, etc.

Critical Use Features:

- o Police need valid techniques for determining which drivers stopped at roadblocks should be tested for alcohol impairment and to determine if they are driving while impaired
- o Police must use effective techniques that convince drivers that they can detect drunk drivers at roadblocks
- o Police need valid techniques for determining where/when (location and time) drunks drive (e.g., high DWI accident or incidence locations)
- o Roadblock set-up must be done in a way that drivers can not easily avoid them
- o Roadblock locations selected and scheduled in a systematic fashion that increases/maintains uncertainty in the driving public (high risk perception)
- o Sufficient police manpower to set up required number of roadblocks to increase drivers perception of risk
- o Legislative environment that allows the use of roadblocks and impairment testing

Critical Assumptions: None

Public Information & Education Tie in: Public communications activities are design to increase awareness that drunk drivers can be stopped and arrested whether or not they appear or drive like they are drunk. Materials indicate that roadblocks are being deployed frequently and are being rotated among a number of locations. It should be made clear that sober drivers will be processed through expeditiously, while drunk drivers are detected and detained. The public information material should stress that the use of this technique will help make the roads a safer place for everyone by catching drunk drivers that might have otherwise escaped detection.

E.G.

- o Previous experience shows that this technique will generate considerable public interest and coverage by the news media, and care will have to be taken to clearly communicate that sober drivers will hardly be inconvenienced at all by these roadblocks
- o Police can hold a press conference announcing the roadblock program
 - prior to initiating use of the technique
 - periodically after implementatioj to report results (number of arrests, etc.)
- o After implementation the police can invite reporters to observe the use of this technique (excellent photo opportunities)

IMPROVED DETECTION PROCEDURES

Description: Use of Visual DWI Detection Guide will enhance police ability to observe drivers behavior and detect suspected DWIs more accurately while on patrol (use with both general and special patrols).

General Deterrence Objectives:

Person/Perception - Increase drivers perception that they will be detected if they drive drunk (i.e., "police can tell your'e drunk by just looking at the way you drive, they don't have to stop you first)

Observable Events - Direct: None

Indirect: Media reports about use of improved detection procedures, word of mouth reports of police use

Critical Use Features:

- o Police are properly trained in the use of the detection procedures, are convinced of its validity, and are encouraged to make use of the detection guide
- o Public information required to convince the driving public that police are more likely to make a DWI stop after training in the use of the guide

Critical Assumptions:

- o Publicity about police use of the new DWI detection procedures raises drivers perception of risk of detection and apprehension for drunk driving

Public Information & Education Tie In: Public communications activities increase awareness that drunk drivers are not able to escape police attention by trying to compensate for their impaired driving because the police have been trained in special, scientifically-developed, detection procedures.

Project staff (or police public information specialist) work with reporters to generate articles stating that the police now have on-the-road DWI detection cues that make the detection of drunk drivers (even one who has "only had a few too many") a relatively easy matter.

E.G.:

- o the police can issue a press release announcing use of DWI detection guide
- o Cooperative ads can be placed in newspapers, magazines, billboards (prepared by NHTSA project staff) paid for by beverage/insurance/auto dealers

IMPROVED PSYCHOMOTOR TESTS

Description: Improved psychophysical tests will enable police officers to make more accurate pre-arrest determinations, at the roadside, of whether the stopped driver has a BAC over the legal limit.

General Deterrence Objectives:

Person/Perception - Increase public perception that, if stopped, the likelihood of being detected for DWI is greatly increased

Observable Events - Direct: Direct observation of police activity by drivers passing arrest scene

Indirect: Media reports (number, when aired, type of market, etc.), word of mouth from arrested drivers and drivers passing by

Critical Use Features:

- o Police are convinced new tests will work and apply them properly
- o Tests are observable and identifiable as DWI test by passing motorists
- o Additional patrol hours sufficient to increase public awareness of more police/more risk of being stopped for DWI
- o Public information required that convinces the driving public that the new tests will increase chances of being detected for DWI

Critical Assumptions: None

Public Information & Education Tie In: Public communications activities are designed to increase the public's awareness that research into drunk driving has resulted in behavioral tests that the police use at the roadside that will accurately indicate whether a driver is alcohol impaired. Messages state that these scientifically-developed tests can be applied rapidly and accurately, so that an officer can easily determine if the driver is drunk and should be arrested.

Staff or campaign representatives (e.g., police public information specialist) work with reporters to generate articles on specific tests, such as the eye gaze nystagmus test, including information about how these tests increase the likelihood of being arrested and convicted. Caution is used in providing detailed information on some tests, lest drivers get the impression that they are learning how to compensate for their intoxication.

E.G.:

- o the police public information specialist can work with reporters to develop feature articles (newspaper)/stories (TV,radio) on these behavioral tests of impairment (with good photo opportunities)
- o Police can use press conferences to announce initiation of training of their officers and use of these behavioral tests

PRELIMINARY BREATH TESTERS

Description: Preliminary breath testers are used by the police after they make a stop to help make the arrest/no arrest decision; device gives indication of above or below .10% BAC; devices are portable (can be carried in patrol cars); can be used on routine beat or STEP patrols.

