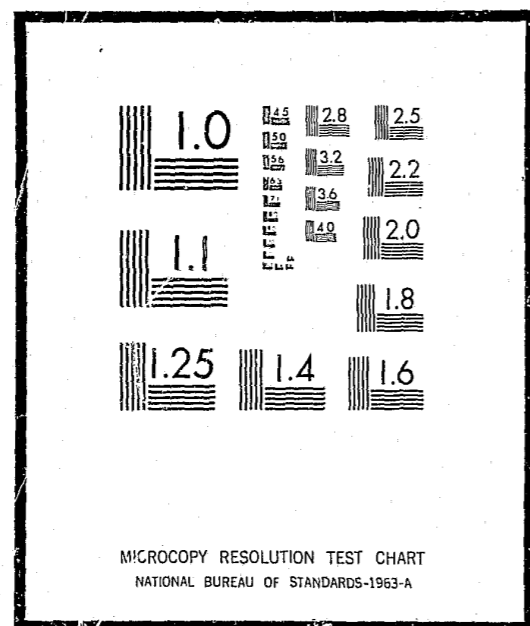


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FACTORS INFLUENCING ARRESTS FOR ALCOHOL-RELATED TRAFFIC VIOLATIONS

Contract No. DOT-HS-4-00837
September 1974
Final Report

PREPARED FOR:

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16. Abstract <p>This report describes factors that were found to influence police officers' arrests of persons suspected of alcohol-related (A/R) traffic violations, and presents recommendations for treating these factors so that a higher level of enforcement might result. Conclusions and recommendations were derived from data obtained during a survey of eleven law enforcement agencies throughout the nation. These data included factual descriptions of recent A/R investigations, attitudinal measurements, and anecdotal information elicited from 267 police patrolmen and 85 police supervisors. Additional data were obtained through interviews of prosecuting attorneys, judges, and other civic officials. Through this survey, numerous factors were identified that positively or negatively affect the arrest/no arrest decision in A/R situations. Recommended actions for addressing these factors deal with law enforcement policies and procedures; training of patrolmen, supervisors and commanders; the adjudication system; and legislative revisions.</p>					
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SUMMARY

This report describes a study of factors influencing Alcohol-Related (A/R) arrests that was based on a survey of police and other personnel at eleven locations throughout the nation. Its purposes were to identify variables that affect the arrest/no arrest decision, either positively or negatively, and to develop suggested remedial actions for treating those variables so that a higher level of A/R enforcement might result. The major conclusions of this study are listed below.

The officer's age and experience play a role in his A/R arrest decisions. Younger officers, and those with relatively few years of seniority, tend to have a more positive attitude toward A/R enforcement and make more arrests on that charge than do their older peers. This result was found to hold true regardless of the type of department in which the officer serves or the specific type of duty to which he is assigned.

The officer's personal use of alcohol is inversely related to his level of A/R enforcement. Patrolmen who drink make significantly fewer arrests than those who do not, and those who drink frequently make significantly fewer arrests than those who use alcohol only occasionally.

Lack of knowledge concerning the relationship between alcohol and intoxication is widespread among police officers, and imparts a negative influence on A/R enforcement. Most officers underestimate--often by a wide margin--the amount of alcohol a suspect would have to consume in order to achieve the statutory limit of blood alcohol concentration. This seems to induce a tendency among many officers to identify and sympathize with the suspects they encounter.

Specialized Training has a strong positive influence on A/R arrests. Patrolmen who have received instruction in the operation of breath testing devices and/or in A/R investigation techniques make significantly more arrests than those who have not had such training. However, many officers charged with A/R enforcement--particularly in municipal departments--were found to lack this specialized training.

Specialization in duty assignment can also enhance A/R enforcement. Patrolmen assigned to traffic divisions, in particular, produce higher arrest rates than those charged with general patrol duties.

The officer's perception of the importance of A/R violations affects his arrest/no arrest decisions. Significant differences in this perception were found between "low" and "high" enforcers of that offense. However, there is little or no evidence that these differences stem from any lack of awareness of the causal role of drinking-driving in highway accidents. Rather, some officers seem to believe that A/R enforcement, while important, is no more so than many other duties they face, and

so they do not devote special emphasis to it. Conversely, the "high" enforcers tend to be those who believe the offense warrants high priority.

A generally sympathetic attitude toward A/R suspects is held by a substantial proportion of officers, and has a negative impact on arrests. Most patrolmen, for example, believe that practically anyone who drinks will violate A/R laws on occasion, and that a driver need not be very intoxicated in order to be guilty of that offense.

Officers' perceptions of the penalties for A/R violations have a bearing on their levels of enforcement. "High" enforcers tend to believe these penalties are insufficiently severe, while "low" enforcers seem more concerned over the effects these penalties will have on a suspect and his livelihood.

Numerous alternatives to arrest may be available in A/R situations, and these meet with the approval of many officers. Most importantly, it is the "low" enforcers who seem most willing to take one of these alternatives in lieu of making the arrest.

A particularly important alternative to arrest is available when a sober, licensed driver is a passenger in the A/R suspect's vehicle. Patrolmen will frequently avoid the arrest by insisting that such passenger drive the car. This alternative was chosen by the patrolmen surveyed in two out of three of the no-arrest incidents in which a licensed passenger was present.

Near the end of the duty shift, A/R investigations decrease substantially. This is particularly true in departments that have adopted relatively time-consuming procedures for processing A/R arrests. This fact has an especially important effect on the arrest/no arrest decision since the evening shift typically terminates during one of the peak time periods of A/R violations.

The suspect's degree of intoxication is often taken into account when the arrest/no arrest decision is formulated. "Low" enforcers in particular will often avoid the arrest if the suspect seems only "slightly" too intoxicated to drive legally. Unless it seems clear that the suspect's BAC is a good deal above the presumptive limit, the arrest very likely will not be made.

Weather conditions also affect A/R arrests. There is encouraging evidence that foul weather has a positive influence on the attitude of many officers: they are more appreciative of the risk posed by an A/R suspect when driving conditions are hazardous, and are less likely to avoid the arrest when those conditions prevail. However, foul weather also tends to increase the difficulty of detecting A/R suspects and creates additional demands on the officer's time and attention.

The suspect's attitude can have a strong influence on the arrest/no arrest decision. If the suspect proves uncooperative or argumentative, a positive influence for arrest results. Conversely, the likelihood of arrest decreases when the suspect seems cooperative.

The suspect's race is a key distinguishing characteristic in A/R cases. The officers surveyed--the overwhelming majority of whom were white--reported releasing significantly more non-white suspects than they arrested. The data do not suggest that this reflects a greater tendency to exercise discretion when dealing with non-white drivers. Rather, the officers seem more willing to initiate an investigation when the suspect is not of their own race.

Suspect's age is another distinguishing characteristic of these cases, and patrolmen reported releasing significantly more young (age < 30) suspects than they arrested. This appears to stem from two distinct causes. First, young officers exhibit more sympathy for young suspects, i. e., seem less disposed to arrest a driver of their own age group. Second, older officers seem more willing to stop young suspects, i. e., are more likely to conduct an investigation when the driver is young, even if the evidence of A/R violation is not clear cut.

Suspect's sex also plays a role in the arrest/no arrest decision. Patrolmen seem more reluctant to arrest a woman for A/R violations, largely because processing of a female arrestee is generally more complex and time consuming.

Accident-involvement in A/R cases has a strong positive influence on the arrest/no arrest decision. The occurrence of an accident tends to decrease both the opportunity to exercise discretion and the officer's willingness to do so. However, if the A/R suspect is himself injured in the accident, the likelihood of arrest may decrease. The suspect's injury may provide an "excuse" for the symptoms of intoxication and may preclude timely chemical testing of his BAC.

When the suspect is personally known to the officer, a strong negative influence on arrest results. The same is generally true when the suspect is a prominent member of the community.

Court disposition of A/R cases has a generally negative influence on the arrest/no arrest decision. As many as 25% of the A/R arrests reported by the patrolmen surveyed apparently failed to lead to conviction on that charge. Moreover, "low" enforcers have found that significantly more of their arrests fail to lead to conviction, as compared to the "high" enforcers' experience.

Departmental policy concerning A/R enforcement, as implemented by supervisors, can have a strong influence on the patrolman's decisions. When the supervisor manifests a desire for rigid enforcement, his patrolmen produce fairly high arrest rates. Conversely, if the supervisor seems less concerned about A/R offenses, the number of arrests is generally low.

Processing Procedures for A/R arrests have a major impact on the level of enforcement. Patrolmen serving in departments in which these procedures are complex and time-consuming produce fewer arrests, are more negative on enforcement, and are more reluctant to make such arrests, especially near the end-of-shift.

These findings indicate that numerous factors do indeed influence the arrest/no arrest decision, and that remedial actions should be taken if a higher level of enforcement is to result. The following summarizes, by topical area, actions that are recommended to achieve this goal.

1. Development and Implementation of Enforcement Policy

- First and foremost, policy must be expressed formally. If the proper emphasis is to be devoted to A/R offenses, the department must explicitly convey its expectations to its men, establish comprehensive guidelines for the performance of their duties, and establish means of ascertaining whether these guidelines are being followed and the expectations are being met. Specific policy-related recommendations include:

- Definition of standards relating to A/R enforcement performance; simple exhortations to "make more A/R arrests" will not suffice. Patrolmen should not be required to formulate their own interpretation of the relative priority they are expected to devote to A/R violations, nor should they be forced to draw their own conclusions regarding the absolute number of arrests that must be logged to demonstrate satisfactory performance. Precise standards must be set forth at the highest levels of command, and these should be tailored to the particular types of duties to which the men are assigned.

- Establishment of an A/R information system; data and measures must be identified that permit evaluation of policy implementation, and a system for collecting, processing and interpreting these data must be constructed. Performance standards are of no value if no attempt is made to determine whether they are being met.

- Dissemination of directives relating to specific problem areas; policy and guidelines should specifically address key influencing factors. For example, departmental opposition to the injudicious selection of alternatives to arrest must be explicitly emphasized, as should the department's firm support of the arresting officer regardless of the influence or importance the suspect wields within the community.

2. Specific Enforcement Procedures

- Must reflect the proper emphasis to be devoted to A/R enforcement and should facilitate--or at least not inhibit-- high arrest rates. Recommended procedures seek to improve the environment within which patrolmen carry out their A/R enforcement duties, and include:

- Efficiency in the processing of A/R arrestees; which can be achieved by disassociating the arresting officer from the routine "booking" sequence and by minimizing the paperwork-load resulting from the arrest. Unless such steps are taken, reluctance to make the arrest will remain widespread and valuable patrol time will continue to be lost.

- Fielding of specialized squads; A/R offenses warrant considerable enforcement emphasis, and dedicated units can help to fill this need. If properly implemented, specialized squads can serve as a vehicle for providing valuable A/R experience to a large proportion of a department's personnel.

- Employment of improved investigative techniques and procedures; investigation of A/R suspects need not rely solely on the officer's unaided judgment. Portable breath testing devices can provide a preliminary measurement of BAC. These would be especially valuable in borderline cases where the results of standard sobriety tests often are equivocal. Video tape equipment might also be of use in compiling evidence.

- Proper allocation of patrol locations and schedules; A/R violations tend to cluster at particular times and places. It is essential that the enforcement effort reflects a parallel time/place emphasis if maximum deterrence is to result. Schedules should be adjusted to ensure that shift termination does not impede the necessary intensity of surveillance and patrol areas should be defined to maximize resources at high A/R-incidence locations.

3. Training of Police Personnel

- Must address both the attitude held toward A/R enforcement and the skills required to perform effectively in that duty. The primary objective of all recommended training must be to provide knowledge to the patrolmen, supervisors and commanders. The following specific knowledge requirements are addressed:
 - Familiarity with and understanding of the factors influencing A/R arrests; police personnel must know what the problem areas are, and precisely how they affect enforcement, if they are to deal with them. These personnel should also be informed of specific actions they can take to treat these factors.
 - Appreciation of the A/R statutes; the misimpressions held by many police officers regarding the amount of alcohol that must be consumed to produce the proscribed level of BAC must be corrected. We cannot allow patrolmen, supervisors or commanders to doubt the fairness and propriety of the A/R laws if we expect rigorous enforcement.
 - Understanding of the total enforcement system; a patrolman's major role relative to A/R enforcement resides with detection and apprehension of suspects. However, he should be acquainted with all aspects of enforcement if he is to be properly motivated to perform his function. In particular, knowledge of the procedures employed to obtain a BAC measurement has been shown to positively affect an officer's rate of arrests.
 - Expertise in detection and investigation techniques; officers require thorough instruction in the symptoms of A/R and particularly in the subtle indicators of intoxication exhibited by borderline suspects, if they are to effectively perform their detection function. They must be trained to conduct alert, aggressive surveillance for these signs and symptoms to ensure that suspects do not escape attention. Finally, they must know how to conduct an effective investigation of the suspects they encounter to properly assess whether the arrest should be made.

4. Adjudication of A/R Cases

- Must reflect the same fair but firm emphasis expected of enforcement. The chief goal of our recommendations in this area is to ensure that police and court personnel adopt a common attitude and approach to this problem. These recommendations include:
 - Provision of proper training to court personnel; judges and prosecutors labor under much the same misconceptions concerning the propriety of the presumptive limit that were found among patrolmen. They, too, require certain skills and knowledge if they are to effectively perform their functions relative to A/R offenses.
 - Specialization in case assignments; just as enforcement would improve if dedicated patrol squads were employed, so would adjudication if prosecuting attorneys were selected to specialize in A/R cases.
 - Establishment of a formal, firm policy of adjudication; guidelines for plea bargaining, granting continuances, charge dismissal, etc., should be clearly established for A/R cases. It may not prove possible to totally cease these practices, but the proper policy should help to ensure they are not abused.
 - Establishment of close police/court liaison; channels of communication between police and judicial personnel must be opened and frequently exercised. Each "side" should strive to develop an understanding of the needs and problems the other faces and frank and honest exchanges of views, suggestions and "gripes" should be encouraged. In preparing individual cases, the prosecutor should attempt to schedule court dates at the convenience of the arresting officer and other police participants and should include the officer in plea bargaining deliberations, or at least keep him completely informed about them.

5. Legislative Revisions

- Could substantially facilitate enforcement of A/R violations without harm to the rights of the suspect. We propose recommendations that would modify the legal definition of the A/R offense, permit application of recent technological developments to the investigation process, and provide for penalties that promise better deterrence of the offense. These include:
 - . Establishment of absolute ("per se") statutory BAC limit; at present, conviction of A/R offenses requires that the prosecution demonstrate that the defendant was "under the influence" of alcohol, a condition which is at best loosely defined and permits varying subjective interpretations. We suggest that the law should be changed so that A/R is synonymous with a BAC at or above a specified level.
 - . Provision for preliminary breath tests; legislation should be enacted to enable the use of portable breath testing apparatus during investigation of A/R suspects.
 - . Revision of penalty structure; police officers seem chiefly concerned over the uniformity with which A/R penalties are imposed and the deterrent value of these penalties. We suggest revisions of the penalties that would limit judicial or administrative discretion over their imposition while permitting application of innovative approaches designed to decrease recidivism.

I. BACKGROUND AND PURPOSE OF THE STUDY

In recent years, the growing awareness of the drinking driver's role in highway deaths, injuries, and property damage has led to broadly-based countermeasure programs seeking to reduce the incidence of alcohol-related traffic offenses. Such programs, typified by the Alcohol Safety Action Projects (ASAPs) implemented under federal funding, have employed a wide variety of countermeasures in an attempt to achieve this goal. These have included legislation to better define the problem and to facilitate program implementation, public education campaigns, rehabilitation and other treatment modalities, and many other innovative and potentially fruitful activities. Many varieties of such countermeasures have been developed and employed under the auspices of these action projects.

One element that has been common to nearly all countermeasure programs is police enforcement of the drinking-driving statutes. Attempts to increase the level of enforcement have been made, both because of the deterrent effect this is hoped to produce and because of the desire to identify a greater percentage of drinking drivers for treatment and rehabilitation. In many cases, substantial increases in enforcement have been realized. For example, in New Hampshire, State and municipal police forces made a total of roughly 7700 arrests for alcohol-related (A/R) traffic offenses* in 1973, as compared to about 2800 such arrests during 1971, the year preceding implementation of the State's ASAP. In Nassau County, New York, annual A/R arrests increased by roughly 150% during its ASAP's period of operation.

Despite the marked increase in these and other locations, the national level of A/R enforcement is relatively low. One study, for example, has shown that the typical police officer responsible for traffic law enforcement makes about two A/R arrests per year.** Moreover, it is clear that this level of enforcement has not dissuaded commission of A/R violations. Roadside surveys conducted prior to ASAP implementation, for example, showed that nearly one out of twenty drivers on the road on weekend nights exhibits a blood alcohol concentration (BAC) at or above the statutory limit for A/R.***

* Throughout this report, the term "A/R" is used to denote alcohol-related moving vehicle violations. In some states, this offense is referred to as "driving while intoxicated" ("DWI"), in others as "driving under the influence of intoxicating liquor" (DUI or DUIL) and still other variations in terminology exist in certain locations.

** Borkenstein, R. F., Technical Content of State and Community Police Traffic Services; National Highway Safety Board. Washington, D. C. 1968

*** Alcohol Safety Action Projects Evaluation of Operations-1972; Vol. I Summary; U. S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D. C.

Effectiveness of A/R enforcement relative to its intended deterrent effects thus is open to serious question. It is also evident that the factors contributing to the relatively low level of enforcement must be understood before any improvement can be realized. This study was undertaken in response to that need.

The study's mission was to assess those factors affecting A/R arrests that directly relate to police officers and the environment in which they function. These may include many contributing elements. For example, enforcement of traffic laws and A/R laws in particular may compete with other duties for the officer's time and attention. This may be especially true if the officer serves a high-crime area or in a department which is unable to field a specialized traffic division. This situation in turn could influence the officer's supervisors, the community's officials, and the general public and affect the relative emphasis that they desire patrolmen to devote to A/R offenses. Further, in some cases, A/R offenses may be relatively difficult to detect. The officer must have grounds for stopping the suspect and reasonable evidence of alcohol impairment or intoxication. These may not be obvious in all cases, especially if the officer has not been thoroughly trained in A/R enforcement. Perhaps most importantly, the officer may exercise discretion in this assignment. That is, he may elect to find an alternative to making the arrest, e. g., by ticketing the driver on a lesser charge, arranging for his safe transport home, or simply allowing him to go. The degree of discretion exercised might depend upon the officer's knowledge of and attitude toward alcohol and drinking-driving, and might be a function of the circumstances of the incident and/or the characteristics of the suspect.

The specific objectives of the study were two-fold:

- (1) To identify and gauge the importance of factors influencing police officers' A/R arrests--either positively or negatively--with emphasis on those factors that involve the exercise of discretion;
- (2) To determine appropriate remedial actions that can decrease the influence of negative factors and increase the influence of positive factors so that a higher proportion of individuals guilty of A/R violation will be arrested on that charge.

The satisfaction of these objectives required the completion of six tasks. These were:

(1) Identification of Potential Factors

Our aim at the outset of the study was to specify all potential sources of influence for the arrest/no arrest decision for which data would be collected and analyzed. Care was taken to avoid prejudgment of the importance of any potential factor to ensure that a comprehensive list would be developed and that no items of interest would be overlooked. The project staff was greatly assisted in this effort by consulting

personnel from the New Hampshire State Police and the Nassau County, New York, Highway Patrol. Ultimately, twenty-six (26) factors were identified as the major focal points for the study. These are discussed in Section II.

(2) Selection of Survey Sites

NHTSA required that surveys be conducted at a minimum of ten (10) sites, at least two of which would be states having State Police Agencies, two would be states with Highway Patrol forces, and six would be municipalities representing a wide range of population sizes. Site selection was constrained to avoid areas in which ASAP or similar A/R countermeasure programs were established.* Further, it was desired that the sites, as a group, provide adequate representation of a wide range of agency sizes, crime rates, traffic accident rates, weather conditions, socio-economic levels, and the various regions of the nation.

With these requirements in mind, the project staff identified 33 candidate sites and solicited permission to conduct the survey from the Chief Administrative Officers of their respective police agencies. This solicitation produced a very gratifying response, and 24 of these sites were found to be viable candidates for the survey. Of these, eleven (11) were selected as primary sites, one more than the minimum number required. The "extra" site was a relatively low population municipality. Since the police departments of such communities generally employ relatively few officers, we felt that an additional small town should be surveyed to ensure that the smaller agencies received adequate representation in the data base.

(3) Development of Data Collection Instruments and Procedures

Concurrently with tasks (1) and (2), the project staff began the process of identifying the data required to assess the 26 factors and of developing instruments and procedures for collecting these data. In accordance with NHTSA's desires, data were to be collected from four populations of personnel at each site:

- police patrolmen
- police supervisors (i. e., corporals, sergeants, and higher ranks)
- judicial personnel (i. e., judges and prosecuting attorneys)
- other civic officials

* It should be noted that NHTSA had funded a previous study of factors influencing A/R arrests in ASAP areas. The results of that study are documented in Report No. DOT-HS-801-151, Factors Influencing Alcohol Safety Action Project Police Officers' DWI Arrests; Arthur Young and Company, 29 April 1974.

Basically similar data were required from all respondents, although certain items of information that pertained only to a particular category of personnel were also identified. Thus, separate data collection instruments had to be developed for each group.

Assessment of factors was found to require both quantitative and qualitative information. The former would permit statistical and other objective analyses of the magnitude of the factor's effects, the latter would provide subjective insights as to "why and how" the factor exerts its influence. In reviewing the data requirements, it was recognized that much of the information sought from police personnel was of a sensitive nature. This seemed especially true of the quantitative data, since each officer would be asked to indicate his own "susceptibility" to each factor, to describe recent A/R situations in which he may have exercised discretion, and to provide certain information on his personal background and habits. The required qualitative data were felt to be less sensitive since they did not focus directly on the officer's own behavior and practices in specific situations.

To minimize the contaminating effects that could arise from the sensitivity of the information sought, it was decided to separate quantitative and qualitative data collection for police personnel. Quantitative data would be obtained through self-administered questionnaires to clearly establish and guarantee the officer's anonymity. Qualitative data, of necessity, would be obtained through face-to-face interviews conducted by members of the project staff--naturally, the staff took care to preserve the anonymity of these data as well. No such separation of quantitative and qualitative data was made for interviews of judicial personnel or civic officials, since the bulk of the data did not relate directly to their practices but rather to their perception of police enforcement. Thus, sensitivity was not felt to be a major issue for those individuals.

Accordingly, the following five data collection instruments were developed:

- Police Patrolman Questionnaire (self-administered)
- Police Supervisors/Administrators Questionnaire (self-administered)
- Personal Interview of Police Personnel
- Judicial Personnel Questionnaire
- Civic Administrative/Legislative Personnel Questionnaire

Copies of these instruments are included in the Appendix to this report. A discussion of the data elements they contain is given in Section II.

(4) Collection of Data

Data collection commenced on 11 March 1974 and concluded on 3 May 1974. During that period, each site was visited by one member of the project staff. Site visits typically were of five or six day's duration.

The specific procedures and schedule of data collection varied somewhat from site to site but generally involved the following activities:

- The staff member first met with the designated liaison officer of the police agency to obtain background data relevant to the site and to finalize any last minute details required to implement the survey.
- Periodically throughout the week, the staff member attended roll call briefings for various squads of officers. After describing the purposes and scope of the study, he issued patrolmen and supervisory questionnaires, as appropriate, to the squad members, remained to answer any questions they might raise, and collected the questionnaires upon their completion.
- At the close of such roll calls the project staff member, with the consent of the squad supervisor, selected one or two of the attending patrolmen for personal interviews. These interviews usually were conducted in squad cars during routine patrol tours.
- Periodically throughout the week, the staff member conducted personal interviews with one or more judge, prosecuting attorney, and civic official. Police personnel were instrumental in making the necessary arrangements for these interviews.

Through these procedures, the following data bases were compiled:

- police patrolmen -- 255 questionnaires
69 personal interviews
- police supervisors -- 74 questionnaires
- judicial personnel -- 12 questionnaires, for judges
14 questionnaires, for prosecutors
- civic officials -- 6 questionnaires

During the same period and under a separate contract to NHTSA, Dunlap and Associates, Inc., conducted a series of instructor training institutes for a curriculum package on Crash Injury Management. Most of the enrollees at these institutes were police officers, including both patrolmen and supervisors. They provided an additional source of quantitative data, and produced 12 patrolman questionnaires and 11 supervisory questionnaires.

(5) Analysis of Data

In preparation for data analysis, all personal interview responses were compiled into a single set on a question-by-question basis and were exhaustively reviewed to determine the various points of view expressed and the numbers and types of individuals who shared each view. In reviewing the qualitative data, emphasis was placed on identifying the full range of views and opinions expressed, and the reasons why these were held, rather than on precisely computing the percentage of respondents who shared a particular view. Quantitative data were reduced to punched-card format for automated processing and precise statistical analysis.

The analysis proceeded in three stages. First, based upon the number of A/R arrests they reported during the 12 months preceding the survey, patrolmen completing questionnaires were grouped into four categories:

- Those who made no more than 1 arrest (75 officers)
- Those who made between 2 and 5 arrests (77 officers)
- Those who made between 6 and 15 arrests (62 officers)
- Those who made at least 16 arrests (53 officers)

They were then compared on the basis of various site and personal background characteristics to identify preliminary trends that might suggest important differences between "low" and "high" enforcers. Results of this stage are given in Section III.

Next, the most recent A/R arrests reported by the officers were compared with their most recent A/R investigations that did not lead to arrest. This was undertaken to determine whether situational circumstances tended to distinguish "arrest" from "no arrest" decisions. Results of this stage are also presented in Section III.

These first two stages can be considered preliminary analyses. They dealt solely with a subset of the factual (or historical) data reported by patrolmen and did not consider any of the attitudinal information or subjective data that might bear on the various factors of interest. Assessment of these latter data constituted the third stage of analysis, which was the most extensive of the three. It was primarily on the basis of the third stage that conclusions concerning the magnitude and importance of the factors were drawn. These results are given in Section IV.

(6) Development of Suggestions for Remedial Action

Inputs to this task consisted of the findings developed through the data analysis described above and the suggestions for treating various factors

that were solicited from the patrolmen surveyed. These data were presented to a review panel serving as consultants to the project. The panel members included police personnel and Dunlap staff members experienced in drinking-driving countermeasure programs.

After reviewing the findings the panel members developed suggestions for treating the various factors. The panel then met to extensively discuss all suggested approaches. This led to more detailed definition of potential actions to be taken, and, ultimately, a final set of recommendations representing the consensus of the group. These recommendations were compiled into topical groupings, and are presented in Section V.

II. FACTORS, DATA ELEMENTS, AND DATA SOURCES

The findings and recommendations of this report are based upon analyses of a specific set of data. A proper understanding of the findings requires familiarity with these data and the sources from which they were drawn. This section is intended to provide the reader with the necessary degree of familiarity.

This discussion properly begins with the twenty-six factors selected for study. These are listed in Table I. Once the factors are known, it is possible to discuss the measures employed for their assessment, including both the quantitative and qualitative data measures. Finally, the characteristics of the sites and individuals that supplied these data can be described. Accordingly, this section is subdivided into four segments, which discuss:

- . The major groups of factors
- . Questionnaire data items
- . Personal interview structure
- . Backgrounds of the sites and respondents surveyed

A. Major Categories of Factors

As indicated in Table I, the twenty-six factors were grouped into four major categories that relate, respectively, to the officer's background, his general attitude toward A/R violations, specific A/R situations he encounters, and the environment in which he functions. The considerations that led to the development of each category are summarized below.

1. Background Variables

The degree of discretion a patrolman exercises can vary with the type of officer and individual he is. Although every person is unique and essentially unpredictable in behavior, it is generally true that people sharing certain characteristics react in roughly similar manners in a given situation. For this study, the personal characteristics of interest included the knowledge and experience the officer brings to the task of A/R enforcement, i. e., how he can be described in terms of:

- . What he knows about A/R offenses
- . What he knows about alcohol and its effects, both in general and in relation to A/R violation

Table I.

Factors Selected for Assessment

Officer's Background

1. Age and Experience
2. Personal Use of Alcohol
3. Knowledge of Statutes Relating to A/R Violations
4. Awareness of Relationship between Alcohol and Intoxication
5. Relevant Training
6. Duty Assignment
7. Education

Officer's General Attitude

1. Perception of the A/R Offender Problem
2. Attitude Toward A/R Offenders
3. Perception of Suitability of A/R Penalties
4. Attitudes Toward Alternatives to A/R Arrest

Incident-Specific Variables

1. Time of Day and Duty Tour
2. Suspect's Degree of Intoxication
3. Weather Conditions
4. Suspect's Attitude
5. Suspect's Age, Sex, Race
6. Accident Involvement in the Incident
7. Involvement of Other Traffic Violations
8. Suspect's Position in the Community

Local Environment Variables

1. Court Disposition Records
2. Department Policy Concerning A/R Enforcement
3. Magnitude of Other Law Enforcement Problems
4. A/R Arrest Processing Requirements
5. Types of Chemical Tests
6. Specific Laws in Force
7. Community Pressure

- What role he has been assigned relative to A/R enforcement, and what preparation he has acquired for performing that role

To assess the influence of these and similar factors, data were required from each respondent that would permit him to be grouped with others having comparable characteristics. Then, a particular subgroup's behavior could be compared with that exhibited by other types of officers. This permitted answers to be generated for such questions as:

- Do young officers make fewer A/R arrests than their older counterparts?
- Are officers who drink more sympathetic to A/R suspects than officers who abstain from alcohol?
- Are officers assigned to general patrol duty less knowledgeable about statutes relating to A/R violations than those who serve in traffic divisions?

2. General Attitude Toward A/R Violations

When an individual approaches a given task, he does so with a particular frame of mind. He might enjoy the task or find it distasteful; he may consider it important or trivial; he may or may not think it is "beneath his dignity." To be sure, his performance on the task at any given time may also be influenced by purely temporary considerations, e.g., if he is fatigued, if he is being paid overtime to do it, if he likes the people he is working with, etc. However, the general attitude he carries can also be very important and can determine whether and how he will be influenced by the particular circumstances that may occur at any given time.

A police officer charged with A/R enforcement will also have a general attitude toward that duty. In any particular A/R investigation that attitude may be reinforced or overcome depending upon the specific circumstances he encounters. However, the general attitude may well be of paramount importance in determining how he tends to formulate arrest/no arrest decisions and whether he will make such arrests readily or only reluctantly.

The general approach to assessment of this category was to develop appropriate attitudinal measures and to explore how these measures varied as a function of the patrolmen's reported levels of A/R enforcement. In this way, answers were developed for such questions as:

- Are officers who frequently make A/R arrests more convinced of the importance of the offense than those who make few arrests?
- Do "low" enforcers tend to be more sympathetic to A/R suspects?
- Is the level of enforcement affected by the officers' feelings about the penalties imposed for conviction of A/R violations?

3. Factors Specific to a Given Incident

As suggested above, an officer's general attitude toward A/R enforcement may be reinforced or overcome by the circumstances he encounters in a particular situation. For example, a patrolman who is reluctant to arrest A/R suspects because he tends to empathize with them may lose all reluctance and sympathy when faced with an antagonistic drunk. An officer who strongly believes the law should be enforced might make an exception if the suspect is a close friend. Therefore, we believed it essential to consider the varying situational characteristics that could be encountered in A/R investigations if a true picture of police officer discretion was to be developed. Specifically, we sought answers to such questions as:

- Are officers less likely to arrest a member of their own race?
- Is the arrest/no arrest decision affected by the weather conditions?
- Does the suspect's attitude help to determine whether or not he will be arrested?

Attitudinal measures were established to help provide answers to these and similar questions. In addition, historical reports of actual A/R investigations were obtained to identify the situational differences between "arrest" and "no-arrest" cases.

4. Factors Relating to the Local Environment

All three categories of factors previously discussed can be said to stem from the individual officer, either from his background or his attitude in general and specific cases. Outside forces can also impact on his decisions. This is especially true since many of the considerations he faces in A/R situations are largely outside of his control. For example, the magnitude and type of other law enforcement problems encountered in his jurisdiction can affect the amount of time he can afford to devote to A/R enforcement and the training his department can afford to provide for this duty. The laws enacted of relevance to A/R violations might be poorly written and cumbersome to enforce. His department, the courts, or the community in general may discourage A/R enforcement.

Assessment of these factors required background data on the communities surveyed and their relevant agencies. Of particular importance were two general types of attitudinal measures: the attitudes of the patrolmen toward these external variables, and the attitudes of supervisors, judicial personnel, and civic officials that define these variables.

B. Content of Questionnaires

Much of the data required for assessment of the foregoing factors were obtained through the self-administered questionnaires. The specific items they contained are described in this subsection.

1. Background Variables

Each respondent completing a questionnaire was required to indicate:

- His age
- His duty assignment (traffic division, general patrol division, no separate division, or other)
- His total years of police experience
- The highest level of education he had completed
- Whether or not he had received special training relating to A/R enforcement and, if so, the nature of that training
- Whether or not he drinks alcoholic beverages, and, if so, the frequency and quantity of his typical drinking
- The number of A/R arrests he had made during the past 12 months, and the total number of A/R investigations he had conducted during the past 12 months

This last datum was intended to play a crucial role throughout data analysis. It was obtained from each respondent as a measure of his A/R enforcement level, and would be used to assess attitudinal and behavioral differences between "low" and "high" enforcers. Because of its key role in this study, it is important to keep in mind that a patrolman's A/R arrest rate was based upon his self-report rather than on a search of his department's records. This approach was necessitated by the decision to conduct a survey of guaranteed anonymity.

In addition these factual reports, certain knowledge and opinion measures were also obtained as part of the background variables. These addressed:

(1) Statutes Relating to A/R Violation

Each respondent was asked to define, in his own words, the terms "Blood Alcohol Concentration" and "Implied Consent Law" and to indicate whether he had ever heard such terms. He was also asked to cite the statutory limit of BAC at which a person is presumed to have been driving while intoxicated.

The respondent was also requested to indicate the number of ounces of whiskey, and the number of 12-ounce bottles of beer, a person of his size could consume in a three hour period on an empty stomach before his BAC would reach the statutory limit. The respondent's weight was recorded in conjunction with these measures. This information provided a measure of his "practical" knowledge of the presumptive limit of BAC. This measure could be of greater importance than his knowledge of the percentile concentration expressed in the statutes. For example, an officer might know that 0.10% is the "legal limit," but he might believe that a suspect could achieve that concentration after drinking only one or two beers; if so, his respect for the law and willingness to enforce it might be less than desired.

(2) The Role of Drinking-Drivers in Fatal Traffic Accidents

Each respondent was requested to estimate the percentage of fatal automobile accidents that involve a driver who has been drinking. This was intended to measure his knowledge of one of the more widely publicized traffic safety statistics relating to A/R offenses.

(3) The Statutory Penalties for First Conviction of A/R Violation

Each respondent was asked to indicate the magnitude/duration of any fine, jail sentence, or loss of driver's license that could be imposed for A/R conviction. The respondent's assessment of the severity of those penalties was also measured.

(4) The Expected Level of Enforcement to be Devoted to A/R Offenses

The respondent was requested to indicate the extent to which he believed his immediate supervisor considers the number of A/R arrests he has made when rating his performance. He was also asked to indicate whether his supervisor expects him to make at least some minimum number of A/R arrests each year, and, if so, how many he feels he is expected to make.

The background variables obtained through the questionnaire thus primarily relate to the factors associated with the officer's personal characteristics. However, they also impact on his general attitude toward A/R enforcement and on the local environment in which he is employed. Finally, they include the crucial measures of his A/R arrest and investigation rates.

2. Likert Scales

The largest single portion of the questionnaire is devoted to a series of Likert Scales, a technique widely used for attitude measurement. A Likert Scale consists of a statement to which the respondent indicates his degree of agreement or disagreement. To cite an actual example, one scale was written as follows:

"I try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect."

Strongly Agree ____; ____; ____; ____; ____; ____; ____ Strongly Disagree

The respondent is permitted to choose among three degrees of agreement, three of disagreement, and one "no opinion" choice. From left to right, these can be labeled as strongly agree; mostly agree; somewhat agree; neutral; somewhat disagree; mostly disagree; strongly disagree. Each scale was written to address a particular factor; in the example given above, A/R arrest processing requirements--one of the local environment category--is the factor of interest.

Based upon the respondents' choice for a particular scale, inferences can be drawn concerning the magnitude of influence exerted by the factor to which it relates. In most cases, two or more scales were developed for each factor to permit better assessment of its influence.

Analysis of each scale proceeded by exploring how the responses varied as a function of the respondent's level of A/R enforcement. For example, it was found that patrolmen who made relatively few A/R arrests were significantly more likely to agree that they avoid making arrests because of the processing time than were the officers who reported a fairly high arrest rate. Thus, the scales can disclose important attitudinal differences between "low" and "high" enforcers that suggest the influence of the factors in question.

3. Factor Ratings

The third major section of the questionnaire focuses directly on the influence exerted by a subset of the factors. The respondent is asked to rate specific variables in terms of whether they would influence him toward or against arrest in a given situation. In either case, the respondent must indicate whether the variable would induce a strong, moderate, or weak influence. Thus, in rating

the variable the respondent makes two choices: the direction of influence (for or against arrest) and the strength of influence (strong, moderate, or weak).

For the most part, the variables addressed in this section of the questionnaire correspond to incident-specific factors. The following are two actual examples of the variables that are assessed:

	For Arrest			Against Arrest		
	Strong	Moderate	Weak	Strong	Moderate	Weak
If there is someone available to take the driver home						
If it is near the end of the officer's duty shift						

Thus, the respondent checks one and only one of six possible response choices for each variable.

Analysis of these ratings proceeded in much the same fashion as was described for the Likert Scales. That is, the ratings were tabulated as a function of the reported numbers of A/R arrests made by respondents to identify important differences between "low" and "high" enforcers.

4. Case Histories

The last major section of the questionnaire focuses on the circumstances of actual A/R investigations conducted by the respondent. Each officer is first requested to provide certain factual information concerning the most recent A/R arrest he has made. Next, he is asked to provide identical information for the most recent case in which he decided not to arrest a driver he had suspected might be intoxicated. The major types of data sought in both cases include:

- The driver's race, sex, and age
- The time of day
- The amount of time remaining in the officer's duty shift
- Whether or not a ticket was issued on some other charge
- Whether or not the incident involved an automobile accident
- Whether there were any passengers in the suspect's vehicle
- The suspect's attitude toward the officer
- The weather conditions

These data can help identify important differences between arrest and no-arrest cases that might suggest the influence of certain factors, particularly those of the incident-specific category.

C. Structure of Personal Interviews

The personal interview was intended to supply measures for a separate assessment of factors, independent of the questionnaire. As such, it was essential to develop interview queries that addressed each factor. As a result, the personal interview tended to be fairly time-consuming, and often spanned two hours or more. By comparison, the questionnaire was quite brief, and usually was completed within 25 minutes.

The general structure of the personal interview may be described as follows:

- A "main question" was used to introduce each factor. Usually, this was phrased to avoid direct focus on the respondent's own behavior.
- Subsequent to each "main question," one or more "probe" questions were written to ensure that sufficient attention would be paid to the factor. The "probes" served to draw out the respondent's views, and in some cases sought to elicit anecdotes drawn from his own experiences. "Probes" were not asked until it was clear that the respondent had completed his answer to the "main question."

The following is an example of an actual "main question"/"probes" sequence:

Some people seem to feel that officers are more reluctant to make a drunk driving arrest near the end of their duty shift. What do you think of that?

Probes: Why would this be the case?

Have you ever noticed that you yourself are more reluctant to make an arrest toward the end of your shift?

In many cases it proved unnecessary to ask one or more of the "probes" since the officer would adequately cover it in his response to the "main" question. However, in all cases the interviewer took care to ensure that all questions were aired and responses were obtained for each.

The personal interview also served as a vehicle for eliciting suggestions for remedial actions. Whenever a respondent indicated that he believed a factor exerted an influence on the arrest/no arrest decision he was asked to comment

on how that influence might be treated (strengthened or overcome, as appropriate). The personal interviews thus provided inputs to both factor definition and factor treatment.

D. Data Source Characteristics

The data described above were obtained from a specific set of individuals serving in a particular group of agencies. It is essential to describe the characteristics of these individuals and agencies for two reasons:

- The relevance of the results and conclusions may depend, in part, on the extent to which the sites and personnel represent the total populations of interest. That is, we must verify that the data were obtained from a "good" cross-section of the nation's police departments and police officers.
- Certain of the site and personal characteristics may themselves constitute factors influencing A/R arrests.

This section, then, concludes with a summary of the major characteristics of the sites and personnel surveyed. Assessment of the impact of these characteristics on the arrest/no arrest decision begins in the following section.

1. The Sites

As indicated in Section I, the study was designed to obtain data from a wide range of law enforcement agencies. The assumption implicit in this approach was that the size, structure, and other background characteristics of the agencies could constitute factors influencing A/R arrests. Specifically, we desired to learn whether the level of A/R enforcement varied with:

- The type of agency, i. e., State vs. municipal police forces
- The size of the agency, i. e., the number of officers it employs
- The number of officers assigned to traffic patrol duties; such officers presumably encounter A/R suspects more frequently than do police assigned to other duties
- The department's procedures for processing A/R arrests, and particularly the amount of time the officer is required to expend in processing A/R arrests
- The department's policy regarding compensation for overtime work; A/R arrests, especially if processing procedures are time-consuming, can often necessitate overtime
- The specific laws governing A/R violations in those locations

Table II summarizes certain information bearing on these issues. In this table, each site is represented by a code, with letter codes designating state-level law enforcement agencies and numerals indicating municipal departments. Codes "A" and "B" denote the two State Police forces surveyed, "Y" and "Z" represent the two Highway Patrols. Municipal departments have been coded in the order of decreasing population size, i. e., site 1 was the largest city surveyed, site 2 the next largest, and site 7 the smallest. Overall, data were obtained from agencies employing a total of roughly 13,400 officers who recorded some 32,000 A/R arrests during 1973, or an average of 2.4 arrests per man in that year.

As can be seen in Table II, these sites indeed display a wide range of the background characteristics of interest. Four of the sites are from the southern regions of the country, two from the east, two from the central portion, and three from the west. Their staffs range from the 40 officers of site 7 to the 8000 man force of site 1. It is also clear that they vary considerably in the levels of A/R enforcement that they produce. The average state policeman of site B, for example, made nearly 30 A/R arrests during 1973; the officers of site 2 averaged 0.4 arrests during that year. But, in comparing A/R arrest rates one should note that these departments devote different proportions of their resources to traffic law enforcement. Sites B and Y consider their entire staffs to be assigned to traffic patrol, while only some 3% of the officers at sites 1 and 2 perform similar duties. Thus, the relatively low average arrest rates at certain sites may partly result from the fact that many of their men are engaged in duties that only rarely, if ever, bring them into contact with A/R violations.

It is also interesting to observe that A/R arrest processing procedures differ appreciably from one site to another. At six of the sites, the A/R arrest can be "completed"--insofar as the arresting officer is directly involved--within one hour. At the other five locations the officer's involvement is of long duration and may span three or more hours at three of the sites. This suggests that any negative influence on A/R arrests resulting from the officer's reluctance to become burdened with the processing procedures will vary in importance from one site to another. In addition, the probability that the officer will be required to work overtime to "complete" an A/R arrest will also differ from site to site.

Regarding overtime and its possible influence on arrest/no arrest decisions, one can see that these departments have different policies for overtime compensation. In six cases, extra pay is issued for work beyond the normal duty tour, and at four of these sites time-and-one-half rates are in force. Two other departments provide compensating leave to reimburse for overtime, in one case at a rate of one and one-half hours of leave for each additional hour worked. Three of the state-wide agencies provide no compensation for overtime.

Laws governing A/R violations are quite comparable from site to site. All departments surveyed enforce state-wide statutes that basically conform to the following model:

Table II.

