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# In Their Own Words

*The traffic safety community on the real drunk  
driving problem—and its solutions*

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The American Beverage Institute

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*The traffic safety community on the real drunk driving problem—and its solutions*

**“For 15 years,** the United States was winning the war against drunken driving, steadily reducing the percentage of deaths from accidents involving alcohol. But at some point in the mid-1990’s, the progress stopped and then reversed.”<sup>1</sup>

The New York Times, *October 2002*

“Even as states have reduced legal levels, highway deaths associated with drunk driving have begun to creep up.”<sup>2</sup>

Los Angeles Times, *October 2003*

**As of January 2004, 46 states and the District of Columbia have adopted a 0.08% blood alcohol concentration (BAC) as the legal threshold for drunk driving, and roadblocks are being used more frequently than ever. Yet drunk driving deaths are starting to rise, according to government data. Why? Because measures that target responsible adults who drink moderately prior to driving do not reach the cause of the drunk driving problem—alcohol abusers.**

“Alcohol-related occupant fatalities [in 2002]—up a total of 3%, and it’s all coming out of the high-BAC data source. In fact, it’s high BAC despite the reduction of low BACs.”<sup>3</sup>

*Dr. Jeffrey Michael, Director of Impaired Driving & Occupant Protection Division of the National Highway Traffic Safety Administration (NHTSA)*

“Now, she [Katherine Prescott, then MADD president] said, the problem may be down to a hard core of alcoholics who do not respond to public appeals.”<sup>4</sup>

The New York Times, *December 1996*

**Ironically, the National Highway Traffic Safety Administration (NHTSA) and anti-alcohol groups like Mothers Against Drunk Driving (MADD) have used this increase in drunk driving fatalities by product abusers as a justification for a major campaign against responsible adults and on-premise consumption. This is based on the wild assumption that these fatalities can be cut by arresting responsible people who drink before driving. They have increased their calls for zero-tolerance laws and roadblocks to harass and arrest responsible social drinkers, hoping to scare people into not driving after drinking—even when they are well within the legal limits.**

“If you drink and drive, you will be arrested, you will be prosecuted, and you could very well end up in a jail.”<sup>5</sup>

*The Honorable Norman Mineta, U.S. Secretary of Transportation*

“We will not allow a man or woman to leave [a roadblock] knowing they consumed alcohol ...”<sup>6</sup>

*North Miami, FL Police Chief William Berger, at a NHTSA press conference*

**But NHTSA and leading traffic safety experts recognize that campaigns against responsible adults will not solve *today's* drunk driving problem. Even advocates of these anti-alcohol campaigns have candidly acknowledged that their programs are ineffective—and have even admitted that their efforts are not designed to attack the core of the drunk driving problem as it exists today.**

“I think that the educable have been educated, and that’s why we saw the rapid drop-off in the numbers. ... What we’re dealing with now is a very different population of impaired drivers. There are some who still commit social indiscretions, but by far and away, the larger majority of drivers are those who have alcohol use disorders.”<sup>7</sup>

*Dr. Jeffrey Runge, Administrator of NHTSA*

“I think we’ve been very effective in convincing the average citizen, the more socially responsible individual, that this [drunk driving] is unacceptable behaviour, and I think that’s reflected in the statistics. What we’re left with, more and more, is a group of individuals who don’t give a tinker’s damn about those messages.”<sup>8</sup>

*Herb Simpson, President and CEO of the Traffic Injury Research Foundation and winner of the National Commission Against Drunk Driving’s 2003 “Humanitarian of the Year” Award*

“Clearly, the implication here is that the usual stuff isn’t working. We have to make some sort of change in our alcohol programming to turn this trend around. It’s clearly not easily moved, but we did something right back in the late 80s, early 90s, and we’re not managing to really do that now.”<sup>9</sup>

*Dr. Jeffrey Michael, NHTSA*

“The [drunk driving] campaign has created such a stigma that it has changed the behavior of most social drinkers. But with one segment of society, safety advocates acknowledge defeat: chronic drunken drivers.”<sup>10</sup>

