POLICE ENFORCEMENT OF DRINKING DRIVING LAWS

A survey of the opinions and practices of police officers*

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INTRODUCTION

This survey** of Dutch police officers was designed to investigate their opinions, expectations and experiences with the enforcement of drinking driving laws. Although many studies have been done on the subject of drinking - driving, and police enforcement is a familiar measure against this problem, less attention have been paid to the enforcers. A small number of studies however, support the idea that the opinions and practices and thus the motivation of police officers is an important factor in the operation and (lack of) effectiveness of legal measures against drinking and driving. Two studies focus on the (level of) performance of officers. (7,9) Three studies pay more attention to practical problems with breathtesting like reasons for not requiring a breathtest, the variability among officers in the number of arrests and factors that hamper the enforcement. (5,9,11)

This paper presents a survey among a random sample of Dutch police officers on the enforcement of drinking and driving. The results of this survey (together with the results of two related studies) are used for the improvement of enforcement procedures.

METHOD

The sample of police officers was composed by first sampling 52 police corps (from a total of 164) , stratified according to State or local forces, region and urbanisation and second by sampling officers from each corps stratified on the basis of rank and experience. (2,8)

From the total sample of 838 police officers, 704 of them returned the questionnaire, a response rate of 84 %.

RESULTS

IMPORTANCE OF THE PROBLEM

Over 80 percent of the officers considers at drinking and driving to be the most important causal factor of traffic accidents, and that more police attention paid to this cause will be more successful than for other causes. Apart from "inattention" and "driving too fast" they viewed drinking and driving as the most serious threat of road safety. The respondents were asked to estimate the effectiveness of countermeasures on a 5 point scale varying from "very effective" to "very ineffective". The greater part of the officers expects that more severe penalties and

* For a complete report the reader is referred to Gundy & Verschuur, 1986 (A).

** This survey was conducted by order of the Ministry of Transport and Public Works and implemented by the Center for Social Science Research,Leyden (DSWO) and the Institute for Road Safety Research (SWOV).Two related studies were conducted:
Gundy & Verschuur,1986 (B) and Tijssen, 1986.
faster prosecutions will have the greatest impact (89%). Increasing and improving police enforcement are also popular countermeasures (66% and 62%). Not much is expected of countermeasures that regulate the consumption of alcohol, like a ban of commercials on beverages, a higher age-limit for the use of alcohol and increasing prices for alcohol beverages. A slight controversy exists between officers advocating a 'soft' approach (in favour of improved and cheaper public transport) and officers preferring a 'tough' approach (more severe penalties and faster prosecutions). The officers greatly overestimate the percentage of offenders during weekend nights. Nearly half of the officers think that the percentage of offenders is > 30% and 18% of them estimate that > 50% of the drivers have been drinking. However the percentage of drivers that pass the legal limit (in the Netherlands a B.A.C. of 0.05 percent) during weekend nights is about 12%. (6) About 70% of the officers estimate the chance of a driver being checked at all for alcohol use as being (very) small. Eighty percent of the officers has the opinion that DWI enforcement is (very) limited in scope. In their perception, that view is more congruent with the opinion of their colleagues and the public in general than with police-staff or the District Attorneys' Office.

FACTORS LIMITING ENFORCEMENT
The officers were asked to give their opinion about factors limiting enforcement. Again a 5 point scale was used varying from "very important" to "very unimportant". The major factors that limit enforcement are shortage of manpower (85%), too much time involving an arrest (73%), and problems with imposing sanctions (68%) and prosecuting (64%). To gain insight into the relative importance of police enforcement in relation to other possible police tasks on weekend nights, respondents were asked to assess 8 different tasks on 5 point scales varying from "very important" to "very unimportant". Although the enforcement on drinking and driving is viewed as a very important task by 79% of the officers, all tasks are seen as (very) important and thus have to compete for priority.