General Characteristics of the Sites

Sites	Geographical Location	Number of Sworn Personnel	Number of Personnel, Traffic Division	Number of A/R Arrests, 1973	Typical A/R Arrest Processing Time (Hrs)	Overtime Compensation					
						None	Pay Only	Comp. Time Only	Pay or Time	Straight Time	Time and One-Half
Municipal	1	East	8000	200	6560		X				X
	2	Cent.	2200	72	831			X		X	
	3	West	750	63	1700			X			X
	4	South	328	43	739				X	X	
	5	West	101	56	109		X				X
	6	South	47	9	323		X			X	
	7	Cent.	40	22	36		X				X
State	A	East	817	156	1185		X				X
	B	South	418	418	12,500	X					
	Y	West	120	120	484	X					
	Z	South	574	382	7662	X					

No person shall operate a motor vehicle upon any street or highway in this State while under the influence of intoxicating liquor. Chemical tests of such person's blood, breath, or urine shall be admissible as evidence for this offense. If such chemical test indicates that there was 0.10 percent or more of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

Penalties for first conviction of this offense typically include:

- . A fine, usually in the neighborhood of \$100 or \$200;
- . The possibility of a jail sentence, although this is almost never invoked;
- . License suspension or revocation, for varying time periods.

An "Implied Consent Law" is also in force at each site. Typically, these laws contain provisions similar to the following:

Any person who operates a motor vehicle on any street or highway in this state shall be deemed to have given his consent to a chemical test to determine the alcoholic content of his blood if lawfully arrested for the offense of operating under the influence of intoxicating liquor. If any such person refuses to submit to a chemical test his driving privilege shall be suspended for (a period similar to that imposed upon conviction of operating under the influence).

Thus a "legal limit" of 0.10% BAC exists at each site. Further, this is a "presumptive," or "prima facie," limit rather than an "absolute" limit. At no site is it an offense per se to operate a motor vehicle while one's BAC is 0.10% or more. Rather, such BAC is simply evidence, and presumably refutable evidence, of being "under the influence."

While basically common laws are in force at all sites, several have additional statutes governing driving after drinking. For example, local A/R ordinances exist at sites 2, 5, and 7. The local ordinance at site 2 involves no presumptive limit of BAC, and carries less severe penalties than does the state-wide statute. At site 2, a driver is prosecuted under the local statute only when he refuses to submit to a chemical test upon arrest for A/R violation (without a chemical test, the state prosecuting attorneys at site 2 usually do not press for conviction on the state-wide statute). Thus, the local law is not employed for "plea bargaining" purposes, but rather to provide some means of adjudicating A/R arrestees who refuse the chemical test. Conviction under the local law does not, in itself, affect the person's driver's license; however, refusal to submit to the chemical test results in license suspension.

At site 5, the local ordinance is identical to the state-wide statute, and merely provides a means of adjudicating A/R cases in municipal court. Conviction under either the local or state law results in license suspension.

At site 7, the local law corresponds to the state law relative to the presumptive limit and resulting license action. However, the fine and possible jail terms are less severe in the local case. A/R arrests at site 7 routinely are prosecuted under the local, rather than state, law.

Additional state laws are also in force at two sites. For example, site Z has a second A/R statute, carrying penalties somewhat more severe than those established for the "basic" statute described above, for which the presumptive limit is 0.15%. A/R's at that site are charged under either the basic (0.10%) or second (0.15%) statute in accordance with the results of their chemical tests and/or the quantity and quality of supportive evidence of their intoxication. At site 3, a second state-wide statute governs cases where an A/R arrestee causes bodily injury to another person. In this case, the presumptive limit also is 0.10%, but the penalties are more severe.

2. The Police Personnel

When dealing with individuals, the term "personal characteristics" could include a virtually unlimited set of variables. For example, intelligence quotient, marital status, political affiliation, religious preference, national origin of ancestry, and many other such variables are personal characteristics that often are recorded in surveys. However, such an in-depth study of personal characteristics was considered beyond the purposes of this project. Rather, we limited assessment of personal characteristics to those background variables that had been identified as potentially influencing factors. Such data are shown in Table III for the 267 patrolmen and the 85 supervisors who completed questionnaires.

As can be seen in Table III, patrolmen from state-wide and municipal agencies generally have similar background characteristics. The majority of the men in both types of departments are relatively young (30 years of age or less) and possess 5 or fewer years of police experience. The vast majority (approximately 75% or more) have at least some college-level training.

There are two notable differences between state and municipal patrolmen. First, although approximately the same percentage (85%) of each group report that they drink alcoholic beverages at least occasionally, the frequency with which they drink varies significantly ($p < .005$; $\chi^2 = 13.24$, 3 degrees of freedom), with municipal police tending to drink more often. Some 36% of the municipal police who drink stated that they do so at least several times each week, as compared to 16% of state patrolmen. This difference may be attributable to regional variation in American drinking practices. Three of the four states in which state-wide agencies

Table III.

Personal Characteristics of Police Personnel Surveyed
(Table entries are percentages of respondents)

		Patrolmen			Supervisors
		All	Statewide	Municipal	
Age	25 or under	19.9	17.0	22.4	1.2
	26 - 30	34.1	40.4	31.7	10.6
	31 - 35	26.2	26.6	26.7	23.5
	36 - 40	9.7	8.5	10.6	15.3
	41 - 45	5.6	2.1	5.6	21.2
	46 - 55	3.0	4.3	1.2	24.7
	56 or over	0	0	0	3.5
	No answer	1.5	1.1	1.9	0
Experience	2 or less	23.2	25.5	23.6	0
	3 - 5	28.1	33.0	26.1	5.9
	6 - 10	30.3	27.7	31.1	23.5
	11 - 15	13.9	9.6	15.5	20.0
	16 or more	4.5	4.3	3.7	50.6
Education	Did not finish H. S.	2.6	1.1	3.7	7.1
	H. S. Grad.	22.1	20.2	22.4	21.2
	Some college	55.4	66.0	49.1	48.2
	College Grad.	12.0	9.6	14.3	12.9
	Post Grad.	7.9	3.2	10.6	10.6
A/R Training	Yes	39.3	55.3	26.1	55.3
	No	60.7	44.7	73.9	44.7
Drinks Alcohol	Yes	86.1	85.1	87.6	88.2
	No	13.5	13.8	12.4	9.4
	No answer	0.4	1.1	0	2.4
Drinking Frequency*	Once per month or less	33.5	37.5	31.9	28.0
	Several times per month	37.0	45.0	32.6	52.0
	Several times per week	22.6	15.0	27.0	10.7
	About every day	6.5	1.3	8.5	9.3
	No answer	0.4	1.3	0	0

*Does not include personnel who reported that they do not drink alcoholic beverages.

were surveyed may be characterized as "rural," whereas at least half of the municipalities would be considered urban areas.

The second major difference between state and municipal patrolmen concerns their exposure to specialized training in A/R enforcement. For purposes of this study, "specialized training" was taken to include formal courses of instruction in the operation of breath testing devices, seminars and formal courses on A/R detection, etc., conducted by recognized instructional institutes, and formal A/R training programs of at least one day's duration conducted by the individual departments on an in-service basis. Specifically not considered as "specialized training" was routine coverage of A/R enforcement in basic (recruit) training programs. Based upon this definition, the majority (55.3%) of state patrolmen were found to have had specialized A/R training, whereas this was true of only 26.1% of the officers in municipal departments. This difference is statistically significant ($p < .001$; $\chi^2 = 21.79$, 1 degree of freedom).

As would be expected, police supervisors tend to be older and more experienced than patrolmen. Nearly half are at least 41 years of age, and most have 16 or more years on the force. Their educational status is roughly equivalent to that of patrolmen, although slightly fewer supervisors have had college training.

Supervisors also proved to be somewhat better trained in A/R enforcement than their subordinates. Slightly more supervisors than patrolmen reported that they drink alcoholic beverages, but the supervisors indicated that they drink less frequently than patrolmen.

III. GENERAL A/R ENFORCEMENT FINDINGS

This section sets the stage for the detailed discussion of the twenty-six factors. Its primary purposes are to describe certain relationships between A/R arrest rate and the characteristics of the departments and patrolmen surveyed, and to document the situations and circumstances that appear to distinguish arrest cases from investigations that led to no arrest. In developing the contents of this section, we have sought to clarify the variables that have emerged from our data base, but we have refrained from drawing firm conclusions regarding the impact of these variables on A/R arrests. Such conclusions, together with all of the data that support them, are given in Section IV.

A. Relationships Between Arrest Rate and Site Characteristics

There is wide variation in the number of A/R arrests the patrolmen reported they had made during the 12 months preceding the survey. For example, some 16% of the respondents indicated they had made no arrest on that charge during that period, while almost 9% reported at least 30 arrests. In order to facilitate analysis of the relationships between arrest rate and various site or personal characteristics, it is desirable to define arrest rate categories that include roughly equal numbers of respondents. To this end, the patrolmen were grouped into four categories based on their reported yearly total of arrests. These categories are:

- . 0 or 1 arrest (28% of respondents)
- . 2 to 5 arrests (29%)
- . 6 to 15 arrests (23%)
- . 16 or more arrests (20%)

A similar grouping could also be defined based on the officers' reported number of no-arrest incidents (the number of suspects they released). The corresponding percentages for such groups are:

- . 0 - 1 no-arrests (23%)
- . 2 - 5 no-arrests (34%)
- . 6 - 15 no-arrests (20%)
- . 16 or more no-arrests (23%)

Further examination disclosed that these two groupings tend to produce the same stratification of patrolmen, i. e., an officer's arrest and no-arrest total generally are quite close. Specifically, about 80% of the patrolmen who reported making no more than 5 arrests also reported that they released no more than 5 suspects;

likewise, roughly 72% of those who made at least 6 arrests also released 6 or more suspects. Apparently, there are very few patrolmen who conduct numerous A/R investigations while making few arrests, and one rarely finds an officer producing a high arrest rate who does not release an appreciable number of suspects.

Table IV arrays the arrest rate categories again various site characteristics. Not included in this table are the 12 patrolmen surveyed during the instructor training institutes referred to in Section I, since background data on their departments were not obtained.

Analyses of these data produced the following findings:

- (1) State patrolmen reported significantly more A/R arrests than did their counterparts from municipal departments ($p < .05$; $\chi^2 = 8.44$, 3 degrees of freedom). Exactly 50% of the state police and highway patrolmen indicated they had made at least 6 arrests during the past 12 months; the same can be said of only 39% of the municipal officers. No statistically significant difference in arrest rate was found to exist between large municipal departments (sites 1, 2, and 3) and their smaller counterparts; however, members of the small agencies tended to make somewhat more arrests on this charge. Thus, the type and size of agency appear to influence the level of A/R enforcement.
- (2) Sites with relatively brief A/R arrest processing procedures produced significantly higher arrest rates than did those where processing is more time-consuming ($p < .001$; $\chi^2 = 25.50$, 3 degrees of freedom). For purposes of this analysis, "brief processing" sites are those where the arresting officer can complete his involvement within 1 hour; these included state-wide sites B, Y, and Z, and municipal sites 1, 4, and 5. This finding may indicate that processing procedures have an important influence on the arrest/no arrest decision.
- (3) There is a significant difference in arrest rate between sites which provide overtime pay to their officers and those which do not ($p < .001$; $\chi^2 = 21.50$; 3 degrees of freedom). However, this difference is precisely opposite to what might be expected: it is the departments which do not provide overtime pay that produce the larger volume of arrests. Almost certainly, this finding reflects a confounding of effects: of the six sites at which overtime pay is provided, all but one are municipal departments.

To further explore this point, arrest rate was compared for municipal sites providing overtime pay (1, 4, 5, 6, 7) and those which do not (2, 3). No statistically significant difference was

Table IV.

A/R Arrest Rates for Various Types of Sites

(Table entries are the numbers and percentages of patrolmen at each type of site who reported making the indicated numbers of A/R arrests)

	A/R Arrests During Past 12 Months			
	0 or 1	2 - 5	6 - 15	16 or more
State-level Agencies	21 (22.3%)	26 (27.7%)	19 (20.2%)	28 (29.8%)
Large Municipalities	27 (30.3%)	32 (36.0%)	20 (22.4%)	10 (11.2%)
Small Municipalities	22 (30.6%)	17 (23.6%)	19 (26.4%)	14 (19.4%)
Short Processing Time	15 (14.9%)	24 (23.8%)	30 (29.6%)	32 (31.7%)
Long Processing Time	55 (35.7%)	51 (33.1%)	28 (18.1%)	20 (13.0%)
Overtime Pay Provided	50 (39.4%)	35 (27.6%)	26 (20.4%)	16 (12.6%)
Overtime Pay Not Provided	20 (15.6%)	40 (31.3%)	32 (25.0%)	36 (28.1%)

found. However, 43% of the patrolmen surveyed at the former sites reported making at least 6 arrests during the past year, while this was true of only 36% of the officers at the latter sites. Thus, we cannot conclude that overtime pay has a negative influence on A/R arrests, nor even that it fails to promote a positive influence. For the present, it must suffice to observe that the overtime pay available to patrolmen in most of the municipal departments apparently does not offset their A/R enforcement differences relative to state-wide officers. Conceivably, if overtime pay were withheld from the municipal officers--or issued to the state patrolmen--the state vs. municipal difference in arrest rate might be even greater than it is at present.

Thus, A/R enforcement levels seem to be associated with the department's jurisdiction (state vs. municipal), its arrest processing procedures (brief vs. time-consuming), and--possibly--its overtime policy.

B. Relationships Between Arrest Rate and Patrolmen Characteristics

Table V arrays the four arrest rate categories against various background characteristics of the patrolmen. Analyses of these data disclosed several notable differences:

- (1) Officers who do not drink alcoholic beverages reported significantly more arrests than those who do ($p < .05$; $\chi^2 = 7.87$, 3 degrees of freedom). Further, of the officers who drink, arrest rate is significantly related to drinking frequency ($p < .05$; $\chi^2 = 16.95$, 9 degrees of freedom): those who drink less frequently tend to produce more arrests. It will be recalled from Section II that members of state-wide agencies were found to drink alcoholic beverages less frequently than municipal officers, although roughly equal percentages of both groups indicated that they drink at least occasionally. However, the relationship between drinking frequency and arrest rate was found to hold for both state-wide and municipal sites. Thus, this finding does not appear to be simply an artifact of the previously discussed variations between state and local departments.
- (2) Patrolmen who have had special training in A/R enforcement reported significantly higher arrest rates than those who have not had the benefit of such training ($p < .001$, $\chi^2 = 18.16$, 3 degrees of freedom). 58% of those with special training made at least 6 A/R arrests during the past 12 months, while this is true of only one-third of those without such training.

Again, we must recall that special training in A/R was more often found among members of state-wide departments. Therefore, one might suspect that the apparent relationship between arrest rate

Table V.

A/R Arrest Rates for Various Categories of Patrolman

	A/R Arrests During the Past 12 Months			
	0 or 1	2 - 5	6 - 15	16 or more
Age				
25 or less	12 (16.0%)	10 (13.0%)	17 (27.4%)	14 (26.4%)
26 - 30	22 (29.3%)	29 (37.7%)	20 (32.3%)	20 (37.7%)
31 - 35	18 (24.0%)	23 (29.9%)	17 (27.4%)	12 (22.4%)
36 - 40	13 (17.3%)	5 (6.5%)	4 (6.5%)	4 (7.5%)
41 or more	7 (9.3%)	10 (13.0%)	3 (4.8%)	3 (5.7%)
Experience				
2 or less	19 (25.3%)	11 (14.3%)	16 (25.8%)	16 (30.2%)
3 - 5	12 (16.0%)	26 (33.8%)	20 (32.3%)	17 (32.1%)
6 - 10	26 (34.7%)	23 (29.9%)	17 (27.4%)	15 (28.3%)
11 or more	18 (24.0%)	17 (22.0%)	9 (14.5%)	5 (9.4%)
Special Training				
Yes	22 (29.3%)	22 (28.6%)	29 (46.8%)	32 (60.4%)
No	53 (70.7%)	55 (71.4%)	33 (53.2%)	21 (39.6%)
Education				
Did not finish H. S.	3 (4.0%)	1 (1.3%)	1 (1.6%)	2 (3.8%)
H. S. Graduate	16 (21.3%)	15 (19.5%)	13 (21.0%)	15 (28.3%)
Some College	42 (56.0%)	41 (53.2%)	36 (58.1%)	29 (54.7%)
College Graduate	14 (18.7%)	20 (26.0%)	12 (19.3%)	7 (13.2%)
Drinks Alcohol				
Yes	67 (89.3%)	70 (90.9%)	53 (85.5%)	40 (75.5%)
No	7 (9.3%)	7 (9.1%)	9 (14.5%)	13 (24.5%)
Drinking Frequency*				
Once/month or less	16 (23.9%)	25 (35.7%)	19 (35.8%)	17 (42.5%)
Several times/month	24 (35.8%)	23 (32.9%)	23 (43.4%)	15 (37.5%)
Several times/week	17 (25.4%)	18 (25.7%)	10 (18.9%)	7 (17.5%)
About every day	10 (14.9%)	4 (5.7%)	1 (1.9%)	0 (0.0%)

*Does not include patrolmen who reported they do not drink alcoholic beverages.

and training is only a by-product of the difference between state and local officers. The following data permit further exploration of this point:

		Arrest Rate				Totals
		0 or 1	2-5	6-15	16 or more	
<u>State</u>	Special Training	5	10	14	23	52
	No Special Training	16	16	5	5	42
<u>Municipal</u>	Special Training	12	11	11	8	42
	No Special Training	37	38	28	16	119

Thus, 71% of the state patrolmen with special training, and 45% of the municipal officers with special training, made at least 6 A/R arrests during the past 12 months. The same can be said for only 24% of the state patrolmen without such training, and for only 37% of the municipal officers without such training. Regardless of the type of department in which they serve, officers who have had A/R training tend to produce more arrests than those who have not. However, training and arrest rate are significantly related only for state patrolmen ($p < .001$; $\chi^2 = 22.17$, 3 degrees of freedom).

Special training, then, may well have an important positive effect on A/R enforcement, but the magnitude of its effect may be a function of the type of department.

- (3) Arrest rate appears to vary with the officer's age and experience. Specifically, the younger, less experienced officers tend to produce more A/R arrests than do their older counterparts. For example, only 45% of the officers who reported making no more than 1 arrest over the past year are 30 years of age or less, but this age group accounts for increasingly larger percentages of the higher arrest rate group--e.g., they account for 64% of the patrolmen who made 16 or more arrests. A similar finding holds when the officers are compared on the basis of their years of duty experience, which is to be expected since the younger officers are the less experienced officers, and vice versa.

The relationship between arrest rate and officer's age is not statistically significant. But, it seems to show a clear trend, and this applies equally to state patrolmen and municipal officers.

A patrolman's age, his personal use of alcohol, and his training thus appear to play a role in his A/R enforcement practices. The effects of these and other personal characteristics are explored more fully in Section IV.

C. A/R Investigations: Arrest Versus No-Arrest Cases

As indicated in Section II, patrolmen and supervisors who completed the questionnaire were requested to describe their most recent A/R arrest and the most recent instance when they investigated a driver on suspicion of A/R violation but elected not to make an arrest on that charge. These data were intended to shed light on situational factors that might affect arrest/no-arrest decisions. In theory, if a particular situational characteristic has no effect upon the officers' decisions the reported arrest and no-arrest investigations should exhibit similar distributions with respect to that characteristic. For example, if the driver's race has no bearing on the decision, we would expect that whites, blacks, latin Americans, etc. would be represented in the arrest cases in roughly the same proportions as they appear in the no-arrest incidents. Conversely, if the arrest and no-arrest cases differ appreciably with respect to some characteristic one would suspect that the characteristic might constitute an influencing factor.

Of the 267 patrolmen, 256 provided data on their most recent A/R arrest; the remaining 11 individuals reported that they had never made an arrest on this charge. Of the 85 supervisors, 73 reported a A/R arrest; most of the other 12 indicated that they had made such arrests in the past, but not in recent years. 235 patrolmen and 55 supervisors also provided data on recent investigations which led to "no-arrest" decisions. Resulting data are given in Table VI for patrolmen and Table VII for supervisors.

The following summarizes the circumstantial differences that were found to exist between arrest and no-arrest cases:

- (1) Non-white drivers, especially blacks and latin Americans, are involved significantly less often in patrolmen A/R arrests than in their no-arrest cases ($p < .05$; $\chi^2 = 8.64$, 3 degrees of freedom). These two racial groups account for 16.4% of the drivers arrested by patrolmen, but represent 27.2% of the drivers these same patrolmen elected not to arrest. However, blacks and latins account for 16.4% of both the arrested and released drivers reported by supervisors.

At least two interpretations of this finding are possible. First, patrolmen may be relatively more reluctant to arrest non-whites, perhaps because they desire to avoid appearing racially prejudiced, or to avoid creating disturbances in ghetto areas, or for various other reasons. On the other hand, they may be more likely to stop and investigate non-white drivers. For the present, let it suffice to note that driver's race appears to be one characteristic that distinguishes arrests from no-arrest cases.

Table VI.

Recent A/R Investigations Reported by Patrolmen

	<u>Arrests (256)</u>		<u>No Arrests (235)</u>	
Driver's Race				
White	209	(81.6%)	168	(71.5%)
Black	28	(10.9%)	43	(18.3%)
Latin	14	(5.5%)	21	(8.9%)
American Indian	3	(1.2%)	3	(1.3%)
Other	1	(0.4%)	0	
No Answer	1	(0.4%)	0	
Driver's Sex				
Male	234	(91.4%)	199	(84.7%)
Female	18	(7.0%)	17	(7.2%)
No Answer	4	(1.6%)	19	(8.1%)
Driver's Age				
Under 21	7	(2.7%)	14	(5.9%)
21 to 30	61	(23.8%)	94	(40.0%)
Over 30	186	(72.7%)	124	(52.8%)
No Answer	2	(0.8%)	3	(1.3%)
Time of Day				
6:00 a.m. to 10:00 a.m.	5	(2.0%)	8	(3.4%)
10:00 a.m. to 2:00 p.m.	21	(8.2%)	20	(8.5%)
2:00 p.m. to 6:00 p.m.	40	(15.6%)	37	(15.7%)
6:00 p.m. to 10:00 p.m.	80	(31.3%)	70	(29.8%)
10:00 p.m. to 2:00 a.m.	82	(32.0%)	74	(31.5%)
2:00 a.m. to 6:00 a.m.	28	(10.9%)	26	(11.1%)
No Answer	0		0	
Time Left in Shift				
Less than 1 hour	56	(21.9%)	14	(5.9%)
1 to 2 hours	58	(22.6%)	40	(17.0%)
2 to 3 hours	32	(12.5%)	54	(23.0%)
3 to 4 hours	43	(16.8%)	53	(22.6%)
More than 4 hours	65	(25.4%)	71	(30.2%)
No Answer	2	(0.8%)	3	(1.3%)

Table VI.
Recent A/R Investigations Reported by Patrolmen
(continued)

	<u>Arrests (256)</u>		<u>No Arrests (235)</u>	
Other Ticket/Arrest				
No	136	(53.1%)	134	(57.0%)
Yes, Traffic	107	(41.8%)	94	(40.0%)
Yes, Other	13	(5.1%)	7	(3.0%)
Accident-Involved				
No	172	(67.2%)	206	(87.7%)
Yes, Fatal	1	(0.4%)	0	
Yes, Injury	27	(10.5%)	5	(2.1%)
Yes, No Injury	57	(22.3%)	24	(10.2%)
Driver Injured	21	(7.8%)	5	(2.1%)
Passengers				
None	197	(77.0%)	141	(60.0%)
Yes, Not Licensed	14	(5.5%)	7	(3.0%)
Yes, Unknown if Licensed	7	(2.7%)	25	(10.6%)
Yes, Licensed	38	(14.8%)	62	(26.4%)
Requested to Drive	Not Applicable		39	(16.6%)
Coordination Tests Given				
Yes	172	(67.2%)	137	(58.3%)
No	84	(32.8%)	98	(41.7%)
Driver's Attitude				
Highly Cooperative	32	(12.5%)	112	(47.7%)
Generally Cooperative	119	(46.5%)	104	(44.3%)
Generally Uncooperative	64	(25.0%)	13	(5.5%)
Highly Uncooperative	41	(16.0%)	5	(2.1%)
No Answer	0		1	(0.4%)
Weather Conditions				
Rain	28	(10.9%)	13	(5.5%)
Snow/Sleet	11	(4.3%)	3	(1.3%)
Fog	1	(0.4%)	1	(0.4%)
Overcast	19	(7.4%)	26	(11.1%)
Clear	197	(77.0%)	191	(81.3%)
No Answer	0		1	(0.4%)

Table VI.
Recent A/R Investigations Reported by Patrolmen
(continued)

	<u>Arrest (256)</u>		<u>No Arrest (235)</u>	
Time of Occurrence				
Within Past 3 Months	164	(64.1%)	155	(66.0%)
4 to 6 Months Ago	38	(14.8%)	37	(15.7%)
6 to 12 Months Ago	26	(10.2%)	24	(10.2%)
1 to 2 Years Ago	9	(3.5%)	10	(4.3%)
More Than 2 Years Ago	18	(7.0%)	7	(3.0%)
No Answer	1	(0.4%)	2	(0.8%)
Case Disposition				Not applicable
Hasn't Come to Court	71	(27.7%)		
Convicted, A/R	99	(38.7%)		
Convicted, Lesser Charge	19	(7.4%)		
Acquitted	16	(6.3%)		
Don't Know	51	(19.9%)		
No Answer	0			

Table VII.

Recent A/R Investigations Reported by Supervisors

	<u>Arrests (73)</u>		<u>No Arrests (55)</u>	
Driver's Race				
White	60	(82.2%)	43	(78.2%)
Black	10	(13.7%)	6	(10.9%)
Latin	2	(2.7%)	3	(5.5%)
American Indian	0		3	(5.5%)
Other	1	(1.4%)	0	
No Answer	0		0	
Driver's Sex				
Male	67	(91.8%)	53	(96.4%)
Female	3	(4.1%)	2	(3.6%)
No Answer	3	(4.1%)	0	
Driver's Age				
Under 21	0		1	(1.8%)
21 to 30	16	(21.9%)	22	(40.0%)
Over 30	54	(74.0%)	29	(52.7%)
No Answer	3	(4.1%)	3	(5.5%)
Time of Day				
6:00 a.m. to 10:00 a.m.	3	(4.1%)	1	(1.8%)
10:00 a.m. to 2:00 p.m.	11	(15.1%)	5	(9.1%)
2:00 p.m. to 6:00 p.m.	12	(16.4%)	9	(16.4%)
6:00 p.m. to 10:00 p.m.	18	(24.7%)	13	(23.6%)
10:00 p.m. to 2:00 a.m.	22	(30.1%)	22	(40.0%)
2:00 a.m. to 6:00 a.m.	7	(9.6%)	5	(9.1%)
No Answer	0		0	
Time Left in Shift				
Less than 1 hour	18	(24.7%)	9	(16.4%)
1 to 2 hours	16	(21.9%)	13	(23.6%)
2 to 3 hours	14	(19.2%)	7	(12.7%)
3 to 4 hours	9	(12.3%)	12	(21.8%)
More than 4 hours	15	(20.5%)	14	(25.5%)
No Answer	1	(1.4%)	0	
Other Ticket/Arrest				
No	56	(76.7%)	29	(52.7%)
Yes, Traffic	15	(20.6%)	26	(47.3%)
Yes, Other	2	(2.7%)	0	

Table VII.

Recent A/R Investigations Reported by Supervisors
(continued)

	<u>Arrests (73)</u>		<u>No Arrests (55)</u>	
Accident-Involved				
No	59	(80.8%)	51	(92.7%)
Yes, Fatal	1	(1.4%)	0	
Yes, Injury	5	(6.8%)	1	(1.8%)
Yes, No Injury	9	(12.3%)	4	(7.3%)
Driver Injured	4	(5.5%)	1	(1.8%)
Passengers				
None	51	(69.9%)	26	(47.3%)
Yes, Not Licensed	6	(8.2%)	2	(3.6%)
Yes, Unknown if Licensed	2	(2.7%)	11	(20.0%)
Yes, Licensed	14	(19.2%)	16	(29.1%)
Requested to Drive	Not Applicable		11	(20.0%)
Coordination Tests Given				
Yes	51	(69.9%)	36	(65.5%)
No	22	(30.1%)	19	(34.5%)
Driver's Attitude				
Highly Cooperative	11	(15.1%)	25	(45.4%)
Generally Cooperative	37	(50.7%)	27	(49.1%)
Generally Uncooperative	19	(26.0%)	3	(5.5%)
Highly Uncooperative	6	(8.2%)	0	
No Answer	0		0	
Weather Conditions				
Rain	4	(5.5%)	3	(5.5%)
Snow/Sleet	5	(6.8%)	3	(5.5%)
Fog	0		1	(1.8%)
Overcast	7	(9.6%)	6	(10.9%)
Clear	57	(78.1%)	42	(76.3%)
No Answer	0		0	

Table VII.
Recent A/R Investigations Reported by Supervisors
(continued)

	<u>Arrests (73)</u>		<u>No Arrests (55)</u>	
Time of Occurrence				
Within Past 3 Months	37	(50.7%)	26	(47.3%)
4 to 6 Months Ago	10	(13.7%)	12	(21.8%)
6 to 12 Months Ago	6	(8.2%)	4	(7.3%)
1 to 2 Years Ago	6	(8.2%)	5	(9.1%)
More Than 2 Years Ago	14	(19.2%)	8	(14.5%)
No Answer	0		0	
Case Disposition			Not applicable	
Hasn't Come to Court	10	(13.7%)		
Convicted, A/R	42	(57.5%)		
Convicted, Lesser Charge	6	(8.2%)		
Acquitted	3	(4.1%)		
Don't Know	12	(16.4%)		
No Answer	0			

- (2) Patrolmen reported that 91.4% of the drivers they arrested were males, as contrasted with 84.7% of the drivers they released. However, it is not clear whether the officers hesitate to arrest female A/R suspects. The uncertainty stems from the fact that the patrolmen failed to report the driver's sex in 8.1% of their no-arrest cases (versus 1.6% of their arrest incidents). The apparent unwillingness to indicate the sex of released suspects could be taken to suggest reluctance to admit to the exercise of discretion in cases involving women. However, no conclusions can be offered concerning this point until additional data are discussed.
- (3) Driver age differs significantly between arrest and no-arrest cases ($p < .001$; $\chi^2 = 20.81$, 2 degrees of freedom). Drivers 30 years of age or less account for 45.9% of the suspects released by patrolmen, but only 26.5% of the drivers they arrested. A similar difference was found in the cases reported by supervisors. Again, no conclusion should be drawn solely on the basis of this finding. As was noted above for the issue of driver's race, this age difference could result from police reluctance to arrest and incarcerate younger individuals or from a tendency to stop and investigate them more readily.
- (4) Arrest cases occurred near the end of the patrolman's duty shift significantly more often than did no-arrest incidents ($p < .001$; $\chi^2 = 34.52$, 4 degrees of freedom). This difference is most striking for those incidents that took place within one hour of the end of shift, a characteristic of some 22% of the arrests, but only 6% of the no-arrests.
- While no firm conclusion can be drawn solely on the basis of this finding, the dramatic decrease in the number of no-arrest investigations near shift-end may indicate that some patrolmen tend to cease stopping borderline suspects at that time. That is, there may be relatively more arrests than no-arrests at that time not because most suspects are arrested, but because only the "obviously guilty" suspects are stopped. At present, however, this is only one reasonable hypothesis. This and other interpretations are explored more fully in Section IV.
- (5) Arrest cases involve automobile accidents much more often than do no-arrest cases. In addition, accidents associated with no-arrests involve bodily injury less often than do arrest-related accidents. The differences between arrest and no-arrest cases

relative to accident involvement and accident severity are statistically significant ($p < .001$; $\chi^2 = 32.69$, 3 degrees of freedom).

It may be that the occurrence of an accident decreases a patrolman's opportunity for discretion and willingness to exercise it. In any event, accident involvement clearly represents an important area of distinction between arrest and no-arrest cases. Specifically, nearly one-third (32.8%) of the reported arrests involved an accident, while only 12.3% of the no-arrests were accident-involved.

- (6) Drivers arrested for A/R violations had passengers in their vehicles significantly less often than did their counterparts in no-arrest cases ($p < .001$; $\chi^2 = 26.55$, 3 degrees of freedom). In both arrest and no-arrest cases approximately two-thirds of the passengers were known to be licensed drivers. Of perhaps major importance is the fact that, in no-arrest cases, the officers requested the passenger to drive in 64% of the cases where the passenger was known to be licensed.

These data suggest that the presence of a "sufficiently sober" licensed passenger affords a commonly-used alternative to arrest. This alternative accounted for 16.6% of the no-arrests reported by patrolmen and 20% of the cases reported by supervisors.

- (7) Field sobriety tests, e. g., "finger-to-nose," "walking-the-line," etc. were conducted significantly more often in arrest cases than in no-arrests ($p < .05$; $\chi^2 = 4.15$, 1 degree of freedom).

This finding is precisely opposite to what might have been expected. Field sobriety tests presumably are of greatest importance in borderline A/R investigations. If a suspect is unmistakably intoxicated, such tests may be superfluous, and could be precluded if the suspect's coordination is markedly impaired; however, if the suspect is less obviously intoxicated, the test could be very helpful in determining whether there are reasonable grounds for arrest. Presumably, no-arrest cases involve a greater proportion of borderline suspects, and fewer grossly intoxicated individuals, than do arrests; certainly, this should be true if the arrest/no arrest decision is at least primarily based on the available evidence of the suspect's intoxication. Thus, it is surprising that sobriety tests are not conducted at least as often in no-arrest cases as they are in arrests.

To explore this point further, it was hypothesized that the decision to conduct field sobriety tests might be related to the presence or absence of passengers. It seemed reasonable to conjecture that patrolmen might hesitate to subject a suspect to the embarrassment of sobriety tests in the presence of his family or friends. If so, then the higher proportion of passenger-present incidents in the no-arrest cases could explain the lower frequency of testing. However, the data do not support this hypothesis. In both arrest and no-arrest cases, sobriety tests were conducted slightly more often when a passenger was present. In arrests, the test was given in 73% of the cases involving passengers, but only in 65% of the instances where there was no passenger. In no-arrests, the corresponding figures were 63% and 55%, respectively. Thus, sobriety tests were conducted consistently less often in no-arrests as compared to arrests, irrespective of passenger status.

It may be that some patrolmen do not fully understand the purpose of sobriety tests or their special importance in borderline cases. Some officers may consider the test to be merely a part of the arrest procedures, to be conducted only if a decision to arrest has already been reached, rather than a means of formulating the appropriate decision.

- (8) Arrested drivers were rated by the patrolmen as significantly less cooperative than were the drivers they released ($p < .001$; $\chi^2 = 106.63$, 3 degrees of freedom). This is perhaps the clearest distinction between arrest and no-arrest cases. More than nine out of ten released drivers were reported to have been cooperative, either "highly cooperative" (47.7%) or "generally cooperative" (44.3%). About four out of ten arrested drivers were considered uncooperative.

This finding admits several, not necessarily conflicting, interpretations. First, it may well be that the suspect's attitude has a major influence on the arrest/no-arrest decision, and a hostile or argumentative attitude may overcome any tendency the officer has to sympathize with the suspect or choose an alternative to arrest. Second, it may simply be that grossly intoxicated suspects are less likely to be, or appear to be, cooperative than borderline suspects; if so, the presumed higher proportion of borderline suspects in no-arrest cases would affect these ratings. Finally, if the officer desires to avoid the arrest, or has already decided to do so, he might tend to rationalize that the suspect is cooperative to provide further justification of his no-arrest decision. The converse could also be true: if he has already decided to make the arrest, he may be less tolerant of the suspect's attitude and more likely to conclude he is dealing with an uncooperative driver.

- (9) Significantly more arrests took place under foul weather conditions than did no-arrests ($p < .01$; $\chi^2 = 9.79$, 2 degrees of freedom). Precipitation (rain, snow, or sleet) characterized 15.2% of the arrests reported by patrolmen, but only 6.8% of their no-arrests.

This finding might suggest that foul weather has a positive influence on the arrest/no-arrest decision. Patrolmen may realize that A/R suspects pose an even greater risk to safety when driving conditions are hazardous and so may be more disposed to take enforcement action when those conditions prevail. However, the opposite could be true. The finding may indicate that some officers are less likely to stop borderline suspects when the weather is foul, perhaps because they are reluctant to expose themselves to the rain, snow, etc., or because they are more encumbered by such duties as accident investigation which tend to increase during hazardous driving conditions.

Thus, the weather condition seems to be a distinguishing characteristic of arrest and no-arrest cases, but it is as yet unclear whether this constitutes a positive or negative influence.

- (10) Examination of the final outcome of arrest cases produced certain findings of interest. Strictly speaking, the disposition of an arrest is not an incident-specific factor in the same sense as those discussed above, since it occurs "after the fact" and does not permit comparison between arrest and no-arrest cases. However, court disposition records could influence the officers' subsequent arrest/no-arrest decisions either positively or negatively. Thus, in describing their most recent arrest the officers were requested to indicate the outcome of the case.

For more than one-quarter of the arrests (27.7%), the patrolmen reported that the case had not yet come to court, which is reasonable since two-thirds of those incidents occurred within the three months preceding the survey. In about one-fifth of the cases (19.9%), the officers indicated they were unaware of the disposition. This latter finding may be of considerable importance, since it suggests that many of these patrolmen may not be greatly concerned with the outcome of their A/R arrests, or serve in departments which do not maintain close communication with the courts, or both. In any event, the case disposition was known and reported for 52.4% of the arrests, or 134 incidents.

Of these cases, 11.8% were reported to have resulted in "complete" acquittal. Another 14.2% led to conviction only on a lesser charge, presumably the result of plea bargaining in many cases. The remainder (74%) resulted in conviction of A/R violation. Thus for those cases

where the disposition was known, one out of four patrolmen reported that their most recent A/R arrest failed to produce a conviction on that charge.

In summary, arrest and no-arrest cases differ notably in terms of the race, age, and sex of the drivers involved. Further, arrested drivers are more often traveling alone, and are more likely to have been involved in an accident, than their counterparts in no-arrest cases. The arrested drivers also appear less cooperative toward the officer, and the officer is more likely to have requested them to perform a field sobriety test. In addition, arrests take place more often near the end of the officer's duty shift, and under foul weather conditions, than do no-arrests. Finally, an appreciable proportion of arrests fail to lead to conviction of A/R. All of these findings are examined in greater detail in Section IV.

D. Case History Comparisons for Various Groups of Officers

The preceding subsections dealt separately with site and personal characteristics and the most recent arrest and no-arrest case histories. We will now explore interrelationships among the background and situational variables. Of primary interest are those variations in arrest or no-arrest circumstances that emerged from comparisons between:

- State and municipal departments
- Sites with "brief" and "lengthy" A/R arrest processing procedures
- Patrolmen reporting "low" and "high" A/R arrest rates.

Again, the purpose of this subsection is not to develop final conclusions concerning the influence of the various factors, but to compile key inputs to the detailed discussions of Section IV.

In comparing the case histories of state and municipal patrolmen, the following noteworthy differences were found:

- (1) White drivers account for significantly more of the arrests reported by state-wide police as compared to municipal police arrests ($p < .05$; $\chi^2 = 5.15$, 1 degree of freedom). State patrolmen also report proportionally more whites in no-arrest cases than do municipal officers, although the difference is not statistically significant.

Perhaps the most plausible explanation of this difference is that municipal patrolmen, whose beats often include inner-city areas, are simply more likely to encounter non-white drivers than are their state-level counterparts. It is important to keep in mind that both types of officers arrest relatively fewer non-whites than they release.

Non-whites account for 11.4% of the drivers arrested by state-level patrolmen, but 24.1% of those they elected not to arrest. The corresponding figures for municipal police are 23.2% and 30.7%, respectively.

- (2) State patrolmen are significantly less likely to issue tickets for other violations when making an A/R arrest than are municipal police ($p < .001$; $\chi^2 = 31.86$, 2 degrees of freedom). But, state-wide and municipal police issue tickets with roughly equal frequencies in no-arrest cases.

This difference may arise primarily from variations in departmental procedures. Certain municipal departments encourage their officers to formally cite A/R arrestees on all moving vehicle violations incidental to the arrest, feeling that this strengthens the case and increases the likelihood of obtaining a conviction. Other departments, in particular three of the four state-wide agencies surveyed, tend to view incidental violations as evidence of A/R violation, but not as requiring issuance of separate tickets.

- (3) A/R arrests reported by municipal police proved significantly more likely to involve a motor vehicle accident than did those reported by state patrolmen ($p < .05$; $\chi^2 = 5.41$, 1 degree of freedom). Both groups, however, report that approximately 10-13% of their no-arrest cases involve accidents.

Again, this difference may be an artifact of the basically higher arrest rate produced by state-wide agencies. It is reasonable to assume that patrolmen who devote more of their energy to A/R enforcement will record relatively more on-view (accident-free) arrests; where the level of enforcement is lower, arrests will tend to stem from the more "obvious" A/R incidents, such as accident cases.

- (4) State-level police report a significantly higher percentage of arrests occurring in foul weather ($p < .05$; $\chi^2 = 8.28$, 2 degrees of freedom). They also report more no-arrest cases in foul weather, although this difference is not statistically significant.

The fact that state patrolmen report more cases of both types occurring in foul weather may indicate that they are more disposed to stop A/R suspects under those conditions than are municipal police. This hypothesis is examined more closely in Section IV.

The key point to keep in mind here is that both municipal and state patrolmen report significantly higher percentages of foul weather cases as arrests. Rain, snow, or sleet characterizes 18.2% of A/R arrests made by state patrolmen, but only 9.6% of their no-arrest cases occur under such conditions. The corresponding figures for municipal police are 13.5% and 5.0%, respectively.

Notable differences in arrest and no-arrest cases were also found relative to the A/R arrest processing time requirements pertaining at these sites. These included the following:

- (1) Patrolmen who face relatively lengthy processing (1-1/2 hours or more) are significantly more likely to formally cite A/R arrestees for other moving vehicle violations ($p < .001$; $\chi^2 = 15.29$, 2 degrees of freedom). However, in no-arrest cases they less often issue tickets than do their counterparts who enjoy relatively brief processing time requirements, although this difference is not statistically significant.

This difference in arrest cases reflects the fact that departments with lengthy processing procedures tend to be those which encourage issuing citations for all incidental violations--this procedure, in fact, is one of the causes of the increased processing time.

The difference in no-arrest cases is perhaps more interesting, since it may suggest a relationship between processing time and reluctance to make an A/R arrest. Through the personal interviews it was learned that patrolmen generally are hesitant to issue tickets for other violations in lieu of making A/R arrests. Their reasoning may be sketched as follows: By issuing a ticket, the officer records the fact that he stopped and investigated the driver; should that driver subsequently be involved in an accident, and prove to be intoxicated, the officer might be accused of dereliction of duty. Thus most officers, if they elect not to arrest a driver they suspect is guilty of A/R violation, strongly prefer not to issue any citations, warning tickets, or otherwise record the fact of their investigation. They may tend to cite other violations if, upon investigation, they conclude the driver is not guilty of A/R.

Thus, the issuance of a ticket for another offense in a no-arrest A/R investigation may suggest that the officer concluded that there was not sufficient evidence of A/R, although it does not, of course, guarantee that this conclusion was reached. Officers serving in departments with brief processing procedures issued tickets in 47.2% of their no-arrest cases, their counterparts in other agencies did so in 38.6% of those incidents. Thus, it may be true that A/R suspects released by patrolmen facing lengthy processing requirements include proportionately more individuals whom the officers believed were intoxicated.

- (2) Significantly more of the A/R arrests reported by officers from "brief processing" departments occurred in foul weather ($p < .05$; $\chi^2 = 7.44$, 2 degrees of freedom). Rain, snow, or sleet was reported in 20.8% of the arrests by those officers, as compared to 11.2% of the arrests made by patrolmen at sites with more lengthy processing requirements.

However, there is no significant difference relative to weather conditions in no-arrest cases; 7.8% and 6.1% of those cases occurred in foul weather, respectively for sites with brief and lengthy processing procedures. Thus, while foul weather conditions prevail more often in arrests than no-arrests for both groups of patrolmen, the difference is greater for those who enjoy simpler processing procedures.

- (3) In no-arrest cases, patrolmen facing brief processing requirements report that passengers were present significantly more often ($p < .005$; $\chi^2 = 9.09$, 1 degree of freedom). However, when a passenger was known to be a licensed driver officers from "brief processing" departments requested the passenger to drive about as often as their counterparts who face more time-consuming procedures: in no-arrest cases licensed passengers were requested to drive in roughly two-thirds of the incidents at which they were present, irrespective of the processing requirements faced. There also was no significant difference in the frequency with which passengers were present in the arrests reported by these two groups of officers.