*USA TODAY, May 1997*

“Attitudes towards drunk driving have changed markedly in the last two decades. Alcohol deaths dropped by 40 percent as public awareness made it socially unacceptable to drink and drive. ... [But] drunk driving statistics are inching up again ... because nothing seems to make a dent in the behavior of repeat offenders.”<sup>11</sup>

*Barbara Walters, ABC News*

**The steady increase in fatalities despite the increasing pressure on responsible social drinkers is creating a rift in the traffic safety community.**

“On one side are safety advocates who say greater emphasis should be placed on catching and prosecuting highly intoxicated drivers, who cause the majority of fatal accidents. But others favor continuing to emphasize the message that all drinking and driving can impair safety.”<sup>12</sup>

*Los Angeles Times, October 2003*

**Clearly, it is time for America to rethink how it is attacking the drunk driving problem.**

## **There is little doubt** as to the true cause of the remaining drunk driving problem.

“According to the National Highway Traffic Safety Administration (NHTSA), 65 percent of all alcohol-related highway deaths involve drivers with a BAC of .15 or higher. ... Nearly one-third of drivers arrested or convicted of drunk driving each year are repeat offenders, and as many as 75 percent of those who lose their license for driving drunk continue to drive on a suspended license.”<sup>13</sup>

*“MADD Launches Nationwide Campaign Taking Aim At Repeat Offenders and Super-Drunk Drivers,” December 1999*

“The average driver involved in a fatal crash is at .16, about double the legal limit.”<sup>14</sup>  
*Dr. Jeffrey Michael, NHTSA*

“These people don’t have a glass of wine with dinner or a couple of beer[s]. They’re having eight, 10, 12, 14 ...”<sup>15</sup>

*Herb Simpson, Traffic Injury Research Foundation*

### **“MADD identified three types of offenders as ‘higher risk drivers’:**

1. Someone convicted of a drunk driving offense within 5 years of a prior drunk driving conviction,
2. Someone convicted of drunk driving who at the time of the offense had a BAC of .16 or higher,
3. Someone convicted of driving with a suspended license where the suspension was the result of a drunk driving arrest.”<sup>16</sup>

*“MADD Launches Nationwide Campaign Taking Aim At Repeat Offenders and Super-Drunk Drivers,” December 1999*

**Now, the most important debate should center on how to deal with today’s drunk driving problem. Efforts to further restrict alcohol consumption by responsible adults—particularly the controversial law lowering the drunk driving arrest threshold to .08% BAC—have not reduced drunk driving deaths.**

“A 1999 report by Congress’ General Accounting Office found no definitive evidence that the 0.08 standard, by itself, cuts down on alcohol-related crashes.”<sup>17</sup>  
*The Chicago Tribune, January 2003*

The effect of the .08 law “was primarily limited to individuals who generally restrict their alcohol consumption before driving anyway.”<sup>18</sup>  
*California Department of Motor Vehicles*

“None of the fatal accident series produced any evidence of a decrease associated with the 0.08% legislation.”<sup>19</sup>

*California Department of Motor Vehicles*

“In an interview, Ms. Sandberg [Annette Sandberg, the deputy administrator of the National Highway Traffic Safety Administration and a former superintendent of the state police in Washington State] said: ‘.08 scared a lot of people. It’s a lot easier to get to .08, and you need to be more cautious.’ Lowering the standard and enforcing it, she added, may have impressed casual drinkers but not people who can reach .16. ... ‘A lot of states need to have stricter rules with regard to their problem drinkers,’ she said.”<sup>20</sup>

*The New York Times, October 2002*

The “conclusion that 500 to 600 fewer fatal crashes would occur annually if all states had .08 BAC laws is unfounded.”<sup>21</sup>

*United States General Accounting Office*

### **In fact, the .08 mandate has split the highway traffic safety community and others committed to reducing the drunk driving problem.**