General Deterrence Objectives:

Person/Perception - Increase public perception of likelihood of getting caught; if stopped, chances of convincing police you are not drunk are reduced

Observable Events - Direct: Driver observation when stopped by police or when passing the scene of a DWI arrest

Indirect: Media reports, word of mouth from either arrested drivers or from persons who have observed the use of these devices or are acquainted with someone who has knowledge of their use

Critical Use Features:

- o Sufficient number of devices are obtained so that most officers making a DWI stop have one available for use and are properly trained in their use
- o Legislative environment allows use of preliminary breath testing
- o Public information required so that drivers perceive that police use of these devices increases the probability they will be caught if driving drunk

Critical Assumptions:

- o Use of PBTs increases drivers perception of risk for being apprehended for DWI

Special Advantages:

- o Use of the devices increases the number of suspected DWIs who are actually arrested and lowers the average BACs of those drivers arrested for DWI (police catching drivers less obviously drunk)

Public Information & Education Tie In: Public communications activities are design to increase awareness of the driving public that a breath test, using a device which most or all patrol cars have, can within a few minutes, provide proof of their alcohol impairment and result in their arrest for drunk driving.

Staff or campaign representatives (e.g., NHTSA project staff) work with reporters to generate articles that will increase the impression that a pocket-device can, within a few minutes, cause them a lot of trouble if they drive drunk. Speaker's bureau presentations and demonstrations are conducted to show how simple and effective the PBT is in helping the officer determine intoxication within a few minutes after pulling the driver over. Messages stress that drinking drivers won't be able to get out of an arrest by acting sober as the PBT can quickly and accurately determine if they should be arrested.

- o Police hold press conferences to announce training of officers/implementation of technique.
- o Cooperative ads (newspapers, magazines, billboards) prepared by project staff are used to highlight how easy it is to be found alcohol-impaired.
- o Police hold demonstrations at shopping centers, plazas, schools, etc.

CITIZEN REPORTING

Description: Police implement a citizen reporting program for the detection of DWIs. Through a public information program citizens are encouraged to watch for and report drunk drivers to the police (by telephone and CB radio).

General Deterrence Objectives:

Person/Perception - Drivers perceive that a lot of other persons besides the police are watching for and reporting drunk drivers, thus the chances of detection and arrest for drunk driving are greatly increased.

Observable Events - Direct: None

Indirect: Public information about program (e.g., radio spots, posters, brochures), media reports, and word of mouth

Critical Use Features:

- o Police must establish and publicize an easy to use system for reporting drunk drivers by telephone or CB radio.
- o Police need to explain to the public how to detect and report a drunk driver (e.g., what to look for to spot a drunk driver, what information to provide to the police) and under what circumstances it is appropriate to call in reports (i.e., in what situations there is some chance of the police making an arrest)
- o Police must establish procedures to respond to and make use of citizen reports of drunk drivers
- o Public information is needed to advertise the program to the public, to motivate and encourage participation, and to inform potential drunk drivers of the increased risk of detection and arrest
- o Public information reporting the results of the program (e.g., X per cent of the calls results in an arrest) is probably necessary to sustain public interest in the program

- o The program must be designed so that a reasonable percentage of calls results in arrests for drunk driving in order to maintain police interest and enthusiasm for the citizen involvement program
- o Police procedures for handling calls must prevent use of citizen involvement program from being used by individuals to harrass other citizens

Critical Assumptions:

- o None

Public Information & Education Tie In: Public communications activities focus on motivating the driving public to report drunk drivers to the police. Information is provided to the public on how to detect drunk drivers on the road, what to do when they see one (i.e., how to report a drunk driver to the police), and what information they should provide to the police. Other public information materials should be directed at the drunk driver to warn them that "everyone's watching" for them and that their chances of being detected and apprehended are greatly increased.

Citizen "reporters" can be recruited and trained through safety organizations such as the AAA Auto Club or a local CB group. News stories, generated collaboratively by these groups and news reporters, describe how easy it is for a citizen to detect and report a drunk driver.

E.G.:

- o police arrange for the distribution of handouts at tollbooths, to citizen activist groups, etc., describing the citizen reporting program
- o Cooperative Ads and billboards paid for by beverage/insurance/ auto dealers etc., can be used to publicise the program and warn drunk drivers that a lot of people are looking for them

BREATH TEST FOR ANY TRAFFIC VIOLATION

Description: DMV adopts rules that drivers can lose their license (suspension/revocation) for refusing to take a BAC test requested by the police when a driver is stopped for a moving violation. The police request a BAC test of either every driver they stop or every X driver (e.g., fifth, tenth). Those drivers blowing a high BAC (e.g., over 0.10%) would have their license suspended/revoked by administrative action of the DMV (the evidence collected by the police could also be used at a DWI trial in court).

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive a high risk of detection and arrest since they may be requested to take a BAC test even though they may not be exhibiting signs of alcohol impairment

Observable Events - Direct: Drivers observe police administering BAC tests after routine stops for moving traffic violations

Indirect: Media reports, public information, word of mouth

Critical Use Features:

- o Police must be equipped and properly trained in the administration of a BAC test
- o Public information campaign to educate the public that they may be requested to take a BAC test anytime they are stopped for a moving violation by the police. Refusal to take the test would result in the driver being penalized by the DMV (license suspension/revocation) suspension/revocation
- o Courts find this administrative procedure legally permissible

Critical Assumptions:

- o None

Public Information & Education Tie In: Public communications emphasize that the police now routinely conduct a breath test whenever a driver is stopped for a moving violation. Thus, a drunk driver may be caught and arrested for drunk driving even though he was stopped for something else.