It thus appears that the presence of another licensed driver exerts a negative influence on the arrest/no arrest decision regardless of the processing procedures faced. However, the fact that relatively more "solo" suspects were released by members of "lengthy processing" departments may suggest that those officers are more disposed to refrain from A/R arrests even when this "safe" alternative is not available.

- (4) Patrolmen at "lengthy processing" sites significantly more often rated as cooperative the A/R suspects they released than did the officers from "brief processing" departments ($p < .01$; $\chi^2 = 11.77$, 3 degrees of freedom). However, in arrest cases both groups of officers describe about 60% of the suspects as cooperative.

This difference may suggest that members of "lengthy processing" departments are more likely to look for justifications for refraining from making the arrest. They may tend to be more tolerant of the drivers attitude, and more willing to allow themselves to be convinced that the suspect is cooperative, in order to rationalize their desire to "give him a break."

The officers' arrest rates also appear to have some bearing on the situational characteristics of their arrest and no-arrest cases. In particular, the following were found to be true:

- (1) Patrolmen reporting moderate or high A/R arrest rates indicate that their arrests involve accidents significantly less often than do those reported by officers who make relatively few such arrests ($p < .01$; $\chi^2 = 13.41$, 3 degrees of freedom). Accident cases account for about 40% of the arrests made by officers reporting 5 or fewer A/R arrests per year, 32% of the arrests of those who log between 6 and 15, and only 13% of the cases reported by officers who report 16 or more arrests annually. There is also a significant difference in their no-arrest cases ($p < .001$; $\chi^2 = 26.44$, 3 degrees of freedom); accidents account for about 30% of the no-arrests made by officers who reported no more than 1 A/R arrest in the past year, 12% of the cases involving officers who made between 2 and 5 arrests, 5% of the cases involving officers who made between 6 and 15, and none of the no-arrests reported by officers who made 16 or more arrests.

Clearly, officers who make relatively few A/R investigations find that a greater proportion of their cases involve accidents, regardless of whether an arrest or no-arrest decision results. Again, this result is probably due to the fact that "low" enforcers tend to detect mainly the obvious A/R situations. However, it is important to observe that accident involvement seems to have a positive influence on the arrest/no-arrest decision irrespective of the officer's arrest rate.

- (2) Patrolmen producing higher arrest rates report that significantly more of their arrests involve incidents where a passenger is present in the suspect's vehicle ($p < .05$; $\chi^2 = 8.81$, 3 degrees of freedom). Officers who made 5 or fewer arrests report that a passenger was present in 16.3% of their arrests; the corresponding figure for officers who made 6 or more arrests was 31.3%. In no-arrest cases, passenger status did not produce a statistically significant difference; however, passengers were present in more of the no-arrest incidents reported by those claiming high arrest rates. Specifically, a passenger was present in 36.2% of the no-arrests reported by those who made 5 or fewer arrests, and in 44.4% of the cases reported by those who made 6 or more arrests.

Thus, officers producing high arrest rates tend to stop proportionately more suspects who are traveling with passengers than do patrolmen who make fewer arrests, and also tend to arrest proportionately more of those suspects. The presence of a passenger does seem to exert a negative influence on the arrest/no-arrest decision, but the magnitude of this influence appears to be less for those who frequently make A/R arrests.

- (3) A/R arrest and conviction rates appear to be related. Of the arrest cases for which the adjudication was known, officers producing higher arrest rates reported a significantly higher proportion of convictions for A/R ($p < .05$; $\chi^2 = 9.41$, 3 degrees of freedom). More than one-third (36.1%) of the most recent arrests reported by officers who made 5 or fewer arrests failed to lead to conviction of A/R. This was true of only 14.5% of the cases reported by those who made 6 or more arrests.

In summary, case history differences between state and municipal police appear to stem primarily from the former's higher incidence of A/R arrests and from certain jurisdictional and procedural differences between the two types of departments. Thus, state patrolmen encounter a greater proportion of white drivers, presumably because their "beats" less often center in minority areas; they less often issue tickets for other offenses in conjunction with A/R arrests because their departments do not specifically urge this practice; they are less dependent on accidents for their A/R arrests presumably because their greater level of enforcement brings them into contact with more of the "less obvious" A/R suspects. Accordingly, there is little evidence that the department's jurisdiction (state versus local) per se affects the susceptibility of its patrolmen to the influence of the various incident-specific factors. The single exception concerns weather conditions, and state patrolmen may be more disposed to stop and investigate A/R suspects when the weather is foul. The major difference between the two types of agencies seems to be that state-level forces are much more heavily oriented toward traffic law enforcement, and so their memberships include proportionately more "high" A/R enforcers.

There is some evidence that a department's A/R arrest processing procedures affects the exercise of discretion by its officers. Patrolmen who face time-consuming arrest procedures may be more willing to release suspects when there exist reasonable grounds for arrest, and may do so even when a "safe" alternative to arrest--such as a sober, licensed passenger--is not available. In addition, they seem less disposed to make an arrest in foul weather.

Finally, there is evidence that "low" enforcers are indeed more likely to exercise discretion. For example, those who log few arrests are less likely to arrest a suspect if a passenger is present. In addition, their arrests more often fail to produce convictions, which suggests that their level of enforcement could reflect some discouragement over the court's practices.

The major conclusion to be drawn from this section is that there are important differences among departments and patrolmen that appear to be associated with their levels of A/R enforcement. Further, there are situations and circumstances that seem to affect the arrest/no arrest decision. These findings strongly suggest that many factors do indeed influence A/R arrests. Repeated references to these findings are made throughout the next section.

IV. DETAILED DISCUSSION OF FACTORS

This section documents all data and analyses bearing on the factors of interest and presents the conclusions reached concerning their influence on A/R arrests. For the convenience of the reader, the twenty-six factors are grouped for discussion under the four broad categories described in Section II, viz.,

- . Factors Relating to the Officer's Background
- . Factors Relating to General Attitude Toward A/R Violations
- . Factors Specific to a Given A/R Incident
- . Factors Relating to the Local Environment

A. Factors Relating to the Officer's Background

Seven factors were selected as the key background variables to be considered. These included:

- . The officer's age and experience
- . His personal use of alcohol
- . His knowledge of the statutes relating to A/R
- . His awareness of the relationship between alcohol and intoxication
- . The extent of training he has received for A/R enforcement
- . His duty assignment, in particular, his assignment relative to traffic law enforcement
- . His educational status.

Each is discussed separately below, followed by a summary of all background factors.

1. Age and Experience

Mention has already been made of the relationship between the officer's age and experience and his reported A/R arrest rate. The younger, less experienced, patrolmen consistently log more arrests on this charge than do their elders or those with more seniority. Nearly half (49.3%) of the patrolmen under 30 years of age made 6 or more A/R arrests during the 12 months preceding the survey; the same can be said for only 38.5% of those between 31 and 40 years of age, and for only 26.1% of those more than 40 years old. Slightly more than half (50.4%) of

those with 5 or fewer years of experience made at least 6 arrests, while 35.4% of those with 6 or more years on the force logged a similar number. Clearly, age and experience are virtually identical characteristics, and can be treated as a single factor for purposes of this discussion.

While these relationships suggest that age and experience influence A/R enforcement and the exercise of discretion, these relationships are not, in themselves, conclusive. For, one could hypothesize that the younger, less experienced officers may more often be assigned to traffic law enforcement, in which case their higher arrest rate would merely reflect more frequent opportunities for encountering A/R suspects. It might also be suggested that younger officers, since they are relatively fresh from the academy, may have received more specialized training in A/R enforcement. In that case, their level of enforcement could result from their better preparation, and be only coincidentally related to their age.

The data, however, do not support these arguments. First, officers 30 years of age or less account for nearly the same proportion of the state and municipal patrolmen surveyed (57% and 54%, respectively). Second, these younger patrolmen actually make up a slightly lower percentage of traffic division members as compared to general patrol officers (51% versus 56%). Thus, younger (and older) officers are distributed fairly uniformly across the two types of departments and divisions, and so do not have appreciably more or fewer opportunities for A/R encounters. Finally, they account for nearly identical percentages of those who have had special training and those who have not (55% versus 53%). Thus, there is no evidence that the younger officers are better trained in A/R enforcement.

It will also be recalled from Section III that non-drinking officers produced a higher rate of arrests than did those who use alcoholic beverages, and that frequent drinkers make fewer arrests than those who drink only occasionally. It might be suggested that younger officers may include more teetotalers and infrequent drinkers than do their older peers. If so, the apparent relationship between the officer's age and arrest rate might be an artifact of the association between drinking and enforcement practices.

Again, the data appear to dispel this argument. In fact, there are significantly fewer teetotalers among the younger officers ($p < .001$; $\chi^2 = 23.24$, 5 degrees of freedom). In addition, the younger officers include fewer infrequent drinkers than do the older patrolmen (32% of the patrolmen age 30 or less who drink do so no more than once each month, while this is true of 38% of the older respondents). Thus, it is clear that the relationship between age and arrest rate is quite distinct from any association between the officer's use of alcohol and his level of enforcement.

On the basis of these findings, we can more confidently conclude that younger officers are "higher" enforcers of A/R violations than are their older peers, and thus probably are less susceptible to discretionary influences. This situation may arise from several causes. First, we should observe that interest in and emphasis on A/R enforcement has increased substantially in recent years. Many older officers developed their enforcement habits during a period that preceded the widespread public education campaigns and the exhortations for increased enforcement. To some extent, they may have become "set in their ways." Conversely, many of the younger officers came on the force during or only shortly before this period of increased emphasis, and so may have found it easier to devote increased priority to this offense. Second, many of the potentially influencing factors may require time to develop their full effect. For example, reluctance to become involved with lengthy arresting procedures and discouragement over plea bargaining practices might be non-existent initially, but grow as the officer gains more exposure to A/R cases. During his personal interview, one older patrolman expressed this view in the following words: "When I first came on the force, I was enthusiastic about drunk driving arrests; but after you're on awhile, your attitude suffers. These days, I don't go out of my way to find them".

Whatever the reasons, young officers generally exhibit a better attitude toward and enforcement of A/R violations. Every effort should be made to nurture and encourage their initial views and practices, and to reduce or eliminate the forces that tend to negate this attitude as age and experience increase.

2. Personal Use of Alcohol

Several references have already been made to the possible influence of this factor. In Section III it was shown that a statistically significant relationship exists between the officers' drinking practices and their arrest rates. Only 17.5% of the officers who made 16 or more A/R arrests during the past year reported that they drink at least several times each week, and none of these "high" enforcers indicated that they drink almost every day. In contrast, 40.3% of those who made no more than 1 arrest drink several times each week or more, and this "low" enforcement group includes two-thirds of those who reported daily drinking.

The amount of alcohol consumed was also found to vary with arrest rate. Excluding teetotalers, 77.5% of those who made at least 16 arrests indicated that they consume 3 or fewer drinks on their typical drinking occasions, and the same was true of 71.7% of those who made between 6 and 15 arrests. However, only 54% of the patrolmen who made 5 or fewer arrests generally limit themselves to 3 or fewer drinks.

Clearly, then, "high" enforcers are much more likely to be teetotalers or infrequent drinkers than are the "low" enforcers. They are also much less likely to drink relatively large amounts of alcohol on any given occasion. Abstention or

infrequent, light drinking thus can be said to exert a positive influence on A/R arrests, while frequent and/or immoderate use of alcohol has a negative effect.

Additional information bearing on this factor was obtained through the personal interviews, and in particular through the responses to the following question:

"Would you say that an officer who does not drink would be more likely to make a drunk driving arrest than one who does?"

Slightly more than half of the interviewees responded affirmatively. A few of these attributed the higher likelihood of arrest to the non-drinker's tendency to consider alcohol and its use as morally evil; most, however, felt that the difference arises mainly from the drinking officer's tendency to sympathize with the suspect. Some 40% of the respondents denied that an officer's drinking practices affect the likelihood that an arrest would be made. The remaining 10% of the interviewees chose not to comment on this question.

From these results it seems evident that the officer's use of alcohol influences the arrest/no arrest decision by affecting his attitude toward the suspect. Those who drink, and especially those who drink relatively frequently, seem to identify and sympathize with the suspect; teetotalers and infrequent drinkers generally do not share this attitude.

3. Knowledge of A/R Statutes

Regardless of their arrest rates, the vast majority of patrolmen are conversant with the statutes regulating A/R violations. About 94% were able to define the term "blood alcohol concentration" essentially correctly, and more than 80% accurately stated the presumptive limit of BAC. Approximately three-quarters of the respondents were also able to properly define the term "Implied Consent Law." Most importantly, these findings did not appreciably vary between "low" and "high" enforcers.

Thus, there is no evidence that the officers' knowledge of the law has any effect--positive or negative--on their enforcement of it. Any efforts to improve their familiarity with the legal terminology cannot therefore be expected to produce much benefit in terms of increased arrest rates.

4. Awareness of the Relationship Between Alcohol and Intoxication

Although their "text book" knowledge of the statutes seems adequate, there is strong evidence that many patrolmen fail to grasp the practical significance of the presumptive BAC limit. As described in Section I, respondents completing the questionnaire were asked to indicate the number of ounces of whiskey and 12-ounce bottles of beer a person of their size could drink in a three

hour period on an empty stomach before his BAC would reach the presumptive limit. Since the respondents' body weights were also recorded, it was possible to transform these answers into estimates of the BACs that actually would be achieved if those amounts of whiskey and beer were ingested.*

We found that a sizable majority of patrolmen underestimate the amount of alcohol that must be consumed before the presumptive limit would be reached. More than one-third (36.7%) of the respondents cited an amount of whiskey which, if consumed under the conditions cited in the questionnaire, would actually produce a BAC of less than 0.04%; slightly more than one-quarter (28.1%) also cited an equivalent amount of beer. Another third of the sample (33.3%) estimated an amount of whiskey that would bring the BAC to a level between 0.04% and 0.08%, and 40.4% cited a corresponding amount of beer. Less than one out of five were able to accurately estimate the amount of alcohol required, i.e., an amount that would produce a BAC between 0.08% and 0.12%; 18.7% cited approximately the correct value for whiskey and 16.1% for beer. The remaining 10-15% of the respondents slightly overstated the amount of alcohol required to achieve the presumptive limit.

It should be noted that these findings do not vary with the arrest rate. The majority of all patrolmen underestimate the quantity of alcohol that will produce the presumptive limit of BAC, regardless of whether they are "low," "moderate," or "high" enforcers. Nevertheless, it remains likely that this generally poor knowledge of the relationship between BAC and the quantity of consumption exerts an influence on A/R arrests. Certainly, it is clear that most

* This transformation was accomplished through the following formula:

$$\text{BAC} = 3.625 (\text{ND}/\text{BW}) - 0.045,$$

where ND is the number of drinks (either ounces of whiskey or bottles of beer), and BW is the respondent's body weight in pounds. The constant value of 0.045 approximates the BAC decrement that would occur over the three hour period, i.e., it assumes that the average person metabolizes an amount of alcohol equivalent to 0.015% BAC per hour. The multiplier of 3.625 simply represents the proportionality constant between BAC and the quantity/weight ratio. This formula was derived from a circular slide rule developed by the Charlotte-Mechlenburg (N.C.) Alcohol Safety Action Project. The formula is only an approximation and will not be completely accurate for any given individual; however, it should provide a fair estimate of the BAC that would result from the indicated amount of alcohol.

To elucidate the use of this formula, a 175 lb. officer who indicated that 4 ounces of whiskey would be required to attain the presumptive limit would be said to provide a practical estimate of slightly less than 0.04%. That is, he would underestimate the true presumptive limit by a wide margin.

officers believe that at least some of the suspects they encounter have not had a very great amount to drink. This misimpression probably contributes to any tendency they might have to identify and sympathize with the suspect.

The "fairness" of the presumptive limit was a topic covered in the personal interviews. Most patrolmen were reluctant to comment on the 0.10% limit. The consensus seemed to be that, since they are not chemists or physiologists, they cannot knowledgeably comment on whether this limit is too high or too low. Most take the view that their decision to arrest or not arrest must be based on the traditional signs and symptoms of intoxication, e.g., slurred speech, unsteadiness, poor coordination, etc. In general, they seem willing to accept the limit established in the statutes. However, comments were received that suggest that some officers believe the limit is too low. For example, the following are verbatim quotes: "I think 0.10% is pretty low; that is not very drunk;" "cops who drink more than I do think it's too low;" "it's not a bad limit, but you can drink two beers and be that high;" "basically, the law is bad; it lets you stick it to the guy if you want to;" "at 0.10% it's too low; we should go back to the 0.15% level, they're pretty well 'looped' by then."

It is also of interest to note that the personal interviews disclosed the fact that very few patrolmen (less than 10% of those interviewed) have ever arrested a suspect whose BAC proved to be below 0.10%, and in several of the low BAC cases that were reported the officers learned that the suspect was under the combined influence of alcohol and drugs. Thus, their underestimation of the quantity of alcohol consumed by the suspects they encounter apparently affects their enforcement action. Many patrolmen, in effect, establish a higher presumptive limit "on the street" and will arrest only those suspects who they are sure have been drinking excessively.

One final point that should be made in the context of this issue concerns the relationship between the respondents' own alcohol consumption and the quantity they believe will produce an "illegal" BAC. The data show that approximately one-third (36%) of the patrolmen who drink believe erroneously that their own typical drinking routinely brings their BAC above the presumptive limit. That is, the quantity they usually drink equals or exceeds the amount they believe is required to achieve 0.10% BAC. Thus, many apparently feel that they are guilty of A/R violation--though, in fact, they probably are not--whenever they drive after consuming their usual number of drinks. It is hardly surprising, then, that they often sympathize with their suspects.

There seems no doubt that patrolmen need to be better informed of the relationship between alcohol consumption and BAC. If they can be made aware of the fact that even the borderline suspect usually has consumed an appreciable quantity of alcohol, it should help to dispel their doubts concerning the fairness of the law and diminish their willingness to give the suspect an undeserved benefit of doubt.

5. Special Training in A/R Enforcement

In Section III it was shown that patrolmen who have had special training in A/R enforcement log significantly more arrests than those who have not. Further, although state patrolmen are more likely to have had such training, the positive influence of this factor on arrest rate holds true regardless of the type of department in question.

Through both the questionnaires and personal interviews, it was learned that by far the most common type of special training was instruction in the operation of breath testing devices. Nearly 40% of all respondents had been trained on the Breathalyzer or similar instruments. Some had also received instruction in on-scene A/R investigation procedures.

This finding provides clear evidence of the benefits that can be expected from thorough training in A/R-related techniques and procedures. Such training should be provided to as many patrolmen as possible.

6. Duty Assignment

Analysis of this variable requires comparison of the arrest rates produced by traffic division officers and non-traffic division officers. However, it would be technically incorrect to conduct this analysis by simply subdividing all 267 patrolmen who completed questionnaires into these two divisional categories. This is due to the fact that almost all of the state patrolmen surveyed can be considered to serve in traffic divisions. Hence, a traffic versus non-traffic comparison would be confounded by the state versus municipal arrest rate variation discussed in Section III. Thus, to ensure proper assessment of the effects of duty assignment, the analysis included only the data from the seven municipal sites.

The data show that traffic division officers from municipal departments tend to make more A/R arrests than do their fellow officers assigned to general patrol duties. 44% of the traffic division members reported making at least 6 A/R arrests during the past year, as compared to 37% of the non-traffic officers. Conversely, 34% of the non-traffic force made no more than 1 arrest, while this was true of 24% of the traffic officers. However, these differences are not statistically significant.

The tendency for traffic officers to make more A/R arrests is not surprising. Their charter primarily is to enforce moving vehicle violations, and their "beats" generally center in areas where such violations are more often committed. They therefore have a greater opportunity to encounter A/R incidents.

This finding, while not unexpected, does serve to highlight another obvious but important point: when patrolmen are expected to focus on A/R violations, a greater number of arrests result. In recent times, there has been a trend away from

the establishment of specialized divisions and squads. There are some sound reasons for this, not least of which is the average patrolman's desire to participate in all aspects of law enforcement and the department's need to have its personnel trained and available to deal with a wide variety of situations. However, we would suggest that at least some degree of specialization to A/R enforcement is desirable if this offense is to receive the attention it warrants.

7. Educational Status

No conclusive relationship was found between educational status and A/R arrest rate. We did find that officers who hold college degrees tend to make slightly fewer arrests than those who have not completed college. Specifically, college graduates account for about 22% of the patrolmen who made 5 or fewer arrests, but only about 17% of those who made at least 6 arrests (see Table V, Section III). In itself, this difference might suggest that education has some slight influence on enforcement. However, we must note that college graduates are much more often found in municipal departments. Almost 25% of the municipal officers surveyed reported holding a college degree, while this was true of only 13% of state patrolmen (see Table III, Section II). Thus, the apparent effects of education status are very likely a coincidence of the state vs. municipal differences.

Perhaps the major finding of interest concerning educational status is that patrolmen 26 to 30 years of age include the highest concentration of officers holding college and/or advanced degrees. Nearly 32% of that age group have completed college. The same is true of roughly 19% of the officers who are 25 years old or less. However, only 12% of the officers over 30 years of age hold a college degree. This finding reflects a recent trend, i. e., newly-sworn officers often continue their formal education to at least the college degree level. In itself, this trend does not directly bear on A/R enforcement. However, it suggests that these younger officers have developed the "learning habit." They therefore should be receptive to, and able to derive maximum benefit from, training programs of increased sophistication. This should enhance the success of any instructional programs designed to increase the level of A/R enforcement.

In summary, analysis of factors relating to the officer's background has shown that there is a wide-spread lack of knowledge among patrolmen concerning the relationship between alcohol consumption and blood alcohol concentration. As a result, many officers believe that borderline suspects probably have not had a very great deal to drink, and so may deserve a break; this is especially true if the officer himself drinks, and particularly if he drinks fairly frequently. This lack of knowledge thus exerts a negative influence on A/R arrests. However, it was also found that specialized training definitely enhances a patrolman's enforcement of this offense. Finally, it has been shown that younger officers are more disposed toward strict enforcement. This finding is most encouraging, for it suggests that when dealing with young patrolmen, we are faced with the need to maintain an existing, desirable outlook rather than the more difficult task of developing new attitudes.

B. Factors Relating to the Officer's General Attitude Toward A/R Violations

Four variables associated with general attitude had been identified as potential factors of interest. These were:

- . The officer's perception of the A/R problem
- . His attitude toward A/R offenders
- . His perception of the suitability of A/R penalties
- . His attitude toward alternatives to A/R arrest.

These are discussed below, followed by a summary of general attitudinal factors.

1. Perception of the A/R Problem

As one measure of this variable, patrolmen were requested to estimate the percentage of fatal motor vehicle accidents that involve a drinking driver. The distribution of their estimates in percentile form was as follows:

<u>Percentage of Fatals Involving Drinking Driver</u>	<u>Percentage of Patrolmen for Each Estimate</u>
10% or less	2.2
20%	3.4
30%	8.2
40%	9.4
50%	27.7
60%	19.1
70%	13.9
80%	12.7
90% or more	1.9
No answer	1.5

Based upon numerous studies, highway safety researchers typically cite 50% as a rough estimate of the rate of drinking-driver involvement in fatal accidents, although there is some disagreement among the research community concerning the correctness of this figure. However, the accuracy of the 50% estimate is not of major importance to this study. What is of interest is the fact that the patrolmen tend to believe that drinking contributes to at least that many fatalities. Less than one-quarter of the respondents felt that 40% or fewer of the fatal accidents involve drinking drivers; nearly half of them believed that 60% or more is a closer estimate. Moreover, there is no appreciable difference in the distributions of these estimates when one compares patrolmen who reported making relatively few A/R arrests with those who report fairly high arrest rates. Thus, there does not appear to be much evidence that patrolmen are unaware of the

"statistical" relationship between drinking-driving and motor vehicle fatalities, or that this knowledge has an appreciable impact on their levels of A/R enforcement.

Certain other data, however, suggest that these fatality statistics may not be fully understood or "believed" by some patrolmen. For example, the 25th Likert Scale sought to determine the relative importance that patrolmen attach to A/R violations and speeding as offenses that impact on highway safety. The statement was worded as follows:

"I could make a greater contribution to traffic safety by concentrating on speeders rather than drunk drivers."

Response percentages were tabulated as a function of the numbers of A/R arrests reported during the past 12 months, with the following results:*

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	0.0	0.0	1.6	0.0	0.4
Mostly Agree	1.3	1.3	0.0	0.0	0.7
Somewhat Agree	8.0	0.0	1.6	1.9	3.0
Neutral	16.0	9.1	3.2	3.8	8.6
Somewhat Disagree	14.7	6.5	11.3	5.7	9.7
Mostly Disagree	21.3	36.4	32.3	24.5	28.8
Strongly Disagree	38.7	46.8	50.0	64.2	48.7

Arrest rate was found to have a statistically significant effect upon the response to this statement ($p < .05$; $\chi^2 = 33.87$, 18 degrees of freedom); while the vast majority of all patrolmen disagreed with the statement, the "low" enforcers disagreed much less often and less strongly than did patrolmen reporting moderate or high arrest rates.

Additional insight may be gleaned from the responses to the 19th Likert Scale, i.e.,

"I have many more important duties than arresting drunk drivers."

* In this and similar tables throughout this section, the entries represent the percentage of officers selecting the indicated responses.

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	4.0	3.9	0.0	5.7	3.4
Mostly Agree	8.0	5.2	4.8	1.9	5.2
Somewhat Agree	14.7	7.8	8.1	5.7	9.4
Neutral	20.0	18.2	17.7	15.1	18.0
Somewhat Disagree	12.0	10.4	12.9	11.3	11.6
Mostly Disagree	16.0	27.3	17.7	13.2	19.1
Strongly Disagree	25.3	27.3	38.7	47.2	33.3

Although arrest rate was not significantly associated with the responses to this scale, "high" enforcers tended to more often and more strongly disagree that they have other duties more important than A/R enforcement.

Finally, valuable data concerning the officers' perceptions of the importance of A/R arrests were obtained through the personal interviews. Each such interview began with the following question:

"What would you say is the general attitude members of your department have toward enforcing the drinking-driving laws?"

This was followed by two "probe" questions, viz., "Do they consider it more important than other motor vehicle offenses, like speeding, etc.? Would you say that officers are somewhat reluctant to make a drunk-driving arrest?"

The majority (approximately two-thirds) of respondents asserted that their general attitude and that of their peers was positive, that they consider A/R to be the most important traffic offense encountered, and they experience no reluctance in its enforcement. This view was especially prominent among the state patrolmen surveyed. However, a substantial minority of the interviewees seemed less convinced of the importance of A/R arrests. Some 10% stated that they do not consider it to be appreciably more important than most other moving vehicle violations. Approximately one-third of all respondents indicated that many of their fellow officers seem to have a negative attitude toward A/R enforcement, and cited the paperwork and processing time requirements as the causes of this attitude. Several interviewees specifically stated that they and/or their fellow officers generally try to find some alternative to arrest when faced with an A/R situation; allowing a sober passenger to drive, calling a cab, etc. were mentioned as examples of steps that are taken to remove an A/R suspect from the road without making the arrest.

Based upon these data, it would appear that some of the patrolmen surveyed do not attach as much significance to A/R enforcement as might be desired. However, the officers' perception of this offense bear a direct relationship with the levels of enforcement they exercise. This suggests that increased enforcement might result if patrolmen were better instructed in the importance of A/R. However, it is also clear that such instruction cannot rely solely or primarily on presentations

of the statistical magnitude of alcohol's role in traffic accidents. Rather, it must be tied directly to the relative priority they are expected to devote to this offense.

2. Attitude Toward the A/R Offender

Our primary interest with this variable concerned the officers' assessments of the A/R offender's typical drinking behavior. Presumably, a patrolman could be encouraged to make an A/R arrest if he feels the suspect is quite intoxicated, or is a frequent, heavy drinker or an alcoholic. However, if he believes the suspect is an average social drinker who has imbibed relatively little alcohol, he might be more reluctant to make the arrest.

Several Likert Scales relate directly to this issue. For example, the 14th and 20th scales deal with the typical suspect's degree of intoxication. These statements and the responses they provoked are given below.

"A person has to be really 'bombed' before he is guilty of drunk driving in this state."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	12.0	9.1	1.6	1.9	6.7
Mostly Agree	2.7	6.5	3.2	1.9	3.8
Somewhat Agree	5.3	6.5	1.6	9.4	5.6
Neutral	5.3	3.9	1.6	7.5	4.5
Somewhat Disagree	12.0	6.5	8.1	9.4	9.0
Mostly Disagree	18.7	15.6	16.1	5.7	14.6
Strongly Disagree	44.0	51.9	67.7	64.2	55.8

"Just about anybody who drinks is guilty of drunk driving at some time or another."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	28.0	23.4	22.6	28.3	25.5
Mostly Agree	21.3	28.6	16.1	9.4	19.9
Somewhat Agree	10.7	22.1	9.7	18.9	15.4
Neutral	4.0	7.8	14.5	15.1	9.7
Somewhat Disagree	10.7	6.5	16.1	9.4	10.5
Mostly Disagree	6.7	7.8	8.1	11.3	8.2
Strongly Disagree	18.7	3.9	12.9	7.5	10.9

Regardless of the level of enforcement they report, a sizable majority (roughly 75-80%) of all patrolmen do not believe that an individual has to be grossly intoxicated--or "really bombed"--in order to be legally guilty of A/R. Also, the majority believe that anyone who drinks will be guilty of A/R, even if only on rare occasions. It should be noted, too, that this latter viewpoint is significantly associated with the patrolman's level of enforcement ($p < .05$; $\chi^2 = 30.36$, 18 degrees of freedom); those who reported making relatively few arrests much more often agreed that anyone who drinks will be guilty of A/R. However, even those officers who made 16 or more such arrests during the past 12 months are more likely to agree than disagree with the statement.

Consistent with the above results, the majority of patrolmen deny that alcoholism characterizes the typical drunk driver. This is evident from their responses to the 8th Likert Scale:

"Most drunk drivers are alcoholics."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	5.3	7.8	4.8	1.9	5.2
Mostly Agree	5.3	10.4	11.3	7.5	8.6
Somewhat Agree	4.0	11.7	9.7	22.6	11.2
Neutral	21.3	7.8	14.5	7.5	13.1
Somewhat Disagree	14.7	18.2	17.7	20.8	17.6
Mostly Disagree	24.0	15.6	14.5	13.2	17.2
Strongly Disagree	25.3	28.6	27.4	26.4	27.0

Finally, the majority of patrolmen are not opposed to driving-after-drinking, as shown from the 22nd Likert Scale:

"No one should be permitted to drive after he has had any amount to drink."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	4.0	7.8	4.8	17.0	7.9
Mostly Agree	5.3	5.2	12.9	3.8	6.7
Somewhat Agree	10.7	7.8	11.3	11.3	10.1
Neutral	13.3	13.0	11.3	11.3	12.4
Somewhat Disagree	17.3	14.3	16.1	28.3	18.4
Mostly Disagree	13.3	19.5	17.7	18.9	17.2
Strongly Disagree	36.0	32.5	25.8	9.4	27.3

Although the difference is not statistically significant, it should be noted that the patrolmen who log the fewest A/R arrests tend to be somewhat more opposed to prohibiting all driving after drinking.

Thus, the general consensus among patrolmen would seem to be that the typical A/R driver:

- . Is not necessarily very intoxicated
- . Could well be any individual who drinks
- . Is very likely not an alcoholic;

further, the patrolmen do not feel that legal sanctions should be applied to drinking-driving per se.

Additional data bearing on this issue were obtained through the personal interviews in the responses to the following question:

"What would you say is the attitude most officers have toward people they arrest for drunk driving?"

The most frequent initial response can be exemplified by the following direct quotations: "They are just people, no different from other violators we encounter." "The typical DWI is pretty much the average guy." Approximately three-quarters of the officers interviewed made a statement similar to these. Subsequent statements tended to focus on the suspect's presumed drinking behavior. Roughly 15% of the officers indicated that they believe the typical A/R driver is a compulsive drinker, or alcoholic--the terms "sickness" or "disease" were often used by these patrolmen to describe the suspect's drinking. However, some 10% took precisely the opposite view, and denied that alcoholics account for very many of the A/R suspects they encounter--terms such as "average drinker," "had one too many" characterized their descriptions of the typical suspect. Most of the patrolmen indicated that, in their opinion, A/R suspects run the gamut from the infrequent, light drinker to the alcoholic; perhaps most importantly, these officers generally do not believe that it is possible to determine a suspect's typical drinking behavior during the course of an A/R investigation.

Clearly, then, most patrolmen, and especially those who make relatively few arrests, do not feel that A/R suspects necessarily, or even usually, are "heavy" or "problem" drinkers. Rather, they tend to believe that these suspects include a fair number of individuals who are moderate, social drinkers, that is, who use alcohol in much the same fashion as do the patrolmen themselves. These data, together with the previously discussed finding concerning the officers' tendency to underestimate the amount of alcohol that must be consumed in order to attain the statutory limit of BAC, suggest that at least some patrolmen are likely to identify and sympathize with many of the A/Rs they encounter; and, those who seem most sympathetic are the ones who enforce the offense relatively infrequently.

3. Perception of A/R Penalties

In examining this variable, attempts were made to measure the patrolmen's views concerning both the statutory, or "theoretical," penalties for A/R conviction and the penalties that actually are imposed by the courts. To assess the former, each respondent was requested to indicate the legal penalties for first offense, A/R, after which he was asked to characterize these as either "too light," "about right," or "too harsh." Thus, both knowledge and opinion of these statutory penalties were gauged. To measure knowledge, the respondents were asked to indicate:

- . Whether a monetary fine is imposed, and if so, the amount of fine
- . Whether a jail sentence is called for, and if so, the duration of sentence
- . Whether a license suspension is called for, and if so, the duration of suspension

Responses were reviewed relative to the statutory penalties at each site and coded as "correct," "partly correct, low," "partly correct, high," or "incorrect." Results are listed below.

	<u>Knowledge of Penalties</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Monetary Fine</u>					
Correct	39.7	49.4	56.5	50.9	48.7
Part. correct, low	31.5	27.3	16.1	7.5	21.9
Part. correct, high	11.0	16.9	25.8	39.6	21.9
Incorrect	17.8	6.5	1.6	1.9	7.5
<u>Jail Sentence</u>					
Correct	19.2	13.0	27.4	24.5	20.4
Part. correct, low	5.5	3.9	8.1	1.9	4.9
Part. correct, high	5.5	16.9	9.7	9.4	10.6
Incorrect	59.9	66.2	54.8	64.2	64.1
<u>License Suspension</u>					
Correct	37.0	50.6	51.6	54.7	47.9
Part. correct, low	31.5	19.5	27.4	24.5	25.7
Part. correct, high	1.4	1.3	1.6	5.7	2.3
Incorrect	30.1	28.6	19.4	15.1	24.1

Just less than a majority of patrolmen correctly stated the legal penalties regarding the monetary fine and license suspension; however a clear majority incorrectly stated that the penalties do not include provision for a jail sentence. This probably reflects the fact that, although such sentence legally can be imposed, the courts seldom elect to do so. It should also be noted that the accuracy of the officers' knowledge of the fine and license suspension seems to be associated with their reported A/R arrest rates. Officers who made relatively few arrests proved more likely either to deny that these penalties exist or to underestimate their magnitudes. Those who made relatively many arrests more often gave accurate or slightly overstated estimates.

Opinions concerning the severity of the legal penalties were as follows:

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Too light	33.3	40.3	37.1	60.4	41.6
About right	57.3	58.4	59.7	39.6	54.7
Too harsh	4.0	1.3	3.2	0.0	2.2
No answer	5.3	0.0	0.0	0.0	1.5

Clearly, officers producing the highest A/R arrest rates more often feel these penalties are insufficiently severe.

Thus, both knowledge and opinions of the statutory penalties are associated with the level of enforcement. "High" enforcers are both better aware of these penalties and less satisfied with their severity than are those who make relatively few arrests.

Measures of the officers' views toward court-imposed penalties included the 9th and 30th Likert Scales. These statements and the responses they generated are given below.

"The penalties judges issue for conviction of drunk driving are probably too harsh."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	2.7	2.6	0.0	0.0	1.5
Mostly Agree	1.3	1.3	1.6	0.0	1.1
Somewhat Agree	2.7	0.0	1.6	0.0	1.1
Neutral	2.7	7.8	3.2	1.9	4.1
Somewhat Disagree	9.3	5.2	4.8	5.7	6.4
Mostly Disagree	21.3	15.6	12.9	9.4	15.4
Strongly Disagree	60.0	67.5	75.8	83.0	70.4

"The courts are much too tolerant of drunk drivers."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	34.7	36.4	29.0	62.3	39.3
Mostly Agree	13.3	29.9	14.5	9.4	17.6
Somewhat Agree	10.7	11.7	14.5	7.5	11.2
Neutral	14.7	7.8	14.5	3.8	10.5
Somewhat Disagree	12.0	2.6	4.8	9.4	7.1
Mostly Disagree	12.0	5.2	14.5	3.8	9.0
Strongly Disagree	2.7	6.5	8.1	3.8	5.2

The majority of patrolmen, regardless of their levels of A/R enforcement, deny that court-imposed penalties are too severe and agree that the courts are too tolerant of the A/R offenders. The general attitude clearly is that the penalties and courts are generally too lenient. But, these data do not support a conclusion that this attitude deters A/R arrests. To be sure, most officers would seem to prefer the courts to adopt a less tolerant stance--but, it is precisely those officers who make the greatest number of arrests who most strongly express this opinion. Thus, the degree of dissatisfaction with the courts and penalties is inversely related to arrest frequency.

Additional data bearing on the impact of this attitude on A/R arrests are available from the responses to the 1st and 38th Likert Scales:

"It bothers me to think that a person I arrest for drunk driving will lose his license, and maybe even his job."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	1.3	0.0	0.0	1.9	0.7
Mostly Agree	9.3	6.5	4.8	1.9	6.0
Somewhat Agree	9.3	7.8	9.7	17.0	10.5
Neutral	6.7	16.9	14.5	5.7	11.2
Somewhat Disagree	4.0	7.8	6.5	3.8	5.6
Mostly Disagree	20.0	22.1	17.7	22.6	20.6
Strongly Disagree	49.3	39.0	46.8	47.2	45.3

"I find it discouraging to arrest a drunk driver since he will be doing the same thing again tomorrow."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	6.7	1.3	4.8	9.4	5.2
Mostly Agree	5.3	10.4	8.1	1.9	6.7
Somewhat Agree	10.7	16.9	8.1	5.7	10.9
Neutral	13.3	6.5	19.4	0.0	10.1
Somewhat Disagree	10.7	3.9	9.7	9.4	8.2
Mostly Disagree	24.0	23.4	11.3	18.9	19.9
Strongly Disagree	29.3	36.4	38.7	54.7	38.6

From the first of these it is clear that, although most patrolmen deny they are sympathetic to the A/R suspect because of the action that might be taken against his license, some 17% of all respondents admit they are "bothered" to some degree by the fact that such action can result. Moreover, among those officers who hold this view, the degree of their concern seems to be associated with their levels of enforcement. For example, 10.6% of the officers who made no more than 1 A/R arrest during the past year strongly or mostly agree with the statement; the same can be said for 6.5% of those who made between 2 and 5 arrests, but only for 4.8% of those who made between 6 and 15, and 3.8% of those who made at least 16. Once again, it appears that sympathy for the suspect plays some role in the arrest/no-arrest decision.

Responses to the second statement suggest that most officers, regardless of arrest rate, deny that their arrest/no-arrest decisions are affected by any lack of a real deterrent to drunk driving. That is, the vast majority do not feel that their enforcement is affected by the current penalties' presumed inability to prevent recidivism. It is of interest to note here that the patrolmen reporting the highest rates tend to have the strongest opinions on this issue. Specifically, none of them took a neutral position on this statement. A majority of them (54.7%) strongly disagree that they are discouraged by recidivism, while only about one-third of the other officers responded in that fashion; however, nearly one out of ten of these "high" enforcers strongly agree that they are discouraged. It may be that their frequent encounters with A/R suspects, including multiple encounters with the same individuals, have caused them to be more aware of recidivism.

During the personal interviews, several questions were directed toward the officer's perception of the penalties and the effects of that perception upon his enforcement. These questions included:

"What would you say most officers think of the penalties for drunk driving?"

"Would you say that the courts generally impose the penalties that the laws call for?"

"Do you feel officers tend to think about the penalties a person will receive when they are trying to decide whether to arrest him for drunk driving?"

In responding to the first question, some 60% of the officers stated that the statutory penalties are satisfactory for first offense A/R. However, some 25% suggested that the penalties are probably too lenient, and in some cases much too lenient. Most of these officers felt that the monetary fines should be increased and several suggested that a mandatory jail sentence should be imposed. About another 10% took the opposite view, and argued that the penalties are too severe for the average "first offender;" several of these respondents based this viewpoint on their observation that wealthy and/or influential defendants seem able to avoid conviction while the "little guy" cannot. The remaining few officers (some 5% of the total responding) suggested that the penalty structure should be revised to include mandatory or voluntary attendance at rehabilitation programs.

In answering the second question, about 60% felt that the courts usually soften the penalties, often by simply reducing the charge. The remainder believed that the statutory penalties are imposed fairly routinely.

For the third question, almost exactly one-half of the respondents stated that they do think about the penalties when conducting an A/R investigation, although almost all denied that this ultimately affects their decisions. Those who admitted feeling some concern about the penalties divided fairly evenly into two groups: those who feel discouraged by overly-lenient penalties and those who feel sympathetic toward the defendant because of the punishment he faces.

To summarize, most patrolmen possess fairly good knowledge of the statutory penalties for A/R and tend to feel that these are adequate. However, an appreciable minority evidence concern over the "softness" of these penalties while another segment admits some concern over the effects these penalties will have on an A/R convict. When "high" and "low" enforcers are compared on the basis of this issue, the "low" enforcers

- Appear less knowledgeable about the penalties
- Are less likely to consider them to be too lenient
- Are somewhat more concerned about their effects on the suspect
- Are somewhat less likely to consider the courts to be too tolerant of A/R offender

Thus, it appears that the penalties, as perceived by the officers, may have some influence on their A/R decisions. However, this effect does not primarily arise from the widely-held view that the courts tend to "go easy" on A/Rs. That attitude indeed does prevail. However, a minority of patrolmen seem to feel that the penalties are too severe for the average A/R offender, and it is this attitude which appears to exert the stronger influence on the arrest/no-arrest decision.

4. Attitude Toward Alternatives to A/R Arrests

As an introduction to the discussion of this variable, the reader's attention is drawn to the responses given to the 26th Likert Scale:

"I don't like to make a drunk driving arrest unless it is obvious the driver can't get himself home safely."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	12.0	1.3	3.2	1.9	4.9
Mostly Agree	8.0	7.8	4.8	1.9	6.0
Somewhat Agree	13.3	15.6	9.7	1.9	10.9
Neutral	10.7	5.2	4.8	3.8	6.4
Somewhat Disagree	9.3	16.9	1.6	1.9	8.2
Mostly Disagree	25.3	16.9	30.6	20.8	23.2
Strongly Disagree	21.3	36.4	45.2	67.9	40.4

This scale was intended to measure the officer's general willingness to seek alternatives to arrest. The statement was designed to focus on a borderline A/R situation, since alternatives to arrest presumably would be more readily chosen in such cases than in situations where the suspect is markedly or grossly intoxicated. These responses were found to differ significantly as a function of arrest rate ($p < .001$; $\chi^2 = 56.26$, 18 degrees of freedom). "High" enforcers much more often disagreed with this statement than those who produced fewer arrests. Clearly, the "low" enforcers seem much less willing to make a borderline arrest and so seem more disposed to seek alternatives.

Obviously, numerous alternatives to arrest conceivably can be chosen, depending upon the circumstances of a particular A/R situation. In this study, we neither intended nor felt it possible to exhaustively examine all possible alternatives. Rather, our goal was to explore several of the more obvious "no arrest" choices to obtain a general assessment of the officers' behavior and attitude. The 6th, 13th, 15th, and 33rd Likert Scales were developed for this purpose. These and their responses are given below.