“‘I thought the emphasis on .08 laws was not where the emphasis should have been placed,’ Candace Lightner [founder and former president of MADD] said. ‘The majority of crashes occur with high blood-alcohol levels, the .15, .18 and .25 drinkers. Lowering the blood-alcohol concentration was not a solution to the alcohol problem.’”<sup>22</sup>

*Los Angeles Times, December 2002*

“To politicians, [.08% BAC] might sound like a free solution ... [W]hat they ought to be doing is to provide more resources to police to vigorously enforce the laws on the books, and they’ll save many more lives.”<sup>23</sup>

*Brian O’Neill, president of the Insurance Institute for Highway Safety*

“In 90 per cent of cases the people involved in drinking and driving fatalities are two or three times over the current legal limit. And lowering the legal BAC limit a few points is certainly not going to change the behaviour of chronic offenders—the one per cent of drivers who tend to be alcoholics and responsible for a disproportionate number of road crashes, injuries and deaths. All this will do is criminalize social drinkers.”<sup>24</sup>

*Emile Therien, president of the Canada Safety Council*

“Why is .08 the magic number? By lowering it to .08, we are going to catch more of what I call the social drinkers.”<sup>25</sup>

*Stewart Iverson, Iowa Senate majority leader*

“Nobody is for drunk driving, but they are after the wrong end of the stick. The people who have had a few beers or a glass of wine are not the problem. We call it prohibition drip by drip. It is prohibitionists who want this. Their goal is zero tolerance.”<sup>26</sup>

*Richard Finan, former president of the Ohio Senate*

**This rift widened when NHTSA (perhaps in reaction to the dismal results generated by .08) sought further sanctions against responsible adults in the form of nationwide roadblock campaigns—campaigns that they acknowledge are specifically designed to frighten responsible adults, not to catch drunk drivers.**

“You aren’t trying to arrest a lot of people. You’re trying to persuade the community that they are facing a higher probability of arrest. So, low-manpower checkpoints may be something to pursue. Maybe daytime operations—of course it’s true that most of the DUIs occur at night, but if again we’re trying to increase perceived risk of arrest, is it better to do daytime operations that can be publicized more?”<sup>27</sup>

*Dr. Jeffrey Michael, NHTSA*

“The goal of a sobriety checkpoint is to ... convince people not to drink and drive.”<sup>28</sup>

*National Highway Traffic Safety Administration*

Roadblocks “act as deterrents to drivers who drink ...”<sup>29</sup>

*“Saturation Patrols & Sobriety Checkpoints,” National Highway Traffic Safety Administration website*

**NHTSA’s call for more roadblocks (and daytime roadblocks, at that) to frighten responsible adults is particularly troubling, considering they (and other traffic safety experts) recognize that roadblocks don’t target or deter truly drunk drivers.**

“The efficiency of police spot checks [roadblocks] is questionable. Such programs require a tremendous commitment of personnel and resources. Typically, such spot checks report stopping several thousand vehicles to check drivers for alcohol use but result in the arrest of only a handful of drivers. In the context of DWI repeat offenders, spot checks are even less efficient.”<sup>30</sup>

*Health Canada, “DWI Repeat Offenders: A Review and Synthesis of the Literature”*

“For chronic drunk drivers, checkpoints may not be very effective since these drivers are more likely to avoid them in the first place, and have learned to alter their driving behavior to avoid detection.”<sup>31</sup>

*Abstract of NHTSA’s “Experimental Evaluation of Sobriety Checkpoints”*

“The reality is that they catch a lot more people with roving patrols than they do with checkpoints ...”<sup>32</sup>

*Pennsylvania Department of Transportation spokesperson*

“Many police agencies say the checkpoints, while effective at raising public awareness, are not the most efficient way to get drunk drivers off the road on any given night. Sobriety checkpoints can require dozens of officers to control traffic, interview drivers and test the suspicious ones, police say.”<sup>33</sup>

*The Washington Post, December 2002*

“With that number of officers working regular patrol [instead of at a roadblock], we’d get twice as many DUIs in a night.”<sup>34</sup>