Messages state that drivers may be charged with drunk driving even though the only thing they did wrong to draw the attention of the police was to drive a little over the speed limit, for example. Drunk drivers who assume that they will never get caught because they aren't the type who "weaves down the road" or appears drunk, will now stand a much greater chance of being detected and arrested.

E.G.:

- o Cooperative Ads could be placed in magazines/newspapers to describe this new program and warning drunk drivers that they face an increased chance that they will be caught and punished

AUDIO/VIDEO TAPES

Description: Police use audio/video taping either at the roadside or the station house to document suspected DWIs impairment (e.g., taping the administration of psychophysical tests) and to substantiate case against suspected DWI (e.g., giving Miranda warning, giving evidential test).

General Deterrence Objectives:

Person/Perception - Public perceives police use of audio/video tapes as increasing their risk of being charged and convicted of DWI; also creates potential embarrassment at having been audio/video taped while drunk

Observable Events - Direct: Drivers either observe use of audio/video taping of suspected DWIs or are themselves audio/video taped

Indirect: Media reports, and word of mouth

Critical Use Features:

- o When video taping suspected DWIs police must administer tests properly so that impairment shows clearly
- o Public information required stressing the fact that drivers can be DWI without obvious behavioral impairment (i.e., don't need to be sloshed to be too impaired to drive)
- o Legal environment allows police use of video taping suspected DWIS

Critical Assumptions:

- o It is doubtful that video taping of behavioral tests will clearly show impairment (i.e., certain tests like the eye nystagmus gaze are not amenable to video taping)
- o Use of video taping does not lead drivers to think they are only DWI is grossly impaired (sloshed)

Special Advantages:

- o Use of audio/video taping results in more suspected DWIs pleading guilty (more convictions), thus encouraging police to vigorously enforce DWI laws

Public Information & Education Tie In: Public communications activities focus on stating that the audio/videotape increases the likelihood of conviction of drunk drivers. If videotaping of drunk drivers is done from a "Batmobile-type van, i.e., if the equipment is portable, it can be used during the daytime to conduct demonstrations at shopping centers, etc. on BAC, impairment, and how not limiting drinking can both "make you look like a fool" and likely result in a DWI conviction.

Staff or campaign representatives (e.g., NHTSA project staff) work with local TV-producers to create spots based on the audiotaping/videotaping of suspected drunk drivers.

E.G.:

- o police can arrange demonstrations at local schools and with civic groups
- o Speakers Bureaus can arrange for talks to be given about the drunk driving problem and police efforts to enforce the law

FOUR HOUR LOCK-UP

Description: Police adopt a policy of mandatory four hour lock-up for all arrested DWI suspects. No suspects released immediately after processing completed until sobered up (at least four hours later, longer if necessary).

General Deterrence Objectives:

Person/Perception - Designed to convince drivers that, if arrested, they will suffer certain unpleasant consequences (i.e., it is not necessary to be convicted in order to suffer negative consequences)

Observable Events - Direct: None

Indirect: Media reports that all suspected DWIs are jailed for at least four hours, word of mouth from suspected DWIs or acquaintances regarding experience of being jailed

Critical Use Features:

- o Police need sufficient space and personnel to handle number of individuals being locked up (temporarily)
- o Police need sufficient evidence that suspect is DWI (e.g., breath test or valid behavioral test)

Critical Assumptions:

- o Experience of being jailed (even if for short period of time) increases perception of negative consequences for being caught DWI
- o Increasing perceived negative consequences of arrest for DWI will result in reduced occurrence of DWI

Public Information & Education Tie In:

Public communications activities increase awareness that a very demeaning jail experience is a certainty for drivers who are arrested for DWI.

Staff or campaign representatives (e.g., police public information specialist) work with local television producers to generate graphic news stories and spots on how demeaning all the steps of an arrest and lock-up are. Depiction of the experience from the prospective of a representative driver is emphasized. Graphic, impressionistic public communications materials give the driving public the feeling of how demeaning the lock-up experience is. These materials also emphasize that all drunk drivers are treated fairly and impartially and that no cruel or unusual punishment is involved, but that arrested drunk drivers are treated like any other serious criminal.

E.G.

- o posters, billboards, tall booth handouts used to graphically portray the experience awaiting arrested DWI

IMPOUND CAR

Description: Police, after arresting suspected DWI, impound vehicle and have it towed to an impound lot. Suspect must pay towing and storage fees to retrieve vehicle.

General Deterrence Objectives:

- Person/Perception - Drivers perceive that if arrested for DWI they will suffer the immediate inconvenience and expense of having their car impounded.

- Observable Events - Direct: Drivers observe vehicles being towed away (by equipment with special markings indicating DWI enforcement squad)

- Indirect: Media reports, word of mouth

Critical Use Features:

- o Police place special markings on DWI's car (e.g., "MY OWNER'S BEEN LOCKED UP FOR DWI) when its being towed so that passing motorists are aware the vehicle is being impounded because the driver was DWI
- o Towing routes are chosen for maximum visibility
- o Public information is employed to inform the public that drivers arrested for DWI will have their cars towed and impounded at great personal inconvenience and expense

Critical Assumptions:

- o Increasing perceived negative consequences of arrest for DWI will result in reduced occurrence of DWI

Public Information & Education Tie In: Public communications activities increase awareness that the day after a DWI arrest will be a big headache for the driver, i.e., waiting in lines, expensive charges, etc., to get the car back. Materials are prepared to graphically illustrate what typical "next day" experiences are like.