"Whenever I can, I will ticket a drunk driver on some other charge, since it gets the job done and avoids the 'mess' of a drunk driving arrest."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	2.7	1.3	0.0	0.0	1.1
Mostly Agree	12.0	3.9	1.6	0.0	4.9
Somewhat Agree	12.0	2.6	1.6	0.0	4.5
Neutral	6.7	6.5	6.5	1.9	5.6
Somewhat Disagree	4.0	5.2	4.8	3.8	4.5
Mostly Disagree	8.0	15.6	11.3	3.8	10.1
Strongly Disagree	54.7	64.9	74.2	90.6	69.3

These responses differ significantly as a function of arrest rate ($p < .005$; $\chi^2 = 41.21$, 18 degrees of freedom).

"I can do as much good by giving a drunk driver a good 'chewing out' and getting him home safely as I could by arresting him."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	4.0	0.0	0.0	1.9	1.5
Mostly Agree	5.3	2.6	0.0	0.0	2.2
Somewhat Agree	8.0	7.8	3.2	1.9	5.6
Neutral	4.0	6.5	3.2	0.0	3.7
Somewhat Disagree	9.3	11.7	8.1	3.8	8.6
Mostly Disagree	32.0	28.6	17.7	11.3	23.6
Strongly Disagree	37.3	42.6	67.7	81.1	54.7

Again the arrest rate is significantly associated with the responses to this statement ($p < .001$; $\chi^2 = 42.52$, 18 degrees of freedom).

"I might not arrest a driver I suspect of being drunk if there is a sober passenger who can drive the car."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	13.3	3.9	1.6	0.0	5.2
Mostly Agree	14.7	27.3	4.8	1.9	13.5
Somewhat Agree	21.3	19.5	19.4	9.4	18.0
Neutral	10.7	3.9	12.9	5.7	8.2
Somewhat Disagree	10.7	10.4	9.7	15.1	11.2
Mostly Disagree	8.0	6.5	14.5	22.6	12.0
Strongly Disagree	21.3	28.6	37.1	45.3	31.8

Once more, a significant difference was found ($p < .001$; $\chi^2 = 56.37$, 18 degrees of freedom). It will also be recalled from Section III that these patrolmen permitted a sober passenger to drive in 16.6% of their most recent "no arrest" A/R cases.

"If there is very little traffic on the roads, I might be more likely to give a drunk driving suspect a break and let him go."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	5.3	0.0	0.0	0.0	1.5
Mostly Agree	14.7	6.5	1.6	1.9	6.7
Somewhat Agree	16.0	18.2	4.8	5.7	12.0
Neutral	8.0	6.5	6.5	1.9	6.0
Somewhat Disagree	6.7	10.4	8.1	9.4	8.6
Mostly Disagree	16.0	20.8	35.5	18.9	22.5
Strongly Disagree	33.3	37.7	43.5	62.3	42.7

Again, the responses differ significantly as a function of arrest rate ($p < .001$; $\chi^2 = 45.35$, 18 degrees of freedom).

These tabulations clearly show that "low" enforcers are consistently more favorable toward the various alternatives considered.

Of the various alternatives addressed by these scales, the most favored choice appears to be allowing a sober passenger to drive the car. Nearly 50% of the officers who made 5 or fewer arrests agreed that they might choose this alternative. The same is true of some 26% of those who made between 6 and 15 arrests, and also of 11% of those who made at least 16 arrests. This issue was also addressed in the factor ratings, with the following results:

"If there is someone available to take the driver home"

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
<u>Influence for Arrest</u>					
Strong	11.4	12.5	18.2	28.3	16.8
Moderate	7.1	16.7	23.6	18.9	16.0
Weak	18.6	13.9	10.9	13.2	14.4
<u>Influence Against Arrest</u>					
Strong	18.6	5.6	1.8	1.9	7.6
Moderate	20.0	26.4	18.2	11.3	19.6
Weak	24.3	25.0	27.3	26.4	25.6

The "low" enforcers much more often rated this factor as exerting an influence against arrest than did the "high" enforcers.* These ratings varied significantly with arrest rate ($p < .005$; $\chi^2 = 33.25$, 15 degrees of freedom).

The "low" enforcers thus are consistently more willing to choose alternatives to arrest than are the "high" enforcers. Many members of the former group evidently will make the arrest only if no other alternative is available, at least in borderline situations. "High" enforcers in general are more disposed to make the arrest, but even some of these officers occasionally are swayed by a sufficiently "good" alternative. Accordingly, we can conclude that the general attitude toward alternatives to arrest exerts an important influence on the arrest/no-arrest decision.

We believe that it has been shown that the general attitude an officer holds toward A/R strongly affects his enforcement of this offense. "Low" enforcers are less convinced of the importance of the offense and more often believe that they have other duties more deserving of their attention. They also tend to take a more tolerant view toward A/R suspects, in that they more often believe that such individuals are not deviant drinkers and are more concerned about the effects conviction will have on the suspect's livelihood. Finally, the "low" enforcers are much more disposed to take various alternative actions in lieu of making an A/R arrest.

In accordance with these findings, we believe that A/R enforcement definitely would benefit if steps were taken to develop a more positive general attitude among patrolmen. First and foremost, attention should be paid to the importance of the offense. But, it would not suffice to stress importance only in the context of the drinking-driver's role in traffic accidents. Rather, it is importance relative to other duties which the officer is required to perform that most deserves emphasis. Most patrolmen presently have adequate knowledge of the causal role of alcohol in crashes, but many have not properly translated this knowledge into the necessary priority that they should devote to A/R enforcement.

* These factor rating responses require cautious interpretation. Logically, one would not expect that the "availability of someone to take the driver home" would increase the chances that the arrest will be made. However, some 47% of respondents rated this as an influence for arrest, and nearly 17% labelled it as a strong influence for arrest. In all likelihood, such ratings probably should be interpreted as denials of a negative influence rather than assertions of a positive influence. Similar care in interpretation is required for all other factor ratings discussed in this report.

As a second and equally important step, the officers need to be better informed of the drinking practices of typical A/R offenders. Many patrolmen fail to realize that even the borderline suspect probably has imbibed an appreciable quantity of alcohol--quite a few, in fact, erroneously believe that they themselves often attain the statutory limit of BAC during their usual social drinking experiences. This misimpression, perhaps more than any other factor, leads to a tendency to identify and sympathize with the suspect. By providing accurate information on the relationships between alcohol consumption quantity, BAC, and impairment, we believe that we could help to overcome this tendency.

Thirdly, steps should be taken to counteract the apparent willingness to adopt alternatives to A/R arrest. To a large extent, the development of a proper attitude toward the importance of the offense and a proper understanding of the typical offender should help in this regard. However, police departments and supervisors should also actively discourage the use of such alternatives. Opposition to such practices as permitting sober passengers to drive a suspect's car should be clearly expressed in written policies and verbal briefings. If the department permits itself to appear indifferent to these practices, they are likely to continue.

C. Factors Specific to a Given Incident

The following eight circumstantial variables had been selected for consideration in this study:

- . The time of day, and time remaining in the duty tour
- . The suspect's degree of intoxication
- . The weather conditions
- . The suspect's attitude
- . The suspect's age, sex, and race
- . Accident involvement in the incident
- . Involvement of other traffic violations in the incident
- . The suspect's position in the community.

Data and conclusions pertaining to each of these are given below.

1. Time of Day and Duty Tour

As would be expected, A/R incidents do not occur uniformly around the clock. The data on the most recent arrest and no-arrest cases show that both types of incidents are at a peak during the hours between 10 p.m. and 2 a.m. (about 32% of both the arrest and no-arrest cases occur during that interval), although nearly as many take place between 6 p.m. and 10 p.m. (31% of arrests, and 30% of no-arrests). Another 11% of these cases occur during the late night-early morning hours (2 a.m. to 6 a.m.). The most important finding concerning

the time-distributions of these cases is that they are essentially identical for arrests and no-arrests. The available evidence thus suggests that time of day, in itself, has no impact on the arrest/no-arrest decision, given that an investigation occurs.

Time of duty tour is quite another matter. It will be recalled from Section III that arrest cases occurred near the end of shift significantly more often than did no-arrests, suggesting that this variable has some influence over the enforcement decision. Additional evidence for this hypothesis may be gleaned from the 10th Likert Scale:

"I sometimes avoid arresting someone for drunk driving near the end of my duty shift, to avoid the suspect processing time."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	13.3	9.1	3.2	1.9	7.5
Mostly Agree	10.7	7.8	6.5	3.8	7.5
Somewhat Agree	14.7	14.3	14.5	5.7	12.7
Neutral	6.7	10.4	4.8	1.9	6.4
Somewhat Disagree	5.3	7.8	11.3	1.9	6.7
Mostly Disagree	16.0	16.9	6.5	7.5	12.4
Strongly Disagree	33.3	33.8	53.2	77.4	46.8

These responses vary significantly with arrest rate ($p < .005$; $\chi^2 = 41.71$, 18 degrees of freedom). The "low" enforcers much more readily admit to a tendency to avoid arrests near the end of the shift than do the "moderate" or "high" enforcers. Specifically, about one-quarter of the "low" enforcers, but only 1 out of 20 of the "high" enforcers, strongly or mostly agree with the statement.

This issue was also addressed in the factor ratings, and the following data were obtained:

"If it is near the end of the officer's duty shift"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	18.6	20.3	29.1	35.8	25.0
Moderate	17.1	21.6	25.5	20.8	21.0
Weak	11.4	16.2	10.9	15.1	13.5
<u>Influence Against Arrest</u>					
Strong	12.9	6.8	1.8	3.8	6.7
Moderate	8.6	16.2	16.4	1.9	11.1
Weak	31.4	20.0	16.4	22.6	22.6

Although these responses are not related to arrest rate with statistical significance, "low" enforcers much more often admit that the factor influences them against arrest.

The personal interviews also dealt with this variable. The relevant question was posed as follows:

"Some people seem to feel that officers are more reluctant to make a drunk driving arrest near the end of their duty shift. What do you think of that?"

Just less than half of the respondents agreed that there is increased reluctance near the end of the shift. Moreover, it was clear that most of those who felt this way served in the departments that have fairly lengthy arrest processing procedures, since many specifically complained about the paperwork and processing time when responding to this question. This trend suggested the desirability of re-examining the Likert Scale and factor rating responses relative to the departments' processing procedures. This produced the following results:

"I sometimes avoid arresting...near the end of my duty shift."

	Processing	
	Brief	Lengthy
Strongly Agree	2.0	11.7
Mostly Agree	4.0	9.7
Somewhat Agree	5.9	17.5
Neutral	4.9	7.8
Somewhat Disagree	3.0	9.7
Mostly Disagree	9.9	13.6
Strongly Disagree	70.3	29.9

"If it is near the end of...shift"

	Processing	
	Brief	Lengthy
<u>Influence for Arrest</u>		
Strong	36.1	17.1
Moderate	21.6	21.2
Weak	12.4	14.4
<u>Influence Against Arrest</u>		
Strong	0.0	11.0
Moderate	5.2	15.1
Weak	24.7	21.2

Both of these measures vary significantly with the processing procedures ($p < .001$). Patrolmen who face lengthy processing are about twice as likely to rate end-of-shift as a negative influence on the arrest/no-arrest decision, and are more than three times as likely to agree that they sometimes will avoid making the arrest at that time.

Clearly, the approaching end-of-shift has a strong negative influence on A/R enforcement. The rarity of no-arrest cases near shift end that was reported in Section III now can be interpreted as signifying a dramatic decrease in the number of investigations that are conducted. Even as the off-duty hours approach, most officers will continue to stop and arrest motorists who are clearly intoxicated and an obvious hazard to themselves and others; but, a substantial number of patrolmen will not stop borderline or "moderately" intoxicated suspects at that time. However, if the department enjoys brief processing procedures, the negative influence of the end-of-shift diminishes sharply.

One final point that should be made in this context concerns the relationship between time of day and time of duty tour. We remarked earlier in this discussion that the 10 p.m. to 2 a.m. time period accounts for 32% of all the A/R arrests reported. It also accounts for 44.6% of those arrests that occurred within 1 hour of the end of shift. The reason for this is obvious: most departments schedule a shift change for the middle of this time period. Thus, during the period when maximum effort is needed, departmental procedures create a strong negative influence on enforcement.

It seems evident that procedural changes are called for if we are to deal effectively with the negative effects of the end-of-shift. First, every effort should be made to streamline the arrest processing procedures.* Second, departments should actively consider adjusting their shift schedules--at least for their traffic divisions and special enforcement squads--as a means of curtailing the influence of this factor.

2. Suspect's Degree of Intoxication

Important data bearing on this factor are available from the 11th and 27th Likert Scales:

* Additional attention is devoted to processing procedures in Subsection D.

"I find it very difficult to determine if a person I suspect of drunk driving is legally too intoxicated to drive."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	1.3	2.6	3.2	0.0	1.9
Mostly Agree	9.3	2.6	0.0	1.9	3.7
Somewhat Agree	6.7	7.8	3.2	5.7	6.0
Neutral	5.3	3.9	3.2	5.7	4.5
Somewhat Disagree	10.7	10.4	11.3	9.4	10.5
Mostly Disagree	26.7	33.8	33.9	15.1	28.1
Strongly Disagree	40.0	38.9	45.2	65.2	45.3

"I'm not going to arrest someone for drunk driving unless I am completely sure his blood alcohol concentration is over the legal limit."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	16.0	10.4	16.1	17.0	14.6
Mostly Agree	14.7	16.9	16.1	1.9	13.1
Somewhat Agree	6.7	11.7	8.1	3.8	7.9
Neutral	9.3	9.1	3.2	1.9	6.4
Somewhat Disagree	17.3	9.1	9.7	9.4	11.6
Mostly Disagree	20.0	19.5	21.0	28.3	21.7
Strongly Disagree	16.0	23.4	25.8	37.7	24.7

Neither of these scales proved to have a statistically significant association with arrest rate. But, "low" enforcers do tend to experience more difficulty in assessing a suspect's degree of intoxication, and seem somewhat less likely to make the arrest if they are uncertain whether the suspect's BAC exceeds the presumptive limit. These data at least suggest that "low" enforcers are more willing to give a borderline suspect the benefit of doubt. Stronger evidence for this hypothesis is available from the following factor rating:

"If the driver seems only 'slightly' too intoxicated to drive"

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
<u>Influence for Arrest</u>					
Strong	7.1	10.7	16.1	24.5	13.8
Moderate	25.7	16.0	33.9	43.4	28.3
Weak	18.6	25.3	23.2	9.4	19.7
<u>Influence Against Arrest</u>					
Strong	7.1	5.3	1.8	0.0	3.9
Moderate	17.1	13.3	8.9	9.4	12.6
Weak	24.3	29.3	16.1	13.2	21.7

"Low" enforcers proved significantly more likely to rate "slight" intoxication as an influence against arrest ($p < .005$; $\chi^2 = 32.88$, 15 degrees of freedom).

The following question from the personal interviews was directed toward this factor:

"Do you think most officers tend to give the suspect the benefit of the doubt if he appears to be just over the legal limit?"

The overwhelming majority of respondents (approximately 85%) answered this question in the affirmative. Some qualified their answers, saying that their action would depend on such circumstances as the suspect's attitude, the seriousness of the violation or accident that called the driver to their attention, and the availability of a suitable alternative to arrest. However, it is clear that most are generally disposed to release a borderline suspect. Various reasons for this were cited, including fear of false arrest, the expectation that the charge would be dropped or the case lost in court, and the strong possibility that--by the time a chemical test could be administered--the BAC would have dropped below the limit. A few officers did assert that they would arrest a borderline suspect. Two respondents, for example, stated that a suspect is "always 'higher' than he looks;" accordingly, their rule of thumb is "if he's borderline, arrest him." However, it is clear that this view is shared by only a small minority of officers.

The suspect's degree of intoxication thus indeed influences the arrest/no-arrest decision. This factor seems to be associated with the previously discussed misimpressions concerning the relationship between BAC and alcohol consumption quantity and the corresponding tolerant attitude many officers take toward the suspects they encounter.

3. Weather Conditions

We reported earlier that significantly more arrests than no-arrests occur during foul weather, that state patrolmen make significantly more foul weather arrests than do municipal officers, and that officers facing brief arrest processing procedures make significantly more foul weather arrests than do patrolmen at sites where these procedures are more time-consuming. These data suggest a relationship between weather conditions and the arrest/no-arrest decision, but do not themselves determine whether foul weather exerts a positive influence (e.g., by inducing the officer to arrest more of the suspects he encounters) or a negative influence (e.g., by leading him to refrain from stopping all but the most obvious suspects).

The 12th Likert Scale bears on this issue:

"I might not conduct as good an investigation of a suspected drunk driver when it is raining as I will when the weather is clear."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	4.0	0.0	3.2	0.0	1.9
Mostly Agree	5.3	11.7	8.1	3.8	7.5
Somewhat Agree	12.0	13.0	6.5	7.5	10.1
Neutral	10.7	9.1	14.5	11.3	11.2
Somewhat Disagree	5.3	7.8	4.8	11.3	7.1
Mostly Disagree	20.0	20.8	16.1	15.1	18.4
Strongly Disagree	42.7	37.7	46.8	50.9	43.8

The factor ratings also provided useful information pertaining to this point:

"If it is raining"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	23.2	33.3	38.2	37.7	32.5
Moderate	33.3	19.4	18.2	20.8	23.3
Weak	18.8	20.8	12.7	20.8	18.5
<u>Influence Against Arrest</u>					
Strong	2.9	0.0	1.8	0.0	1.2
Moderate	2.9	1.4	5.5	0.0	2.4
Weak	18.8	25.0	23.6	20.8	22.1

Arrest rate was not statistically significantly associated with the responses to the scale or the factor rating. Nearly 70% deny that the quality of their investigations suffers when it is raining, and less than 4% of all respondents consider foul weather (rain) to be a strong or moderate influence against arrest. It is instructive to contrast this datum with the ratings of previously discussed factors. For example, 16.5% consider it a strong or moderate influence against arrest "if the driver is only 'slightly' intoxicated;" 17.8% feel that this degree of influence would be felt "If it is near the end of the shift;" 27.2% would experience a strong or moderate influence against arrest "If there is someone available to take the driver home." Clearly, there is little or no evidence that foul weather exerts a negative influence of any appreciable magnitude on the officer's arrest/no arrest decision.

Perhaps the most pertinent information relating to the effects of weather conditions was obtained through the personal interviews, and, in particular, through the responses to the following question:

"Do you think that the weather conditions affect an officer's decision to arrest or not arrest a drunk driving suspect?"

Somewhat less than 20% of the respondents answered that they would be slightly more reluctant to make the arrest in foul weather, although nearly all of these officers asserted that they would make the arrest in spite of this increased reluctance. Approximately the same percentage took the opposite view, and stated that they are less reluctant to make the arrest when it is raining, snowing, etc. Most of these pointed to the increased risk posed by A/Rs during hazardous driving conditions, and a few suggested (somewhat tongue-in-cheek) that they are more likely to make the arrest because it provides an opportunity to "get in out of the rain" to process and book the suspect. More importantly, about half of the respondents indicated that it is simply more difficult to detect A/Rs in foul weather. They pointed out that, under bad driving conditions, traffic moves more slowly and skidding, weaving, etc. is more common; thus, the A/R violator's erratic operation tends to be masked. Moreover, in foul weather the officer is more often involved with accident investigations, and so has less time to patrol and observe violations. This last point is supported by the case histories of recent arrests. We noted in Section III that accidents accounted for some 33% of all A/R arrests; however, more than half (51.3%) of foul weather arrests involved accidents.

Based upon these data, we believe that we can conclude that foul weather exerts no substantial negative influence on the arrest/no-arrest decision; neither does it have a major positive impact, although many officers are more appreciative of the danger of A/R, and less disposed to release suspects, when driving conditions are hazardous. The chief effect of foul weather is to decrease the likelihood that an A/R suspect--and particularly a borderline suspect--will be detected, and this is reflected in significantly fewer no-arrest incidents under those conditions.

4. Suspect's Attitude

In Section III, we reported that drivers arrested for A/R were rated significantly less cooperative than were the drivers involved in no-arrest incidents, suggesting that the suspect's attitude plays a role in the arrest/no-arrest decision. The 21st and 28th Likert Scales shed further light on this factor:

"The real 'problem drinkers'--or alcoholics--tend to be most uncooperative and insulting toward the arresting officer."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	14.7	13.0	9.7	13.2	12.7
Mostly Agree	8.0	11.7	6.5	7.5	8.6
Somewhat Agree	9.3	10.4	9.7	13.2	10.5
Neutral	22.7	22.1	16.1	11.3	18.7
Somewhat Disagree	14.7	11.7	24.2	24.5	18.0
Mostly Disagree	21.3	13.0	25.8	17.0	19.1
Strongly Disagree	9.3	18.2	8.1	13.2	12.4

"I am more likely to arrest someone for drunk driving if he is very offensive and abusive toward me."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	26.7	16.9	8.1	15.1	17.2
Mostly Agree	14.7	13.0	21.0	18.9	16.5
Somewhat Agree	18.7	19.5	19.4	15.1	18.4
Neutral	5.3	10.4	14.5	18.9	11.6
Somewhat Disagree	10.7	9.1	11.3	7.5	9.7
Mostly Disagree	10.7	14.3	8.1	15.1	12.0
Strongly Disagree	13.3	16.9	17.7	9.4	14.6

Neither of the scales proved to be significantly associated with arrest rate. However, they do suggest that a substantial minority of patrolmen feel that an uncooperative attitude may indicate that the suspect is a "problem drinker" (20% of respondents strongly or mostly agree with the first statement), and approximately one-third of the officers strongly or mostly agree that an uncooperative attitude will increase the chances that they will make the arrest. An even clearer indication of this latter point was found in the factor ratings:

"If the driver is very abusive toward the officer"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	65.2	69.3	57.9	65.4	64.8
Moderate	18.8	17.3	24.6	25.0	20.9
Weak	11.6	9.3	8.8	9.6	9.9
<u>Influence Against Arrest</u>					
Strong	0.0	0.0	0.0	0.0	0.0
Moderate	1.4	1.3	1.8	0.0	1.2
Weak	2.9	2.7	7.0	0.0	3.2

Thus, approximately 85% of the officers would consider a very abusive attitude on the part of a suspect to exert a strong or moderate influence for arrest.

These findings of course are not surprising. Human nature is such that few people can remain unaffected by personally-directed hostility and invective, and police officers are no exception. What is of interest is that "high" and "low" enforcers tend to have nearly identical views of hostile or uncooperative DWI suspects, and treat them in an identical fashion, i. e., they will not release such a suspect if reasonable grounds for arrest exist. Apparently, then, an uncooperative attitude can eliminate the influence of virtually all negative factors, and in that sense has a strong positive influence on arrests. However, ample data have already been presented which indicate that many patrolmen, and especially the "low" enforcers, tend to sympathize with a suspect. If the suspect proves cooperative, this sympathy may be reinforced and lead to a no-arrest decision. This fact is suggested in the following factor rating:

"If the driver has a good excuse, for example, if he has been celebrating the birth of a child."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	12.9	17.3	30.9	34.0	22.5
Moderate	20.0	25.3	20.0	15.1	20.6
Weak	17.1	5.3	14.5	20.8	13.8
<u>Influence Against Arrest</u>					
Strong	2.9	2.7	1.8	0.0	2.0
Moderate	14.3	13.3	5.5	1.9	9.5
Weak	32.9	36.0	27.3	28.3	31.6

"Low" enforcers proved significantly more likely to consider a "good excuse" such as that described above as an influence against arrest ($p < .05$; $\chi^2 = 26.09$, 15 degrees of freedom). Once again, their lower arrest rate is at least partly attributable to their tendency to empathize with the suspect.

We can conclude the discussion of this factor with a description of the responses received to the following personal interview question:

"Should an officer give the benefit of the doubt to a drunk driving suspect who is cooperative?"

The following quotes typify the answers of the "low" enforcers:

"If he's cooperative, I might take his keys, or take him home;" "Legally, we shouldn't, but we probably do give cooperative suspects the benefit of doubt;" "If he's cooperative, you probably should just ticket him on a lesser charge;" "I would be more likely to give a cooperative suspect a break if he is capable of getting home;" "The more cooperative, the less drunk he is."

Clearly, the hostile, uncooperative attitude on the part of the suspect has a strong positive influence on the arrest/no-arrest decision. However, for many officers, the absence of antagonism may lead to a no-arrest decision.

5. Suspect's Race, Age, and Sex

In Section III, we noted that drivers arrested for A/R were significantly more likely to be white and over 30 years of age than were the drivers in no-arrest incidents, and that the arrested drivers seemed to include more males. These findings suggest that A/R enforcement may be affected by the suspect's race, age, and sex. Additional data relevant to these variables are available from the 16th, 18th, and 29th Likert Scales:

"I might go a little easier on a suspected drunk driver if he is young."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strong Agree	2.7	0.0	0.0	0.0	0.7
Mostly Agree	1.3	5.2	0.0	3.8	2.6
Somewhat Agree	5.3	5.2	4.8	7.5	5.6
Neutral	14.7	10.4	4.8	3.8	9.0
Somewhat Disagree	8.0	11.7	9.7	13.2	10.5
Mostly Disagree	18.7	20.8	22.6	11.3	18.7
Strongly Disagree	49.3	46.8	58.1	60.4	52.8

"I have found that whites are drunk drivers more often than members of minority groups."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	5.3	6.5	9.7	7.5	7.1
Mostly Agree	5.3	3.9	9.7	3.8	5.6
Somewhat Agree	4.0	9.1	9.7	11.3	8.2
Neutral	36.0	40.3	29.0	28.3	34.1
Somewhat Disagree	6.7	6.5	11.3	22.6	10.9
Mostly Disagree	13.3	11.7	16.1	11.3	13.1
Strongly Disagree	29.3	22.1	14.5	15.1	21.0

"I am probably less likely to arrest a woman for drunk driving."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	2.7	2.6	3.2	0.0	2.2
Mostly Agree	6.7	2.6	4.8	5.7	4.9
Somewhat Agree	10.7	10.4	9.7	5.7	9.4
Neutral	13.3	7.8	6.5	5.7	8.6
Somewhat Disagree	10.7	11.7	14.5	7.5	11.2
Mostly Disagree	10.7	22.1	29.0	24.5	21.0
Strongly Disagree	45.3	42.9	32.3	50.9	42.7

None of these responses proved significantly associated with arrest rate. They do indicate that the overwhelming majority of patrolmen deny that they are more lenient when dealing with a young suspect, and nearly as many deny that they are less likely to arrest a woman. Also, only a relatively small minority believe that whites are drunk drivers more often than members of minority groups. Thus, these responses do not suggest that very many patrolmen are particularly sympathetic to a suspect who is young, female, or non-white.

Each of these variables was also addressed in the factor ratings, and the following data were obtained:

"If the driver is a woman"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	25.7	25.3	26.8	22.6	25.2
Moderate	27.1	30.7	23.2	30.2	28.0
Weak	10.0	13.3	12.5	17.0	13.0
<u>Influence Against Arrest</u>					
Strong	1.4	1.3	1.8	0.0	1.2
Moderate	10.0	6.7	7.1	3.8	7.1
Weak	25.7	22.7	28.6	26.4	25.6

"If the driver is a member of a minority group"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	18.6	22.2	27.8	28.8	23.8
Moderate	22.9	25.0	18.5	17.3	21.4
Weak	27.1	27.8	24.1	32.7	27.8
<u>Influence Against Arrest</u>					
Strong	0.0	2.8	3.7	0.0	1.6
Moderate	4.3	1.4	3.7	0.0	2.4
Weak	27.1	20.8	22.2	21.2	23.0

"If the driver is young"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	21.7	28.4	34.5	35.8	29.5
Moderate	30.4	24.3	18.2	18.9	23.5
Weak	14.5	17.6	16.4	22.6	17.5
<u>Influence Against Arrest</u>					
Strong	0.0	0.0	1.8	0.0	0.4
Moderate	7.2	6.8	7.3	3.8	6.4
Weak	26.1	23.0	21.8	18.9	22.7

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Again, none of these ratings were significantly associated with arrest rate, but they disclose some interesting trends. First, very few patrolmen (4%) felt that the fact that a suspect is a member of a minority group would have a strong or moderate influence against arrest. This provides further evidence that officers do not tend to be more lenient when dealing with a non-white driver. How, then, should we interpret the fact that proportionately more non-white suspects are released rather than arrested? While the data are not conclusive, it appears that borderline suspects are more likely to be stopped if they are non-white. This may arise simply because patrols and surveillance are necessarily most intense in high-crime areas, and such areas unfortunately often coincide with minority neighborhoods.

Second, just under 7% of all patrolmen indicate that they are strongly or moderately influenced against arrest when the suspect is young. Closer examination of these data disclosed that this view is more strongly held by officers who are themselves relatively young. 8.1% of the patrolmen 30 years of age or less indicated they are strongly or moderately influenced against arrest when dealing with a young suspect--and this is true of 14.0% of those who are 25 or less. The same can be said of only 5.3% of those who are at least 31 years old. It is also instructive to examine the frequencies with which various age groups of officers reported they arrested or released young suspects:

<u>Patrolman's Age</u>	<u>Percent of Cases Involving Suspects Under 30</u>	
	<u>Arrests</u>	<u>No-Arrests</u>
30 or less	27.4%	46.5%
31 to 35	24.6%	32.8%
36 or over	29.2%	70.0%

Thus, the variation in suspect age between arrest and non-arrest cases is most notable for the youngest and oldest patrolmen surveyed. Officers of the middle age range tend to arrest roughly as many young suspects as they release. These data suggest that suspect's age exerts an influence on the arrest/no-arrest decision in two distinct ways. An appreciable number of the younger officers appear to sympathize with, and treat more tolerantly, A/R suspects of their own age. On the other hand, most older officers (i. e., those 36 years of age or older) do not exhibit any increased tolerance for young suspects, and the fact that they release more of these suspects indicates that they devote closer attention to young drivers. In short, the suspect's age seems to exert a negative or positive influence on the arrest/no-arrest decision, in accordance with the officer's own age.

Finally, about 8% of all patrolmen believe that they are strongly or moderately influenced against arrest if the suspect is female. Also, more "low" enforcers (11.4%) share this belief than do "moderate" (8.4%) or "high" enforcers (3.8%). Thus there is some evidence that the driver's sex impacts on the arrest/no-arrest decision.

The personal interviews provided further insights into the effects of race, age, and sex on the officers' decisions. In commenting on the first of these, the vast majority of interviewees (approximately 80%) denied that their decisions are in any way affected by the suspect's race. However, several of the respondents who denied that race has any bearing also commented that they find it more difficult to determine if a black suspect is intoxicated to the degree that he should be arrested. The following quotes illustrate this view: "Blacks seem to have more tolerance for booze, I can't judge their symptoms as well;" "It's harder to tell whether [blacks] are drunk, because their speech and gait are always 'loose';" "It's harder to tell if a black is DWI due to their watery eyes and jargon." In addition, about 15% of the respondents indicated that they and/or many of their fellow officers do tend to be more strict when dealing with non-white suspects. Typifying this viewpoint are such quotes as "You're more likely to give the benefit of the doubt to your own race;" "Most cops are down on blacks;" "I am more apt to stop a member of a minority group; I lean toward being tougher on them from past experience." Only four of the patrolmen who were interviewed indicated that they are less likely to arrest a non-white driver.

Interview comments concerning the effects of the suspect's age exhibited the two distinct viewpoints suggested earlier. Twenty-nine of the 69 officers interviewed felt that suspect's age affects the arrest/no-arrest decision, and they were almost equally divided among those who felt officers are more strict when dealing with young suspects (13 respondents) and those who believe they are more lenient (16). However, officers under 30 years of age accounted for 14 of the "more lenient" respondents and only 6 of the "more strict" group; 7 older officers indicated they are "more strict," while only 2 felt they were "more lenient." Thus, the interview data also suggest that suspect age has a differential effect in accordance with the officer's age.

Discussions of the effects of the driver's sex disclosed that many officers find it much more difficult to process an A/R arrest if the suspect is a woman. There is fairly wide-spread concern over the possibility that a female may accuse the arresting officer of attempting sexual advances. To guard against this, some departments have adopted fairly elaborate procedures for processing female arrestees. For example, at some localities a two-man squad car must be dispatched to the scene of arrest to transport the female suspect to the processing facility, and at other sites procedures call for summoning a policewoman to the scene. These procedures, of course, tend to increase the arrest processing time. We also found through the interviews that many officers feel the typical female suspect is more hostile and argumentative than her male counterparts and so is "more of a hassle" to deal with. Perhaps most importantly, the interviews disclosed virtually no evidence that patrolmen desire to "give a break" to a female suspect. They may indeed be more reluctant to make the arrest when the driver is a woman, but this seems to stem primarily from the additional inconvenience she represents to the officer.

6. Accident Involvement in the Incident

We reported previously that significantly more arrests than no-arrests involve motor vehicle accidents, especially with respect to the cases reported by "low" enforcers. This finding is also supported by the responses to the 3rd Likert Scale:

"I am more likely to arrest someone for drunk driving if he has caused an accident."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	37.3	42.9	40.3	30.2	38.2
Mostly Agree	18.7	14.3	6.5	7.5	12.4
Somewhat Agree	13.3	9.1	4.8	7.5	9.0
Neutral	2.7	9.1	6.5	17.0	8.2
Somewhat Disagree	0.0	5.2	11.3	3.8	4.9
Mostly Disagree	6.7	7.8	4.8	7.5	6.7
Strongly Disagree	21.3	11.7	25.8	24.5	20.2

Slightly more than half of all patrolmen strongly or mostly agree that the occurrence of an accident will increase the likelihood that they will make an arrest. However, proportionately more "low" enforcers than "high" enforcers share this view. The responses to this scale vary significantly with arrest rate ($p < .05$; $\chi^2 = 31.57$, 18 degrees of freedom).

The influence of accident-involvement was also measured in the factor ratings, with the following results:

"If the driver has caused an accident"

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	76.8	82.7	80.7	84.6	81.0
Moderate	17.4	13.3	15.8	7.7	13.8
Weak	2.9	4.0	3.5	3.9	3.6
<u>Influence Against Arrest</u>					
Strong	0.0	0.0	0.0	0.0	0.0
Moderate	0.0	0.0	0.0	0.0	0.0
Weak	2.9	0.0	0.0	3.9	1.6

Approximately 95% of the respondents believe accident-involvement is a strong or moderate influence for arrest, with virtually no variation between "low" and "high" enforcers.

The personal interviews also supported this finding, and nearly all respondents stated they are personally more likely to make the arrest when the case involves an accident. A commonly-held view was expressed by one officer as follows: "In an accident case, you have no choice--you have to make an arrest." The fact that a report must be filed, and the possibility that witnesses may be present, precludes the exercise of discretion. Moreover, many officers seem to feel that when an A/R driver has caused an accident, he has forfeited his "right" to be given a break, especially if an innocent party has been injured and/or suffered economic loss. Thus, the willingness to exercise discretion also diminishes in accident situations. A few officers did suggest that it can be technically more difficult to make the arrest in an accident case. They pointed out that there may not be sufficient evidence to prove that the suspect was actually operating the vehicle, a key element of an A/R case. However, most agree that this technical difficulty is only rarely encountered.

Some evidence was found that the likelihood of arrest may decrease in certain accident-involved cases, i. e., those situations in which the suspect himself has been injured. The following data from the factor ratings pertain to this point:

"If the driver is injured"

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
<u>Influence for Arrest</u>					
Strong	17.4	22.7	20.4	13.2	18.7
Moderate	20.3	28.0	29.6	30.2	26.7
Weak	18.8	16.0	16.7	24.5	18.7
<u>Influence Against Arrest</u>					
Strong	10.1	5.3	5.6	1.9	6.0
Moderate	10.1	9.3	9.3	9.4	9.6
Weak	22.2	18.7	18.5	20.8	20.3

Some 16% of all patrolmen feel that a strong or moderate influence against arrest results when the suspect is injured. "Low" enforcers seem more likely to hold that view than do "high" enforcers, although the difference is not statistically significant. During the personal interviews, many officers indicated that, when the suspect is injured, they may not have an opportunity to obtain a chemical test of his BAC; many complained that hospitals in their localities will not fully cooperate with police requests for blood tests. Without the concrete evidence of the chemical

test, the police often feel the case would not stand up in court. Many officers also pointed out that an injury provides the suspect with an excuse for his symptoms of intoxication, i. e., the suspect could argue (successfully) in court that he staggered, spoke with slurred speech etc. because of his injury, and not because he was under the influence of alcohol. Thus, an injury to the suspect can weaken the case in several respects.

On balance, however, the occurrence of an accident in an A/R situation tends to remove both the desire and opportunity for exercising discretion. Given that reasonable grounds exist, the arrest is virtually automatic in such cases.

7. Involvement of Other Violations in the Incident

In Section III, it was shown that patrolmen issue tickets for other moving vehicle violations with roughly the same frequency in A/R arrest and no-arrest cases. We did find that municipal police issue such tickets in arrest cases more often than do state patrolmen, and that officers facing lengthy A/R arrest processing procedures more often issue tickets than do patrolmen who enjoy relatively brief processing requirements. However, these differences appear to stem from the variations in the procedures established by these types of departments. It remains to be seen whether the involvement of other violations plays any role in the A/R arrest/no-arrest decision.

We can begin to explore this point by examining the responses to the 5th Likert Scale:

"I am more likely to arrest someone for drunk driving if he has also committed some other violation at the same time, like speeding or running a red light."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	22.7	16.9	22.6	35.8	23.6
Mostly Agree	25.3	26.0	24.2	17.0	23.6
Somewhat Agree	6.7	14.3	8.1	9.4	9.7
Neutral	8.0	13.0	3.2	7.5	8.2
Somewhat Disagree	6.7	1.3	8.1	1.9	4.5
Mostly Disagree	9.3	11.7	11.3	3.8	9.4
Strongly Disagree	21.3	16.9	22.6	24.5	21.0

These results are equivocal. With virtually no dependence on arrest rate, some 45% of patrolmen strongly or mostly agree with the statement, but about 30% strongly or mostly disagree. Of course, we would not expect that the commission of other violations would have a negative influence on the A/R arrest decision, and this is borne out in the following factor rating:

"If the driver has committed some other traffic violation."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
<u>Influence for Arrest</u>					
Strong	50.7	57.3	70.4	62.3	59.3
Moderate	33.8	32.0	25.9	26.4	30.0
Weak	9.9	8.0	3.7	11.3	8.3
<u>Influence Against Arrest</u>					
Strong	1.4	0.0	0.0	0.0	0.4
Moderate	1.4	0.0	0.0	0.0	0.4
Weak	2.8	2.7	0.0	0.0	1.6

But, although 9 out of every 10 officers feel other violations exert a strong or moderate influence for A/R arrest, we should hesitate before concluding that a true positive influence has been demonstrated. In particular, the data from the personal interviews would not support such a conclusion. When asked whether officers are more likely to make an A/R arrest if the suspect has also committed some other traffic violation, nearly all respondents stated that these cases almost always involve other violations, whether or not an A/R arrest ultimately results. The general consensus seemed to be that an A/R investigation cannot occur unless and until the officer observes some violation, i. e., "You need some reasons for stopping him." Most patrolmen have learned that, when called upon to testify in court, one of the first questions the defense attorney will pose is "Why did you choose to stop the defendant?" Unless the officer can cite specific charges and evidence of dangerous operation, doubt may be planted in the judge or jury's minds that the suspect was actually under the influence. Thus, other violations are present as the proximate cause of almost every investigation, and are probably no more likely to have occurred in arrest cases than in no-arrests. The involvement of another violation therefore seems to have little or no impact, per se, on the arrest/no arrest decision.

However, some comments received during the personal interviews suggest that the decision may be swayed by the type of incidental violation committed. For example, the investigation might commence when the officer observes a motorist traveling well below the posted minimum speed. This is indeed a moving vehicle violation, and many officers suggested that it is a very common "lead-in charge" to an A/R case. However, some officers seem to feel that a suspect who is driving too slowly deserves a break, since he is attempting to compensate for his intoxication. On the other hand, if the suspect is observed traveling at excessive speed, or weaving recklessly from lane to lane, many officers conclude that he is indifferent to the increased risk he poses to others. To some degree, suspects who commit flagrant, dangerous violations are considered "accidents about to happen," and often are dealt with in a fashion similar to accident-involved suspects.

In conclusion, the presence of other violations is virtually inseparable from all A/R situations and plays no direct role in the arrest/no-arrest decision. However, the type of violation, like the suspect's attitude, race, or age, can help to determine whether the officer tends to identify and sympathize with the suspect.

8. The Suspect's Position in the Community

In addressing this variable, we chose to consider two distinct types of "positions." First, the suspect might be a prominent citizen, widely known throughout the community, who exercises considerable political or social importance. Second, he could be someone personally known to the officer, i. e., a friend, relative, neighbor, etc. In either case, the officer's enforcement action could be affected. The 32nd and 35th Likert Scales dealt with these "positions":

"Most of us on the Force know there are certain 'big wig' citizens the department doesn't expect us to arrest for drunk driving or most other traffic violations."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	20.0	10.4	11.3	30.2	17.2
Mostly Agree	10.7	11.7	12.9	11.3	11.6
Somewhat Agree	10.7	9.1	8.1	11.3	9.7
Neutral	13.3	11.7	4.8	5.7	9.4
Somewhat Disagree	2.7	3.9	3.2	3.8	3.4
Mostly Disagree	12.0	10.4	11.3	3.8	9.7
Strongly Disagree	30.7	42.9	48.4	34.0	39.0

"I am probably more likely to make a drunk driving arrest if the suspect is someone I don't know than if he is a close friend or neighbor."

	Number of Arrests				All Patrolmen
	0 or 1	2-5	6-15	16 or more	
Strongly Agree	28.0	24.7	19.4	9.4	21.3
Mostly Agree	14.7	31.2	19.4	11.3	19.9
Somewhat Agree	20.0	16.9	21.0	17.0	18.7
Neutral	12.0	6.5	11.3	11.3	10.1
Somewhat Disagree	8.0	1.3	1.6	3.8	3.7
Mostly Disagree	6.7	5.2	11.3	15.1	9.0
Strongly Disagree	10.7	14.3	16.1	32.1	17.2

Responses to the second of these two scales varied significantly with arrest rate ($p < .05$; $\chi^2 = 34.35$, 18 degrees of freedom). The majority of all officers agreed with this statement, but "low" enforcers agreed more often and more strongly than "high" enforcers. We should, of course, keep in mind that officers probably only rarely encounter suspects whom they know; their responses therefore reflect what they feel they would do in such cases, rather than what they have actually done in the past. Nevertheless, the data do suggest that this factor has a negative influence on arrests, especially among "low" enforcers.

Responses to the first of the two scales are not significantly associated with arrest rate, but disclose a most interesting trend: Both "low" and "high" enforcers more often and more strongly agree that their departments do not expect them to arrest "influential citizens" than do the "moderate" enforcers. Some 23% of "moderate" enforcers strongly or mostly agree with that statement, while this is true of about 31% of the "low" enforcers and 41% of the "high" enforcers. Overall, nearly 3 out of 10 officers strongly or moderately agree with the statement, which suggests that this factor exerts a fairly wide-spread influence.

One possible interpretation of these data is that "high" enforcers, because of their relatively frequent arrests, more often encounter prominent citizens and so have been exposed more often to whatever departmental opposition to such arrests exists. Conversely, "low" enforcers may simply be less disposed to arrest any A/R suspect, and seize on this issue as a means of rationalizing or justifying lax enforcement.

During the personal interviews, slightly more than 50% of the officers stated that most patrolmen would be less likely to arrest an "influential citizen." Two respondents reported that they personally knew fellow officers who received duty transfers as a direct result of making A/R arrests of politically prominent individuals, and in one case stated that an officer was forced to resign because of such an incident. Several others responded that they had personally experienced some departmental opposition when they arrested such individuals. However, about 10% of the respondents took precisely the opposite view, and asserted they would be more likely to arrest someone in a prominent position. What is perhaps most important is that many officers, regardless of how they believe they would personally react when faced with an influential suspect, feel that the courts tend to go easier on those individuals.

In discussing the situation in which the suspect is known to the officer, more than 90% of the respondents stated that this would affect the arrest/no-arrest decision and that there would be a greater tendency to avoid the arrest. However, many officers suggested that this effect would apply solely in borderline cases, and would certainly not be a factor if an accident had occurred. Also, some stated that they would give a friend or neighbor a break once, but not twice.