*Kansas Highway Patrol*

# Cops Oppose Roadblocks

**Much of the opposition to roadblocks comes from law enforcement, particularly from those in the field. The law enforcement consensus is that roadblocks drain limited resources and do not work to catch drunk drivers.**

“Checkpoints yield very little enforcement.”<sup>35</sup>

*Inspector John Sassano, NYPD*

“The figures show roadblocks are not the answer to drunk driving.”<sup>36</sup>

*Fairfax County Police Chief Carroll D. Buracker*

“I don’t miss the roadblocks at all. ... Now we can put the units in the areas of high violation, high accident and high resident request levels.”<sup>37</sup>

*Westborough, MA Police Chief Glenn Parker*

“It [a roadblock] is not a valid use of police time. We are involved in enforcement and education, but we do not have to include mass inconvenience and mass fear.”<sup>38</sup>

*Wayne, NJ Police Chief Robert H. Pringle*

“Based on our experience, when we have done roadblocks, they haven’t been that effective. Through the ’90s, we tried them occasionally, and they didn’t seem that effective. We seem to have better luck with random patrol, or moving patrols.”<sup>39</sup>

*Kennebunk, ME Police Chief Mathew Baker*

“They have not worked, and they will not work. As an Indiana state trooper in the early 1980s, I quickly realized that roadblocks are all about public relations and have very little to do with safety. In fact, roadblocks make it more likely that dangerously drunken drivers will not be caught. Roadblocks require the deployment of more officers than they are worth, stretching already overtaxed police resources even further. ... I led my district in convictions for driving under the influence two years in a row. Few of these convictions came from my time on roadblock detail. ... Roadblocks just harass responsible drivers and persecute responsible drinkers who had a beer at a friend’s house or a glass of wine with dinner at a restaurant. They look great on the evening news as a sign of what’s being done to stop drunken driving, but in reality they are counterproductive.”<sup>40</sup>

*Stan Worthington, former Indiana State Trooper*

“Police prefer to conduct regular patrols rather than checkpoints because patrols may yield more arrests.”<sup>41</sup>

*Susan Ferguson, senior vice president for research,  
Insurance Institute for Highway Safety*

“Officials in some of these states say checkpoints aren’t conducted more frequently because police view regular patrols as more productive.”<sup>42</sup>

*Insurance Institute for Highway Safety*

# Courts Oppose Roadblocks

## There has also been serious opposition to roadblocks from the courts.

“The evidence at trial indicated checkpoints generally result in a very low arrest rate and therefore have a questionable deterrent value.”<sup>43</sup>

*Michigan Supreme Court Justice McDonald  
(Sitz v. Dept. of State Police, 1992)*

“... [T]hese warrantless searches conducted without any suspicion of criminal wrongdoing are less efficient than the normal stops based on probable cause. Therefore, roadblocks are an inefficient and unnecessary constraint on a person’s right to remain free of search or seizure absent probable cause.”<sup>44</sup>

*Idaho Supreme Court Justice Huntley  
(Idaho v. Henderson, 1988)*

“The state argued that the roadblock is a deterrent. The effectiveness of such deterrence may be highly questionable, and nothing in the record supports this contention.”<sup>45</sup>

*Rhode Island Supreme Court Justice Fay  
(Pimental v. Dept. of Transportation, 1989)*

“In addition to finding the checkpoints only minimally effective in curbing drunk driving, the trial court found the overall intrusiveness of the roadblocks to the citizens to be great.”<sup>46</sup>

*Michigan Supreme Court Justice McDonald  
(Sitz v. Dept. of State Police, 1992)*

“It is illogical to permit law enforcement officers to stop fifty or a hundred vehicles on the speculative chance that one or two may be driven by a person who has violated the law in regard to intoxication.”<sup>47</sup>

*Rhode Island Supreme Court Justice Fay  
(Pimental v. Dept. of Transportation, 1989)*

## Roadblocks are not just a waste of resources and a failure of enforcement—they are the centerpiece of a neo-prohibitionist campaign to reduce consumption of adult beverages by attacking responsible adults.