E.G.:

- o cooperative ads (newspapers, magazines, bill boards) prepared by project staff, paid for by beverage industry/insurance/and dealers, etc.

ADMINISTRATIVE PER SE

Description: State implements a program of administrative suspension/revocation of driver licenses for DUI offenses prior to conviction. Police officers, having charged a suspect with DUI, physically impound drivers license and sends it in with an arrest report to DMV. Within two weeks, either a suspects license is suspended/revoked (depending on prior record), or a hearing is held to determine if cause exists to not suspend/revoke license. Evidence that a suspect was operating a vehicle with a BAC above 0.10% is sufficient for administrative suspension/revocation of license. Criminal or civil proceedings against suspect are persued as is normal.

General Deterrence Objectives:

Person/Perception - This procedure should increase the certainty and swiftness of punishment for DUI. The immediate loss of license should greatly increase perceived risk for drunk driving

Observable Events - Direct: None

Indirect: Media reports, word of mouth feedback from drivers charged with DUI and who have had license suspended/revocked

Critical Use Features:

- o State laws are passed if current laws don't allow use of license suspension/revocation prior to conviction
- o Police and DMV implement program by administrative action
- o Public information is required to inform the public that they are likely to lose their license if arrested for DWI (don't need to be convicted in court)

Critical Assumptions:

- o New program will convince drivers that they are more likely to suffer if arrested for DWI, reducing occurrence of DWI

- o Public and legal reaction to a program of license suspension/revocation prior to conviction will be supportive (i.e., lack of due process, double jeopardy issues successfully resolved)

Special Advantages:

- o Police enthusiasm for enforcing DUI laws increased as a result of knowing that a punishment is likely to be imposed on suspects they arrest

Public Information & Education Tie In:

Public communications activities are designed to increase awareness that DWI is such a serious offense that the law allows for removing drunk drivers from the highways immediately, in that a BAC test of over .10% will result in both an arrest and in having one's drivers license impounded. Messages explain that following a drunk-driving arrest, the DMV will suspend the drunk driver's license for 60-90 days, before he/she is brought to trial for drunk driving charges. Thus, the arrested drunk driver will lose his or her license for awhile, whether convicted or not.

Public information materials should also stress that refusing to take a BAC test ordinarily results in the driver's having their license suspended under the implied consent laws. Thus, being stopped by the police for drunk driving will mean the loss of the driving license for a while regardless of whether the driver refuses to take a BAC test, or takes the test and fails it.

E.G.:

- o Posters, billboards, letter inserts can be used to publicize the immediate consequences of a drunk driving arrest - before the suspect is tried and punished by the courts
- o Speakers bureaus can be used to gain additional coverage for this information

SHORT-TERM LICENSE SUSPENSION/REVOCATION

Description: DMV and courts cooperate to maximize use of short-term license suspension/revocation (e.g., 30, 90, 120 days) as a penalty for convicted DWIs.

General Deterrence Objectives:

Person/Perception - Drivers perceive that the probability of loss of license for conviction for DWI, now that new program is in effect, has greatly increased

Observable Events - Direct: None

Indirect: Media reports, word of mouth

Critical Use Features:

- o New laws (if necessary) and procedures are implemented cooperatively between courts and DMV to initiate program of short-term license sanctions
- o Education and training provided to judges to underscore importance of imposing licensing sanctions on convicted DWIs
- o Public information campaign undertaken to inform public that conviction for DWI will almost certainly result in loss of driving privilege for some period of time

Critical Assumptions:

- o Public will perceive this license sanction program as making it much more likely that they will be severely punished if convicted for DWI
- o Use of short-term license suspension/revocation will increase the frequency with which license sanctions are used

Public Information & Education Tie In:

Public communications activities are designed to increase awareness that license suspension, even for a short period of time, is a major inconvenience, and that this penalty (in addition to fines and other penalties) is regularly invoked against first-time drunk driving offenders.

Staff work (e.g., NHTSA project staff) with reporters to generate stories depicting what a major hassle not having a license is. Public communications activities also inform drivers that driving without a license is a very serious offense that can lead to even worse penalties.

E.G.

- o Activist groups speakers give presentations to clubs and groups
- o Letter inserts used by DMV (in drivers license. registration renewals) to inform/educate motorists that even a first conviction for DWI will result in a short-term license suspension

MANDATORY MINIMUM SENTENCES FOR DWIs

Description: State passes laws mandating minimum sentences for conviction on charges of DWI.

General Deterrence Objectives:

Person/Perception - Drivers perceive certainty of punishment for conviction for DWI has greatly increased.

Observable Events - Direct: None

Indirect: Media reports, word of mouth

Critical Use Features:

- o State passes laws mandating minimum sentences (jail, fine, loss of license, etc.) for conviction for DWI
- o Courts and prosecutors cooperate and do not attempt to get around the new laws by increasing use of plea bargaining arrangements (or similar contrivances)
- o Public information campaign is mounted to inform the public that persons arrested for DWI are more likely to be convicted and punished

Critical Assumptions:

- o Drivers perceive program of mandatory minimum sentences as greatly increasing the likelihood of punishment for conviction for DWI

Public Information & Education Tie In:

Public communications activities emphasize that, since the advent of mandatory sentences for drunk driving, "that if you break the law you will suffer the consequences (e.g. jail, fine, loss of license)."