Based upon the foregoing, we can conclude that the suspect's position in the community will indeed affect the arrest/no-arrest decision. Individuals known to the officer, either personally or by virtue of a position of prominence, are generally less likely to be arrested for A/R.

To summarize the factors relating to the specific circumstances of a given A/R incident, we believe we have demonstrated that an arrest is less likely to occur if the suspect is not grossly intoxicated, if he is personally known to the officer or prominent in the community, or if the incident occurs near the end of the officer's duty shift. The last of these is particularly important when the arrest processing procedures are fairly lengthy. Conversely, the arrest is more likely to be made if the suspect proves uncooperative or hostile toward the officer or if the case involves a motor vehicle accident. There is also some evidence that the typical officer is more likely to make the arrest if the suspect has committed a particularly hazardous moving vehicle violation. We have also shown that foul weather tends to increase the difficulty of detecting A/R suspects, primarily by masking their symptoms and by creating additional demands on the officer's time; thus, A/R investigations tend to occur less frequently in foul weather. However, there is encouraging evidence that many patrolmen are less likely to exercise discretion in A/R cases when the weather creates hazardous driving conditions. In addition, we have documented data that suggest that officers devote closer surveillance to A/R suspects who are not of their own race, and that older patrolmen pay closer attention to young suspects; both of these findings in turn suggest that officers may be more likely to exercise discretion when dealing with their racial and age group peers. Finally, we have shown that there is some reluctance to arrest women for A/R, particularly among "low" enforcers, and that this results from the additional inconvenience posed by a female suspect rather than from any desire to treat women more leniently.

D. Factors Relating to the Local Environment

The preceding subsections addressed factors relating to patrolmen themselves, i. e., their personal characteristics, their general attitudes, and their reactions to specific circumstances and situations. This subsection considers variables that are endemic to the environment within which these patrolmen perform their duties. These include:

- . Court disposition of A/R cases
- . Departmental policy concerning A/R enforcement
- . The magnitude of other law enforcement problems encountered
- . A/R arrest processing procedures
- . The types of chemical tests available
- . Community pressure for or against A/R enforcement

Each of these is discussed below.*

1. Court Disposition Records

In Section III, we reported that an appreciable number (roughly 26%) of the most recent A/R arrests made by the patrolmen failed to result in conviction on that charge. We also noted that "low" enforcers experienced a significantly lower conviction rate than did "high" enforcers. These factors suggest that court disposition records may discourage some patrolmen and induce a negative influence on their enforcement. However, before any such conclusion can be made we must assess the officers' attitudes toward the policies and practices that lead to acquittals and reduced charges.

Let us begin by recalling, from subsection B of this section, that a majority of all patrolmen (57%) strongly or mostly agree that "the courts are much too tolerant of drunk drivers." However, we must bear in mind that this view is most strongly held by "high" enforcers--thus, dissatisfaction with the courts need not imply that the officer will be lax in his enforcement. If anything, the opposite may be true. The 17th and 24th Likert Scales also address this issue:

"My only concern is with arresting a drunk driver; it doesn't bother me if the prosecutor or judge decide to reduce the charge."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	25.3	16.9	9.7	7.5	15.7
Mostly Agree	9.3	13.0	4.8	9.4	9.4
Somewhat Agree	6.7	7.8	8.1	1.9	6.4
Neutral	13.3	7.8	11.3	7.5	10.1
Somewhat Disagree	9.3	10.4	8.1	17.0	10.9
Mostly Disagree	5.3	15.6	24.2	18.9	15.4
Strongly Disagree	30.7	28.6	33.9	37.7	32.2

* We had also planned to investigate the possible influence on arrests of the specific A/R laws in force at the various sites. However, as reported in Section II, all sites had basically similar laws. This precluded determination of whether or how enforcement may differ as a function of variations in legislation.

"Chances are a drunk driver will get a reduced charge in court, so it doesn't do much good to arrest them."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
Strongly Agree	6.7	6.5	3.2	3.8	5.2
Mostly Agree	8.0	6.5	4.8	3.8	6.0
Somewhat Agree	13.3	5.2	4.8	9.4	8.2
Neutral	12.0	6.5	3.2	3.8	6.7
Somewhat Disagree	9.3	6.5	9.7	13.2	9.4
Mostly Disagree	12.0	20.8	16.1	17.0	16.5
Strongly Disagree	38.7	48.1	58.1	49.1	47.9

Just less than a majority of patrolmen mostly or strongly disagree with the first statement, which suggests that many officers are indeed "bothered" by charge reductions or plea bargaining. But again, it is the "high" enforcers who most strongly feel this way; "low" enforcers seem less personally concerned about the actions taken by the prosecutor or judge. Examination of the responses to the second statement discloses that only a minority of officers agree that the possibility of plea bargaining detracts from their motivation to make an A/R arrest. Here, however, it is the "low" enforcers who seem more negatively affected. This is more clearly seen in the following factor rating:

"If the officer feels the driver will later 'get off' on a reduced charge."

	<u>Number of Arrests</u>				<u>All Patrolmen</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	
<u>Influence for Arrest</u>					
Strong	22.5	27.0	31.6	39.6	29.4
Moderate	18.3	25.7	22.8	18.9	21.6
Weak	11.3	13.5	14.0	17.0	13.7
<u>Influence Against Arrest</u>					
Strong	7.0	4.1	0.0	1.9	3.5
Moderate	21.1	10.8	3.5	1.9	10.2
Weak	19.7	18.9	28.1	20.8	21.6

These responses were significantly associated with arrest rate ($p < .05$; $\chi^2 = 26.01$, 15 degrees of freedom), and it is clear that "low" enforcers are much more likely to rate plea bargaining as a strong or moderate influence against arrest.

Thus, we have a seemingly anomalous result: "High" enforcers express considerable personal displeasure over charge reductions, plea bargaining, and general court tolerance of A/R, but they strongly deny that this displeasure has a negative effect on their arrest/no-arrest decisions; "low" enforcers much more often indicate that the expectation that an A/R charge would be reduced may influence them to avoid the arrest, but court practices do not "bother" them personally to the same degree.

This anomaly might best be explained in reference to the previously discussed general attitude these patrolmen hold toward A/R. "Low" enforcers, it will be recalled, are less convinced of the importance of that offense, and so it is reasonable that they seem less concerned about its adjudication. However, they are not totally indifferent to adjudication, especially when they recognize that about one-third of their arrests fail to lead to conviction. The relatively low conviction rate, in fact, probably reinforces their negative attitude. Conversely, "high" enforcers more strongly believe that A/R warrants high priority attention... they are disturbed when they believe the courts take an overly tolerant view of this offense, but they seem committed to doing their job regardless of whether or not the courts follow through on the case. Then, too, "high" enforcers find that a greater proportion of their cases (85%) do lead to conviction.

To this point, the discussion of court disposition practices has proceeded entirely from the patrolman's viewpoint. Most officers believe that the courts tend to go easy on A/R and that the practice of plea bargaining is fairly wide-spread. One might ask whether judicial personnel are aware of this attitude, and whether they feel it has any basis in fact. Data obtained through the 26 judicial personnel questionnaires can help to answer these questions.

It is evident that the courts are aware of police displeasure with their practices. 10 of the 26 judges and prosecutors interviewed mostly or strongly agreed with the statement "most officers think the courts are much too tolerant of drunk drivers;" 12 somewhat agreed with the statement, and only 1 mostly disagreed. 17 mostly or strongly believe that officers are "bothered" when an A/R charge is reduced. However, judicial personnel do not seem to believe that this attitude affects A/R enforcement. 17 mostly or strongly disagreed with the statement "chances are a drunk driver will get a reduced charge in court, so most officers feel it doesn't do much good to arrest them," and none of the judges or prosecutors mostly or strongly agreed with this. There is also some evidence that a fair percentage of judges and prosecutors believe that plea bargaining is a reasonable practice. 8 mostly or strongly agreed that "without some plea bargaining we couldn't possibly handle our caseloads," and 6 mostly or strongly disagreed that "there is no excuse for allowing a drunk driving offender to 'cop a plea'; we should always seek convictions on that charge." Finally, it is apparent that the courts are generally satisfied with the current level of A/R enforcement; 11 mostly or strongly disagreed that "the police are not making enough drunk driving arrests," and only 1 mostly agreed with that statement.

Thus, we have seen that a fairly large proportion of A/R arrests fail to lead to conviction on that charge, and that this at least partly results from the fact that the courts are often willing to reduce the charge. Most officers, and especially those who are "high" enforcers, find this situation personally discouraging to some degree. Further, an appreciable number of "low" enforcers report that this situation negatively affects their arrest/no-arrest decisions. It thus might appear that elimination of plea bargaining and related practices could lead to an increase in arrests. To test this hypothesis, the following question was posed during the personal interviews:

"Suppose prosecutors or judges always went for convictions on the drunk driving charge, that is, they never permitted plea bargaining. Do you think most officers would really make more drunk driving arrests as a result?"

Perhaps because of its hypothetical nature, 20 of the 69 officers interviewed chose not to respond to this question. Of those who did, 31 indicated they believed no increase in arrests would result if plea bargaining ceased, while 18 felt that more arrests would occur. Of particular interest is the fact that the views expressed varied with the officers' arrest rates. 18 of those who responded to this question reported they had made 5 or fewer A/R arrests during the past year; they divided equally into those who believed arrests would increase (9) and those who did not (9). The other 31 claimed they had made at least 6 arrests; 9 of those felt arrests would increase, 22 did not. Thus, the personal interviews also support the conclusion that it is the "low" enforcers who more strongly believe that plea bargaining affects A/R arrests.

In summary, court disposition practices in A/R cases appear to have some negative influence on the arrest/no-arrest decision, and more strict and uniform adjudication is clearly desirable. However, we must also note that those officers who have a good attitude toward A/R and a good record of enforcement are not strongly affected by court practices. They, too, would very much wish to see a decrease in charge reductions, but they do not permit their dissatisfaction with current practices to interfere with their duties. Hence, amelioration of this factor is not totally dependent on our ability to modify court practices--rather, its influence could also be diminished if a proper attitude can be developed among patrolmen. The desired attitude was perhaps best expressed by one officer who reported making 12 arrests during the past year. While commenting on plea bargaining, he said "most of us get teed off when we see the charge dropped or reduced; but we get our satisfaction out of knowing we have done our part of the job, and we will continue to do it."

2. Departmental Policy Concerning A/R Enforcement

The first point to be made in discussing this factor is that none of the departments surveyed have any formal, written policy governing A/R enforcement. Neither have they established specific procedures for conducting an A/R investigation,

although all have spelled out in detail the processing procedures to be followed once an arrest is made. What informal policy exists is implemented on the supervisory level. The squad and divisional sergeants can and do exercise considerable influence over the level of enforcement their men devote to A/R. It is therefore appropriate to begin this discussion by exploring the attitudes expressed by supervisory personnel and contrasting these with the views held by patrolmen. In doing so, we will attempt to answer the following questions:

- Are supervisors aware of the various factors that may influence a patrolman's arrest/no-arrest decision?
- What are the supervisors' own attitudes concerning A/R enforcement and the exercise of discretion in A/R cases?
- To what degree have the supervisors conveyed their attitude to their subordinates?
- To what extent do the supervisors' attitudes and their expressed or implied policies affect their subordinates' arrests?

Detailed comparisons of supervisors' and patrolmen's attitudes disclosed numerous significant differences. Specifically, responses to fifteen Likert Scales and one factor rating varied significantly from patrolmen to supervisors. These variations are listed in Table VIII.

Examination of Table VIII shows that supervisors are more likely than patrolmen to believe that the various factors impart a negative influence on A/R arrests. For example, supervisors agreed more often and more strongly than patrolmen that processing time, the approaching end-of-shift, and foul weather create reluctance to arrest. The supervisors were also more likely to agree that patrolmen will ticket a suspect on a lesser charge in lieu of A/R arrest, or may simply release the suspect if the traffic is light. Clearly there is no evidence that supervisors are unaware of the exercise of discretion in A/R cases--if anything, they believe that discretion is more widespread than the patrolmen admit.

Given that they are aware of the discretionary influences, we can meaningfully ask whether supervisors personally tolerate or oppose discretion on the part of their men. The available evidence shows that supervisors claim to favor "high" enforcement. For example, 44.7% of them mostly or strongly agree with the statement "most of the officers under my command should be making more drunk driving arrests," and only 9.4% mostly or strongly disagree. They also seem to believe that A/R deserves high priority attention, i. e., 81.2% mostly or strongly disagree that they "would rather not have an officer make a drunk driving arrest if it means his beat will be left uncovered for several hours." In addition, most seem opposed to the exercise of discretion in A/R cases, i. e., 65.9% mostly or strongly disagree that they "certainly don't expect officers under

Table VIII

Attitude Measures Exhibiting Significant Difference
Between Patrolmen and Supervisors

Scale 1.	It bothers me to think that a person I arrest for drunk driving will lose his license, and maybe even his job.* ($p < .05$; $\chi^2 = 14.31$, 6 degrees of freedom). 12.9% of supervisors strongly or mostly agreed, as compared to 6.7% of patrolmen.
Scale 2.	I try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect. ($p < .001$; $\chi^2 = 29.52$, 6 degrees of freedom). 30.6% of supervisors strongly or mostly agreed, as compared to 12.0% of patrolmen.
Scale 6.	Whenever I can, I will ticket a drunk driver on some <u>other</u> charge, since it gets the job done and avoids the "mess" of a drunk driving arrest. ($p < .001$; $\chi^2 = 41.18$, 6 degrees of freedom). 12.9% of supervisors strongly or mostly agreed, as compared to 6.0% of patrolmen.
Scale 10.	I sometimes avoid arresting someone for drunk driving near the end of my duty shift, to avoid the suspect processing time. ($p < .01$; $\chi^2 = 21.82$, 6 degrees of freedom). 28.2% of supervisors strongly or mostly agreed, as compared to 15.0% of patrolmen.

*The wording of the scales in this table reflects the Police Patrolmen Questionnaire. In many cases, different wordings were used in the Police Supervisors/Administrators Questionnaire. For example, Scale #1 was presented to supervisors as follows: "It bothers most officers to think that a person they arrest... will lose his license..." For patrolmen, we attempted to measure their own attitude toward the various factors, while, for supervisors, we focused on their impressions concerning patrolmen behavior and attitude.

Table VIII (Continued)

- Scale 12. I might not conduct as good an investigation of a suspected drunk driver when it is raining as I will when the weather is clear.
($p < .001$; $\chi^2 = 23.67$, 6 degrees of freedom). 21.2% of supervisors strongly or mostly agreed, as compared to 9.4% of patrolmen.
- Scale 16. I might go a little easier on a suspected drunk driver if he is young.
($p < .01$; $\chi^2 = 19.34$, 6 degrees of freedom). 8.2% of supervisors strongly or mostly agreed, as compared to 3.4% of patrolmen.
- Scale 18. I have found that whites are drunk drivers more often than members of minority groups.
($p < .05$; $\chi^2 = 15.67$, 6 degrees of freedom). 18.8% of supervisors strongly or mostly disagreed, as compared to 34.1% of patrolmen.
- Scale 19. I have many more important duties than arresting drunk drivers.
($p < .01$; $\chi^2 = 17.38$, 6 degrees of freedom). 13.9% of supervisors strongly or mostly agreed, as compared to 8.6% of patrolmen.
- Scale 23. Chemical tests for measuring intoxication aren't very accurate.
($p < .05$; $\chi^2 = 14.60$, 6 degrees of freedom). 7.1% of supervisors strongly or mostly agreed, as compared to 3.0% of patrolmen.
- Scale 24. Chances are a drunk driver will get a reduced charge in court, so it doesn't do much good to arrest them.
($p < .05$; $\chi^2 = 13.23$, 6 degrees of freedom). 14.1% of supervisors strongly or mostly agreed, as compared to 11.2% of patrolmen.

Table VIII (Continued)

- Scale 27. I'm not going to arrest someone for drunk driving unless I am completely sure his Blood Alcohol Concentration is over the legal limit.
($p < .05$; $\chi^2 = 15.01$, 6 degrees of freedom). 42.3% of supervisors strongly or mostly agreed, as compared to 27.7% of patrolmen.
- Scale 29. I am probably less likely to arrest a woman for drunk driving.
($p < .001$; $\chi^2 = 27.66$, 6 degrees of freedom). 22.4% of supervisors strongly or mostly agreed, as compared to 7.1% of patrolmen.
- Scale 31. I would rather be assigned to traffic patrol than to general law enforcement patrol.
($p < .001$; $\chi^2 = 45.14$, 6 degrees of freedom). Supervisors tended to have "no opinion" on this scale. 55% were either neutral, or somewhat agreed or disagreed, as compared to 31% of patrolmen.
- Scale 33. If there is very little traffic on the roads, I might be more likely to give a drunk driving suspect a break and let him go.
($p < .05$; $\chi^2 = 15.09$, 6 degrees of freedom). 48.2% of supervisors strongly or mostly disagreed with this statement, as compared to 65.3% of patrolmen.
- Scale 35. I am probably more likely to make a drunk driving arrest if the suspect is someone I don't know than if he is a close friend or neighbor.
($p < .01$; $\chi^2 = 19.92$, 6 degrees of freedom). 63.5% of supervisors strongly or mostly agreed, as compared to 41.2% of patrolmen.
- Factor Rating 2. If the driver is a woman
($p < .05$; $\chi^2 = 11.32$, 5 degrees of freedom). 20.0% of supervisors rated this as a strong or moderate influence against arrest, as compared to 7.9% of patrolmen.

my command to arrest every drunk driver they stop;" however, it is perhaps noteworthy that 11.8% mostly or strongly agree with this last statement.

Thus, with some exceptions, supervisors do not admit much tolerance of the exercise of discretion. But it remains to be seen how well they have demonstrated this to their men. The patrolmen's and supervisors' responses to the 7th and 37th Likert Scales are relevant to this point:

"Our Department doesn't consider drunk drivers to be a major problem area."

	Number of Arrests					Supervisors
	0 or 1	2-5	6-15	16 or more	All	
Strongly Agree	10.7	1.3	1.6	1.9	4.1	4.7
Mostly Agree	5.3	7.8	1.6	5.7	5.2	3.5
Somewhat Agree	10.7	1.3	0.0	3.8	4.1	1.2
Neutral	8.0	1.3	11.3	7.5	6.7	4.7
Somewhat Disagree	2.7	9.1	6.5	3.8	5.6	5.9
Mostly Disagree	12.0	28.6	12.9	7.5	16.1	12.9
Strongly Disagree	50.7	50.6	66.1	69.8	58.1	67.1

"Assuming I've made a 'good' drunk driving arrest, my supervisor will back me up all the way, no matter whom I have arrested."

	Number of Arrests					Supervisors
	0 or 1	2-5	6-15	16 or more	All	
Strongly Agree	49.3	53.4	64.5	67.9	57.7	85.9
Mostly Agree	14.7	22.3	19.4	5.7	16.2	9.4
Somewhat Agree	9.3	5.4	4.8	7.5	6.8	1.2
Neutral	10.7	9.3	6.5	3.8	7.9	0.0
Somewhat Disagree	0.0	0.0	0.0	5.7	1.2	1.2
Mostly Disagree	2.7	5.4	1.6	0.0	2.7	0.0
Strongly Disagree	13.3	4.2	3.2	9.4	7.6	2.4

For the first of these statements, the patrolmen's responses are significantly associated with their arrest rates ($p < .001$; $\chi^2 = 48.41$, 18 degrees of freedom). A similar result was found for the second statement ($p < .05$; $\chi^2 = 34.17$, 18 degrees of freedom). These significant relationships seem primarily due to the fact that more "low" enforcers take a negative view of departmental and supervisory policy. 16% of the officers who made no more than 1 arrest strongly or mostly believe the department doesn't consider A/R to be of major importance and that their supervisors will not necessarily give them full support. However, not even the "high" enforcers are entirely free of this attitude--in fact, nearly

1 of 10 officers who made at least 16 arrests strongly disagree that their supervisors will "back them up all the way." The supervisors themselves strongly assert that they support their men in A/R cases but apparently they have not fully conveyed this impression to all patrolmen. Moreover, it is particularly the older officers who feel that supervisory support is deficient. 15.1% of the patrolmen who are at least 31 years of age strongly or mostly disagree that their supervisors back them up all the way, as compared to 3.5% of the patrolmen who are 30 or younger. This may contribute to the lower arrest rates produced by older officers. Finally, there is indeed evidence that the supervisor's attitude and policy affects the patrolman's level of enforcement. Patrolmen were asked to estimate the extent to which their supervisors consider their A/R arrest totals when rating their performance, and to indicate whether or not they believed the supervisors expect them to make at least some minimum number of arrests each year. Analogous questions were posed to the supervisors. The responses are tabulated below.

Extent to which supervisor considers patrolman's A/R arrest total

	Number of Arrests					Supervisors
	0 or 1	2-5	6-15	16 or more	All	
Most important	1.4	1.3	0.0	5.7	1.9	1.2
Good deal of emphasis	9.7	12.0	23.0	32.1	18.0	17.3
Some emphasis	52.8	53.3	49.2	47.2	51.0	63.0
Does not consider	36.1	33.3	27.9	15.1	29.1	18.5

Patrolman expected to make at least some minimum number of A/R arrests

	Number of Arrests					Supervisors
	0 or 1	2-5	6-15	16 or more	All	
Yes	29.2	30.3	57.4	57.7	41.8	35.8
No	70.8	69.7	42.6	42.3	58.2	64.2

Arrest rate was significantly associated with the patrolmen's responses to both of these questions ($p < .01$; $\chi^2 = 21.78$, 9 degrees of freedom for the first question, and $p < .001$; $\chi^2 = 20.37$, 3 degrees of freedom for the second). Clearly, "low" enforcers do not believe that their supervisors place much importance on A/R. Conversely, "high" enforcers feel their performance rating is substantially affected by their A/R cases, and tend to believe that they are expected to make or exceed some number of arrests if their performance is to be considered satisfactory. Supervisors' responses to these questions were not significantly different from those of all patrolmen as a group.

In summary, departmental policy typically rests with the supervisors. On the whole, they tend to believe that discretion plays an appreciable role in A/R situations, and they assert that they personally do not favor the exercise of

discretion. However, a substantial minority of patrolmen seem to feel that their supervisors tolerate, or even encourage, discretion. Most importantly, when patrolmen believe that their supervisors emphasize A/R, arrest rates are high. Thus, we can conclude that supervisors can actively and effectively enhance A/R enforcement. However, to do so, they must explicitly establish the facts they expect their men to devote high priority to that offense and that the patrolman's performance rating will suffer if he fails to exhibit the desired level of enforcement. At present, less than one out of five supervisors place "a good deal" of emphasis on A/R arrests when rating a patrolman's performance, and only about one in three expect their men to make at least some minimum number of A/R arrests annually.

3. Magnitude of Other Law Enforcement Problems

A/R enforcement is but one duty police officers face. Other problems compete for his attention and, in some cases, may be judged more serious. This may be especially true since A/R is usually a "victimless" offense--except for accident-involved cases. To be sure, society expects enforcement of all laws, but police resources are by no means unlimited. Of necessity, manpower must be assigned to problem areas in accordance with their criticality; in some jurisdictions, this may result in relative de-emphasis of A/R.

Some findings have already been presented that bear on this issue. In Section III, we observed that state patrolmen make more A/R arrests than municipal officers, and that members of small municipal departments make more arrest than their counterparts in large cities. It seems reasonable to suggest that officers in large cities have the highest exposure to violent crimes and other "serious" offenses, while small town police have somewhat fewer encounters with such problems and state patrolmen least of all. If so, the variation in A/R arrest rates across these three types of departments may indicate that other problem areas are detracting from the resources available for A/R enforcement.

Supportive evidence of the hypothesis concerning a relationship between department size and type and the magnitude of other enforcement problems can be seen in Table II of Section II. There we see that the four state-level sites, as a group, assign 61% of their men to traffic law enforcement. The four smaller municipal departments have 25% of their officers on traffic assignment. The three larger municipalities assign only 3% of their men to this type of duty. Clearly, municipal departments, especially those in large cities, devote a much smaller percentage of their resources to traffic law enforcement than do state-wide agencies, which again suggests that other enforcement problems are more frequently encountered in the cities.

Additional data bearing on this issue are available from the 36th Likert Scale, responses to which are tabulated as a function of arrest rate and department type:

"Our Department is too busy trying to fight important crimes. We can't spend very much energy on drunk driving arrests."

	<u>Number of Arrests</u>				<u>Department Type</u>			<u>All</u>
	<u>0 or 1</u>	<u>2-5</u>	<u>6-15</u>	<u>16 or more</u>	<u>State</u>	<u>Sm. City</u>	<u>Lrge. City</u>	
Strongly Agree	4.0	1.3	0.0	1.9	1.1	0.0	4.5	1.9
Mostly Agree	4.0	3.9	3.2	3.8	2.1	4.2	5.6	3.7
Somewhat Agree	6.7	3.9	6.5	0.0	1.1	6.9	6.7	4.5
Neutral	12.0	6.5	8.1	7.5	3.2	8.3	15.7	8.6
Somewhat Disagree	14.7	10.4	6.5	3.8	5.3	9.7	13.5	9.4
Mostly Disagree	13.3	28.6	29.0	20.8	25.5	22.2	23.6	22.8
Strongly Disagree	45.3	45.5	46.8	62.3	61.7	48.6	30.3	49.1

These responses are not significantly associated with arrest rate, although proportionately more "high" enforcers mostly or strongly disagree with the statement. There is a statistically significant difference between the responses of state and large city patrolmen ($p < .001$; $\chi^2 = 28.05$, 6 degrees of freedom), and the latter tend more often to agree with the statement. However, there is no significant difference between state and small city patrolmen, nor between small and large city officers.

Perhaps the key point to note here is that the vast majority of "high" enforcers and state patrolmen strongly or mostly disagree with the statement (83% and 87%, respectively), while this is true of only a bare majority of "low" enforcers and large city patrolmen (59% and 54%). Thus, the perceived magnitude of other problem areas does appear to vary with the type of site and the level of A/R enforcement.

It is also instructive to re-examine two previously discussed scales on the basis of the types of departments responding. Specifically, the 7th and 19th Scales are of interest:

"Our Department doesn't consider drunk drivers to be a major problem area."

	Department Type		
	State	Small City	Large City
Strongly Agree	1.1	5.6	6.7
Mostly Agree	1.1	4.2	9.0
Somewhat Agree	2.1	4.2	6.7
Neutral	2.1	12.5	7.9
Somewhat Disagree	5.3	6.9	5.6
Mostly Disagree	11.7	19.4	20.2
Strongly Disagree	76.6	47.2	43.8

"I have many more important duties than arresting drunk drivers."

	Department Type		
	State	Small City	Large City
Strongly Agree	4.3	4.2	2.2
Mostly Agree	3.2	4.2	9.0
Somewhat Agree	7.4	12.5	10.1
Neutral	13.8	18.1	23.6
Somewhat Disagree	8.5	13.9	14.6
Mostly Disagree	14.9	13.9	24.7
Strongly Disagree	47.9	33.3	15.7

For the first of these, significant differences were found between state and large city patrolmen ($p < .001$; $\chi^2 = 25.18$, 6 degrees of freedom) and between state and small city patrolmen ($p < .005$; $\chi^2 = 18.85$, 6 degrees of freedom). For the second scale, state and large city patrolmen again differed significantly ($p < .001$; $\chi^2 = 24.21$, 6 degrees of freedom), but no significant differences were found between state and small city officers or between members of large and small municipal departments.

Based upon these data, we believe that other enforcement duties do detract somewhat from A/R arrests. However, this is essentially a characteristic of the large municipal departments. The impact of this factor is very likely confounded with other variables that were previously discussed, e.g., it may help to explain the lower incidence of specialized training in A/R found among municipal officers.

4. A/R Arrest Processing Procedures

Numerous references have already been made to associations between A/R enforcement and the arrest processing procedures. In Section III, we noted that departments which have adopted time-consuming procedures have significantly fewer "high" enforcers. We also reported that patrolmen at such sites made A/R arrests in foul weather significantly less often than did their peers from "brief" processing departments. Earlier in this section, we showed that lengthy processing procedures significantly increase the officers' reluctance to make the arrest near the end of the duty shift. Additional evidence of the influence of this factor is available from the 2nd Likert Scale, responses to which are tabulated as a function of arrest rate and processing time:

"I try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect."

	Number of Arrests				Processing Time		
	0 or 1	2-5	6-15	16 or more	Brief	Lengthy	All
Strongly Agree	12.0	9.1	1.6	0.0	1.0	9.7	6.4
Mostly Agree	10.7	6.5	3.2	0.0	3.0	7.1	5.6
Somewhat Agree	6.7	13.0	11.3	3.8	2.0	14.3	9.0
Neutral	10.7	9.1	11.3	0.0	5.0	11.0	8.2
Somewhat Disagree	6.7	9.1	6.5	1.9	1.0	10.4	6.4
Mostly Disagree	12.0	15.6	8.1	9.4	9.9	13.6	11.6
Strongly Disagree	41.3	37.7	58.1	84.9	78.2	33.8	52.8

The responses are significantly associated with both arrest rate ($p < .001$; $\chi^2 = 47.19$; 18 degrees of freedom) and processing time ($p < .001$; $\chi^2 = 54.05$, 6 degrees of freedom). More than 1 out of 5 "low" enforcers strongly or mostly agree they try to avoid arrests because of the processing time, and this is true of about 17% of those who face relatively lengthy procedures. However, only 4% of those enjoying brief procedures share that view, and none of the "high" enforcers feel that way.

Based on all of these findings, we believe we have shown that the A/R arrest processing procedures, and especially the time that they require, exert a strong influence on the arrest/no-arrest decision: where lengthy procedures are in force, low arrest rates result.

Before leaving this factor, it is worthwhile to examine the various procedures that lead to brief or lengthy processing. As a case in point, let us consider the typical "on-view" (accident-free) arrest at site 2, a large municipality. Having decided to make the arrest, the patrolman must first dispose of the suspect's vehicle. If he is extremely fortunate, a qualified "third party" may be present who is acceptable to the suspect and into whose custody the vehicle may be handed over--a sober,

licensed passenger might serve in this role. Ordinarily, however, the officer must arrange by radio for a tow truck to be despatched from the nearest precinct, and must remain with the suspect at the scene until the truck arrives. This generally requires at least 15, and possibly 45, minutes. Next, the officer must transport the suspect to one of the hospitals within the city--usually, of course, the nearest one. We should bear in mind that this occurs even though the case involved no accident. At the hospital the suspect receives a brief medical examination to verify that he has suffered "no apparent injury." The police have learned through experience that, when this examination is not conducted, the case is often lost in court, for defense attorneys will argue that their clients had suffered an injury that produced the outward symptoms of intoxication. This examination, including travel time to and from the hospital, can easily span an hour or more. Having completed this step, the officer takes the suspect to the central processing facility at police headquarters. There the suspect is formally requested to submit to a breath test under the provisions of the implied consent law; if he agrees, the test is administered by a qualified breath examiner specialist. Both the request and test must be administered in the arresting officer's presence. Upon completion (or refusal) of the test, the officer accompanies the suspect to the "booking" room, and remains until the normal booking process is completed. Processing at headquarters, including breath testing and booking, spans at least one-half hour, and usually more, especially if the suspect is uncooperative. At this point, the officer is finally rid of the suspect--but by no means is he through with the case. He must then retire to the "report room," obtain the necessary forms, and complete:

- . An alcohol influence report, several pages in length
- . A uniform traffic ticket on each moving vehicle violation incidental to the case
- . A narrative arrest report that completely describes the entire incident, from the officer's first observation of the suspect through completion of booking

This paperwork typically occupies the officer for at least two hours.

The only opportunity for "speeding up" these procedures occurs when the arrest is made by a two-man patrol team. In that case, one of the patrolmen will formally serve as the arresting officer; while he is accompanying the suspect through the medical examination, breath test, and booking, his partner can work on the various forms and reports required. With reasonable luck, a two-man team can reduce the total processing time to about 3 hours.

The only aspect of these procedures that is unique to site 2 is the need to transport the suspect to a hospital prior to booking. Otherwise, much the same steps--and time--are required at sites 3, 7, and A, and to a slightly lesser extent at site 6.

In contrast, let us consider the typical A/R arrest at site 1, another large municipality. Here again, the arresting officer must first dispose of the suspect's vehicle, and basically the same options are available. However, the officer then immediately transports the suspect to the nearest precinct, and hands him over for booking. The officer then completes two brief forms, i. e., an A/R arrest report and a standard complaint (warrant/summons) form. Both are one page in length and require very little narrative information. Typically, 10 to 15 minutes suffices for the completion of both forms. This completes the officer's involvement in the arrest processing, and all subsequent activities, e. g., breath testing, medical examination, etc., do not require his presence. He is usually back on his beat within an hour or less of the time that he first stopped the suspect.

In summary, lengthy processing results when the arresting officer must be physically present for all formal testing and booking procedures and when voluminous paperwork is required. To be sure, these requirements generally have evolved from real needs: lengthy procedures have not been established capriciously, but rather in accordance with court and/or legislative decisions that impact on the steps required to construct and preserve the chain of evidence. However, it remains true that some departments are able to enjoy streamlined procedures without damaging their cases. If the same could be said for all departments, we believe a higher level of enforcement would be realized. Accordingly, we conclude that every effort should be made to reduce the time and paperwork requirements that are incidental to an A/R arrest.

5. Types of Chemical Tests Available

Assessment of this factor is somewhat difficult, since the sites that were surveyed employ very similar chemical testing procedures. In particular, none of the sites employ pre-arrest testing during A/R investigations, and all but one rely primarily on breath tests for post-arrest evidential measurements (at site 3, blood tests usually are performed). Thus, the selected sites did not provide an opportunity to gauge the effects of a variety of testing modalities on the arrest/no-arrest decision.

Nevertheless, some useful data concerning this factor were obtained. In particular, responses to the 23rd Likert Scale are of interest.

"Chemical tests for measuring intoxication aren't very accurate."

	Number of Arrests				
	0 or 1	2-5	6-15	16 or more	All
Strongly Agree	1.3	1.3	0.0	1.9	1.1
Mostly Agree	2.7	1.3	0.0	3.8	1.9
Somewhat Agree	0.0	2.6	0.0	3.8	1.5
Neutral	22.7	10.4	1.6	7.5	11.2
Somewhat Disagree	10.7	5.2	8.1	0.0	6.4
Mostly Disagree	16.0	24.7	17.7	15.1	18.7
Strongly Disagree	46.7	54.5	72.6	67.9	59.2

The responses varied significantly with arrest rate ($p < .01$; $\chi^2 = 35.61$, 18 degrees of freedom), and "high" enforcers seemed more convinced of the accuracy of chemical tests than did "low" enforcers, based upon the percentages who mostly or strongly disagreed. However, those who reported the highest arrest rates also included the largest percentage of officers who agreed with the statement.

The major variation in these responses seems to center on the respective numbers of officers who expressed no opinion ("neutral") concerning this statement. This percentage steadily decreases over the first three arrest rate categories, but this trend does not continue to the highest enforcers. It may be that, as arrest rate initially increases and officers gain more exposure to chemical testing, their confidence in its accuracy grows. However, when this exposure is most frequent, the officer may be more likely to experience cases where the suspect's BAC proves to be much lower or higher than he anticipated, which may cast doubt in the officer's mind. In any event, these responses seem mainly to reflect exposure to chemical tests rather than any real impact of those tests on the arrest/no-arrest decision. Thus, there is no evidence to conclude that dissatisfaction or mistrust of chemical test procedures deters A/R arrests, nor that satisfaction with these tests has any positive influence on arrests.

6. Community Pressure

Of interest here was any evidence that public or official opinion was either encouraging or discouraging A/R enforcement. The 34th Likert Scale related to this issue:

"We would probably get good support from the local public if we were to crack down harder on drunk drivers."

	Number of Arrests				Department		
	0 or 1	2-5	6-15	16 or more	State	Local	All
Strongly Agree	16.0	18.2	19.4	24.5	20.2	18.0	19.1
Mostly Agree	5.3	14.3	11.3	9.4	10.6	9.9	10.1
Somewhat Agree	12.0	13.0	8.1	9.4	12.8	9.9	10.9
Neutral	20.0	18.2	21.0	20.8	20.2	19.9	19.9
Somewhat Disagree	13.3	20.8	21.0	9.4	12.8	18.0	16.5
Mostly Disagree	18.7	10.4	8.1	11.3	10.6	13.0	12.4
Strongly Disagree	14.7	5.2	11.3	15.1	12.8	11.2	11.2

These data were tabulated as a function of both arrest rate and department type; analysis of the latter variable was conducted because it seemed reasonable to hypothesize that local police might have more direct contact with the general public than state patrolmen.

No significant response differences were found. With very little variation across arrest rate or departmental categories, about 29% of respondents mostly or strongly agreed that the public would support increased enforcement, and about 24% mostly or strongly disagreed with this. Evidently, there is no clear consensus among patrolmen concerning the public's attitude for or against A/R arrests.

This issue was also addressed in the personal interviews, through the following two questions:

"How much support would you say the general public gives in this area to police enforcement of drunk driving?"

"Would you say that public support or lack of public support has had any effect on the number of drunk driving arrests the officers are making?"

In responding to the first question, about one-quarter of the officers interviewed stated that they were unable to guess what the public's views were on this issue, having personally seen no evidence of support or lack of support. However, it is of interest to note that not one respondent indicated that the public is opposed to A/R enforcement. A fair proportion of the interviewees believed that the public generally supports A/R arrests, although some qualified this ("The average guy is behind us as long as we don't stop him"). Several officers cited instances where motorists had called their attention to drunk drivers, and others mentioned that their departments had received letters from citizens urging strict A/R enforcement. However, most of those who expressed an opinion on this issue felt that the public generally is indifferent to A/R.

Answers to the second question were much more uniform. Very few respondents (perhaps 10%) believed that the public's attitude has any effect on their enforcement. The few who did feel that some effect resulted included some who believed that lack of public support deters arrests and some who felt that expressions of support increase arrests. Most, though, deny that their enforcement practices are in any way swayed by public opinion.

The personal interviews also addressed the issue of official support for A/R enforcement, through the following question:

"How about support from the local (or state) government? Has there been enough official backing of drunk driving enforcement?"

The general consensus was that the federal and state governments have demonstrated at least some support for A/R enforcement. Numerous officers pointed out that the legislatures recently had lowered the presumptive BAC limit to 0.10%, that bills have been introduced--but not passed--which call for mandatory jail sentences for A/R, and that various other "get tough" measures have been considered. Mention was also made of the public education campaigns that have been sponsored by the federal government and of the availability of federal and state funds for A/R training and chemical testing equipment. Two officers observed that this study was evidence of the federal government's concern in these matters.

It was equally clear that the majority of respondents do not feel that there is sufficient official support on the local level. Many pointed to the courts, and the practice of plea bargaining, to illustrate this view. Most importantly, there was no evidence that very many patrolmen feel that official support (or its absence) has any appreciable effect on their enforcement.

It appears, then, that neither public nor official opinion concerning A/R presently contributes any notable influence over the arrest/no-arrest decision. Most officers fail to sense either strong support or strong opposition among the public. While they do see evidence of governmental interest, it is generally not displayed on the local level, where it would presumably exert its greatest influence. We cannot therefore conclude whether increased public or official support would positively affect arrests. What is evident is that there is little communication regarding A/R between patrolmen and the public they serve or the agencies with which they interact.

To summarize the factors relating to the local environment, we have shown that departmental policies and procedures can either positively or negatively affect A/R enforcement. At the present time, no formal policy relating to A/R--apart from a general recognition of the requirement "to enforce the law"--can be said to exist at any of the departments surveyed. Insofar as patrolmen are concerned, policy rests with the supervisors; the majority of supervisors apparently

do not place much emphasis on the offense in question, and this is reflected in relatively low levels of enforcement. Arrest processing procedures have been clearly established at all departments. Where these procedures are complex and time-consuming the officers' attitudes and enforcement suffer; where they are relatively brief, higher rates of arrest generally result.

We believe that we have also demonstrated a relationship between A/R arrests and their disposition in court. There is fairly wide-spread dissatisfaction among police officers concerning plea bargaining and other practices which lead to relatively low conviction rates, and some officers are discouraged from making arrests because of this. However, it is encouraging to note that the enforcement practices of many patrolmen, and especially the "high" enforcers, are not substantially affected by their dissatisfaction with case dispositions.

Based on these findings, we conclude that it is essential to develop formal, written policies for A/R enforcement. These should include specific standards of performance relating to the patrolman's expected level of enforcement. We also believe it is necessary to adopt streamlined processing procedures that will minimize the time required to complete an A/R arrest. Finally, efforts should be undertaken to establish better communications between the police and the courts with a view toward ensuring that both apprehension and adjudication reflect a proper concern over A/R.

V. RECOMMENDATIONS

In this section, we suggest steps to be taken to treat the factors that have been found to affect the arrest/no arrest decision. Development of these steps in complete detail may require additional effort beyond the scope of this project. We have attempted to provide as much detail as possible to ensure that such future development proceeds in the proper direction. Certain of these recommendations may also have to be tailored to the particular needs of a given department or community, and we have tried to indicate how they might best be adapted to suit local requirements.

Our recommendations were derived from two key inputs. The first and more important of these were the factors themselves as described in previous sections. The second were suggestions elicited from patrolmen during personal interviews. It is worthwhile to summarize the patrolmen's suggestions before presenting the final recommendations.

Two questions served as the primary means of eliciting suggestions from the interviewees. These were:

"WHAT, IN GENERAL, WOULD YOU SAY SHOULD BE DONE TO ENCOURAGE OFFICERS TO MAKE MORE DRUNK DRIVING ARRESTS?"

"WHAT DO YOU THINK COULD BE DONE TO INCREASE THE NUMBER OF DRUNK DRIVING ARRESTS?"

The first of these was posed near the beginning of the interview, the second at the end. Because the personal interviews were relatively lengthy, two hours or more often elapsed between these two questions.

While not all patrolmen offered suggestions in response to these questions, most did--and many offered several. These are compiled below in the order of decreasing response frequency.

Establishment of Uniform Adjudication

Twenty-seven (27) responses were received that called for elimination of judicial discretion. These officers urged a cessation of plea bargaining and the perceived differential treatment by courts of "average" and "influential" citizens. They desire fair, uniform treatment of A/R defendants as a means of ensuring that their arrests will more often lead to convictions.

As noted previously, we must bear in mind that it is the "high" enforcers who most frequently take this view. The officers who are most concerned about the absence of uniform adjudication tend to be those who are best motivated to make A/R arrests. Nevertheless, this suggestion should be heeded to the maximum extent possible to ensure that their motivation remains high.

Revision of Penalties for A/R Violation

Seventeen (17) responses called for modification of the current penalties. However, there were two schools of thought. Eleven urged stricter penalties, including jail sentences, increased fines and sterner measures for habitual offenders. The extreme of this viewpoint was given by one officer who suggested enactment of a national A/R law, with adjudication in Federal courts. Six other responses called for reduction of penalties, at least for first offenders. Several officers urged establishment of drinking-driving rehabilitation programs to which a convicted A/R could be "sentenced" in lieu of existing penalties. One even called for total decriminalization of A/R, analogous to the recent trend toward decriminalization of the offense of public intoxication.

Provision of Improved Training for Patrolmen

Sixteen (16) responses were received that suggested improved and more extensive training is required. Most focused on training in the area of detection and investigation of suspected A/R's, i. e., the signs and symptoms of drunk driving and the proper techniques for conducting field sobriety tests. Several urged that training on the Breathalyzer and similar devices should be provided to all officers charged with traffic law enforcement. A few felt that additional instruction should be given concerning the "statistics" of highway fatalities as they relate to drunk-driving.

Only one respondent suggested that training should also address the misimpressions concerning the typical suspect's alcohol consumption currently held by many officers. Nevertheless, it is clearly an important item of information that should be conveyed to as many patrolmen as possible.

Provision of Special Equipment

Fifteen (15) responses dealt with the need for certain equipment to enhance A/R investigations and the construction of the "chain-of-evidence." Six urged development and dissemination of portable, accurate breath testing devices for use prior to arrest. In this way, any doubt concerning a suspect's "legal" intoxication could be dispelled. Nine called for employment of video tape to document the suspect's sobriety tests, attitude and general appearance. Such concrete evidence, they feel, would more strongly convey the merits of the case than would the officer's testimony.