“If the public is aware the police will be conducting check points ... they drink less.”<sup>48</sup>  
*“Sobriety Checkpoints,” MADD website*

“Harder to measure but perhaps even more important, sobriety checkpoints deter people from driving after drinking ...”<sup>49</sup>  
*“National Sobriety Checkpoint Week,” MADD website*

“It’s not okay to put the keys in the car when you’ve been drinking, forget the limits on BAC. It’s just not acceptable to drink and drive. Period.”<sup>50</sup>  
*MADD fundraising letter*

“Lowering the legal [arrest] standard will be a deterrent for light drinkers as well as heavy drinkers.”<sup>51</sup>

*Katherine Prescott, former president of MADD*

“While a lot of attention is paid to the serious problems of repeat offenders, we don’t want to overlook the casual drinker. If you choose to drink you should never drive. We will not tolerate drinking and driving—period.”<sup>52</sup>

*Karolyn Nunnallee, former president of MADD*

“Candy Lightner, MADD’s founder, says she disassociated herself from the movement in 1985 because she believed the organization was headed in the wrong direction. ‘It has become far more neo-prohibitionist than I had ever wanted or envisioned,’ said Mrs. Lightner, who founded MADD after her daughter was killed by a drunk driver. ‘I didn’t start MADD to deal with alcohol. I started MADD to deal with the issue of drunk driving.’”<sup>53</sup>

*The Washington Times, August 2002*

“I believe that most people would not mind the slight inconvenience of being arrested for a low blood-alcohol level, given the opportunity to prove their innocence ...”<sup>54</sup>

*Linda Campion, MADD presenter and founder of the Kathleen A. Campion Foundation*

“Even MADD’s founder thinks the group has gone too far. ‘I think they’ve become far more neoprohibitionist over the years.’”<sup>55</sup>

*Candace Lightner, as quoted in Investor’s Business Daily*

“We’re to the point where almost everyone knows that [he or she] shouldn’t drink and drive. The people who are still doing it are choosing to do it. The most effective way to deal with them is to arrest them.”<sup>56</sup>

*David Kelly, Virginia chapter of MADD*

**Today, as Congress debates the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21), we have an opportunity to return the focus of the debate to the real problem—and to the real solutions to the drunk driving problem.**

“The long national campaign against drunken driving has persuaded some drivers to drink less or not at all. But two recent studies suggest that the people heeding the message are not the ones who drink the most. The studies also hint that it may be time for some states and judges to try new strategies.”<sup>57</sup>

*The New York Times, 1997*

“The easy stuff has been done ... We’ve got off the road the recreational drinkers and the people who don’t have some sort of alcohol problem, or at least we have a handle on that. We’re now down to the people who don’t have much choice anymore, or ever did. They are at least problem drinkers, more likely approaching alcoholic.”<sup>58</sup>

*George W. Black, National Transportation Safety Board*

“We should focus on people who are seriously impaired at the kind of levels that are illegal. That’s one reason the problem is overstated.”<sup>59</sup>

*Brian O’Neill, president of the Insurance Institute for Highway Safety*

“We must reach the core of the problem—abusive drinkers and repeat offenders. My suggestion is to seek out the truly dangerous drunk drivers. Saving lives on the highway means prosecuting the most dangerous drivers ...”<sup>60</sup>

*Candace Lightner, founder and former president of MADD*

**There is only one way to deal with alcohol abusers—they must be taken off the road, they must be punished, and they must be screened for alcoholism and forced into treatment if they have a problem. But first, they must be caught. And as statistics show, they are not being caught at roadblocks. Saturation patrols appear to be a better option.**

“Saturation patrols maximize the efficiency and effectiveness of routine patrols as a means of identifying impaired drivers by having a number of patrol units concentrate their impaired driving enforcement efforts in a specific geographic area. Saturation patrols might also be viewed as a roving, mobile spot check. These roving patrols are difficult to avoid, and the drivers arrested are most likely to be those at highest risk of crash involvement. Saturation patrols combine the desirable features of spot checks and routine patrols to create an efficient means of identifying the highest risk group of impaired drivers – DWI repeat offenders.”<sup>61</sup>

