



September 2013 Briefing Summary

DETERRING DRUNK DRIVING: WHAT WORKS (AND WHAT DOESN'T)?

All Briefing Materials are available at:

<http://uwphi.pophealth.wisc.edu/programs/health-policy/ebhpp/events/index.htm>

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Problem-Oriented Policing: Effective Responses for Deterring Drunk Driving

Michael Scott discussed a guide on drunk driving that he authored as part of the Department of Justice's Problem-Oriented Guides for Police. In composing this guide, Mr. Scott and his team at the UW Law School conducted a broad literature review and looked at national data to determine what initiatives are effective in deterring drunk driving. Mr. Scott covered legislative and administrative responses, enforcement mechanisms, and sanctions for convicted drunk drivers. He discussed effective policies that Wisconsin has already implemented; policies shown to be effective that the state has not (yet) implemented, and policies proven to have little or no effectiveness. A few highlights are noted below.

- **Harsher penalties** such as those currently being considered by the WI legislature are generally ineffective unless coupled with vastly expanded enforcement mechanisms. Drunk drivers correctly assess their risk of being stopped as extremely low. Based on roadside survey data, Mr. Scott estimates that about 1,000 drunken driving trips occur in Madison on a weekend night. Yet, Madison police average only about 2.75 OWI arrests per night. Even assuming higher weekend arrest figures, the odds of getting arrested are about 5/1,000, or 1 in 200, which is a 0.5% chance. Those who drink and drive have lots of past experience to know their odds of avoiding detection are quite good.

For this reason, increasing the severity of penalties is not an effective deterrent. Harsher penalties can also have unintended consequences because police officers are less likely to arrest, and judges to convict, offenders if they view the punishment to be too extreme. Harsh penalties can, however, effectively be used as leverage to get drunk drivers into treatment or other monitoring programs or to agree to install an ignition interlock device on their car.

- **Deterrence only works when punishment is swift and certain.** Therefore, **increasing the number of police stops** of suspected drunk drivers during high-risk times of day can be very effective (see programs like the Southeast Wisconsin Drunk Driving Task Force, below). Conducting **sobriety checkpoints** can be effective in some circumstances, but are an inefficient use of resources as they net



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so few drunk drivers. Mr. Scott did think the legislature should authorize communities to use them, as they may be useful in certain settings.

- The most effective policies are those that do not require the judgment of a person who has consumed alcohol – their judgment is impaired and cannot be depended upon. Therefore, effective interventions include:
 - **Impounding, immobilizing, or confiscating** the vehicles of drunk drivers or confiscating their license plates;
 - Closely **monitoring high-risk drunk drivers**;
 - Requiring convicted drunk drivers to install **electronic ignition locks** on their vehicles. Mr. Scott considers electronic ignition locks to be the “holy grail” of drunk driving deterrence because there is no need for psychological incentives. With ignition locks, if a person is drunk, their car simply will not start. Auto manufacturers are now working on passive ignition locks, which Mr. Scott would like to see installed as a standard feature on all cars in the future.
- As cathartic as it is for victim’s families, evidence shows that **victim impact panels** have no long term effects on deterring reoffenders.
- **The tavern industry also has a large role to play.** Relaxing or staggering mandatory bar closing times would reduce the volume of impaired drivers on the road at a single time. Suing alcohol beverage servers for serving intoxicated patrons who then drive and cause traffic injuries would also encourage tavern owners to change the way they do business.

Stop, Test, and Arrest: The Southeast Wisconsin Drunk Driving Task Force An Example of High Visibility OWI Enforcement

In order for nearly all of Mr. Scott’s recommendations to be effective, drunk driver arrest rates must be improved. Thankfully, there are promising efforts ongoing in Wisconsin. Timothy Sharpee, Captain of the Wauwatosa Police Department, discussed the Southeast Wisconsin Drunk Driving Task Force, which was created in 2009 with the goal of deterring drunk driving by creating an increased police presence and raising the expectation of being pulled over for drunk driving. This regional coalition is made up of 23 area law enforcement agencies, prosecutors, media, tavern and hotel owners, and advocacy groups committed to stopping drunk driving in Milwaukee and Waukesha counties.

The Task Force has trained officers to recognize signs of drunk driving and streamlined the arrest process, reducing booking time from 3-4 hours down to 45 minutes. They work to deter drunk driving by aggressively seeking out impaired drivers in designated Drunk Driving Enforcement Zones during the problem hours of 8pm to 4am. On heavy drinking days such as St. Patrick’s Day and Thanksgiving, the Task Force also holds special roll call events where officers in easily-recognizable reflective vests take roll call on high-traffic corners to alert drivers of their presence. These events have helped the task force to gain visibility and warn drivers that if they drink and drive, they will be caught.

Police officers in Milwaukee and Waukesha Counties have seen a noticeable reduction in drunk driving arrests since the inception of the task force four years ago. They now hope to promote their model to surrounding counties and encourage other law enforcement agencies to develop OWI Task Forces across the state.