Staff or campaign representatives (e.g., NHTSA project staff) work with reporters to generate stories on how after a defendant has been convicted on a drunk driving charge, a judge has no choice other than to invoke, at a minimum, the mandatory sentence, "no matter who you are." These materials should give examples of the types of sentences typically handed down to defendants.

E.G.

- o letter inserts arranged with cooperation of DMV (placed in license/auto registration renewal notices) describing consequences of DWI conviction

SEVERE SANCTIONING

Description: Prosecutors and judges announce and implement a program to crackdown on drunk drivers. The program is designed to use and publicize sanctions for DWI offenders that are perceived by the driving public as being severe.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive that if they are arrested for drunk driving they are likely to suffer severe consequences

Observable Events - Direct: None

Indirect: Media reports about campaign and the results (severe sentences handed out), word of mouth

Critical Use Features:

- o Education and training provided to prosecutors and judges to underscore the importance imposing severe sanctions on DWIs
- o Prosecutors and judges must be willing to request and impose severe sanctions on convicted DWIs
- o Public information campaign undertaken to inform public that the consequences of a drunk driving charge will be severe
- o Prior to implementing the program, possible impediments to use of severe sanctions need to be identified and handled (e.g., jail space)

Critical Assumptions:

- o None

Public Information & Education Tie In:

Public communications activities emphasize that, no matter whom you can afford to hire as your defense attorney, a conviction for drunk driving will result in severe consequences.

News stories and feature articles are written collaboratively by reporters, DWI program staff, or campaign representatives to depict personal situations where the drunk driver was surprised to see how inflexible the court was and how severe the consequences are.

VICTIM RESTITUTION

Description: Courts implement a program of sentencing DWI offenders to provide restitution to the victims of their accidents (within reason) as part of the penalties for conviction for drunk driving. The convicted DWI would be required to provide either monetary or in-leu-of service compensation. This would serve as an additional sanction to increase the aversive consequences of a DWI conviction.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers would perceive additional unpleasant consequences of a DWI conviction

Observable Events - Direct: None

Indirect: Media reports and word of mouth relating information about this significant additional penalty for DWI

Critical Use Features:

- o Simple procedures need to be developed for determining the amount of damages/penalty to be imposed
- o Public information regarding the victim restitution program needed to educate potential drunk drivers about the serious consequences of this additional penalty

Critical Assumptions:

- o None

Public Information & Education Tie In:

Public communications activities indicate that besides the typical penalties for DWI conviction defendants now will also be required to provide (within reason) resitution to the victims of their accidents.

Public service ads on TV, radio and in print media present an "if I had only been arrested theme." Stories about personal experiences with restitution are written collaboratively by reporters, program staff, or campaign representatives. These stories describe the ongoing costs, shame, and guilt that result from having driven drunk.

SEVERE PENALTIES FOR REFUSING A BAC TEST

Description: New legislation is passed ensuring that the consequences of refusing to take a legally requested BAC test (under implied consent legislation) is more severe than the penalties resulting from a DWI conviction.

General Deterrence Objectives:

Person/Perception - Drivers perceive that they can not avoid or reduce the penalty for DWI by refusing to take a BAC test (and thus avoid conviction)

Observable Events - Direct: None

Indirect: Public information about the new legislation dictating strong penalties for refusing a legally requested BAC test, media reports, and word of mouth

Critical Use Features:

- o DMV must cooperate in exacting the stronger penalties
- o Public information to advertize that the penalties (actually handed out) for refusing to take a legally requested BAC test are more severe than the penalties usually given for conviction for DWI

Critical Assumptions:

- o Potential drunk drivers will perceive that if stopped and arrested for drunk driving, they are more likely to suffer severe penalties regardless of whether they are convicted or refuse the BAC test in order to avoid conviction

Special Advantages:

- o Severe penalties for refusing a BAC test is a critical feature of other techniques (e.g. Illegal Per Se laws) that can be undermined in the absence of this measure. It should be recommended for every State.

Public Information & Education Tie In:

Public communications activities are designed to increase awareness that there is no way out of a drunk driving charge when the police catch a suspected DWI.

Campaign messages state that "for some kinds of trouble, a clever move can get you out of a bad situation. If you've driven drunk though, there's no way out. Refusing the BAC test itself will cost you a lot and taking it will result in conclusive proof that you were driving drunk. Not much of a choice when you've driven drunk." The messages should make clear that whether the suspect who has been driving drunk takes the BAC test or not, there is no way to escape a serious penalty

E.G.

- o letter inserts arranged with the cooperation of DMW (placed in license/auto registration renewal notices) describing consequences of refusing to take a BAC test
- o PSAs (TV, radio)

ILLEGAL PER SE LAW

Description: Legislation passed making the operation of a motor vehicle with a BAC of 0.10% illegal, without regard to behavioral impairment

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive the likelihood of conviction, if arrested for DWI, as great and next to impossible to avoid; also, their perception of when they are impaired and shouldn't drive is changed (e.g., one doesn't have to be a fall down drunk to be too impaired to drive)

Observable Events - Direct: None

Indirect: Public information, media reports, word of mouth

Critical Use Features:

- o Legal authority must also exist that allows the police to request suspected DWIs to take a BAC test
- o Severe penalties must be the result of refusing to take a legally requested BAC test (i.e., equal to or greater than those resulting from conviction for DWI)
- o Police must be equipped and properly trained to administer BAC tests
- o Public information to advertise the new legislation to the public to inform potential drunk drivers that they are more likely to be arrested and convicted for drunk driving

Critical Assumptions:

- o Potential drunk drivers will perceive the passage of illegal per se law as increasing their chances of arrest and conviction for DWI only if they currently are aware of the difficulties police and prosecutors face in convicting under the old "behavioral impairment" statutes (but this should help with changing drivers perceptions of impairment regardless)

Public Information & Education Tie In:

Public communications activities emphasize how "simple" the law is when it comes to drunk driving.