*Health Canada, “DWI Repeat Offenders: A Review and Synthesis of the Literature”*

“Specific deterrence strategies, such as Roving Patrols, might be the optimum means for targeting this population.”<sup>62</sup>

*Abstract of NHTSA’s “Experimental Evaluation of Sobriety Checkpoints”*

“Saturation patrols may afford a more effective means of detecting repeat offenders, who are likely to avoid detection at sobriety checkpoints. ... It is proven that saturation efforts will bring more DUI arrests than sobriety checkpoints.”<sup>63</sup>

*Ohio State Highway Patrol*

“The number of DWI arrests made by the roving patrol program was nearly three times the average number of DWIs made by the checkpoint programs.”<sup>64</sup>

*NHTSA, “Experimental Evaluation of Sobriety Checkpoints”*

“Our choices seem to be pretty simple. We’re either going to have to deal with that addiction or we’re going to have to put these individuals in jail pretty much forever.”<sup>65</sup>

*Herb Simpson, Traffic Injury Research Foundation*

# Saturation Patrols v. Roadblocks

## Roadblocks: Targeting All Drivers

“Buffalo police deployed dozens of officers to four sobriety checkpoints this spring in a crack-down on drunken drivers. The roundup wasn’t what anybody expected. Officers arrested one driver suspected of being drunk. During three checkpoints, nobody was arrested for drunken driving. ...‘I was astonished by the Pearl and Tupper checkpoint,’ Chief of Patrol Lawrence Ramunno said. ‘Three hundred cars and not one arrest. It was an incredible thing to me. This happened again two more times.’”<sup>66</sup>

*Buffalo News, June 2003*

“Of six saturation patrols, there were about 7,000 traffic stops. There were seven percent of those traffic stops resulted in impaired driving arrests. Compared to a sobriety checkpoint, where typically, at least in my numbers, it’s about one percent or less.”<sup>67</sup>

*Schenectady, NY Police Chief Michael Geraci*

## Saturation Patrols: Targeting Drunk Drivers

“This holiday season, police officers and deputy sheriffs in Central Florida are not waiting at roadblocks to nab motorists who drink and drive.

“Instead of using those checkpoints, law-enforcement agencies will rely on roving patrols that target highways and other thoroughfares as part of a six-week state campaign to cut down on fatal alcohol-related accidents around the holidays.”<sup>68</sup>

*Orlando Sentinel, December 20, 2003*

“Preliminary numbers released last week by the Florida Highway Patrol show the number of people killed on Florida’s roadways dropped by half for the Christmas and New Year’s holidays from the previous year, setting five-year lows for those periods. ...

“Trooper Kim Miller, an FHP spokeswoman, said the surprise element of the roving multiagency patrols kept motorists guessing. Miller said the so-called ‘wolfpack’ approach probably deterred more people from driving under the influence of alcohol.”<sup>69</sup>

*Orlando Sentinel, January 11, 2004*

“It’s a hard-core drinking driver that we’re talking about here ... You know, we know we’ve got the cure for this [drunk driving problem]. It’s called enforcement. It’s focusing on the high-risk drivers. ...”<sup>70</sup>

*Wendy Hamilton, president of MADD*

“If we really want to save lives, let’s go after the most dangerous drivers in the road.”<sup>71</sup>

*Candace Lightner, founder and former president of MADD*

**It is time to be honest about the drunk driving problem. We need to implement strategies that target the sources of the problem, instead of doing what is easy or politically attractive.**

**These “new strategies” have been outlined by all of the major players in the traffic safety community. Now, we simply need the courage to implement them.**

**By refocusing the nation’s attention—and resources—on the high-BAC drivers and repeat offenders that cause a hugely disproportionate number of deaths every year, we cannot help but save lives. And that is the point, isn’t it?**

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