We should note in passing that either or both of these suggestions might require enabling legislation before they could be implemented. However, no respondent specifically called for such legislation as a means of permitting pre-arrest breath testing or the use of video tape.

Revision of Arrest Processing Procedures

Thirteen (13) responses called for a major overhaul of the current procedures associated with an A/R arrest. Major emphasis was placed on the need to minimize the time element, but attention was also called to the voluminous-- and often redundant--paperwork resulting from an arrest. There was also some mention of the need to train patrolmen in the proper implementation of these procedures.

Provision of Additional Manpower

Ten (10) responses called for increasing the size of the department to obtain more man-hours of patrol and thus more arrests. Typically, this was cited by officers who offered no other suggestion, e. g., "if you want more arrests, you'll just have to put more men on the force."

Police departments are chronically understaffed, and this fact very likely does tend to depress the total number of arrests made for A/R or most other offenses. However, addition of more men--without any other changes--would not necessarily increase the number of arrests logged by any one officer, i. e., would not improve the average level of enforcement. However, if additional manpower were available for specialized assignment, improvement could be realized. This is addressed in the next suggestion to be discussed.

Establishment of Specialized Patrols

Eight (8) responses urged adoption of modified patrol assignments as a means of enhancing A/R enforcement. The most commonly mentioned technique would employ special squads of officers charged exclusively with A/R enforcement, although a few believed it would suffice to simply revise the duty shift hours to avoid shift termination during the peak time period.

We should also note that several of the officers who made this suggestion indicated they would not relish permanent assignment to such special squads. They pointed out that more frequent A/R arrests would result in more frequent appearances in court during off-duty hours. Also, permanent assignment to A/R enforcement would preclude their participation in the full range of police work, i. e., the assignment would eventually become monotonous and their motivation would suffer.

Provision of Increased Emphasis at the Departmental and Supervisory Level

Eight (8) responses suggested that their superiors must actively emphasize A/R if increased enforcement is to result. Several pointed out that there is no coherent, department-wide policy on A/R. As a result, officers feel they are "on their own," and so develop their own personal A/R enforcement "policy." Two respondents pointed out that existing standards of performance can actually deter A/R arrests. One officer, for example, stated that his supervisor expects him to make a certain number of traffic "contacts" per week (a "contact" may be the issuance of a citation for a moving vehicle violation, assisting a motorist in distress, an accident investigation, etc.). Should he make one or two A/R arrests, he will lose a good deal of patrol time because of the processing procedures, and as a result he may fail to perform to the standard. This officer suggested that the standards should be rewritten, e. g., to treat an A/R arrest as equal to 20 other "contacts."

It must also be reported that six respondents, including two of those calling for increased departmental emphasis, specifically urged that A/R arrest "quotas" not be established.

Acquisition of Increased Public Support

Five (5) responses urged that steps be taken to acquire better public support for A/R enforcement. These officers feel that, while recent public education campaigns have generally helped, even more information concerning A/R and its effects must be disseminated. One respondent voiced the opinion that recent public education campaigns have been misdirected; by concentrating on the "problem drinker," he felt these programs have led the typical drinking-driver to believe that "it's the other guy" who violates the law.

Legislative Revisions

Three (3) responses called for changes in legislation to make post-arrest chemical tests mandatory. One of these officers also urged that "per se" laws be enacted, i. e., to make 0.10% BAC an absolute, rather than presumptive, limit.

In response to our findings and these suggestions, recommendations are developed in the following topical areas:

- . Enforcement Policy
- . Enforcement Procedures
- . Police Personnel Training

- . Adjudication System
- . Legislation

Each of these is discussed below.

A. Development and Implementation of Enforcement Policy

It is fair to say that there presently exists no formal policy at the sites surveyed that relates specifically to A/R. Policy has been established in other, broader areas in some cases, e.g., for general traffic law enforcement. In some instances, supervisors have taken the initiative of implementing an A/R policy informally. But, patrolmen have been given little formal guidance concerning the relative priority they should devote to this offense; it remains a matter for their own interpretation, and their interpretations vary widely.

If A/R enforcement is considered a high priority item, we conclude that establishment and implementation of a formal A/R policy is an essential and fundamental prerequisite for improved enforcement.

Absence of a specific formal or informal policy regarding A/R enforcement implies either complacency or assignment of a low priority, neither of which encourages enforcement. It is recognized that in some areas A/R enforcement cannot receive highest priority, e.g., areas which have a high crime rate. However, in areas where A/R enforcement is considered to be a high priority item, the Departments must provide clear direction to their men and itemize their expectations, if A/R is to receive the attention it deserves.

While it has been demonstrated that there are a variety of interrelated factors that influence discretion in A/R investigation, none is more fundamental than the priority the Department assigns to this area as expressed through its policy. For example, an individual may be a "high A/R enforcer" who exercises very little discretion because of his knowledge, skill, attitude, etc. However, if the Department deemphasizes A/R enforcement either explicitly or implicitly through formal or informal policy, then the officer has no choice. He must conform and deemphasize A/R enforcement, regardless of his motivation, knowledge and skill. If, on the other hand, the A/R enforcement policy is positive and clearly stated effectiveness will be a function of many other factors.

To repeat, A/R policy is a fundamental and essential prerequisite for improved enforcement. Without an explicit Departmental commitment to a high level of A/R enforcement, it is more or less useless to address the other factors which influence police officer discretion in an A/R investigation.

The key elements we feel are required of a coherent policy are set forth below.

1. Establishment of Standards of Performance

Standards of performance should serve two purposes. First, they should provide supervisors and commanders with a means of evaluating the "productivity" of their subordinates. Second, they should explicitly define for patrolmen exactly what they are to accomplish in order to maintain a satisfactory performance rating. Standards must be quantitatively expressed if they are to serve these ends. For example, it would be totally inappropriate to formulate a standard that simply calls for the patrolman to "arrest every A/R you see." This could not be used for evaluation of his performance, since the supervisor would have no way of telling how many suspects were observed; it would provide no guidance to the patrolman, since it would tell him nothing concerning how hard he is expected to look for A/Rs. A standard such as "make more A/R arrests" would be slightly better, but still insufficient. The patrolman would at least recognize that he is expected to devote increased attention to A/R; but, neither he nor his supervisor could determine how many arrests constitute "more."

One difficulty seems to be that, in the minds of many supervisors and patrolmen, quantitative standards imply arrest quotas. But this need not be the case. Standards can be quantified while retaining flexibility, e.g., by taking into account the patrol hours and locations assigned and the levels of other enforcement activities logged. Further, the standards need not directly address the number of arrests; they could instead focus on the number of traffic contacts to be made, in the expectation that increased contacts will foster increased arrests.

The following are some examples of quantitative standards that could be incorporated into policy relating to A/R:

- . Establish requirement for a minimum number of traffic "contacts" per unit time (week, quarter, etc.), with "weighted" values for specific offenses, including A/R. For example, an A/Rs could be assigned a value of "5", a speeding ticket "2", etc. Such standard would provide clear definition of the relative emphasis to be devoted to each offense.

- . If portable breath testing devices are to be used for A/R investigations, establish a requirement for a minimum number of tests per unit time. Procedures, of course, should be defined to determine the situations in which such tests are to be administered. This standard would help ensure that borderline cases receive the attention they warrant. In order to evaluate an officer's performance relative to this standard, it would be necessary that all test results be reported to supervisors.

- Establish a requirement for a "target" number of A/R arrests per unit time, adjusted for patrol locations and times. This standard would help ensure that high-incidence A/R places and periods receive intensive surveillance.
- Establish a requirement for an x% increase in the number of A/R arrests that individuals, units, Divisions and/or Departments make per unit of time.
- Establish a requirement that the department maintain at least some minimum ratio of A/R arrests to Alcohol-involved accidents. This would directly relate enforcement to its intended deterrent effects, i. e., if accident frequency increases, so would surveillance and arrests.

In developing a standard, using any of the above methods, care must be taken in determining what is a fair and reasonable number to use for contacts, total arrests percent increase, etc. If such numbers are above what can be achieved, the patrolman will be discouraged and tend to ignore the targets as being unreasonable. If the numbers are too low and easily achieved, they will fail to accomplish the goal of improved A/R enforcement since only a small proportion of the potential arrests will be made.

As in industry or education, norms or performance distributions can be developed by measuring the past A/R arrest performance of patrolmen in the Department or, if that is not representative of "reasonable expectations," determine the performance achieved in other Departments in which circumstances are essentially similar. Industry utilizes such an approach in establishing production standards; educators frequently grade performance by "marking on the curve." Needless to say, such standards must be adjusted to account for differences in priorities and exposure as a function of time and duty assignment.

Each Department should adopt the standards that are best suited to its needs. Whatever form these standards take, they should be quantitative, amenable to evaluation, and well known to all members of the Department. Ideally they should be committed to writing. At the very minimum they should be communicated verbally to the patrolman by his supervisor in a manner which reflects a strong emphasis on A/R enforcement. The patrolman should realize that part of his performance rating will be based on, among other things, his level of A/R enforcement activity. Further, Departmental emphasis on A/R enforcement should be constantly reinforced to avoid having it appear to be a temporary measure to satisfy some immediate need or desire.

Quantitative standards for traffic law enforcement of course are not a new idea. But, though they have long been employed, they have not necessarily always been properly developed or directed; i. e., in isolated instances standards may have been used primarily to generate a steady source of revenue rather than to ensure that proper emphasis is placed on real enforcement needs. Such malpractices have created

distaste among patrolmen and the motoring public for anything that resembles quotas. But, we should not permit the occasional misuse of standards to prevent their proper application. NHTSA's Police Traffic Services Handbook for Governor's Highway Safety Representatives * addresses this point as follows: "Notwithstanding occasional invidious comments from the public about 'quotas' and the 'numbers game', the quantitative measurement of traffic citation activity is properly a concern of traffic officer supervisors.... It is reasonable and necessary to look at each officer's productivity and to make comparisons with norms.... Cynicism at the operating level will be minimized wherever traffic law enforcement policies are oriented toward safety and service to the public." We believe that these observations are particularly pertinent to A/R enforcement activities.

2. Establishment of an A/R Enforcement Information System

A formal A/R policy will be of little value unless steps are taken to ensure that it is adhered to. That is, a system for assessing policy needs and evaluating policy implementation must be constructed. This system will require information that will permit police commanders and supervisors to:

- Identify critical-incidence times and locations to determine the most appropriate allocation of resources.
- Establish performance standards for A/R enforcement activity.
- Evaluate the performance of subordinates relative to established standards.
- Monitor enforcement activities to determine influencing factors that should be counteracted.

In constructing such a system, the department must first identify all data required to serve the above and other information needs. Procedures for obtaining those data must be established, and provision must be made for storage, processing, and retrieval. The key point to keep in mind is that an information system is only as good as the data it contains and the personnel who operate it. If certain data essential to an administrative decision have not been collected and stored, the system cannot possibly aid the formulation of that decision, and such "gaps" undoubtedly will occur unless key personnel have been thoroughly trained in the construction and operation of information systems. As an essential first step, then, we recommend that NHTSA or other cognizant agencies undertake the development of guidelines for an A/R information system and a program for instruction of the personnel who will man these systems.

*Highway Safety Division, International Association of Chiefs of Police; Contract DOT-HS-036-2-404

Each A/R information system naturally must be tailored to the needs of the specific department. Thus, the total set of required data may vary somewhat from one location to another. However, a minimum set of data should certainly be common to all systems. We believe these data would include:

Comprehensive Record of each A/R Arrest. This would include an indication of the time and location of the arrest and the officer involved, together with descriptive information on the suspect (race, age, sex, etc.); descriptive information on the incident should also be included, e.g., the weather conditions, presence of passengers, accident involvement, type, and severity, etc.; finally, the results of chemical tests should be recorded.

Record of the Disposition of each A/R Case. This file should be cross-referenced to the arrest records discussed above. It would include the final outcome of the case (A/R conviction, acquittal, nolle prosequi, conviction on reduced charge, etc.), together with an indication of the prosecutor and judge involved.

These data would enable the system to disclose the case types and circumstances that foster problems in adjudication. This would facilitate discussion between police and judicial personnel aimed at mutual resolution of these problems. The data could also be employed to identify additional training needs or procedural modifications to enhance the quality of arrests involving particular circumstances to ensure a higher rate of conviction.

Records of Key Types of Motor Vehicle Accidents. One of the primary purposes of A/R enforcement is to reduce the incidence of highway accidents that involve alcohol. Records of these accidents, including their times and locations, provide means of determining the appropriate allocation of patrol resources and of assessing the ultimate effectiveness of the enforcement effort. Naturally, it is extremely difficult--if not impossible--to obtain complete records on all alcohol-involved accidents; some go unreported, and in others an accurate determination of alcohol-involvement cannot be made for various reasons. However, quite accurate records generally can be compiled for two key types of crashes:

- Accidents in which a fatally-injured driver was found to have been drinking.
- Single-vehicle, injury-producing, nighttime accidents.

The first category represents a measurable subset of alcohol-involved crashes; the second is a category which research has shown to include a high percentage (50% or more) of alcohol involvement.

The preceding are representative of the primary types of data required to plan, implement and evaluate an improved A/R enforcement operation. Raw data alone, however, do not provide the information necessary for management decisions. The data must be reduced, organized, analyzed and interpreted properly to serve as meaningful inputs to the management decision process. Entire manuals and books have been devoted to analyses and evaluation of community action projects, e.g., ASAP's. Such detail is beyond the scope of this study. Suffice it to say that, as the information system is only as good as the data it contains, the validity of the findings, conclusions and recommendations developed from the data is correlated with the capabilities of the individuals in the areas of data collection, analyses and interpretation.

Fortunately, much of the A/R management information system requirements can be developed and specified quite clearly using the extensive experience gained through the ASAP's. As indicated previously, it is recommended that NHTSA undertake the development of guidelines for an ASAP management information system. Such guidelines are essential in view of the fact that some departments may be inexperienced in the areas of data collection, analyses and interpretation. Such guidelines should be as specific as possible in indicating what data should be collected when and where, what analyses should be performed and how data should be interpreted.

Without an A/R management information system and guidelines for producing valid and reliable information, command and supervisory personnel have no objective method for assessing the seriousness of the A/R problem, where and when increased enforcement is required, the effectiveness of the efforts undertaken and the performance of individuals or groups. As a consequence, management decisions may appear to be arbitrary and negatively influence an individual patrolman's discretion when conducting an A/R investigation.

3. Formulation of Policy to Address Specific Problem Areas

A general policy on A/R enforcement, incorporating clear standards of performance and an efficient information system, should greatly assist treatment of the factors identified in this study. However, specific policy directives should also be developed that focus directly on certain key factors. For example, each department should develop policies that unambiguously communicate:

- Its concern over, and opposition to, the selection by patrolmen of alternatives to A/R arrests.
- Its commitment to support the patrolmen's arrest of A/R suspects who are prominent members of the community.
- Its desire that the arrest take place whenever there are reasonable grounds to conclude that the suspect is "under the influence", or exhibits a BAC at or above the statutory level, even if the suspect does not appear grossly intoxicated.

Again, these specific policy requirements would not be satisfied by a simple directive to "arrest all A/Rs". Rather, the policy must clearly spell out steps to be taken or avoided. For example:

"Under no circumstance will an officer release into the custody of a third party a suspect believed to be under the influence of alcohol. No attempt will be made to arrange 'safe transport' for such suspect in lieu of arrest."

"No suspect believed to be under the influence of alcohol will be afforded 'special treatment' because of his social, political, or other prominence."

Departments should adopt policies similar to these to demonstrate their keen interest in A/R enforcement and to ensure that their men know precisely what is expected of them. All ranks should be encouraged to offer suggestions concerning policy, and in particular to suggest circumstances where specific guidelines are required.

B. Specific Enforcement Procedures

Procedures were found to have an important effect on A/R decisions. At several sites, processing procedures proved quite complex, and induced or increased reluctance to make the arrest. At virtually all sites, manpower assignment and scheduling procedures were not optimally designed for A/R enforcement. Finally, suspect investigation procedures were found to be neither standardized nor well suited to their purpose.

We conclude that improvements must be made in all three procedural areas. Our thrust should be to facilitate the task of A/R enforcement, both to encourage patrolmen to make the arrest and to conserve as much valuable patrol time as possible. To this end, we offer the recommendations given below.

1. Establishment of Efficient Arrest Processing

Time-consuming procedures for processing arrests contribute one of the strongest negative influences on A/R enforcement. Such procedures not only magnify reluctance to arrest, but also seriously depress the maximum number of arrests that any patrolmen could possibly make: at many sites, a single A/R arrest will remove a patrolman from his beat for nearly half of his shift. If a high level of A/R enforcement is to be maintained, lengthy processing procedures cannot be tolerated.

We have found that lengthy processing arises from two major procedural elements:

The involvement of the arresting officer in all steps associated with "booking" the suspect up to the moment of incarceration.

A requirement that the arresting officer complete voluminous, and often redundant, paperwork.

We believe that the arresting officer's requirements relative to these two elements could be substantially reduced. First, we suggest that all moderate-to-large sized departments should assign one or more men to full-time A/R processing duties, at least during evening and late night shifts. Arresting officers could "hand over" their suspects to these personnel, thus minimizing the loss of valuable patrol time. Smaller departments might be able to provide this service on a part-time basis, e.g., on weekend nights and other periods of high BAC incidence. Personnel assigned to A/R processing should be certified Breath Examiner Specialists (Breath Technicians).

Admittedly, full-time A/R processing would be a relatively tedious and sometimes hazardous or distasteful duty. For this reason, we suggest that any particular officer should serve in this capacity only for relatively brief stretches of time (e.g., one or two weeks) before being rotated to other duties. Alternatively, officers might serve in this role on a (voluntary) overtime basis, and receive appropriate incentive compensation for this service.

As a second recommendation, we suggest that processing forms be extensively revised. The arresting officer should be required to complete a minimum number of reports, specifically standardized to an A/R arrest, to document the fact that he arrested the specified suspect at the indicated time and location. This report should require an absolute minimum of narrative information; rather, a "check-off" format should be used whenever possible. In particular, the officer should not be required to file formal citations for other moving vehicle violations incidental to the arrest, although a section of the A/R arrest report could be devoted to these companion violations. In effect, the recommended A/R arrest report would be analogous to the standard traffic "ticket" used for other offenses--and should require an equivalent time for completion.

2. Manpower Scheduling and Assignment

The manner in which duty tours are scheduled and the duty assignments of personnel have been shown to effect the discretion and the A/R arrest rate of officers.

a. Manpower Scheduling

Near the end of a duty shift, A/R investigations decrease substantially. This is particularly true in Departments that have adopted relatively time consuming procedures for processing A/R arrests. This fact has an especially important effect on the arrest/no arrest decision since the evening shift typically terminates during one of the peak A/R time periods.

The underlying reason for this decrease in A/R investigations near the end of a duty shift is obvious and stems mainly from the long processing procedures which were addressed in the preceding section. Reducing the time to process an A/R suspect will no doubt decrease, but not necessarily eliminate, the reluctance to arrest a suspect near the end-of-shift.

Obviously, modifying the time a duty tour starts and ends so that it does not correspond with peak A/R time periods would minimize the effect of reluctance to arrest at the end of a duty shift. For example, duty tours such as 12 noon - 8 PM, 8 PM - 4 AM and 4 AM - 12 noon would include the peak A/R period during one shift (8 PM - 4 AM). We recognize the administrative, personal and other problems created by modification of the traditional duty tour, particularly the one suggested above. Perhaps such problems could be minimized by simply shifting the start and end times one or two hours forward or back. This would reduce the effect of reluctance to arrest at the end of duty tour, but probably not as much as the above suggested change. Another approach might be to modify the start and end times for only the Traffic Division and/or only on the days of the week when A/R peaks, e.g., weekends. While reduced processing time should minimize the problem of reluctance to arrest at the end of a duty tour, it is recommended that Departments also explore the feasibility of modifying the start and end times of duty tours.

b. Manpower Assignment

There is one opportunity for establishing duty tours to maximize A/R enforcement and that is in the case of specialized squads whose sole responsibility is A/R enforcement. The survey indicated that patrolmen assigned to traffic divisions produce higher arrest rates than those charged with general patrol duties. Special A/R enforcement teams, such as those employed by the ASAP's, no doubt can produce still higher arrest rates.

A/R warrants considerable enforcement emphasis and dedicated units can help fulfill this need. If properly implemented, specialized squads can also serve as a vehicle for providing valuable A/R enforcement experience to a large proportion of a Department's personnel.

Specifically, it is recommended that, in areas where the A/R problem is great and resources permit, Special Enforcement Teams (SET) be established to concentrate solely on the detection, identification and apprehension of A/R violators. The number, size and scheduling of SET's would of course be dependent upon the perceived magnitude of the problem relative to other law enforcement needs, and, probably most important, the Departmental resources which can be devoted to the problem.

Ideally, the size of the SET should be sufficient to produce a "significant" increase in the number of A/R arrests a Department makes per some unit of time. For example, it would be useless to divert Departmental resources to support a SET if the resultant number of A/R arrests remained constant or increased only slightly either because the regular patrol was reduced to man the SET or the regular patrol decreased its A/R enforcement activity, assuming that it was the responsibility of the SET.

What constitutes a "significant" increase is difficult to say. The ideal and ultimate measure of effectiveness of increased A/R enforcement is, of course, the number of alcohol related traffic events in the community, i.e., fatalities, injuries, violations, etc. An effective enforcement effort should reduce the number of alcohol related traffic events. Another criterion to measure the effectiveness of A/R enforcement efforts is the average BAC of individuals arrested for A/R. An increase in A/R arrests and a reduction in mean BAC of those arrested indicates that more borderline cases are being detected and apprehended.

Thus, the size of the SET must be sufficient to not only increase A/R arrests significantly, but also demonstrate positive impact on alcohol related traffic events. Each Department must determine the optimum size of its SET based on the magnitude of the A/R problem and the resources it can devote to combating the problem. Should it be determined that a SET of sufficient size to have an impact can be supported by the Department, several steps are recommended.

First, members of the SET should receive special training in A/R detection and apprehension. Comprehensive A/R training requirements are described in Subsection C of the report. SET personnel should be provided with training in all areas specified to the maximum depth possible.

Second, the matter of scheduling tours so that start and end times do not coincide with peak A/R periods has been discussed at length. It is particularly applicable to the SET and, since the SET would be a relatively small specialized group of patrolmen, it might prove easier to modify their duty tours. In some cases, the modified duty tour might even serve as an inducement to volunteer for this special duty. Lastly, with regard to scheduling, limited resources might preclude fielding SET's 24 hours a day, 7 days a week. Accordingly, the time of day and perhaps even the days of the week that the SET is on duty should coincide with the peak A/R periods, e.g., the night shift and the weekends.

The number of men per SET unit must also be determined. One man per car, has the advantage of maximizing the surveillance and, perhaps, deterrence capability of a limited manpower/equipment resource. However, it also may create problems after an arrest is made in terms of obtaining a second officer to dispose of the suspect's car and/or accompany the arresting officer and the suspect--depending upon local arresting procedures. Two officers per unit reduce the surveillance and deterrence capability of limited manpower resources but partially circumvent the above mentioned problems. Two man SET's also provide an opportunity for rotating regular patrolmen through the SET. For example, half of the SET could be composed of a more or less permanent cadre of selected "high enforcers" and the other half would be regular patrolmen who rotated through the SET on a periodic basis. This should improve the capabilities of the regular patrolman in the area of A/R enforcement by providing him with on-the-job training under a specialist. Further, it would reduce the possible effects of boredom and loss of motivation which may result from having a single specialized assignment over a long period of time--particularly since it is related to traffic rather than criminal law enforcement.

With regard to the latter point, as it applies to the "permanent" cadre of SET personnel, periodic rotation should be considered to counteract possible boredom and loss of motivation. However, it should probably be done on an individual basis to avoid losing a "high enforcer" who maintains his performance and wishes to continue in the assignment.

Selection of personnel for assignment to the SET is an important factor in ensuring performance. Policies, procedures, scheduling, etc., may be optimum. However, if the individual is not motivated for one reason or another, performance is bound to suffer. Individual motivation is a function of many factors and is not static. Many of the factors are external to the individual (lack of training, court disposition record, Departmental policy, etc.), can be modified to produce a positive effect on motivation and, therefore, do not enter into consideration during the selection process. Basic characteristics of an individual which can be considered in selecting personnel for the SET are past performance, age and personal use of alcohol.

Clearly, the first consideration in assessing a patrolman's qualifications for SET assignment is his past performance in A/R enforcement. If he has logged a high rate of arrests, it is likely that he will continue to do so, especially if he is freed of other duties and if appropriate policies and procedures are established. The second consideration, we feel, is his personal use of alcohol--there is no need to restrict SET assignment to teetotalers, but neither should we overlook the fact that officers who drink frequently and/or relatively heavily generally are "low" A/R enforcers. Lastly, the officer's age is another factor to consider. While it would be inappropriate to staff the SET with inexperienced officers, we should recognize that younger patrolmen tend to have a more positive attitude toward A/R enforcement.

We should note that these same considerations apply to selection of SET supervisors. It is also crucially important that the supervisors have the respect of their men, and the leadership qualities that earn this respect. Most especially SET supervisors should be selected from those squad leaders who have a proven record of "going to bat" for their subordinates.

The purpose or mission of the SET and the implications for strategy and tactics must be considered. True the primary mission of the SET is to remove the drunk driver from the road. However, should a Department emphasize increasing the number of arrests, the deterrent value of the SET or some combination of both? Should this be accomplished through overt or covert surveillance? Should the Department introduce a procedure whereby members of the SET warn obviously intoxicated individuals, who are approaching their cars, not to drive? (Another method of keeping them off the road.) Should the SET have easily identifiable cars, e.g., marked Alcohol Safety Patrol, to alert the public and thereby serve as a deterrent? Should the SET units patrol individually or in "wolf packs" to increase the apparent number of units in the SET? Should the SET be deployed to specific locations where there is a high incidence of drinking or place under general surveillance roads leading to and from such locations? The preceding and other questions must be considered in developing strategies and tactics. However, the answers must be tailored to the unique characteristics of the community, the nature and magnitude of the A/R problem and the resources available to combat the problem. No standard solution exists nor is any one solution applicable at all times. Strategy and tactics will differ from one Department to another and will change within a Department as a function of current circumstances. Management and supervisory personnel must develop suitable tactics and be alert to the requirement to monitor, evaluate and change tactics--all of which support the need for an A/R management information system.

Regardless of whether a Department is able to field a SET the same considerations regarding strategy and tactics are applicable to the regular highway patrol or traffic division. In other words, regular patrols should be deployed to maximize surveillance at high A/R incidence locations and during peak A/R times. Further, when so deployed, the patrol should be aware of the tactics considered appropriate for the time and location, e.g., covert vs. overt surveillance, one unit vs. "wolf pack," warnings vs. arrests, general vs. specific surveillance of an area, etc. Although not a SET, the highway patrol's or traffic division's primary responsibility is traffic law enforcement and certainly A/R enforcement is one of, if not the most, important aspect of traffic law enforcement considering the number of alcohol related highway fatalities.

3. Suspect Investigation Procedures

There appears to be a need to improve techniques and procedures for investigating A/R suspects. On the one hand, we have shown that a suspect's apparent degree of intoxication affects the arrest/no arrest decision, in that many officers admit reluctance to arrest a driver who seems only "slightly" intoxicated.

On the other hand, we have found that the standard sobriety tests (finger to nose, walking the line, reciting the alphabet, etc.) very often are not employed in A/R investigations. The implication, we believe, is that patrolmen do not fully trust the value of these tests. Our data suggest that these tests more often are conducted in a proforma manner after reasonable grounds for arrest have been established, rather than to aid in the establishment of reasonable grounds. Thus, A/R investigations rely heavily on the suspect's general appearance of intoxication--in the absence of clear symptoms of intoxication, i. e., in borderline cases, there may be no true investigation. A/R enforcement, then, seems based upon overly conservative investigations: patrolmen look for overwhelming, rather than sufficient, evidence before making the arrest.

In part, this situation may be due to insufficient training in the use of standard sobriety tests. However, we feel that even more fundamental reasons may apply. In particular, to our knowledge the validity and reliability of the standard sobriety tests have never been determined under controlled conditions. That is, their ability to distinguish between persons whose BACs are above or below the presumptive limit has not been conclusively demonstrated. We should also observe that these tests were first developed and employed when BAC limits were undefined or set considerably higher than they are at present. It is possible that some or most of these tests are totally unsuited to the 0.10% statutory level.

As a first step, we recommend that formal, controlled research be conducted to assess the reliability of these time-honored tests and, concurrently, to develop and evaluate new tests. Any that are found to reliably and repeatedly differentiate between individuals below and above the presumptive limit should be adopted for use in every A/R investigation. Conversely, any that are found to lead to erroneous conclusions concerning the individual's sobriety should be discarded.

We believe that this recommendation, if implemented, can produce a valuable set of investigation tools that will be both better accepted and more widely used by patrolmen. However, we should bear in mind that all such sobriety tests are basically subjective in nature. In all probability, they will never be 100% reliable, nor will their results always be unequivocal. We therefore believe that more objective investigative tools are also required. In this context, we urge continued development and testing of portable breath testing (PBT) apparatus. Breath alcohol screening devices, if accurate and reliable, would provide preliminary measurements of BAC and reduce the officer's dependence on the subjective symptoms of impairment. To date, prototype PBTs have been developed by several private firms and governmental agencies--some of these have been put to use by police departments on an experimental or limited basis. While this study did not provide an opportunity to assess any data on these instruments, development and mass production of an acceptably accurate PBT seems well within the state-of-the-art. To be sure,

employment of PBTs will create additional requirements for training and legislative revisions (both of which are discussed subsequently) and may have to await resolution of constitutional issues. But, such instruments offer vast improvement of A/R investigation and every attempt should be made to ensure their availability and use.

One other procedure that should be considered in this context concerns the use of video tape equipment to record A/R investigations. As reported earlier several officers interviewed in this study suggested that this approach be taken. A visual record theoretically could be of great value during adjudication of the case, e. g., by presenting a complete description of the arrest scene, by documenting the results of sobriety tests, etc. Also, the tape presumably would show a completely different appearance of the defendant than that which he displays in court, and so might overcome any sympathy the judge or jury might tend to feel for him.

None of the departments surveyed in this study employed video taping in this role, so we cannot formulate any conclusive recommendations for or against its use. However, many law enforcement agencies--particularly those associated with ASAPs--have tried this technique. We suggest that these departments be surveyed to determine what success, if any, they have had with this approach, and whether it should be adopted more widely.

C. Training of Police Personnel

Our recommendations concerning policies and procedures are intended to set the stage for increased A/R enforcement. If implemented, they will help to create the desired departmental emphasis on this offense and facilitate the investigation/arrest process. However, the ultimate responsibility for A/R enforcement rests with the individual members of the force. Policies and procedures can do no more than remove the impediments to this task...they cannot do the job by themselves. Police commanders, supervisors, and patrolmen must understand the task at hand, know precisely what is expected of them, and possess the skills required to meet these expectations. Only through training can we ensure the availability of the necessary knowledge and skill.

Our suggestions for training address specific areas where knowledge and/or skills were found to be lacking, or where particular programs of instruction were found to benefit the level of enforcement.

1. Instruction in the Relationship Between Alcohol Consumption Quantity and Legal and Physical Impairment

Current misconceptions among patrolmen as to the quantity of alcohol consumed by the typical A/R suspect contribute to a tendency to sympathize with those suspects and seek alternatives to arrest. Further, the fact that many patrolmen grossly underestimate the quantity that must be consumed to produce a BAC of 0.10% degrades their appreciation of the presumptive limit.

These misconceptions must be corrected if we expect to create the proper attitude toward A/R and its enforcement. To this end, we recommend the following steps:

Controlled drinking demonstrations

Police personnel (patrolmen, supervisors, and commanders) should have an opportunity to observe formal controlled drinking demonstrations. These would enlist the services of volunteers who would imbibe carefully-measured quantities of alcohol and submit to chemical and psychomotor tests of intoxication. Volunteers should be selected who represent a range of drinking behavior (light, moderate, heavy drinkers).

The total amount of alcohol to be consumed by the volunteer should be apportioned among three or four drinks, to be ingested over a two to three hours period. This will permit the observers to note the consumption quantity associated with increasing levels of BAC and the degradation of psychomotor faculties that occur at those levels.

Subsequent to each drink, the volunteer's BAC could be measured, and tests of his reaction time, motor coordination, etc. could be conducted. Also, the volunteer could be requested to perform the standard sobriety tests designed for A/R investigations.

The primary purpose of these demonstrations would be to clearly show that attainment of the statutory limit of BAC requires consumption of an appreciable quantity of alcohol. As a secondary objective, they would convey the fact that psychomotor performance is indeed markedly impaired at that limit, notwithstanding the fact that the volunteer may not exhibit the appearance of gross intoxication.

These demonstrations could be conducted "live," in which case the observers could be permitted to practice A/R investigation techniques. Alternatively, filmed or video-taped demonstrations would ensure standardization of training and would permit time savings (i. e., the periods during which the volunteers consume their drinks and observe a 15 to 20 minute delay to allow for dissipation of residual mouth alcohol need not be filmed).

Controlled drinking participation

Police personnel should also have an opportunity to participate as volunteers in controlled drinking demonstrations. In this way, they could experience the subjective reactions associated with the various levels of BAC. Participating officers would not necessarily have to consume a quantity of alcohol sufficient to produce a BAC of 0.10%, since many would experience subjective feelings of impairment at lower levels.

As an instructional tool, this participation would serve two ends. First, the point would be made that alcohol consumption quantities typical of social drinking situations generally produce BACs well below the statutory limit. In particular, most participants will learn that their own usual consumption falls far short of that of their suspects. Second, the participants will see that subjective impairment begins well before the legal limit is reached.

In addition to the above formal programs of instruction, we recommend dissemination to police personnel of various reference material relating to the relationship between alcohol consumption and impairment. These might include tables, charts, slide rules, etc. that relate BAC to such variables as body weight, quantity of alcohol consumed, time spent drinking, etc. However, we should emphasize that such reference materials would be intended to augment, not supplant, controlled drinking demonstrations.

The type of instructional programs outlined above should help to remove any lingering doubts an officer has concerning the fairness of A/R laws. It should also dispel the "there but for the grace of God go I" attitude which many officers consciously or unconsciously hold when they encounter an A/R suspect.

2. Instruction in the Theory and Operation of Breath Testing Equipment

The reader will recall that special training in A/R enforcement was found to have a significant, positive affect on arrests, and that this training consisted primarily of instruction in the operation of breath testing apparatus. In part, this effect may be due to the fact that breath examiner specialist (BES) courses often include participation in controlled drinking demonstrations similar to those suggested above. However, it is likely that at least some of this positive effect is attributable to the fact that BES training better acquaints an officer with the "total system" of A/R enforcement. Through this training, his viewpoint broadens beyond the initial act of apprehension, and he acquires a greater appreciation of one of the key elements of evidence, the processes through which it is collected, and the role it plays in the ultimate adjudication of the case. In short, BES training affords a better understanding of the overall enforcement process, and with this understanding generally comes increased motivation.

As a general recommendation, we urge that BES training be provided to as many patrolmen and supervisors as possible. We recognize that most departments could afford neither the expense nor the man-hours that would be required to send their entire staffs to formal BES courses. As a minimum, however, we believe that the following guidelines should be adopted in determining the breadth of BES training required by any department:

Such training should be provided to -

- All members of special squads or units devoted exclusively or primarily to A/R enforcement
- All traffic division supervisors
- At least 20% of traffic division patrolmen
- For those departments having no separate traffic division, at least 10% of supervisors and patrolmen assigned to general patrol activities

Further, we recommend that each precinct or district within any department should have at least two qualified BESs on duty during every shift. These men need not necessarily be assigned exclusively to that duty, but should be available for suspect processing on an as-needed basis.

The above recommendations apply to the provision of formal BES training, which usually requires completion of an instructional program of 40 plus hours duration. We further suggest that every department conduct breath testing familiarization seminars for all supervisors and patrolmen who play any role in traffic law enforcement. These would not be intended to satisfy the prerequisites for BES certification, but rather to provide a "working knowledge" of the theory and operation of the breath testing device(s). These seminars should be conducted by a certified BES, and could be conducted over the course of several roll-call briefings or during regularly-scheduled in-service training.

The major objectives behind this recommendation are three-fold:

- To provide the full understanding of the total A/R enforcement system to as many as possible of the men responsible for that enforcement
- To ensure that each department provides a sufficient number of qualified BESs to process suspects without delay
- To emphasize the attention the department expects its men to devote to A/R

3. Instruction in Detection and Investigation Techniques

The preceding two recommendations are intended to foster the proper attitude toward A/R among law enforcement personnel. The proper attitude is essential, but, by itself, will not suffice to ensure that the desired level of enforcement is achieved. It is equally essential that patrolmen acquire the skills and knowledge required for efficient detection and investigation of suspects. A desire to arrest A/R suspects will bear little fruit unless the officer knows where and how to find them.

We noted earlier in this report that A/R detection at the present time relies almost exclusively on the observation of other moving vehicle violations or accident investigations. In part, this stems from a perceived need for a "lead-in" charge to justify the A/R investigation when testifying in court, but it also indicates that there is little current emphasis on detection of A/R per se. The supposition seems to be that A/Rs will drive erratically, and that they can be detected simply as a by-product of the run-of-the-mill traffic "contacts."

We believe, as do many "high" enforcers, that A/Rs exhibit symptoms of their impairment that are more subtle than these independent moving vehicle violations. For example, a driver may display his impairment by over-correcting his steering when cornering, weaving slightly within his traffic lane, varying his speed (within the posted limits), etc. Other indications of A/R can include the

driver's general appearance (assuming the officer can observe this while the suspect vehicle is in motion) and various behavioral oddities (e.g., driving with the windows down in cold weather, failure to dim headlights for approaching traffic, etc.). Patrolmen should be trained to recognize these and other subtle symptoms, to pursue suspect vehicles when these symptoms are noted, and to be willing to conduct investigations on the basis of these symptoms. Some might argue that this recommendation would lead to harassment of innocent motorists. However, we are not suggesting that A/R investigations should take place randomly or capriciously, but rather that officers should be on the alert for the "early warning signs" of the offense. In short, we recommend training designed to produce alert, aggressive surveillance of possible A/Rs, not overbearing or groundless enforcement actions.

Training in A/R detection should also stress the particular problems faced during foul weather and other hazardous driving conditions. The need for increased attention to A/R during these times should be emphasized, as should the fact that the traditional "gross" symptoms of A/R may be masked by the general increase in "bad" driving that occurs under those conditions.

Instruction in investigation techniques, given that detection has occurred, is also required. As we have noted earlier, many officers apparently fail to make full use of roadside sobriety tests, and often have little faith in the reliability of these tests. Standardized training in the conduct of tests of proven reliability and the proper interpretation of their results should help to ensure that investigations will more often lead to accurate assessment of the grounds for A/R arrest.

We also recommend that training programs be developed to instruct patrolmen in the operation of portable breath testing devices. We believe that the magnitude of the A/R problem warrants the use of such devices for investigation purposes. We subsequently will present recommendations to ensure their full utilization.

A particularly important requirement for training in A/R investigation concerns the elements of the offense, i. e., the facts that must be established if conviction is to result. These elements may vary from one state to another, in accordance with the specific wording of the laws, but they generally require that the prosecution prove:

- . that the defendant was "operating" the vehicle;
- . that the offense took place at a location covered by the statute (in some cases, private property or other specific places might not be included within the ban of the statute);
- . that the defendant was "under the influence of alcohol."

In each case, it is incumbent upon the patrolman to obtain the evidence required to verify that these elements were present. Thus, officers must receive thorough instruction as to what constitutes relevant and admissible evidence. In developing training programs to fulfill this need, departments should work closely with representatives of the courts. Ideally, the presiding judge should be requested to delineate the types of evidence necessary and sufficient to prove commission of the offense, and he or members of his staff should be enlisted as instructors for patrolmen training. "Mock trials" should be conducted as an integral part of this training to permit patrolmen to develop and practice their skills in court testimony and to permit illustration of the key role of each evidentiary requirement. "Mock trials" would also afford an opportunity for joint training of police and court personnel, and would help ensure that all judges and prosecutors take a common view of the case elements and admissible evidence.

4. Instruction in the Factors Affecting A/R Arrests

Patrolmen, supervisors, and commanders could benefit from instruction concerning the factors identified in this study. The emphasis, of course, should be on providing accurate knowledge to overcome negative factors and strengthen those exerting a positive influence. For commanders, the training should focus on the development of the policies and procedures to deal with the factors. For supervisors, emphasis should be devoted to ensuring the implementation of these policies and procedures, and to monitoring the activities of their subordinates to determine which factors are exerting an influence and so require special supervisory attention. For patrolmen, instruction in the factors should stress the enforcement problems that they can expect to encounter, the department's policy regarding these problems, and the risks that will be run if these problems are permitted to interfere with their enforcement action.

To better elucidate this recommendation, let us sketch the content of instruction that could be given relative to the negative effects of the approaching end-of-duty-shift. All personnel--patrolmen, supervisors, and commanders--should be acquainted with the data that define the influence of this factor, i. e., the decrease in the incidence of A/R investigations near shift-end despite the high incidence of A/R violations that occurs around the termination of the evening shift. Command personnel should be apprised of the techniques they could employ to counteract this factor, including revision of shift schedules, establishment of efficient and speedy processing procedures, provision of adequate compensation for overtime work, and adoption of standards of performance that emphasize A/R enforcement during critical time periods. Supervisors should be trained to evaluate the impact of this factor on patrolman performance, by assessing the number of traffic contacts recorded near shift-end, the number of A/R arrests logged during that period, and the BACs of the suspects. This will serve to determine whether the level of enforcement diminishes during this critical period. Patrol-

men should be fully informed of the department's desire to maintain a high level of enforcement throughout the shift and the fact that they are expected to perform to standards that emphasize A/R during critical time periods. Care must be taken to stress the fact that modifications to departmental policies and procedures are intended to support the patrolmen in the performance of their duties and the purpose behind all such modifications should be clearly explained. The patrolmen should also be encouraged to submit suggestions for procedural changes that could facilitate end-of-shift arrests.

Similar instructions should be given for each factor. If properly conducted, this training will help to develop a common attitude and approach to A/R enforcement among all levels of the department. We believe that the data presented in this report would form the nucleus of a program of instruction concerning the factors.

5. Training of Police Management and Supervisory Personnel

The preceding training requirements are aimed primarily at patrol personnel. As indicated previously, the effectiveness of patrol personnel in A/R enforcement will be no better than the policies, procedures and expectations established and communicated by police management and supervisory personnel.

Policies, procedures and expectations are a function of priorities and resources available as well as the knowledge and attitudes (re: A/R enforcement) of police management and supervisory personnel. If they are knowledgeable regarding the magnitude and seriousness of the A/R problem and the steps which can be taken to combat it, they will have a positive attitude regarding enforcement which will be reflected in the policies, procedures and expectations they establish. This, in turn, will be reflected in the attitude and performance of the patrolmen. Conversely, if management and supervisory personnel are uninformed and/or complacent regarding A/R enforcement, this will be reflected in the attitude and performance of their subordinates.

Our survey supports this hypothesis. It was found that when patrolmen believe that their supervisors emphasize A/R, arrest rates are high. However, supervisors must explicitly establish the fact that they expect their men to devote high priority to the A/R offense and that the patrolman's performance rating will suffer if he fails to exhibit the desired level of performance. At present, less than one out of five supervisors place "a good deal" of emphasis on A/R arrests when rating a patrolman's performance and only about one in three expect their men to make at least some minimum number of arrests annually. Furthermore, although supervisors believe that discretion plays an appreciable role in A/R situations and assert that they do not favor the exercise of discretion, a substantial minority of patrolmen seem to feel that their supervisors tolerate, or even encourage, discretion.

Thus, we can conclude that supervisors can actively and effectively enhance A/R enforcement by means of the policies, procedures and expectations they establish on a formal or informal basis. However, it appears that insufficient emphasis is being given to the problem at the supervisory level and the supervisor's negative attitude toward discretion is not being communicated effectively to all subordinates.