A variety of channels can be used to inform drivers that "if your BAC test shows that you were above the legal limit, your day in court will be short; your explanation or the circumstances won't matter as the test showing you were drunk will almost automatically result in your conviction." Campaign materials need to inform the public about the meaning of BAC levels, and how the police don't need proof of driving impairment in order to get a conviction for DWI

E.G.:

- o Cooperative Ads can be placed in newspapers, magazines, on billboards (prepared by NHTSA project staff) and paid for by beverage/insurance/auto dealers
- o pamphlets describing the illegal per se law and the consequences for drunk drivers can be distributed at public palces
- o tollbooth handouts can be used to inform the driving public about the law and penalties for DWI

IMPLIED CONSENT LAW

Description: Legislation is passed such that every person obtaining a drivers license agrees to submit to a BAC test, when legally requested by a police officer who has reasonable grounds to suspect DWI, or face severe penalties for refusal (e.g., suspension/revocation)

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive that it is likely they will suffer a severe penalty for DWI whether arrested and convicted or for refusing to take a BAC test

Observable Events - Direct: None

Indirect: Public information to inform the driving public that they are required to submit to a BAC test (which will greatly increase the chances of their being arrested and convicted for DWI) or face the loss of their driving privilege, media reports, word of mouth

Critical Use Features:

- o Police must be equipped and trained to administer BAC tests to suspected DWIs
- o Severe penalties must be the result of refusing to take a legally requested BAC test (i.e., equal to or greater than those resulting from conviction for DWI)
- o Public information to inform potential drunk drivers that they are likely to be either convicted for DWI or suffer the penalty of loss of license if they refuse to submit the legally required BAC test

Critical Assumptions:

- o None

Public Information & Education Tie In:

Public communications activities explain that enjoying the driving privilege includes driver consent to being tested for sobriety and that refusal to take this test upon the lawful request of a police officer will almost automatically result in a license suspension, whether or not the driver is drunk.

A variety of media can be used to communicate the message that "when you sign your license you agree to letting the police test you for sobriety. If you've driven drunk, it will cost you a lot whether you take the test or not. If you refuse the test, your license will be automatically suspended for 90 days. If you take the test and it shows you were drunk, it will cost you..." Additional messages state that "signing your license isn't just a formality" and "if you drive drunk, there's no way out."

TRAFFIC VIOLATION AGGRAVATED BY ALCOHOL

Description: Legislation creating a class of Traffic Violations Aggravated by Alcohol (TVAA) that refers to a group of hazardous traffic violations committed by a driver whose BAC is high enough (e.g., 0.05%) that he/she poses an increased risk, yet is not high enough to presume him/her legally intoxicated under current DWI statutes (e.g., 0.10%). The sanctions imposed on TVAA violators would be more severe than those normally imposed for the traffic violation committed, but somewhat less than those imposed for DWI.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive that they are likely to be detected and suffer negative consequences for driving after drinking even if they have not had enough to drink to be found guilty for DWI

Observable Events - Direct: None

Indirect: Public information educating potential drunk drivers about the risk of driving after drinking (even if they are not legally impaired) and concerning the severe penalties for committing a TVAA, media reports, word of mouth

Critical Use Features:

- o Police need a valid technique to identify potentially alcohol-impaired drivers after making a stop for a moving violation
- o Public information required to educate potential TVAA drivers regarding the risks of being detected and penalized for driving under the influence of alcohol and the more severe penalties imposed on alcohol-impaired drivers convicted of TVAA

Critical Assumptions:

- o Courts will find this type of legislation legally permissible

Public Information & Education Tie In:

Public communications are designed to emphasize that, in addition to the existing DWI violation, the law now makes other traffic violations more serious when alcohol, even relatively low amounts, is involved.

Messages are designed to explain that even drinking a little too much before driving causes problems in that intoxication, even if it's below the limit at which a driver can be charged for DWI, can result in a charge for a violation aggravated by alcohol. Also, the messages should emphasize this new type of charge carries with it serious penalties, more severe than those applied to the basic traffic violation committed, but somewhat less than those imposed for DWI.

LOWER ILLEGAL PER SE OR PRESUMPTIVE BAC LIMIT

Description: Legislation passed lowering the illegal per se or presumptive BAC limit to 0.05% or 0.08%.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive the likelihood of arrest and conviction for DWI as increased as a result of the lower illegal per se or presumptive BAC limit and that they can not drink as much as before and still drive legally

Observable Events - Direct: None

Indirect: Public information, media reports, word of mouth

Critical Use Features:

- o Legal authority must exist that allows the police to request suspected DWIs to take a BAC test
- o Police must be equipped and properly trained to administer BAC tests
- o Severe penalties must be the result of refusing to take a legally requested BAC test (i.e., equal to or greater than those resulting from conviction for DWI)
- o Public information to advertise the new legislation to the public to inform potential drinking drivers that they are more likely to be arrested and convicted for drunk driving

Critical Assumptions:

- o None

Special Advantages:

- o Lowering the BAC limit will reduce the alcohol-related accident rate due to the number of alcohol-impaired drivers at this lower level likely to be deterred by the new legislation

Public Information & Education Tie In:

Public communications activities are designed to provide simple to understand justification for the lower per se limit and warn drivers that they will now have to be extremely careful to limit their drinking before driving.