IMPROVEMENTS
BREATHESTESTING
Altogether 96% of the officers say their corps is still using the tube. Only about 20% is satisfied with the tube. Requested to offer suggestions for the improvement of the enforcement, the officers most frequently suggested that the tubes be replaced by more advanced equipment. Respondents were also asked : How important are the following reasons for not requiring a breathtest while you have clear suspicions that alcohol was used? Of 17 reasons, the most important reasons for not requiring a breathtest, like other urgent tasks (98%) and a troublesome driver who is taken to the police station (67%), seem trivial. Remarkable, however, is that the driver who mentions personal problems (19%) or who behaves correctly (21%) can influence the decision of the officer. The fact that a driver is almost at home is considered as a valid reason for not testing by some of (13%) the officers. Furthermore, it appears that the assessment of drivers on the basis of their behaviour is inadequate for estimating B.A.C.s. The assessment of drivers 'probably under the limit' (42%) has failed in many cases (4). Also, it is remarkable that half of the officers said that unreliable equipment is a reason to not require a breathtest. Officers appear to have a priori suspicions, varying strongly depending on the situation that occurs. Of 11 outlined situations of drivers and passenger(s) combinations on weekend nights, officers assessed the possibility that the driver would be over the limit. For example : almost two thirds of the officers think it is (very) unlikely the driver is
over the limit in the case of a woman driver without any passengers. On the other hand, 96% of them think it's rather or very likely in the case of 4 young men just leaving the city center. It is suspected that these a priori suspicions sometimes can be deceptive and may not lead to a breath test when necessary.

STRATEGIES
Most officers had experience with special alcohol actions (blitzes) but don't prefer these. On the other hand they favor screening for alcohol as part of the usual patrol duties. About 60% of the officers don't think it will be an improvement to make the screening part of a routine check on licences and the technical condition of cars. Random sampling with compulsory testing appears to be a controversial topic. Although for the greater part officers view this strategy as a deterrent, they raise objections such as invasion of the privacy of drivers and a time-consuming strategy. It should be remarked that there are reasons to believe random breath testing can be effective in deterring drivers (4,10).

PROCEDURES FOLLOWING DETECTION
In the Netherlands, if the result of a breath test is a B.A.C. between 0.05 and 0.08% the sanction is a driving ban for a couple of hours. Two thirds of the officers argue that such a countermeasure is effective for a short period but not in the long run. If the result of a test is > 0.08%, the driver is taken to the police station and a blood sample is taken. In such a case it takes two officers about two hours for only one offender. About all the officers advocate the replacement of the blood sampling procedure, still required for legal evidence, by modern breathanalyzing equipment. About one third of them think that it would be an improvement if the police would be allowed to treat light offenses as a misdemeanor instead of as a felony. Nevertheless the majority prefers more severe sanctions. Generally, the officers have the opinion that present sanctions are not severe enough, and they expect much more of a more 'repressive' approach. Spontaneously, suggestions were made like suspending licenses for a short period or even permanently, depending on B.A.C. and recidivism.

CONCLUSIONS AND RECOMMENDATIONS
The officers look upon drinking and driving as the most important cause of traffic accidents and they expect that more police attention will be successful. From this one can conclude that the officers are motivated, however, they have low expectations of the present enforcement. More specifically, they consider the sanctions for offenders not severe enough and the chance of being caught at all as much too small. One can doubt their expectations of a more 'repressive' approach are realistic. Surely, the officers see that enforcement is hampered by many "external" factors such as shortage of manpower, the time-consuming arrest procedure etc., but less likely to consider inadequacies in their own performance. Modern breathanalyzing equipment certainly will be an improvement. Reasons for not testing not even in the case of suspicions of alcohol use, together with the strongly varying a priori suspicions depending on characteristics of drivers, are serious problems for the effectiveness of the enforcement. Given that it is not socially desirable for officers to admit reasons for not testing, one can wonder how often not detected offenders are positively reinforced for their drinking and driving behaviour. After all, one can conclude that the officers' decision for testing can be influenced by drivers. Some recommendations for the improvement of the enforcement are:
- to provide feedback to officers about the effectiveness of their efforts and information about the policy of the police-staff and the District Attorneys' Office (for example about dismissed charges) and the nature of the drinking and driving problem.
- besides solving the more general problems of shortage of manpower and unreliable equipment, less time-consuming procedures are desirable.
- development of standard procedures for contacts between officers and drivers.
- if different strategies of enforcement might be considered it seems desirable to inform the officers about the background of these strategies, possibly by training. Unfortunately it is expected that a more preventive approach will be resisted since officers presently prefer a more repressive approach.

REFERENCES