Many of the recommendations described previously will help ameliorate the above problems, e.g., explicit A/R enforcement policies and procedures, standards of performance for patrolmen and A/R training for patrolmen. However, in order to foster the proper attitude in patrolmen and before effective policies, procedures and training programs can be developed, police managers and supervisors themselves must have the proper attitude relative to A/R enforcement. They must be knowledgeable regarding policies and procedures which will increase police officer detection and apprehension rates and minimize, negate or neutralize those factors which contribute to a reduced rate. They must be familiar with the characteristics of individuals who will be effective on special enforcement teams. They must be aware of appropriate deployment strategies. They must know how to develop and utilize a management information system for planning and evaluating A/R countermeasures. And, finally, they must know how and what to communicate to whom relative to A/R enforcement.

In brief, police managers and supervisors require a training program which will:

• Create or foster the proper attitude re: A/R enforcement by educating them regarding:

- The nature and magnitude of the problem of alcohol and highway safety
- The characteristics of the alcohol impaired driver
- The role of enforcement in combatting the A/R problem
- The use of discretion in A/R enforcement
- Factors that influence discretion

• Provide guidelines and techniques for increasing A/R detection and apprehension rate and minimizing or eliminating factors which reduce the rate in the areas of:

- Policies

- Procedures
- Training/educating subordinates
- Management information systems for planning and evaluation
- Selection procedures
- Deployment strategies
- Communications

In short, we recommend development of a police management training program for A/R enforcement as a means of ensuring and facilitating implementation of our previous suggestions concerning policies, procedures, and patrolman training.

D. Adjudication

In developing recommendations in the area of A/R adjudication, consideration must be given to the findings and conclusions from the survey of both police and court personnel.

A substantial proportion (about 26%) of the most recent A/R arrests reported by patrolmen failed to lead to conviction on that charge. Further, the "low" enforcers experienced a much lower conviction rate than did the "high" enforcers. Perhaps as a result, "low" enforcers more often indicated that plea bargaining imparts a negative influence on their arrest/no arrest decision. However, it is the "high" enforcers who seem most personally "bothered" by the leniency of the penalties and courts.

The courts, on the other hand, are aware of police displeasure with their practices. However, judicial personnel do not seem to believe that this attitude affects A/R enforcement. A fair percentage of judges and prosecutors believe that plea bargaining is a reasonable practice in order to handle the caseload. Finally, the courts are generally satisfied with the current level of A/R enforcement.

To summarize the findings, court disposition practices in A/R cases appear to have some negative influence on the discretionary arrest/no arrest decision, particularly in the case of "low" enforcers. This suggests that if current court practices were modified to provide for stricter and most importantly, more uniform adjudication of A/R cases, A/R arrest rates might increase. In any event, changes in court disposition practices would certainly remove one major source of concern of the police officer and reflect the same fair but firm emphasis expected of enforcement.

Accordingly, the chief goal of our recommendations in the area of adjudication is to ensure that police and court personnel adopt a common attitude and approach to the A/R problem, thereby increasing the deterrent value of the law enforcement and judicial system through increased arrests and convictions. Recommendations are made in the areas of: 1) adjudication policy, 2) improved police/court liaison, 3) use of special prosecutors, and 4) training of court personnel.

1. Adjudication Policy

The major concerns in this area center around the practice of "plea bargaining" and lack of uniformity in the disposition of apparently similar cases, i. e., the wealthy/influential individual who can afford an attorney is more likely to have the charge dismissed or reduced than the less influential and affluent defendant.

In view of the heavy caseloads, it would be unrealistic to expect that "plea bargaining" can be totally eliminated under present circumstances. However, a formal, firm policy for plea bargaining should be established to ensure uniform treatment of all defendants. Factors to be considered in establishing such a policy might include:

- . Number of previous A/R convictions.
- . BAC level at the time of arrest.
- . Incident related factors, e. g., accident, fatalities, etc.
- . Magnitude of the defendant's drinking problem.
- . Impact of the conviction on the defendant's livelihood.
- . Alternative penalties available.

True, such factors are no doubt presently taken into consideration by the judge and prosecuting attorney when trying a case or conducting a pre-trial conference. However, a police officer usually is only aware of two facts: 1) the defendant was arrested based on "reasonable grounds" and subsequently proved to have a BAC above the statutory limit and 2) the courts reduced or dismissed the charge. Based on available information the arresting officer can only conclude that the courts are arbitrary or discriminatory.

It is not meant to imply that police officers are unsympathetic or unwilling to consider extenuating circumstances. They recognize the courts must be free to assess the individual merits of each case. What "bothers" them, in the absence of all the facts, is the apparent arbitrariness and discriminatory nature of the court decision.

Regardless of the number of factors to be considered when trying a defendant or conducting a pre-trial conference, formal and firm guidelines should be established to preclude arbitrary or discriminatory practices. For example, such guidelines could state that "plea bargaining" or charge dismissal is precluded if any one of at least the following factors are present:

- . A measured BAC exceeding .15.
- . A previous conviction for A/R.
- . An accident involving a fatality or injury to another party.
- . Refusal to submit to a chemical test for intoxication.

Whether the preceding, or any other list of criteria which may be developed, are fair and reasonable will always be subject to question. The point is that if the judicial system, in collaboration with other interested agencies, develops formal and firm guidelines for adjudication of A/R cases, at least all concerned parties will know what the "ground rules" are, regardless of whether they consider them fair and reasonable. It should also provide some degree of assurance that the practice of "plea bargaining" will not be abused.

Guidelines for when "plea bargaining" should be permitted are somewhat more complex since, by necessity, they must involve consideration of a number of interrelated factors. For example, consider the individual who is a first offender, measures .12 BAC and is dependant upon his car for his livelihood versus the individual who is a first offender, measures .12 BAC, is not dependent upon his car for his livelihood, but is diagnosed as a problem drinker. Should either, both or neither be considered for "plea bargaining?" A case could be made to invoke the maximum penalty for both--to deter them from committing future offenses. On the other hand, "plea bargaining" or alternatives to the statutory penalties might be in order to avoid taking the car from the first individual or to provide rehabilitation to the second. Obviously, the guidelines for permitting "plea bargaining" are not as simple as those for precluding the practice.

Since the scope of this project does not include an assessment of the legal, psychological, sociological and economic implications of "plea bargaining," suffice it to say that formal, firm policy and guidelines should be established in the area of "plea bargaining", at least in terms of when "plea bargaining" is not permitted.

2. Improved Police/Court Liaison

As indicated previously, courts are aware of police displeasure with their practices. However, they do not believe that this attitude affects A/R enforcement. To an extent they are right, since "high" enforcers do not appear to be greatly affected. On the other hand, court disposition practices do appear to have a negative effect on the arrest/no-arrest decisions of "low" enforcers. Further, it is not known whether more strict and uniform adjudication of A/R cases might not result in an increase in the A/R arrest rates of both "high" and "low" enforcers. Failure to communicate the reasons underlying "plea bargaining" and the factors which must be considered, may be another cause for misunderstanding between police and court personnel. Lastly, it seems obvious that

A/R arrests fall far short of expectations. Police personnel realize this. However, the courts are generally satisfied with the current level of A/R enforcement. One might expect the courts to feel this way considering the increased caseload the current emphasis on A/R enforcement has produced.

It is apparent from the preceding that there is a breakdown in communications between the courts and law enforcement personnel. There does not seem to be an appreciation of each other's expectation, requirements and constraints. As a consequence, one system antagonizes the other with a resultant decrement in overall performance of both systems.

It is recommended that channels of communication between police and judicial personnel be opened and frequently exercised. Each "side" should strive to develop an understanding of the needs and problems the other faces relative to A/R. Frank and honest exchange of views, suggestions and "gripes" should be encouraged. Each agency has a job to do and each is trying to do it in the best way possible under the constraints of time and resources.

Specifically, there should be an exchange of views regarding objectives. Obviously this is needed since the courts are generally satisfied with the current level of A/R enforcement whereas the law enforcement agencies are not or should not be since it appears to be far below the potential arrest rate. Needless to say, the courts may not be inclined to encourage increasing the present case backlog. The police, however, must be made aware of the impact of conflicting objectives.

Secondly, with regard to "plea bargaining," law enforcement personnel should be made aware of the underlying reasons and the factors which must be considered when trying an A/R case. Without such understanding, "plea bargaining" could be easily misinterpreted as being arbitrary and discriminatory.

The court system, judges and prosecuting attorneys, must also understand the patrolman's point of view relative to maintaining a high rate of A/R arrests and the adjudication factors which contribute to or detract from achieving these objectives. Conversely, the police must acquire an understanding and appreciation of the court's requirements. Most importantly, judges and prosecutors should be requested to clearly delineate the elements of the A/R offense, i. e., the facts that must be established if conviction is to result. They should also inform the police as to exactly what constitutes relevant and admissible evidence of these elements. Again, a frank exchange of information and a sincere willingness to act upon the information is essential to achieving the ultimate objectives, i. e., getting the drinking-driver off the road.

The courts can take other steps to facilitate enforcement and adjudication by scheduling court dates at the convenience of the arresting officer and other police participants. Police personnel will be discouraged from making arrests if they know they will have to appear in court on their days off, vacation or off-hours, particularly if the compensation is not considered adequate by the officer.

Lastly, it is suggested that, if "plea bargaining" is employed, the arresting officer should be included in the deliberations--not so much for what he can contribute to the pre-trial conference, but rather to gain a better understanding of the factors which determine whether the charge is upheld, reduced or dismissed. It is believed that increased insights regarding A/R adjudication requirements will reduce the negative attitudes currently held by most law enforcement personnel.

3. Use of Special Prosecutors

We have already discussed the need to increase the A/R conviction rate as a means of improving the patrolman's attitude towards his enforcement responsibility. Of course, convictions--assuming they are warranted by the evidence--are also essential if the law is to have the desired deterrent effect. Efforts to boost the rate of conviction thus are clearly desirable. One method of doing so, i. e., reduction of "plea bargaining", was discussed previously. Another technique would be to assign special prosecutors whose sole responsibility would be to try A/R cases. Just as enforcement would improve if dedicated patrol squads were employed, so would adjudication if prosecuting attorneys were selected to specialize in A/R cases. The increased conviction rate realized by utilizing specialists would have a two-fold advantage. One, it would reduce the negative attitude held by some patrolmen that it is useless to arrest someone for A/R since they probably will not be convicted. Secondly, and perhaps more important, it will serve as a deterrent to the general public by eliminating the popular misconception that the probability of conviction for A/R is low so "why not take a chance."

At first glance, it might appear that utilization of special prosecutors for A/R cases would increase court system costs. However, considering the fact that prosecuting attorneys are required for all cases and there is a heavy A/R caseload, it does not appear that there would be any increase in total costs if one or two prosecutors specialized in A/R cases as opposed to spreading the A/R caseload among all attorneys. In its ultimate form, each prosecuting attorney would be a specialist in one or more areas--one of which would be A/R cases.

The effectiveness of this approach has been proven in ASAP's in terms of increased conviction rates and should, if implemented in other areas, serve as a deterrent and reduce the negative attitude of police personnel regarding court disposition of A/R cases.

4. Training of Court Personnel

The misconceptions concerning the relationships between alcohol consumption, BAC and impairment are not restricted to police personnel. Judges and prosecutors also need to be better informed of these matters if they are to have the proper view of the offense and the offenders. In addition, judicial personnel need to know how BAC measurements are obtained, and the circumstances which can or cannot contaminate such measurements, if they are to properly use/assess that evidence. In short, many of the training recommendations developed for police personnel are applicable to representatives of the judicial system. Specifically, then, we suggest that court personnel be permitted to participate in:

- . controlled drinking demonstrations
- . breath testing familiarization seminars
- . "mock trials" of A/R cases

E. Legislative Revisions

Enforcement and adjudication of A/R offenses are intimately associated with the laws governing the offense. These laws not only define the nature of A/R offenses, but also implicitly regulate the bases for the arrest/no arrest decision. Further, the laws establish the magnitude and scope of penalties to be imposed upon conviction of A/R.

We believe that legislative revisions are warranted. Our intent here is not to suggest "harsh" laws that would be needlessly restrictive or which would abnegate individual rights. Rather, we seek modifications that would reflect a more objective definition of A/R and permit application of recent technological and scientific advances to enforcement and adjudication.

1. Enactment of "Per Se" Legislation

We recommend the establishment of a law prohibiting operation of a motor vehicle by a person whose blood alcohol concentration equals or exceeds some specified level. The reader will recall that the laws in force in the states we surveyed (and in most other states) prohibit driving while "under the influence of intoxicating liquor." An absolute BAC limit would, in effect, constitute an objective, universally applicable definition of A/R. The current definition is highly subjective, and open to varied interpretation. We further suggest that the absolute BAC level be set at 0.10%.

The chief effect of this recommendation would be to eliminate the need for the police or prosecutor to demonstrate that the suspect was intoxicated, or "under the influence," at the time of arrest. Proof of this subjective condition often requires extensive evidence of "bad" driving, citations for companion violations, and clear symptoms of gross impairment. Even when such proof is available, the case can be lost, for the judge or jury may insist upon a strict interpretation of intoxication. In practice, the recommended modification would prove most beneficial in borderline cases. Most importantly, it should facilitate enforcement without penalizing individuals who drive after moderate drinking.

We should note that we recommend this revision to augment, but not replace, existing legislation. Since chemical tests of BAC may be refused by some suspects or be unavailable in some cases, there remains a need to enable prosecution solely on the basis of other symptoms of alcohol impairment.

2. Enablement of Preliminary Breath Testing

We earlier suggested that training programs should be developed to improve an officer's skills in A/R investigations. We believe that patrolmen who are thoroughly instructed in the conduct of coordination tests and similar investigation techniques (providing they prove valid and reliable) can accurately formulate arrest/no arrest decisions in the majority of cases they encounter. However, there are and will continue to be cases in which the observable evidence is equivocal, and these may increase in frequency as the level of enforcement improves. Thus, we feel that steps should be taken to incorporate preliminary breath testing into the investigation process.

Portable breath testing devices have been available for some time. In the past, these primarily consisted of instruments that provided only approximate indications of BAC--i. e., the "balloon" test variety of instrument. Recently, however, several manufacturers and public agencies have developed portable instruments designed to produce quantitative, accurate BAC measurements. Some of these remain in the developmental stage, while others have been placed on the market.

A prerequisite for the use of these devices is the enactment of enabling legislation, a step that has been taken in a few states. We would urge that all states adopt such laws. In particular, the enabling legislation must clearly delineate the circumstances under which an officer may request an individual to submit to such a test. These circumstance should not require that the officer have probable cause to believe that the suspect is under the influence of intoxicating liquor, since this would prevent the use of the test until grounds for arrest have already been established. Rather, the officer should be permitted to request the test when he has reason to believe that the suspect has alcohol in his body.

The enabling legislation should also set forth penalties for refusal to submit to the preliminary test. The penalty could take the form of driver's license suspension, similar to that invoked under existing "implied consent" laws. We should also note that the enabling legislation should clearly specify that submission to the preliminary test will not satisfy the suspect's requirements relative to the "implied consent" law. That is, we must not create a "loophole" whereby an A/R arrestee can refuse to submit to a post-arrest chemical test for evidentiary purposes simply because he supplied a breath sample during the investigation.

3. Revision of the Penalty Structure

We believe that the current penalties for first offense A/R should be modified to address three areas of concern voiced by patrolmen:

- . The perceived lack of uniformity with which these penalties are imposed;

- . the economic and other hardships these penalties can create for some suspects;
- . the presumed failure of these penalties to deter recidivism.

For the first of these, we urge enactment of legislation incorporating mandatory penalties; for the second and third concerns, we suggest that the law permit a choice of actions to be taken against the driver's license. Specifically, we recommend adoption of a structure similar to the following:

- (1) A mandatory fine of some fixed amount.
- (2) Mandatory imposition of one of the following, in accordance with the defendant's choice:
 - . license revocation for a specified minimum period
 - . license restriction to specially-equipped vehicles for the same minimum period
 - . enrollment in and successful completion of an authorized drinking-driver rehabilitation program.

The "specially-equipped vehicles" would be those in which an Alcohol Safety Interlock System (ASIS) has been installed. These systems would be designed to prevent operation of the vehicle by a driver who is under the influence of alcohol. Several such systems are currently under development and laboratory tests of these have shown promising results. Rehabilitation programs have been established under ASAP and other auspices. An extensive review of such programs should be undertaken to identify treatment modalities which have proven successful and efforts should be made to develop and evaluate new approaches of potential value.

Clearly, both the ASIS and rehabilitation approaches require further refinement before they can be offered as viable penalties for A/R. However, they offer a means of restoring a regulated driving privilege to DWI convictees. The knowledge that the penalties have the potential to help the suspect overcome his problem, and the secure expectation that all defendants will be treated alike, will, we feel, have a positive influence on a patrolman's level of enforcement.

APPENDIX

DATA COLLECTION INSTRUMENTS

Attached below are copies of the five questionnaires used to obtain the data discussed in this report. In the order in which they are presented, these are:

- . Police Patrolman Questionnaire
- . Police Supervisors/Administrators Questionnaire
- . Personal Interview of Police Personnel
- . Judicial Personnel Questionnaire
- . Civil Administrative/Legislative Personnel Questionnaire

STUDY OF DRUNK DRIVING ARRESTS
POLICE PATROLMAN QUESTIONNAIRE

NOTE: Please do not place your name, badge number, or any other identifier on this questionnaire. It is to be kept strictly anonymous.

NOTE: The term "drunk driving" is used throughout this questionnaire. This refers to any alcohol-related traffic offense covered by the laws of this state and/or community. That is, please consider it to be equivalent to such terms as "driving while under the influence of liquor" (DUIL, or DUI) or "driving while intoxicated" (DWI), or any other such term.

Unit No. _____ 1(2-4)

Form No. 1 1(5)

SITE CODE ○ 1(6)

1. Background

a. Present duty assignment:

- 1. Traffic Division _____ 2. General Patrol Division _____ 1(7)
- 3. Other (specify) _____ 4. No Separate Division _____

- b. Age (check one) 1. 25 or under _____ 2. 26 to 30 _____ 1(8)
- 3. 31 to 35 _____ 4. 36 to 40 _____
 - 5. 41 to 45 _____ 6. 46 to 55 _____
 - 7. 56 or over _____

- c. Total years of police experience: 1(9)
- 1. 2 years or less _____ 2. 3 to 5 years _____
 - 3. 6 to 10 years _____ 4. 11 to 15 years _____
 - 5. 16 or more years _____

- d. Highest level of education completed: (check one) 1(10)
- 1. Did not complete High School _____
 - 2. High School graduate only _____
 - 3. Some College _____
 - 4. College graduate _____
 - 5. Some post-college graduate work _____

- e. Have you had any special training relating to detection, investigation, or processing of suspected drunk drivers? 1(11)
- 1. Yes _____ 2. No _____

If yes, please describe the nature of the training (please print):

- 2A. Have you ever heard the term "Blood Alcohol Concentration" (BAC) or "Blood Alcohol Level"? Yes _____ No _____ 1(12)

If yes, what does it mean? (please print):

For Office Use Only
1. cc
2. c
3. ic
4. uk

- 2B. At what Blood Alcohol Concentration is a person considered guilty of drunk driving in this state? _____ 1(13-14)

- 2C. Have you ever heard the term "Implied Consent Law"? Yes _____ No _____ 1(15)

If yes, what does it mean (please print).

For Office Use Only
1. cc
2. c
3. ic
4. uk

- 3A. How many ounces of whiskey could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit"? (Please make your best guess even if you are unsure of the answer.) _____ ounces 1(16-17)

- 3B. How many 12 ounce bottles of beer could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit"? (Please make your best guess even if you are unsure of the answer.) _____ bottles 1(18-19)

- 3C. How much do you weigh? _____ 1(20-22)

4A. Do you ever drink alcoholic beverages? 1. Yes _____ 2. No _____ 1(23)

If no, skip to Question #5.

4B. How often do you drink alcoholic beverages? 1(24)

- 1. Once a month or less _____
- 2. Several times each month _____
- 3. Several times each week _____
- 4. Just about every day _____

4C. When you are drinking, how many drinks will you generally have? _____ 1(25)

5. What percentage of fatal automobile accidents would you say involve a driver who has been drinking? 1(26)

- | | | | |
|--------------|--------------|--------------|--------------|
| 0. 5% _____ | 3. 30% _____ | 6. 60% _____ | 9. 90% _____ |
| 1. 10% _____ | 4. 40% _____ | 7. 70% _____ | A. 95% _____ |
| 2. 20% _____ | 5. 50% _____ | 8. 80% _____ | |

6. Ratings

This section of the questionnaire contains a number of statements concerning drunk driving and the circumstances that may pertain to a drunk driving arrest. Our purpose here is to determine the reaction of police officers to these statements by having them indicate their degree of agreement or disagreement with each.

Here is how you are to complete this section of the questionnaire. If you feel you strongly agree or strongly disagree with a particular statement, you should place your "x" on the scale in the following manner:

"The New York Mets are the best team in baseball today."

Strongly Agree x : _____ : _____ : _____ : _____ : _____ Strongly Disagree
 or
 Strongly Agree _____ : _____ : _____ : _____ : _____ : x Strongly Disagree

If you feel you mostly agree or mostly disagree with a statement, you should place your "x" as follows:

"Television programs this year are better than last year's."

Strongly Agree _____ : x : _____ : _____ : _____ : _____ Strongly Disagree
 or
 Strongly Agree _____ : _____ : _____ : _____ : x : _____ Strongly Disagree

If you feel you slightly agree or slightly disagree with a statement you should place your "x" as follows:

"I have better eyesight than most people."

Strongly Agree _____ : _____ : x : _____ : _____ : _____ Strongly Disagree
 or
 Strongly Agree _____ : _____ : _____ : _____ : x : _____ Strongly Disagree

If you feel you have essentially no feelings one way or the other on a particular statement, then you should place your "x" in the middle space, as follows:

"There is life on other planets."

Strongly Agree _____ : _____ : _____ : x : _____ : _____ Strongly Disagree

IMPORTANT: (1) Place your "x's" in the middle of spaces, not on the boundaries:

____:____: x :____: x :____:____
 This Not this

- (2) Be sure you place an "x" for every statement--
do not omit any.
- (3) Respond to each of the statements in the order in which they appear on the rating form.
- (4) Never put more than one "x" on a single statement.

Please make your judgments on the basis of how you feel about each particular statement. Do not look back and forth through the different statements. Do not try to remember how you checked similar items which you have already completed. Make a separate and independent judgment for each statement.

Work at a fairly high speed through the statements. Do not worry or puzzle over individual items--there are no right or wrong answers! It is your first impressions, your immediate "feelings" about the items, that we want. On the other hand, please do not be careless as we want your true impressions.

1. It bothers me to think that a person I arrest for drunk driving will lose his license, and maybe even his job. 1(27)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
2. I try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect. 1(28)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
3. I am more likely to arrest someone for drunk driving if he has caused an accident. 1(29)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
4. A major problem in making a drunk driving arrest concerns what to do with the suspect's vehicle. 1(30)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
5. I am more likely to arrest someone for drunk driving if he has also committed some other violation at the same time, like speeding or running a red light. 1(31)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
6. Whenever I can, I will ticket a drunk driver on some other charge, since it gets the job done and avoids the "mess" of a drunk driving arrest. 1(32)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
7. Our department doesn't consider drunk drivers to be a major problem area. 1(33)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
8. Most drunk drivers are alcoholics. 1(34)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree
9. The penalties judges issue for conviction of drunk driving are probably too harsh. 1(35)
 Strongly Agree ____:____:____:____:____:____:____ Strongly Disagree

10. I sometimes avoid arresting someone for drunk driving near the end of my duty shift, to avoid the suspect processing time. 1(36)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
11. I find it very difficult to determine if a person I suspect of drunk driving is legally too intoxicated to drive. 1(37)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
12. I might not conduct as good an investigation of a suspected drunk driver when it is raining as I will when the weather is clear. 1(38)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
13. I can do as much good by giving a drunk driver a good "chewing out" and getting him home safely as I could by arresting him. 1(39)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
14. A person has to be really "bombed" before he is guilty of drunk driving in this state. 1(40)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
15. I might not arrest a driver I suspect of being drunk if there is a sober passenger who can drive the car. 1(41)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
16. I might go a little easier on a suspected drunk driver if he is young. 1(42)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
17. My only concern is with arresting a drunk driver; it doesn't bother me if the prosecutor or judge decide to reduce the charge. 1(43)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
18. I have found that whites are drunk drivers more often than members of minority groups. 1(44)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree

19. I have many more important duties than arresting drunk drivers. 1(45)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
20. Just about anybody who drinks is guilty of drunk driving at some time or another. 1(46)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
21. The real "problem drinkers"--or alcoholics--tend to be most uncooperative and insulting toward the arresting officer. 1(47)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
22. No one should be permitted to drive after he has had any amount to drink. 1(48)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
23. Chemical tests for measuring intoxication aren't very accurate. 1(49)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
24. Chances are a drunk driver will get a reduced charge in court, so it doesn't do much good to arrest them. 1(50)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
25. I could make a greater contribution to traffic safety by concentrating on speeders rather than drunk drivers. 1(51)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
26. I don't like to make a drunk driving arrest unless it is obvious the driver can't get himself home safely. 1(52)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree
27. I'm not going to arrest someone for drunk driving unless I am completely sure his Blood Alcohol Concentration is over the legal limit. 1(53)
 Strongly Agree ___:___:___:___:___:___ Strongly Disagree

28. I am more likely to arrest someone for drunk driving if he is very offensive or abusive toward me. 1(54)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

29. I am probably less likely to arrest a woman for drunk driving. 1(55)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

30. The courts are much too tolerant of drunk drivers. 1(56)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

31. I would rather be assigned to traffic patrol than to general law enforcement patrol. 1(57)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

32. Most of us on the Force know there are certain "big wig" citizens the department doesn't expect us to arrest for drunk driving or most other traffic violations. 1(58)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

33. If there is very little traffic on the roads, I might be more likely to give a drunk driving suspect a break and let him go. 1(59)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

34. We would probably get good support from the local public if we were to crack down harder on drunk drivers. 1(60)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

35. I am probably more likely to make a drunk driving arrest if the suspect is someone I don't know than if he is a close friend or neighbor. 1(61)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

36. Our Department is too busy trying to fight important crimes. We can't spend very much energy on drunk driving arrests. 1(62)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

37. Assuming I've made a "good" drunk driving arrest, my supervisor will back me up all the way, no matter whom I have arrested. 1(63)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

38. I find it discouraging to arrest a drunk driver since he will be doing the same thing again tomorrow. 1(64)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

NOTE: Please take a moment to check back over the statements to make sure you have placed one and only one "x" for each of them.

Office Use:
1(65-70) blank

7. Suppose that an officer is investigating a driver he suspects is guilty of drunk driving. There may be some factors that will influence the officer's decision to arrest or not arrest the driver on a drunk driving charge. Some factors may decrease the chances that an arrest will be made, while others may increase the chances. On the following pages is a list of some factors that might possibly influence the officer's decision. Please review this list carefully, and add to it any other factors that you think should be mentioned.
8. After you have reviewed the list, please indicate what kind of influence you think each factor would have. That is, place an "x" in the appropriate column on the right to indicate whether you think the factor would have:
- . A strong influence for arrest
 - . A moderate influence for arrest
 - . A weak influence for arrest
 - . A strong influence against arrest
 - . A moderate influence against arrest
 - . A weak influence against arrest

Please do this for each factor, even if you are not sure that it would have any influence. Please place only one "x" for each factor.

For Arrest

Against Arrest

	<u>For Arrest</u>			<u>Against Arrest</u>			
	1 Strong	2 Moderate	3 Weak	4 Strong	5 Moderate	6 Weak	
1. If the officer feels the driver will later "get off" on a reduced charge							1(71)
2. If the driver is a woman							1(72)
3. If the driver has committed some other traffic violation							1(73)
4. If there is someone available to take the driver home							1(74)
5. If the driver is a member of a minority group							1(75)
6. If the driver is very abusive toward the officer							1(76)
7. If the driver seems only "slightly" too intoxicated to drive							1(77)
8. If the driver is injured							1(78)
9. If the driver has caused an accident							1(79)
10. If it is raining							1(80)
11. If the driver has a good excuse, for example, if he has been celebrating the birth of a child							2(5)
12. If it is near the end of the officer's duty shift							2(6)
13. If the driver is young							2(7)

For Arrest

Against Arrest

Other factors you feel should be mentioned:	1	2	3	4	5	6	
	Strong	Moderate	Weak	Strong	Moderate	Weak	
14.							2(8)
15.							2(9)
16.							2(10)

9A. Please try to recall the most recent time that you made a drunk driving arrest.

(Note: If you never made a drunk driving arrest, check here ____ and skip to Question 9B, page 16.)

a. Was the driver:

Race [1. White ____ 2. Black ____ 3. Latin American ____ 2(11)
4. American Indian ____ 5. Other ____

Sex: 1. Male ____ 2. Female ____ 2(12)

Age: 1. Under 21 years old ____ 2. 21 to 30 ____ 3. Over 30 ____ 2(13)

b. What time of day was the arrest made?

1. 6AM to 10 AM ____ 4. 6 PM to 10 PM ____
2. 10AM to 2 PM ____ 5. 10 PM to 2 AM ____ 2(14)
3. 2 PM to 6 PM ____ 6. 2 AM to 6 AM ____

c. How much time remained in your duty shift?

1. Less than 1 hour ____ 4. 3 to 4 hours ____ 2(15)
2. 1 to 2 hours ____ 5. More than 4 hours ____
3. 2 to 3 hours ____

d. Did you ticket or arrest the driver on some other charge in addition to drunk driving?

1. No ____ Yes, specify: 2(16)
2. Speeding ____
3. Going too slowly ____
4. Disobeying traffic control device ____
5. Reckless driving ____
6. Improper equipment/documents ____
7. Other moving violation ____
8. Criminal charge ____
9. Other (specify) ____

e. Was an accident involved in the incident? 1. Yes ____ 2. No. ____ 2(17)

If an accident was involved, was anyone killed (Yes ____ 2(18)
or No ____) or injured non-fatally (1. Yes ____ 2. No ____)? 2(19)

Was the driver injured? 1. Yes ____ 2. No ____ 2(20)

If no accident was involved, what factors led you to stop and investigate that driver? (please print)

For Office Use Only	
1.	V
2.	EB
3.	RLC
4.	O
5.	Unsp.

2(21)

- f. Were there any passengers in the driver's vehicle? Yes ___ 1. No ___
 If yes: Was any passenger a licensed driver? 2. Yes ___ 3. No ___ 2(22)
 4. Don't know ___

- g. Indicate whether each of the following was used as an indicator of the driver's state of intoxication before you arrested him:

- | | | | |
|---|----------------|--------------------|-------|
| | 1. <u>Used</u> | 2. <u>Not used</u> | |
| Driver's general appearance | _____ | _____ | 2(23) |
| Coordination Tests (e.g., "walk the line," "finger-to-nose," etc.) | _____ | _____ | 2(24) |
| Chemical Screening Test of driver's breath (e.g., "balloon test," etc.) | _____ | _____ | 2(25) |

- h. Please characterize the driver's general attitude toward you:

- | | | |
|-------------------------|----------|-------|
| Highly cooperative | 1. _____ | |
| Generally cooperative | 2. _____ | 2(26) |
| Generally uncooperative | 3. _____ | |
| Highly uncooperative | 4. _____ | |

- i. Please indicate the weather conditions at the time of the arrest (check one):

1. Rain ___ 2. Snow/sleet ___ 3. Fog ___ 4. Overcast ___ 2(27)
 5. Clear ___

- j. How long ago did this arrest take place:

- | | | |
|--------------------------|----------|-------|
| Within the past 3 months | 1. _____ | |
| 4 to 6 months ago | 2. _____ | |
| 6 months to 1 year ago | 3. _____ | 2(28) |
| 1 to 2 years ago | 4. _____ | |
| More than 2 years ago | 5. _____ | |

- k. What happened to the driver as a result of this arrest?

- | | | |
|--|----------|-------|
| The case has not yet come to court | 1. _____ | |
| He was convicted of drunk driving | 2. _____ | |
| He was convicted on a lesser charge only | 3. _____ | 2(29) |
| He was acquitted | 4. _____ | |
| Don't know | 5. _____ | |

9B. Please try to recall the most recent time that you investigated a driver you suspected was intoxicated, but decided not to arrest him for drunk driving.

(Note: If you have never investigated a driver you suspected was intoxicated, check here ___ and go to question 10, page 18.)

- a. Was the driver:

- Race [1. White ___ 2. Black ___ 3. Latin American ___ 2(30)
 4. American Indian ___ 5. Other ___

- Sex: 1. Male ___ 2. Female ___ 2(31)

- Age: 1. Under 21 years old ___ 2. 21 to 30 ___ 3. Over 30 ___ 2(32)

- b. What time of day did the incident occur?

- | | | |
|----------------------|----------------------|-------|
| 1. 6 AM to 10 AM ___ | 4. 6 PM to 10 PM ___ | |
| 2. 10AM to 2 PM ___ | 5. 10PM to 2 AM ___ | 2(33) |
| 3. 2 PM to 6 PM ___ | 6. 2AM to 6 AM ___ | |

- c. How much time remained in your duty shift?

- | | | |
|-------------------------|--------------------------|-------|
| 1. Less than 1 hour ___ | 4. 3 to 4 hours ___ | |
| 2. 1 to 2 hours ___ | 5. More than 4 hours ___ | 2(34) |
| 3. 2 to 3 hours ___ | | |

- d. Did you ticket or arrest the driver on some other charge?

1. No ___ Yes, specify: 2(35)
 2. Speeding ___
 3. Going too slowly ___
 4. Disobeying traffic control device ___
 5. Reckless driving ___
 6. Improper equipment/documents ___
 7. Other moving violation ___
 8. Criminal charge ___
 9. Other (specify) _____

- e. Was an accident involved in the incident? 1. Yes ___ 2. No ___ 2(36)

If an accident was involved, was anyone killed (1. Yes ___ 2(37)
 or 2. No ___) or injured non-fatally (1. Yes ___ 2. No ___)? 2(38)

Was the driver injured? 1. Yes ___ 2. No ___ 2(39)

If no accident was involved, what factors led you to stop and investigate that driver? (please print)

For Office Use Only
1. V
2. EB
3. RLC
4. O
5. Unsp.

2(40)

- f. Were there any passengers in the driver's vehicle? Yes ___ 1. No ___
 If yes: Was any passenger a licensed driver? Yes ___ 2. No ___
 3. Don't know ___
 If yes: Did you request one of the passengers to drive the vehicle?
 4. Yes ___ 5. No ___

2(41)

- g. Indicate whether each of the following was used as an indicator of the driver's state of intoxication during the investigation:

1. Used 2. Not Used

Driver's general appearance _____ 2(42)

Coordination Tests (e.g., "walk the line," "finger-to-nose," etc.) _____ 2(43)

Chemical Screening Test of driver's breath (e.g., "balloon test," etc.) _____ 2(44)

- h. Please characterize the driver's general attitude toward you:

Highly cooperative 1. _____
 Generally cooperative 2. _____
 Generally uncooperative 3. _____
 Highly uncooperative 4. _____
 2(45)

- i. Please indicate the weather conditions at the time of the incident:

1. Rain ___ 2. Snow/sleet ___ 3. Fog ___ 4. Overcast ___
 5. Clear ___
 2(46)

- j. How long ago did this incident take place?

Within the past 3 months 1. _____
 4 to 6 months ago 2. _____
 6 months to 1 year ago 3. _____
 1 to 2 years ago 4. _____
 More than 2 years ago 5. _____
 2(47)

10. During the past 12 months, approximately how many drivers have you arrested for drunk driving? _____ 2(48-49)

11. During the past 12 months, approximately how many drivers have you investigated on suspicion of drunk driving (include those that you arrested and reported in Question 10 above)? _____ 2(50-52)

- 12A. Please indicate the legal penalties for first offense drunk driving in this state:

Fine? Yes ___ No ___; if Yes, how much? _____
 Jail sentence? Yes ___ No ___; if Yes, How long? _____
 Loss of license: Yes ___ No ___; if Yes, How long? _____
 Other (specify) _____

Office Use only:
1. cc _____ 2(53)
2. pcl _____ 2(54)
3. pch _____ 2(55)
4. ic _____ 2(56)

- 12B. Overall, what do you think of these penalties?

1. Too light ___ 2. About right ___ 3. Too harsh ___ 2(57)

- 13A. To what extent do you think your superiors consider the number of drunk driving arrests you make when they rate your performance? (check one)

It is the most important factor they consider 1. _____
 They place a good deal of emphasis on it 2. _____
 They place some emphasis on it 3. _____
 They do not consider it at all 4. _____
 2(58)

- 13B. Do you think that your superiors expect you to make at least some minimum number of drunk driving arrests each year? 1. Yes ___
 2. No ___ 2(59)

If yes: How many drunk driving arrests do they expect you to make each year? _____ 2(60-61)

THANK YOU FOR YOUR COOPERATION !

STUDY OF DRUNK DRIVING ARRESTS
POLICE SUPERVISORS/ADMINISTRATORS QUESTIONNAIRE

NOTE: Please do not place your name, badge number, or any other identifier on this questionnaire. It is to be kept strictly anonymous.

NOTE: The term "drunk driving" is used throughout this questionnaire. This refers to any alcohol-related traffic offense covered by the laws of this state and/or community. That is, please consider it to be equivalent to such terms as "driving while under the influence of liquor" (DUIL, or DUI) or "driving while intoxicated" (DWI), or any other such terms.

Unit No. _____ 1(2-4)

Form No. 2 1(5)

SITE CODE ○ 1(6)

1. Background

a. Present duty assignment:

- 1. Traffic Division _____ 2. General Patrol Division _____ 1(7)
- 3. Other (specify) _____ 4. No Separate Division _____

b. Age (check one) 1. 25 or under _____ 2. 26 to 30 _____ 1(8)

- 3. 31 to 35 _____ 4. 36 to 40 _____
- 5. 41 to 45 _____ 6. 46 to 55 _____
- 7. 56 or over _____

c. Total years of police experience: _____ 1(9)

- 1. 2 years or less _____ 2. 3 to 5 years _____
- 3. 6 to 10 years _____ 4. 11 to 15 years _____
- 5. 16 or more years _____

d. Highest level of education completed: (check one) _____ 1(10)

- 1. Did not complete High School _____
- 2. High School graduate only _____
- 3. Some College _____
- 4. College graduate _____
- 5. Some post-college graduate work _____

e. Have you had any special training relating to detection, investigation, or processing of suspected drunk drivers? _____ 1(11)

- 1. Yes _____ 2. No _____

If yes, please describe the nature of the training (please print):

2A. Have you ever heard the term "Blood Alcohol Concentration" (BAC) or "Blood Alcohol Level"? Yes _____ No _____ 1(12)

If yes, what does it mean? (please print)

For Office Use Only
1. cc
2. c
3. ic
4. uk

2B. At what Blood Alcohol Concentration is a person considered guilty of drunk driving in this state? _____ 1(13-14)

2C. Have you ever heard the term "Implied Consent Law"? Yes _____ No _____ 1(15)

If yes, what does it mean? (please print)

For Office Use Only
1. cc
2. c
3. ic
4. uk

3A. How many ounces of whisky could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit"? (Please make your best guess even if you are unsure of the answer.) _____ ounces 1(16-17)

3B. How many 12 ounce bottles of beer could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit"? (Please make your best guess even if you are unsure of the answer.) _____ bottles 1(18-19)

3C. How much do you weigh? _____ 1(20-22)

4A. Do you ever drink alcoholic beverages? 1. Yes ____ 2. No ____ 1(23)

If no, skip to Question #5.

4B. How often do you drink alcoholic beverages? 1(24)

- 1. Once a month or less _____
- 2. Several times each month _____
- 3. Several times each week _____
- 4. Just about every day _____

4C. When you are drinking, how many drinks will you generally have? _____ 1(25)

5. What percentage of fatal automobile accidents would you say involve a driver who has been drinking? 1(26)

- | | | | |
|--------------|--------------|--------------|--------------|
| 0. 5% _____ | 3. 30% _____ | 6. 60% _____ | 9. 90% _____ |
| 1. 10% _____ | 4. 40% _____ | 7. 70% _____ | A. 95% _____ |
| 2. 20% _____ | 5. 50% _____ | 8. 80% _____ | |

6. Ratings

This section of the questionnaire contains a number of statements concerning drunk driving and the circumstances that may pertain to a drunk driving arrest. Our purpose here is to determine the reaction of police officers to these statements by having them indicate their degree of agreement or disagreement with each.

Here is how you are to complete this section of the questionnaire. If you feel you strongly agree or strongly disagree with a particular statement, you should place your "x" on the scale in the following manner:

"The New York Mets are the best team in baseball today."

Strongly Agree x : _ : _ : _ : _ : _ : _ Strongly Disagree
or

Strongly Agree _ : _ : _ : _ : _ : _ : x Strongly Disagree

If you feel you mostly agree or mostly disagree with a statement, you should place your "x" as follows:

"Television programs this year are better than last year's."

Strongly Agree _ : x : _ : _ : _ : _ : _ Strongly Disagree
or

Strongly Agree _ : _ : _ : _ : _ : x : _ Strongly Disagree

If you feel you slightly agree or slightly disagree with a statement you should place your "x" as follows:

"I have better eyesight than most people."

Strongly Agree _ : _ : x : _ : _ : _ : _ Strongly Disagree
or

Strongly Agree _ : _ : _ : _ : x : _ : _ Strongly Disagree

If you feel you have essentially no feelings one way or the other on a particular statement, then you should place your "x" in the middle space, as follows:

"There is life on other planets."

Strongly Agree _ : _ : _ : x : _ : _ : _ Strongly Disagree

IMPORTANT: (1) Place your 'x's' in the middle of spaces, not on the boundaries:

____:____:____: x :____: x :____:____
This Not this

- (2) Be sure you place an 'x' for every statement--
do not omit any.
- (3) Respond to each of the statements in the order in which they appear on the rating form.
- (4) Never put more than one 'x' on a single statement.

Please make your judgments on the basis of how you feel about each particular statement. Do not look back and forth through the different statements. Do not try to remember how you checked similar items which you have already completed. Make a separate and independent judgment for each statement.

Work at a fairly high speed through the statements. Do not worry or puzzle over individual items--there are no right or wrong answers! It is your first impressions, your immediate 'feelings' about the items, that we want. On the other hand, please do not be careless as we want your true impressions.