Messages explain that serious impairment occurs beginning at what some people might consider to be "low" BAC levels (.05 percent) and state that drivers at this BAC level should avoid driving or risk severe consequences if they are caught and punished. Additional messages emphasize that "it doesn't matter how drunk you think you are, if your BAC is above the limit, you will almost automatically be convicted for drunk driving."

ADDITIONAL PUBLIC INFORMATION THEME:

NUMBERS

Description: Public information campaign that emphasizes increased rates of DWI arrests and convictions. This theme tells the potential drinking driver that, because of the increasing enforcement of DWI laws, it is likely that he or she will be arrested and convicted if he or she drives drunk.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive that they are likely to be arrested and convicted for DWI

Observable Events - Direct: None

Indirect: Public information, media reports

Critical Use Features:

- o Numbers used in the public information campaign have to be carefully chosen for maximum impact (e.g., stressing increasing rates of arrest and conviction rather than raw numbers to be more meaningful)

Critical Assumptions:

- o That there are sufficient numbers of drivers arrested to develop threatening messages

ADDITIONAL PUBLIC INFORMATION THEME:

PENALTIES

Description: Public information campaign that emphasizes the severe consequences of a DWI conviction (loss of license, monetary costs, inconvenience, embarrassment, etc.). Short message material such as radio or TV spots can "total"-- sounds of cash register, etc. -- the costs of a drunk driving conviction. Stories, prepared by project staff (e.g., NHTSA project personnel) describe how the high costs of a drunk driving conviction add up.

General Deterrence Objectives:

Person/Perception - Potential drunk drivers perceive the consequences of a DWI conviction as severe and important to avoid

Observable Events - Direct: None

Indirect: Public information, media reports

Critical Use Features:

- o Public information should stress both the general (e.g., "DWI will be the hassle of your life") to the specific (e.g., loss of license, increased insurance costs, etc.) consequences of a DWI conviction

Critical Assumptions:

- o Penalties are in fact given and are sufficiently negative.

... ADDITIONAL PUBLIC INFORMATION THEME:

ARREST EXPERIENCE

Description: Public information campaign that graphically portrays how unpleasant and degrading a DWI arrest experience can be. This theme is designed around the idea that many drinking drivers in middle and upper socioeconomic classes are more threatened by the thought of their being treated like a common criminal than any other consequences of a DWI arrest.

This theme is very well suited for "impressionistic" materials, i.e., those that require little interpretation and are designed to arouse an immediate, visceral response, e.g., fear of being handcuffed. These materials are supplemented with TV, radio, and print stories, created collaboratively with reporters, which portray a typical drunk driver experiencing an arrest

General Deterrence Objectives:

Person/Perception - Potential drinking drivers perceive that a DWI arrest can be a very unpleasant experience

Observable Events - Direct: None

Indirect: Public information, media reports

Critical Use Features:

- o Public information should present realistic, short and simple images of the DWI arrest experience (e.g., the clanking of handcuffs, the slamming of the jail cell door, being bent over a patrol car as part of a weapons search - images that tell the drinking driver that you don't just get a ticket for DWI

Critical Assumptions:

- o That a negative reaction will not lead to changes in how DWIs are treated when arrested.

ADDITIONAL PUBLIC INFORMATION THEME:

EMBARRASSMENT

Description: Public information campaign that presents the experiences that occur during a DWI arrest and/or conviction (e.g., Australia's "Slob Campaign") that are likely to be embarrassing to the potential drunk driver.

This theme is well-suited for "impressionistic" materials, i.e., those that require little interpretation and arouse immediate, visceral, fear, e.g., having to tell your girlfriend/boyfriend that your license has been suspended.

General Deterrence Objectives:

Person/Perception - Potential drinking drivers perceive that they would experience considerable embarrassment if caught driving drunk

Observable Events - Direct: None

Indirect: Public information, media reports

Critical Use Features:

- o Public information material has to be done in a way that potential drinking drivers will be able to identify with the individuals portrayed in the spots (i.e., it should give the impression that "this could happen to me")
- o Some method of identifying the types of events that are likely to be perceived of as embarrassing is needed

Critical Assumptions:

- o None

... ADDITIONAL PUBLIC INFORMATION THEME:

TYPICAL DWI

Description: Public information campaign emphasizing that persons of all ages and socioeconomic groups can be arrested for DWI. The theme is designed to show that there is no one typical DWI (e.g., DWI arrests are not limited to problem drinkers or rowdy Hell's Angels types).

The public information campaign is designed to dispel the belief of potential drinking drivers that "it can't happen to me." A variety of materials such as posters, magazine ads, etc. increase awareness that all types of people are arrested for drunk driving.