CONTINUED

2 OF 3

1. It bothers most officers to think that a person they arrest for drunk driving will lose his license, and maybe even his job. 1(27)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
2. Officers generally try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect. 1(28)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
3. An officer is more likely to arrest someone for drunk driving if he has caused an accident. 1(29)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
4. Most officers feel a major problem in making a drunk driving arrest concerns what to do with the suspect's vehicle. 1(30)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
5. An officer is more likely to arrest someone for drunk driving if he has also committed some other violation at the same time, like speeding or running a red light. 1(31)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
6. Officers often will ticket a drunk driver on some other charge, since it gets the job done and avoids the "mess" of a drunk driving arrest. 1(32)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
7. Our department doesn't consider drunk drivers to be a major problem area. 1(33)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
8. Most drunk drivers are alcoholics. 1(34)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree
9. Many officers feel that the penalties judges issue for conviction of drunk driving are probably too harsh. 1(35)
Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

10. Many officers sometimes avoid arresting someone for drunk driving near the end of their duty shift, to avoid the suspect processing time. 1(36)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

11. Most officers find it very difficult to determine if a person they suspect of drunk driving is legally too intoxicated to drive. 1(37)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

12. An officer generally won't conduct as good an investigation of a suspected drunk driver when it is raining as he will when the weather is clear. 1(38)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

13. Many officers feel they can do as much good by giving a drunk driver a good "chewing out" and getting him home safely as they could by arresting him. 1(39)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

14. A person has to be really "bombed" before he is guilty of drunk driving in this state. 1(40)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

15. An officer might not arrest a driver he suspects of being drunk if there is a sober passenger who can drive the car. 1(41)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

16. Most officers probably go a little easier on suspected drunk drivers if the suspect is young. 1(42)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

17. An officer's only concern is with arresting a drunk driver; it doesn't bother him if the prosecutor or judge decide to reduce the charge. 1(43)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

18. Our officers have found that whites are drunk drivers more often than members of minority groups. 1(44)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

19. Police officers have many more important duties than arresting drunk drivers. 1(45)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

20. Just about anybody who drinks is guilty of drunk driving at some time or another. 1(46)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

21. The real "problem drinkers"--or alcoholics--tend to be most uncooperative and insulting toward the arresting officer. 1(47)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

22. No one should be permitted to drive after he has had any amount to drink. 1(48)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

23. Chemical tests for measuring intoxication aren't very accurate. 1(49)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

24. Chances are a drunk driver will get a reduced charge in court, so most officers feel it doesn't do much good to arrest them. 1(50)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

25. The police could make a greater contribution to traffic safety by concentrating on speeders rather than drunk drivers. 1(51)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

26. Most officers don't like to make a drunk driving arrest unless it is obvious the driver can't get himself home safely. 1(52)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

27. An officer won't arrest someone for drunk driving unless he is completely sure the suspect's Blood Alcohol Concentration is over the legal limit. 1(53)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

28. An officer is more likely to arrest someone for drunk driving if the suspect is very offensive or abusive. 1(54)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

29. Most officers are less likely to arrest a woman for drunk driving. 1(55)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

30. The courts are much too tolerant of drunk drivers. 1(56)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

31. Most officers would rather be assigned to traffic patrol than to general law enforcement patrol. 1(57)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

32. Most officers feel there are certain "big wig" citizens the department doesn't expect them to arrest for drunk driving or most other traffic violations. 1(58)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

33. If there is very little traffic on the roads, an officer might be likely to give a drunk driving suspect a break and let him go. 1(59)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

34. We would probably get good support from the local public if we were to crack down harder on drunk drivers. 1(60)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

35. An officer is probably more likely to make a drunk driving arrest if the suspect is someone he doesn't know than if he is a close friend or neighbor. 1(61)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

36. Our Department is too busy trying to fight important crimes. We can't spend very much energy on drunk driving arrests. 1(62)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

37. Assuming an officer has made a "good" drunk driving arrest, I will back him up all the way, no matter whom he has arrested. 1(63)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

38. Most officers find it discouraging to arrest a drunk driver since he will be doing the same thing again tomorrow. 1(64)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

39. I would rather not have an officer make a drunk driving arrest if it means his beat will be left uncovered for several hours. 1(65)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

40. I certainly don't expect officers under my command to arrest every drunk driver they stop. 1(66)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

41. Most of the officers under my command should be making more drunk driving arrests. 1(67)

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

NOTE: Please take a moment to check back over the statements to make sure you have placed one and only one "x" for each of them.

Office Use
1(68-70) blank

7. Suppose that an officer is investigating a driver he suspects is guilty of drunk driving. There may be some factors that will influence the officer's decision to arrest or not arrest the driver on a drunk driving charge. Some factors may decrease the chances that an arrest will be made, while others may increase the chances. On the following pages is a list of some factors that might possibly influence the officer's decision. Please review this list carefully, and add to it any other factors that you think should be mentioned.
8. After you have reviewed the list, please indicate what kind of influence you think each factor would have. That is, place an "x" in the appropriate column on the right to indicate whether you think the factor would have:
- . A strong influence for arrest
 - . A moderate influence for arrest
 - . A weak influence for arrest
 - . A strong influence against arrest
 - . A moderate influence against arrest
 - . A weak influence against arrest

Please do this for each factor, even if you are not sure that it would have any influence. Please place only one "x" for each factor.

For Arrest

Against Arrest

	<u>For Arrest</u>			<u>Against Arrest</u>			
	1 Strong	2 Moderate	3 Weak	4 Strong	5 Moderate	6 Weak	
1. If the officer feels the driver will later "get off" on a reduced charge							1(71)
2. If the driver is a woman							1(72)
3. If the driver has committed some other traffic violation							1(73)
4. If there is someone available to take the driver home							1(74)
5. If the driver is a member of a minority group							1(75)
6. If the driver is very abusive toward the officer							1(76)
7. If the driver seems only "slightly" too intoxicated to drive							1(77)
8. If the driver is injured							1(78)
9. If the driver has caused an accident							1(79)
10. If it is raining							1(80)
11. If the driver has a good excuse, for example, if he has been celebrating the birth of a child							2(5)
12. If it is near the end of the officer's duty shift							2(6)
13. If the driver is young							2(7)

	<u>For Arrest</u>			<u>Against Arrest</u>			
	1	2	3	4	5	6	
Other factors you feel should be mentioned:	Strong	Moderate	Weak	Strong	Moderate	Weak	
14.							2(8)
15.							2(9)
16.							2(10)

9A. Please try to recall the most recent time that you made a drunk driving arrest.

(Note: If you never made a drunk driving arrest, check here and skip to Question 9B, page 16.)

a. Was the driver:

Race { 1. White 2. Black 3. Latin American 2(11)
4. American Indian 5. Other

Sex: 1. Male 2. Female 2(12)

Age: 1. Under 21 years old 2. 21 to 30 3. Over 30 2(13)

b. What time of day was the arrest made?

1. 6AM to 10 AM 4. 6 PM to 10 PM
2. 10AM to 2 PM 5. 10 PM to 2 AM 2(14)
3. 2 PM to 6 PM 6. 2 AM to 6 AM

c. How much time remained in your duty shift?

1. Less than 1 hour 4. 3 to 4 hours 2(15)
2. 1 to 2 hours 5. More than 4 hours
3. 2 to 3 hours

d. Did you ticket or arrest the driver on some other charge in addition to drunk driving?

1. No Yes, specify: 2(16)
2. Speeding
3. Going too slowly
4. Disobeying traffic control device
5. Reckless driving
6. Improper equipment/documents
7. Other moving violation
8. Criminal charge
9. Other (specify)

e. Was an accident involved in the incident? 1. Yes 2. No 2(17)

If an accident was involved, was anyone killed (1. Yes 2(18)
or 2. No) or injured non-fatally (1. Yes 2. No)? 2(19)

Was the driver injured? 1. Yes 2. No 2(20)

If no accident was involved, what factors led you to stop and investigate that driver? (please print)

2(21)

For Office Use Only	
1.	V
2.	EB
3.	RLC
4.	O
5.	Unsp.

f. Were there any passengers in the driver's vehicle? Yes ___ 1. No ___
 If yes: Was any passenger a licensed driver? 2. Yes ___ 3. No ___ 2(22)
 4. Don't know _____

g. Indicate whether each of the following was used as an indicator of the driver's state of intoxication before you arrested him:

	1. <u>Used</u>	2. <u>Not Used</u>	
Driver's general appearance	_____	_____	2(23)
Coordination Tests (e. g., "walk the line," "finger-to-nose," etc.)	_____	_____	2(24)
Chemical Screening Test of driver's breath (e. g., "balloon test," etc.)	_____	_____	2(25)

h. Please characterize the driver's general attitude toward you:

Highly cooperative	1. _____	
Generally cooperative	2. _____	2(26)
Generally uncooperative	3. _____	
Highly uncooperative	4. _____	

i. Please indicate the weather conditions at the time of the arrest (check one):
 1. Rain ___ 2. Snow/sleet ___ 3. Fog ___ 4. Overcast ___ 2(27)
 5. Clear ___

j. How long ago did this arrest take place:

Within the past 3 months	1. _____	
4 to 6 months ago	2. _____	
6 months to 1 year ago	3. _____	2(28)
1 to 2 years ago	4. _____	
More than 2 years ago	5. _____	

k. What happened to the driver as a result of this arrest?

The case has not yet come to court	1. _____	
He was convicted of drunk driving	2. _____	
He was convicted on a lesser charge only	3. _____	2(29)
He was acquitted	4. _____	
Don't know	5. _____	

9B. Please try to recall the most recent time that you investigated a driver you suspected was intoxicated, but decided not to arrest him for drunk driving.

(Note: If you have never investigated a driver you suspected was intoxicated, check here ___ and go to question 10, page 18.)

a. Was the driver:

Race	1. White _____	2. Black _____	3. Latin American _____	2(30)
	4. American Indian _____	5. Other _____		

Sex: 1. Male _____ 2. Female _____ 2(31)

Age: 1. Under 21 years old _____ 2. 21 to 30 _____ 3. Over 30 _____ 2(32)

b. What time of day did the incident occur?

1. 6 AM to 10 AM _____	4. 6 PM to 10 PM _____	
2. 10AM to 2 PM _____	5. 10 PM to 2 AM _____	2(33)
3. 2 PM to 6 PM _____	6. 2 AM to 6 AM _____	

c. How much time remained in your duty shift?

1. Less than 1 hour _____	4. 3 to 4 hours _____	2(34)
2. 1 to 2 hours _____	5. More than 4 hours _____	
3. 2 to 3 hours _____		

d. Did you ticket or arrest the driver on some other charge?

1. No ___ Yes, specify:	2(35)
2. Speeding _____	
3. Going too slowly _____	
4. Disobeying traffic control device _____	
5. Reckless driving _____	
6. Improper equipment/documents _____	
7. Other moving violation _____	
8. Criminal charge _____	
9. Other (specify) _____	

e. Was an accident involved in the incident? 1. Yes ___ 2. No. ___ 2(36)

If an accident was involved, was anyone killed (1. Yes ___ 2(37) or 2. No ___) or injured non-fatally (1. Yes ___ 2. No ___)? 2(38)

Was the driver injured? 1. Yes ___ 2. No ___ 2(39)

If no accident was involved, what factors led you to stop and investigate that driver? (please print)

For Office Use Only	
1.	V
2.	EB
3.	RLC
4.	O
5.	Unsp.

2(40)

f. Were there any passengers in the driver's vehicle? Yes ___ 1. No ___

If yes: Was any passenger a licensed driver? Yes ___ 2. No ___

3. Don't know ___ 2(41)

If yes: Did you request one of the passengers to drive the vehicle?

4. Yes ___ 5. No ___

g. Indicate whether each of the following was used as an indicator of the driver's state of intoxication during the investigation:

1. Used 2. Not Used

Driver's general appearance _____ 2(42)

Coordination Tests (e.g., "walk the line," "finger-to-nose," etc.) _____ 2(43)

Chemical Screening Test of driver's breath (e.g., "balloon test," etc.) _____ 2(44)

h. Please characterize the driver's general attitude toward you:

Highly cooperative 1. _____
 Generally cooperative 2. _____ 2(45)
 Generally uncooperative 3. _____
 Highly uncooperative 4. _____

i. Please indicate the weather conditions at the time of the incident:

1. Rain ___ 2. Snow/sleet ___ 3. Fog ___ 4. Overcast ___ 2(46)
 5. Clear ___

j. How long ago did this incident take place?

Within the past 3 months 1. _____
 4 to 6 months ago 2. _____
 6 months to 1 year ago 3. _____ 2(47)
 1 to 2 years ago 4. _____
 More than 2 years ago 5. _____

10. During the past 12 months, approximately how many drivers have you arrested for drunk driving? _____ 2(48-49)

11. During the past 12 months, approximately how many drivers have you investigated on suspicion of drunk driving (include those that you arrested and reported in Question 10 above)? _____ 2(50-52)

12A. Please indicate the legal penalties for first offense drunk driving in this state:

Fine? Yes ___ No ___; if yes, how much? _____
 Jail sentence? Yes ___ No ___; if yes, how long? _____
 Loss of license? Yes ___ No ___; if yes, how long? _____
 Other (specify) _____

Office Use Only:	
1. cc	2(53)
2. pcl	2(54)
3. pch	2(55)
4. ic	2(56)

12B. Overall, what do you think of these penalties?

1. Too light ___ 2. About right ___ 3. Too harsh ___ 2(57)

13A. To what extent do you consider the number of drunk driving arrests an officer has made when you rate his performance? (check one)

It is the most important factor I consider 1. _____
 I place a good deal of emphasis on it 2. _____
 I place some emphasis on it 3. _____ 2(58)
 I do not consider it at all 4. _____

13B. Do you expect each of your officers to make at least some minimum number of drunk driving arrests each year? 1. Yes ___ 2. No ___ 2(59)

If yes: How many drunk driving arrests do you expect an officer to make each year? _____ 2(60-61)

THANK YOU FOR YOUR COOPERATION!

STUDY OF DRUNK DRIVING ARRESTS
PERSONAL INTERVIEW OF POLICE PERSONNEL

SITE CODE:

Background

- a. Age: 25 or under _____ 26 to 30 _____ 31 to 35 _____
36 to 40 _____ 41 to 45 _____ 46 or over _____
- b. Total years of police experience:
2 years or less _____ 3 to 5 years _____ 6 to 10 years _____
11 to 15 years _____ 16 or more years _____
- c. Level of education completed:
High School graduate: Yes _____ No _____
Years of college _____
- d. Present duty assignment:
Traffic Division _____ General Patrol Division _____
Other (specify) _____ No Separate Division _____
- e. Rank: Patrolman _____ Supervisor _____ Administrator _____

1A. WHAT WOULD YOU SAY IS THE GENERAL ATTITUDE MEMBERS OF YOUR DEPARTMENT HAVE TOWARD ENFORCING THE DRINKING-DRIVING LAWS?

Probes: Do they consider it more important than other motor vehicle offenses, like speeding, etc.?

Would you say that officers are somewhat reluctant to make a drunk-driving arrest? If so, why?

1B. WOULD YOU SAY THAT MOST OFFICERS COULD MAKE MORE DRUNK DRIVING ARRESTS IF THEY WISHED TO?

Yes _____ No _____ Not Sure _____

ELABORATION:

Probe: Do you think some officers tend to write tickets for lesser charges when they stop someone they suspect is a drunk driver?

1C. WHAT WOULD YOU SAY IS THE ATTITUDE MOST OFFICERS HAVE TOWARD PEOPLE THEY ARREST FOR DRUNK DRIVING?

Probes: Is it any different from the attitude they have toward people they stop for speeding?

Do they consider such people pretty much like average citizens?

1D. WHAT EFFECT WOULD YOU SAY AN OFFICER'S ATTITUDE TOWARD DRUNK DRIVERS WOULD HAVE ON WHETHER OR NOT HE WOULD ARREST THEM?

Probes: Would it make any difference if the officer feels a drunk driver is an alcoholic who can't help himself?

Would you say the attitude most officers have tends to make them more reluctant to make a drunk driving arrest?

1E. WHAT WOULD YOU SAY MOST OFFICERS THINK OF THE PENALTIES FOR DRUNK DRIVING?

Probe: Are they considered too soft or too hard?

1F. WOULD YOU SAY THAT THE COURTS GENERALLY IMPOSE THE PENALTIES THAT THE LAWS CALL FOR?

Probe: Do judges tend to soften the penalties?

1G. DO YOU FEEL OFFICERS TEND TO THINK ABOUT THE PENALTIES A PERSON WILL RECEIVE WHEN THEY ARE TRYING TO DECIDE WHETHER TO ARREST HIM FOR DRUNK DRIVING?

Probes: Are officers concerned about the effect a drunk driving conviction would have on a person's ability to make a living?

Are officers discouraged when the courts hand down very soft penalties?

1H. WHAT, IN GENERAL, WOULD YOU SAY SHOULD BE DONE TO ENCOURAGE OFFICERS TO MAKE MORE DRUNK DRIVING ARRESTS?

Probes: Do you think officers need to be better informed of the seriousness of drunk driving, or do you think they already know that fairly well?

Do you think officers should be trained to take a more "hard line" attitude toward people they suspect of drunk driving?

Do you think the penalties for drunk driving ought to be reduced to make them more reasonable?

1I. WOULD YOU SAY THAT AN OFFICER WHO DOES NOT DRINK WOULD BE MORE LIKELY TO MAKE A DRUNK DRIVING ARREST THAN ONE WHO DOES?

Probe: Would an officer who drinks be more sympathetic to the drunk driver?

2A. SOME PEOPLE SEEM TO FEEL THAT OFFICERS ARE MORE RELUCTANT TO MAKE A DRUNK DRIVING ARREST NEAR THE END OF THEIR DUTY SHIFT. WHAT DO YOU THINK OF THAT?

Probes: Why would this be the case?

Have you ever noticed that you yourself are more reluctant to make an arrest toward the end of your shift?

2B. WHAT DO YOU THINK MIGHT BE DONE TO OVERCOME THIS RELUCTANCE?

Probes: Do you think shifts should be changed to conform more closely to hours during which most drinking driving occurs?

Do you think procedures could be simplified to reduce the amount of time an officer spends processing a drunk driving arrest?

3A. WOULD YOU SAY THAT MOST OFFICERS ARE DISCOURAGED WHEN A PROSECUTOR OR JUDGE DECIDES TO REDUCE THE CHARGE FROM DRUNK DRIVING TO A LESSER OFFENSE?

Probes: Does this happen very much here?

What is your own attitude when this happens?

Additional

Probes: Do you think an officer might be glad to see the charge reduced if it means he won't have to appear in court to testify?

Would you say that most officers feel the important thing is to get a conviction, and that the specific charge doesn't much matter?

3B. SUPPOSE PROSECUTORS OR JUDGES ALWAYS WENT FOR CONVICTIONS ON THE DRUNK DRIVING CHARGE, THAT IS, THEY NEVER PERMITTED PLEA BARGAINING. DO YOU THINK MOST OFFICERS WOULD REALLY MAKE MORE DRUNK DRIVING ARRESTS AS A RESULT?

Probe: Do you think you would yourself?

4A. DO YOU THINK THAT YOU PERSONALLY WOULD BE MORE LIKELY TO ARREST A DRUNK DRIVER WHO HAD CAUSED AN ACCIDENT THAN ONE WHOM YOU HAD SIMPLY STOPPED WHILE DRIVING?

Probes: Do you think most officers feel that way?

Would it make any difference if someone else was injured in the accident?

4B. DOES IT BECOME MORE DIFFICULT TO MAKE A DRUNK DRIVING ARREST IF THE SUSPECT HIMSELF IS INJURED IN THE ACCIDENT?

Probe: Can it be harder to obtain a blood or breath test?

Additional

Probe: If respondent feels suspect injury increases difficulty of arrest, what do you think could be done to overcome these problems?

5A. SOME PEOPLE HAVE SUGGESTED THAT OFFICERS ARE MORE LIKELY TO ARREST A MAN FOR DRUNK DRIVING THAN A WOMAN. DO YOU THINK THIS IS GENERALLY TRUE?

Probes: Why?

Are there any special problems involved with arresting women?

5B. IT HAS ALSO BEEN SUGGESTED THAT OFFICERS TEND TO BE TOUGHER ON YOUNG DRINKING DRIVERS. WOULD YOU CARE TO MAKE ANY COMMENTS ON THAT?

Probes: Do you think just the opposite is the case?

Why might officers be tougher on young people?
Are they generally less respectful?

5C. DO YOU THINK THAT RACIAL PREJUDICE EVER AFFECTS AN OFFICER'S DECISION WHETHER OR NOT TO ARREST A SUSPECTED DRUNK DRIVER?

Probes: Do you think some officers tend to give the benefit of doubt to people of their own race?

Do you think some officers are reluctant to arrest members of minority groups because they do not wish to appear racially prejudiced?

5D. WOULD YOU SAY THAT OFFICERS IN GENERAL GO A BIT EASIER ON "INFLUENTIAL CITIZENS" THAN ON THE AVERAGE GUY?

Probe: For example, suppose an officer stopped an elected official; do you think he might be less likely to make a drunk driving arrest?

5E. DO YOU THINK IT MAKES ANY DIFFERENCE IF THE OFFICER PERSONALLY KNOWS THE DRIVER HE HAS STOPPED?

5F. JUST IN GENERAL, HOW MUCH DOES WHO OR WHAT THE SUSPECT IS INFLUENCE AN OFFICER? WOULD YOU SAY THE SUSPECT'S AGE, SEX, RACE, IMPORTANCE, AND SO ON VERY OFTEN MAKES A DIFFERENCE AS TO WHETHER OR NOT HE WILL BE ARRESTED?

Probes: Suppose the suspect seems only slightly too drunk to drive. Would these factors influence most officers in that case?

What characteristic (sex, age, etc.) would you say is most important?

5G. CAN YOU SUGGEST ANYTHING THAT SHOULD BE DONE TO OVERCOME ANY TENDENCY AN OFFICER MIGHT HAVE TO BE OVERLY LENIENT OR OVERLY STRICT TOWARD SUSPECTS OF CERTAIN TYPES?

(Probe based upon previous responses regarding race, sex, etc.)

6A. IN YOUR OPINION, HOW DO OFFICERS GENERALLY FEEL ABOUT THE CURRENT PRESUMPTIVE LIMIT FOR DRUNK DRIVING? FOR EXAMPLE, SO THEY FEEL THE LIMIT IS SET TOO HIGH, SO THAT SOME DRIVERS MAY BE UNDER THE INFLUENCE WITHOUT BEING LEGALLY TOO DRUNK TO DRIVE?

Probe: Have you ever arrested someone who later proved to be below the legal limit of intoxication?

6B. DO YOU THINK MOST OFFICERS TEND TO GIVE THE SUSPECT THE BENEFIT OF THE DOUBT IF HE APPEARS TO BE JUST OVER THE LEGAL LIMIT?

Probes: Do you think most officers trust their ability to decide whether a suspect is over the legal limit of intoxication?

What do you yourself generally do when you have a suspect and you are not sure whether he is legally intoxicated?

6C. CAN YOU SUGGEST ANYTHING THAT COULD BE DONE TO HELP OFFICERS TO CORRECTLY DECIDE WHEN A SUSPECT IS INTOXICATED?

6D. IN YOUR OWN OPINION, WHAT SHOULD THE LEGAL LIMIT OF INTOXICATION BE? _____

Comments:

7A. HAVE YOU PERSONALLY EVER ARRESTED SOMEONE FOR DRIVING WHEN HE HAD NOT COMMITTED ANY OTHER TRAFFIC VIOLATION OR BEEN INVOLVED IN AN ACCIDENT AT THE SAME TIME?

Yes, often ____ Yes, seldom ____ Never ____ Not sure ____

7B. WOULD YOU SAY THAT MOST DRUNK DRIVING ARRESTS INVOLVE SUSPECTS WHO HAVE COMMITTED OTHER TRAFFIC VIOLATIONS OR CAUSED AN ACCIDENT AT THE SAME TIME?

Probe: Why is this so? (or not so?)

7C. WOULD YOU SAY MOST OFFICERS ARE MORE LIKELY TO MAKE A DRUNK DRIVING ARREST IF THE SUSPECT HAS ALSO COMMITTED SOME OTHER TRAFFIC VIOLATION?

Probes: Is there a tendency to "throw the book" in cases like this?

Would you say that some officers might not make a drunk driving arrest in this case, and instead be satisfied to issue a ticket for whatever other violation had been committed?

8A. DO YOU THINK THAT THE WEATHER CONDITIONS AFFECT AN OFFICER'S DECISION TO ARREST OR NOT ARREST A DRUNK DRIVING SUSPECT?

Probes: Do you generally need to have a suspect get out of his car in order to decide if he is intoxicated?

If yes, are officers reluctant to do this if it is raining?

8B. ARE THERE ANY (OTHER) DIFFERENCES IN THE WAY AN OFFICER INVESTIGATES A SUSPECTED DRUNK DRIVER WHEN THE WEATHER IS BAD AS COMPARED TO WHEN THE WEATHER IS GOOD?

8C. CAN YOU THINK OF ANYTHING THAT WOULD HELP AN OFFICER INVESTIGATE SUSPECTED DRUNK DRIVERS IN BAD WEATHER?

9A. DOES YOUR DEPARTMENT HAVE ANY WRITTEN POLICY CONCERNING DRUNK DRIVING ENFORCEMENT?

Yes ____ No ____

9B. WOULD YOU SAY YOUR SUPERVISOR PLACES A LOT OF IMPORTANCE ON DRUNK DRIVING ENFORCEMENT?

Probe: Has he ever urged you to make more drunk driving arrests?

9C. WOULD YOU SAY THAT THE DEPARTMENT PLACES ENOUGH EMPHASIS ON DRUNK DRIVING?

Probe: Should it place more emphasis?

10A. HOW MUCH SUPPORT WOULD YOU SAY THE GENERAL PUBLIC GIVES IN THIS AREA TO POLICE ENFORCEMENT OF DRUNK DRIVING?

Probe: Has the department received any complaints that it is cracking down too hard--or not cracking down hard enough--on drunk drivers?

10B. WOULD YOU SAY THAT PUBLIC SUPPORT OR LACK OF PUBLIC SUPPORT HAS HAD ANY EFFECT ON THE NUMBER OF DRUNK DRIVING ARRESTS THE OFFICERS ARE MAKING?

Probe: Have drunk driving arrests increased or decreased in recent years?

Has it had any effect on the number of arrests you have made?

10C. HOW ABOUT SUPPORT FROM THE LOCAL (OR STATE) GOVERNMENT? HAS THERE BEEN ENOUGH OFFICIAL BACKING OF DRUNK DRIVING ENFORCEMENT?

11A. WOULD YOU SAY THAT OFFICERS GENERALLY ARE LESS LIKELY TO MAKE A DRUNK DRIVING ARREST IF THE SUSPECT IS COOPERATIVE THAN IF HE IS ARGUMENTATIVE?

Probe: Do you think that is probably true of you personally?

Why do you think that is the case?

11B. SHOULD AN OFFICER GIVE THE BENEFIT OF THE DOUBT TO A DRUNK DRIVING SUSPECT WHO IS COOPERATIVE?

12A. HOW DO OFFICERS FEEL ABOUT THE PROCEDURES THEY HAVE TO GO THROUGH WHEN MAKING A DRUNK DRIVING ARREST?

Probes: Are they considered very inconvenient?

Are they too time-consuming?

12B. DO THESE PROCEDURES HAVE ANY EFFECT ON THE OFFICER WHEN HE IS TRYING TO DECIDE WHETHER HE SHOULD ARREST A SUSPECT?

Probe: Do the procedures tend to make an officer reluctant to make a drunk driving arrest?

12C. WHAT CHANGES MIGHT YOU SUGGEST IN THESE PROCEDURES TO ENCOURAGE OFFICERS TO MAKE DRUNK DRIVING ARRESTS?

13A. DO YOU FEEL THAT YOU PERSONALLY HAVE BEEN GIVEN ADEQUATE TRAINING FOR ENFORCING DRUNK DRIVING LAWS?

Yes ___ No ___ Not Sure ___

13B. WHAT TRAINING HAVE YOU RECEIVED?

13C. WHAT ADDITIONAL TYPES OF TRAINING DO YOU THINK WOULD BE HELPFUL IN THIS AREA?

14. WE HAVE TALKED ABOUT QUITE A NUMBER OF FACTORS THAT MIGHT INFLUENCE AN OFFICER WHO IS TRYING TO DECIDE WHETHER HE SHOULD MAKE A DRUNK DRIVING ARREST.

CAN YOU THINK OF ANYTHING ELSE THAT MIGHT HAVE AN INFLUENCE IN SUCH CASES?

15. SUPPOSE YOU WERE TO INVESTIGATE A SUSPECTED DRUNK DRIVER DURING YOUR NEXT DUTY TOUR. COULD YOU MENTION THE THREE MOST IMPORTANT FACTORS THAT MIGHT INFLUENCE YOUR DECISION TO ARREST OR NOT ARREST THE DRIVER?
(Interviewer: Indicate whether respondent thinks each factor would influence for or against arrest.)

FACTOR #1 _____

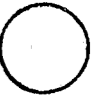
FACTOR #2 _____

FACTOR #3 _____

16. WOULD YOU SAY THAT THIS DEPARTMENT PRODUCES A LOW OR HIGH RATE OF DRUNK DRIVING ARRESTS?

Low _____ High _____ Other _____

SITE CODE:



1. Background

a. Check one: Judge _____ Prosecutor _____ Other (specify) _____

b. Age (check one): 25 or under _____ 26 to 30 _____ 31 to 35 _____
36 to 40 _____ 41 to 45 _____ 46 to 55 _____
56 or over _____

c. Total years of courtroom experience:

2 years or less _____ 3 to 5 years _____ 6 to 10 years _____
11 to 15 years _____ 16 or more years _____

d. Years of experience in present position (Judge/Prosecutor):

2 years or less _____ 3 to 5 _____ 6 to 10 _____
11 to 15 _____ 16 or more _____

e. Have you had any special training relating to prosecution or adjudication of cases involving alleged drunk drivers? Yes _____ No _____

if Yes, please describe the nature of the training:

2A. Have you ever heard the term "Blood Alcohol Concentration" (BAC) or "Blood Alcohol Level?" Yes _____ No _____

If yes, what does it mean? (Interviewer: Record actual response)

For Office Use Only
1. cc
2. c
3. ic

2B. At what Blood Alcohol Concentration is a person considered guilty of drunk driving in this state? _____

2C. Have you ever heard the term "Implied Consent Law?" Yes _____ No _____

If yes, what does it mean? (Interviewer: Record actual response)

For Office Use Only
1. cc
2. c
3. ic

3A. How many ounces of whiskey could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit?" (Please make your best guess even if you are unsure of the answer.) _____

3B. How many 12 ounce bottles of beer could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit?" (Please make your best guess even if you are unsure of the answer.) _____

3C. How much do you weigh? _____

4A. Do you drink alcoholic beverages? Yes _____ No _____

if No, skip to Question #5.

4B. How often do you drink alcoholic beverages?

Once a month or less _____
Several times each month _____
Several times each week _____
Just about every day _____

4C. When you are drinking, how many drinks will you generally have?

one _____
two or three _____
four or five _____
six or more _____

5. What percentage of fatal automobile accidents would you say involve a driver who has been drinking?

5% _____ 30% _____ 60% _____ 90% _____
10% _____ 40% _____ 70% _____ 95% _____
20% _____ 50% _____ 80% _____

INTERVIEWER: EXPLAIN RATING SCALES TO RESPONDENT.
HAND HIM THE RESPONSE CARD.

RESPONSE CARD

(To be handed to Respondent)

STRONGLY AGREE

MOSTLY AGREE

SOMEWHAT AGREE

NEITHER AGREE NOR DISAGREE

SOMEWHAT DISAGREE

MOSTLY DISAGREE

STRONGLY DISAGREE

6. Ratings (INTERVIEWER: READ THE STATEMENTS VERBATIM)

1. It bothers most officers to think that a person they arrest for drunk driving will lose his license, and maybe even his job.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

2. Officers generally try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

3. An officer is more likely to arrest someone for drunk driving if he has caused an accident.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

4. Most officers feel a major problem in making a drunk driving arrest concerns what to do with the suspect's vehicle.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

5. An officer is more likely to arrest someone for drunk driving if he has also committed some other violation at the same time, like speeding or running a red light.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

6. Officers often will ticket a drunk driver on some other charge, since it gets the job done and avoids the "mess" of a drunk driving arrest.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

7. The police department doesn't consider drunk drivers to be a major problem area.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

8. Most drunk drivers are alcoholics.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

9. Many officers feel that the penalties judges issue for conviction of drunk driving are probably too harsh.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

10. Many officers sometimes avoid arresting someone for drunk driving near the end of their duty shift, to avoid the suspect processing time.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

11. Most officers find it very difficult to determine if a person they suspect of drunk driving is legally too intoxicated to drive.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

12. An officer generally won't conduct as good an investigation of a suspected drunk driver when it is raining as he will when the weather is clear.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

13. Many officers feel they can do as much good by giving a drunk driver a good "chewing out" and getting him home safely as they could by arresting him.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

14. A person has to be really "bombed" before he is guilty of drunk driving in this state.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

15. An officer might not arrest a driver he suspects of being drunk if there is a sober passenger who can drive the car.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

16. Most officers probably go a little easier on suspected drunk drivers if the suspect is young.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

17. An officer's only concern is with arresting a drunk driver; it doesn't bother him if the prosecutor or judge decide to reduce the charge.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

18. The police have found that whites are drunk drivers more often than members of minority groups.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

19. Police officers have many more important duties than arresting drunk drivers.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

20. Just about anybody who drinks is guilty of drunk driving at some time or another.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

21. The real "problem drinkers" -- or alcoholics -- tend to be most uncooperative and insulting towards the arresting officer.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

22. No one should be permitted to drive after he has had any amount to drink.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

23. Chemical tests for measuring intoxication aren't very accurate.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

24. Chances are a drunk driver will get a reduced charge in court, so most officers feel it doesn't do much good to arrest them.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

25. The police could make a greater contribution to traffic safety by concentrating on speeders rather than drunk drivers.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

26. Most officers don't like to make a drunk driving arrest unless it is obvious the driver can't get himself home safely.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

27. An officer won't arrest someone for drunk driving unless he is completely sure the suspect's Blood Alcohol Concentration is over the legal limit.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

28. An officer is more likely to arrest someone for drunk driving if the suspect is very offensive or abusive.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

29. Most officers are less likely to arrest a woman for drunk driving.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

30. Most officers think the courts are much too tolerant of drunk drivers.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

31. Most officers would rather be assigned to traffic patrol than to general law enforcement patrol.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

32. Most officers feel there are certain "big wig" citizens the department doesn't expect them to arrest for drunk driving or most other traffic violations.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

33. If there is very little traffic on the roads, an officer might be more likely to give a drunk driving suspect a break and let him go.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

34. The police would probably get good support from the local public if they were to crack down harder on drunk drivers.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

35. An officer is probably more likely to make a drunk driving arrest if the suspect is someone he doesn't know than if he is a close friend or neighbor.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

36. The police are too busy trying to fight important crimes. They can't spend very much energy on drunk driving arrests.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

37. Assuming an officer has made a "good" drunk driving arrest, I will back him up in court all the way, no matter whom he has arrested.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

38. Most officers find it discouraging to arrest a drunk driver since he will be doing the same thing again tomorrow.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

39. There is no excuse for allowing a drunk driving offender to "cop a plea"; we should always seek convictions on that charge.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

40. In many drunk driving cases, we just don't have the evidence to ensure that we could get a conviction on that charge.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

41. It is very difficult to obtain a drunk driving conviction in a jury trial.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

42. The police are not making enough drunk driving arrests.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

43. Without some plea bargaining we couldn't possibly handle our caseloads.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

44. I handle many cases that are much more important than drunk driving offenses.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

INTERVIEWER: CHECK BACK OVER STATEMENTS TO MAKE SURE EACH HAS BEEN CHECKED.

TAKE BACK THE RESPONSE CARD.

7A. What is your general impression of the level of enforcement the police devote to drunk driving?

Probe: Do you think they should be making more arrests on that charge?

7B. Do you think that the police feel that the courts have the proper attitude toward drunk driving offenders?

Probes: Do you think they feel that judges and prosecutors are too soft on drunk drivers?

Do they think that there is too much willingness to plea bargain with drunk driving offenders?

7C. What is your own opinion about the penalties for drunk driving convictions?

Probe: Do you think the punishment is too severe?

7D. What is your own attitude toward plea bargaining in drunk driving cases?

Probe: Do you think it is justified? Why? What are some of the reasons for it?

7E. Can a person accused of drunk driving insist on a jury trial in this State?

Yes ___ No ___
Sometimes (specify) _____

(if yes or sometimes:)

Are juries likely to convict a drunk driver?

8A. Do you make it a practice to involve the arresting officer in plea bargaining sessions with persons arrested for drunk driving?

Probes: What is the nature of this involvement?
Do you think such involvement is (or would be) a good idea?

8B. In scheduling drunk driving cases, do you make it a point to determine whether the arresting officer will be available for appearance in court?

Probe: Have officers ever complained that their schedule is not considered when the court calendar is set?

8C. What is your policy or view towards granting continuances in drunk driving cases?

Probe: How often is such a continuance granted?

Additional probes: How do the police generally react when a continuance is granted?

Will a continuance typically require that the arresting officer spend additional time in court?

- 9A. Approximately how many drunk driving cases have you yourself heard/prosecuted during the past 12 months? _____
- 9B. Approximately how many resulted in conviction on that charge? _____
- 9C. Approximately how many resulted in conviction only on some other charge? _____

10. What do you think might be the three most important factors that influence a police officer when he is trying to decide whether to arrest or not arrest a suspected drunk driver? (Interviewer: Indicate whether respondent thinks the factor would influence for or against arrest.)

Factor #1 _____

Factor #2 _____

Factor #3 _____

11. What, if anything, do you think you could do to increase the number of drunk driving arrests police officers make?

STUDY OF DRUNK DRIVING ARRESTS
CIVIL ADMINISTRATIVE/LEGISLATIVE
PERSONNEL QUESTIONNAIRE

SITE CODE:

1. Background

a. Check one: Administrative ___ Legislative ___ Other (specify) ___
State ___ County ___ Local ___ Other (specify) ___

b. Age: 25 or under ___ 26 to 30 ___ 31 to 35 ___
36 to 40 ___ 41 to 45 ___ 46 to 55 ___
56 or over ___

c. Years of government experience (all levels):

2 or less ___ 3 to 5 ___ 6 to 10 ___ 11 or more ___

d. Do you have any direct administrative or other responsibilities concerning law enforcement agencies? No ___
Yes (specify) _____

If yes: have you ever participated in developing policies for police enforcement of drunk driving? (Specify)

e. Have you ever lobbied for, or participated in the passage of, laws concerning drunk driving? (Specify)

2A. Have you ever heard the term "Blood Alcohol Concentration" (BAC) or "Blood Alcohol Level?" Yes ___ No ___

If yes, what does it mean? (Interviewer: Record actual response)

For Office Use Only	_____
1. cc	_____
2. c	_____
3. ic	_____

2B. At what Blood Alcohol Concentration is a person considered guilty of drunk driving in this state? _____

2C. Have you ever heard the term "Implied Consent Law?" Yes ___ No ___

If yes, what does it mean? (Interviewer: Record actual response)

For Office Use Only	_____
1. cc	_____
2. c	_____
3. ic	_____

3A. How many ounces of whiskey could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit?" (Please make your best guess even if you are unsure of the answer.) _____

3B. How many 12 ounce bottles of beer could a person of your size drink in a 3 hour period on an empty stomach before his blood alcohol concentration reaches the "legal limit?" (Please make your best guess even if you are unsure of the answer.) _____

3C. How much do you weigh? _____

4A. Do you drink alcoholic beverages? Yes ___ No ___

if No, skip to Question #5.

4B. How often do you drink alcoholic beverages?

- Once a month or less _____
- Several times each month _____
- Several times each week _____
- Just about every day _____

4C. When you are drinking, how many drinks will you generally have?

- one _____
- two or three _____
- four or five _____
- six or more _____

5. What percentage of fatal automobile accidents would you say involve a driver who has been drinking?

- | | | | |
|-----------|-----------|-----------|-----------|
| 5% _____ | 30% _____ | 60% _____ | 90% _____ |
| 10% _____ | 40% _____ | 70% _____ | 95% _____ |
| 20% _____ | 50% _____ | 80% _____ | |

Interviewer: Explain rating scales to respondent. Hand him the response card.

RESPONSE CARD

(To be handed to respondent)

Strongly Agree

Mostly Agree

Somewhat Agree

Neither Agree nor Disagree

Somewhat Disagree

Mostly Disagree

Strongly Disagree

6. Ratings (INTERVIEWER: READ STATEMENTS VERBATIM)

1. It bothers most officers to think that a person they arrest for drunk driving will lose his license, and maybe even his job.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

2. Officers generally try to avoid making drunk driving arrests because of the amount of time it takes to process the suspect.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

3. An officer is more likely to arrest someone for drunk driving if he has caused an accident.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

4. Most officers feel a major problem in making a drunk driving arrest concerns what to do with the suspect's vehicle.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

5. An officer is more likely to arrest someone for drunk driving if he has also committed some other violation at the same time, like speeding or running a red light.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

6. Officers often will ticket a drunk driver on some other charge, since it gets the job done and avoids the "mess" of a drunk driving arrest.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

7. The police department doesn't consider drunk drivers to be a major problem area.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

8. Most drunk drivers are alcoholics.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

9. Many officers feel that the penalties judges issue for conviction of drunk driving are probably too harsh.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

10. Many officers sometimes avoid arresting someone for drunk driving near the end of their duty shift, to avoid the suspect processing time.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

11. Most officers find it very difficult to determine if a person they suspect of drunk driving is legally too intoxicated to drive.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

12. An officer generally won't conduct as good an investigation of a suspected drunk driver when it is raining as he will when the weather is clear.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

13. Many officers feel they can do as much good by giving a drunk driver a good "chewing out" and getting him home safely as they could by arresting him.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

14. A person has to be really "bombed" before he is guilty of drunk driving in this state.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

15. An officer might not arrest a driver he suspects of being drunk if there is a sober passenger who can drive the car.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

16. Most officers probably go a little easier on suspected drunk drivers if the suspect is young.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

17. An officer's only concern is with arresting a drunk driver; it doesn't bother him if the prosecutor or judge decide to reduce the charge.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

18. Most police officers have found that whites are drunk drivers more often than members of minority groups.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

19. Police officers have many more important duties than arresting drunk drivers.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

20. Just about anybody who drinks is guilty of drunk driving at some time or another.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

21. The real "problem drinkers" -- or alcoholics -- tend to be most unco-operative and insulting towards the arresting officer.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

22. No one should be permitted to drive after he has had any amount to drink.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

23. Chemical tests for measuring intoxication aren't very accurate.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

24. Chances are a drunk driver will get a reduced charge in court, so most officers feel it doesn't do much good to arrest them.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

25. The police could make a greater contribution to traffic safety by concentrating on speeders rather than drunk drivers.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

26. Most officers don't like to make a drunk driving arrest unless it is obvious the driver can't get himself home safely.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

27. An officer won't arrest someone for drunk driving unless he is completely sure the suspect's Blood Alcohol Concentration is over the legal limit.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

28. An officer is more likely to arrest someone for drunk driving if the suspect is very offensive or abusive.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

29. Most officers are less likely to arrest a woman for drunk driving.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

30. Most officers think the courts are much too tolerant of drunk drivers.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

31. Most officers would rather be assigned to traffic patrol than to general law enforcement patrol.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

32. Most officers feel there are certain "big wig" citizens the department doesn't expect them to arrest for drunk driving or most other traffic violations.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

33. If there is very little traffic on the roads, an officer might be more likely to give a drunk driving suspect a break and let him go.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

34. The police would probably get good support from the local public if we were to crack down harder on drunk drivers.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

35. An officer is probably more likely to make a drunk driving arrest if the suspect is someone he doesn't know than if he is a close friend or neighbor.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

36. The police are too busy trying to fight important crimes. They can't spend very much energy on drunk driving arrests.

Strongly Agree ___:___:___:___:___:___ Strongly Disagree

37. Assuming an officer has made a "good" drunk driving arrest, I would back him up all the way, no matter whom he has arrested.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

38. Most officers find it discouraging to arrest a drunk driver since he will be doing the same thing again tomorrow.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

39. The police are not making enough drunk driving arrests.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

40. We need much tougher laws on drunk driving.

Strongly Agree ___:___:___:___:___:___:___ Strongly Disagree

NOTE: Please take a moment to check back over the statements to make sure you have placed one and only one "x" for each of them.

7A. WHAT IS YOUR GENERAL IMPRESSION OF THE LEVEL OF ENFORCEMENT THE POLICE DEVOTE TO DRUNK DRIVING?

Probe: Do you think they should be making more arrests on that charge?

7B. DO YOU THINK THAT THE POLICE FEEL THAT THE COURTS HAVE THE PROPER ATTITUDE TOWARD DRUNK DRIVING OFFENDERS?

Probes: Do you think they feel that judges and prosecutors are too soft on drunk drivers?

Do they think that there is too much willingness to allow drunk driving offenders to "cop a plea"?

7C. WHAT IS YOUR OWN OPINION ABOUT THE PENALTIES FOR DRUNK DRIVING CONVICTIONS?

Probe: Do you think the punishment is too severe?

7D. WHAT IS YOUR OPINION ABOUT THE DEGREE OF SUPPORT THE PUBLIC GIVES TO POLICE ENFORCEMENT OF DRUNK DRIVERS?

Probe: Do you think the general public wants more strict enforcement?

7E. COULD YOU SUGGEST ANYTHING THAT COULD BE DONE TO INCREASE PUBLIC SUPPORT OF POLICE ENFORCEMENT OF DRUNK DRIVING?

8. WHAT DO YOU THINK MIGHT BE THE THREE MOST IMPORTANT FACTORS THAT INFLUENCE A POLICE OFFICER WHEN HE IS TRYING TO DECIDE WHETHER TO ARREST OR NOT ARREST A SUSPECTED DRUNK DRIVER? (Interviewer: Indicate whether respondent thinks the factor would influence for or against arrest.)

FACTOR # 1 _____

FACTOR # 2 _____

FACTOR # 3 _____

9. What, if anything, do you think you could do to increase the number of drunk driving arrests the police make?

END