General Deterrence Objectives:

Person/Perception - Potential drinking drivers perceive that they too are likely to be arrested for DWI if they drive while impaired (the campaign is designed to dispell the problem of potential drinking drivers thinking that "it can't happen to me")

7 Observable Events - Direct: None

Indirect: Public information, media reports

Critical Use Features:

- o Public information campaign stresses that not only "drunks" are arrested for drunk driving - anybody who drinks and drives is likely to be arrested by the police (e.g., not just "fall down" drunks are arrested)

Critical Assumptions:

- o None

ADDITIONAL PUBLIC INFORMATION THEME:

NEWSPAPER REPORTS OF ARRESTS AND CONVICTIONS

Description: The courts, prosecutors, police and newspapers cooperate to implement a program of publishing the names of drivers arrested and convicted for drunk driving

General Deterrence Objectives:

Person/Perception - Potential drinking drivers perceive that there are many people arrested and convicted for DWI every week, making them think that they too are likely to be arrested and embarrassed if they drive drunk

Observable Events - Direct: None

Indirect: Public information and media reports

Critical Use Features:

- o Publishing the names of those arrested for DWI and the outcome of trials for DWI must be done in a fashion that fosters the impression that there is a high likelihood of arrest and/or conviction for anyone who drinks and drives (e.g., if there isn't a large enough number this will probably not work). Also, the penalties imposed on those convicted must foster the impression that severe penalties result from a DWI conviction

Critical Assumptions:

- o None

APPENDIX B

BASIC PUBLIC INFORMATION APPROACH

PREPARED BY

DYNAMAC CORPORATION

AND

UNIVERSITY OF NORTH CAROLINA

HIGHWAY SAFETY RESEARCH CENTER

UNDER CONTRACT NO. DTNH 22-81-C-07071

BASIC PUBLIC INFORMATION APPROACH

The main objective of the public information activities is to assist in developing and maintaining a heightened perceived risk of arrest/sanctioning for DWI among the general driving public and to generate public support for enforcement/adjudication efforts.

Past experience has indicated that public communication activities that rely solely on TV spots and other mass media approaches may have a short term effect on public awareness and perceptions but that the effect rapidly deteriorates. The most effective past programs have used their public information resources to act as community organizers to get persons in the community to talk to others and to do something about drunk driving. We feel that this approach used in conjunction with selected mass media material holds the most promise for developing and sustaining public awareness and support of enforcement activities.

The basic components of this approach, which we recommend, are listed below. An effective public information approach does not necessarily have to contain all of the elements discussed in this paper, but we feel the approach described herein is one way of achieving an effective public information campaign.

- o an emphasis on communicating through community organizations and employing "small" media and interpersonal discussion (e.g., speakers bureaus and targeted materials) rather than relying exclusively on mass media
- o a person competent in community organization techniques
- o a citizen task force of persons committed to reducing DWI

The person assigned to coordinate public information activities should both know the community (i.e., understand local politics, communication channels, roles of community organizations and businesses, and racial and ethnic characteristics) and be known in the community (i.e., have or be able to develop relationships with persons who will be asked to support the program).

The Citizen Task Force should be designed so that it will become a permanent institution in the community. It should be comprised of individuals who are both concerned about DWI and influential in the community, and can contribute resources or skills needed by the task force. The overall function of the task force is to permanently involve sectors of the community other than the traffic safety agency in an effort to reduce drunk driving.

Community organizations and small media are used for communications channels to reach selected target audiences through the organizations or groups to which they belong. In addition to having greater potential for influencing individual behavior, this approach may help to develop a sense of ownership among community organizations and thus to contribute to long term integration of the program into community life.

The efforts of the public information activities will be channeled toward meeting several intermediate objectives which together will hold promise for achieving long term integration. They are:

- o To focus on themes, messages, and materials that emphasize the permanent threat of a DWI arrest and sanction. Past experience has indicated that overselling the program can have the effect of "crying wolf," that is, the public and the media will find the messages to be untrue and tend to ignore them. Thus, an objective that should be met is to present a realistic portrayal of enforcement practices and emphasize the permanency of that effort.
- o To ensure that themes, messages and materials are appropriate to the target audiences. Implicit in the interpersonal approach is the need to approach groups with diverse orientations and backgrounds. The approach should be tailored to meet the needs of each individual group. Thus, group discussions with persons representative of such groups should be conducted to identify which messages and channels would be most effective in motivating them to avoid drunk driving. In some instances surveys may be needed to provide this information.
- o To maintain media enthusiasm. The public information coordinator will interact with reporters and editors in a way that makes it in their interest to continue to cooperate with the program over the long term. Efforts must be made to provide newsworthy information, in a timely manner, and to avoid offering releases with no real news value or that are intended to mislead the public.
- o To involve a broad range of individuals and organizations. Members of the citizen task force should be selected with this objective in mind. Then, as additional target audiences are identified, efforts should be made to include members of those groups in planning and implementing activities.
- o To reinforce continued interest in the program. The program will provide recognition to individuals and organizations for achievement and contributions to the jurisdiction's program. Auxillary goals which make the program attractive to organizations should be identified and pursued (i.e., if reduced absenteeism at a company is a likely consequence of a successful DWI program, point it out to the companies concerned).

The information above provides a broad outline of the basic public information approach we recommend. This approach can be used to convey information supportive of the overall enforcement/adjudication effort and specific techniques used in the jurisdiction. The actual implementation of such an approach will require detailed preparation and planning. For jurisdictions interested in implementing this type of approach NHTSA will have HSRC and its subcontractors assist in this activity. Additionally, an extensive review of existing DWI enforcement related materials and a report is available which lists those materials according to theme. This information, of course, will be made available to participating jurisdictions.