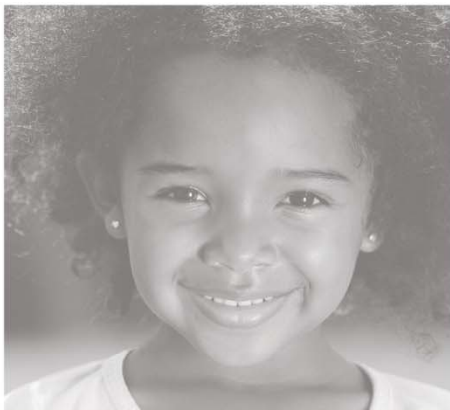




Introduction to Sobriety Checkpoints



Online Course Content



**SUBSTANCE ABUSE PREVENTION
PROFESSIONAL DEVELOPMENT**

PREVENTION FIRST
Building community capacity to prevent substance abuse
Funding provided in whole or in part by the Illinois
Department of Human Services and the Substance
Abuse and Mental Health Services Administration.

Introduction to Sobriety Checkpoints

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Prevention First is a nonprofit dedicated to preventing teen drug use before it starts. Since 1980, Prevention First has provided training, technical assistance and resource materials to thousands of schools, community groups, parents and youth.

We specialize in building the capacity of practitioners to develop strategic plans to address local substance abuse prevention needs, select and implement the best programs, curricula and strategies designed to promote social and emotional health and prevent substance abuse, and develop and implement media and communication campaigns designed to educate the public.

Prevention First is primarily funded by the Illinois Department of Human Services. Additional funding is provided by the Illinois Department of Corrections, Illinois Department of Transportation, and through private foundations and individual donations.

Our Vision

Healthy communities that encourage drug-free youth.

Our Mission

To build community capacity to prevent substance abuse by providing training and technical assistance and raising public awareness.



Overview

Description

This on-line training will provide participants with an overview of sobriety checkpoints. Participants will learn about the strategy's planning and implementation/enforcement considerations, as well as tips for meeting SAPP standards.

Learning Objectives

Upon completion of this course, participants will be able to:

- articulate the intent, effectiveness and key components of sobriety checkpoints
- identify important steps involved in planning and providing support for sobriety checkpoints as outlined by the SAPP Standards for Sobriety Checkpoints, and
- identify important components of strategy implementation/enforcement.

Outline of Course Contents

Module One: Overview

Module Two: Planning

Module Three: Implementing/Enforcement

Audience

IDHS SAPP and PFS Providers implementing this strategy.

Completion Time

Estimated completion time is 1.5 hours.

Testing

Participants will complete a post-test on material learned in this course.

Participants must pass the post-test with 80 percent accuracy in order to obtain credit for the course.

Module One:

Overview



Cost of Impaired Driving

Impaired driving is a significant problem in the United States resulting not only in permanent injury, but the tragic loss of life.

- Approximately three in every 10 Americans will be involved in an alcohol-related crash during their lifetime.
- Every day, nearly 30 people in the US die in alcohol-related motor vehicle crashes, or one person every 48 minutes.
- In addition to the loss of life, impaired driving places a tremendous economic burden on society. The annual cost to society of these crashes is an estimated \$132 billion.
- While impaired driving spans all ages, the data indicates that young drivers are at a greater risk of experiencing negative consequences associated with impaired driving. At a BAC of .07, drivers under 21 are more than five times more likely to be involved in a crash than drivers over 21.

Source: National Highway Traffic Safety Administration (NHTSA)⁽¹³⁾; Mothers Against Drunk Driving (MADD)⁽¹²⁾; NHTSA⁽⁵⁾

Impaired Driving Among Youth

Motor vehicle crashes are the leading cause of death for U.S. teens. That means that six teens ages 16–19 died every day from motor vehicle injuries.

According to the 2014 Illinois Youth Survey, 5.4% of 10th grade students and 13.9% of 12th grade students reported driving after drinking alcohol at least once in the past year. Additionally, 9.1% of 10th grade students, and 22.1% of 12th grade students reported driving after using marijuana at least once in the past year.

Impaired Driving	At least once in the past year...	
	10 th	12 th
Driving after using alcohol	5.4%	13.9%
Driving after using marijuana	9.1%	22.1%

(Source: 2014 Illinois Youth Survey)

Fortunately, teen motor vehicle crashes are preventable, and proven strategies can improve the safety of young drivers on the road.

Sources: Centers for Disease Control⁽²⁾; Center for Prevention Research and Development(CPRD)⁽¹⁾

Perceived Risk

Research suggests that when coupled with a strong awareness campaign, sobriety checkpoints decrease alcohol-related traffic crashes and fatalities among youth. Although sobriety checkpoints have not been shown to affect drinking per se, they are extremely important and effective in reducing the negative consequences of underage drinking. The greater the emphasis on enforcement of underage drinking laws, the greater the deterrent effect in participating in the behavior. If youth believe that the laws are being enforced with regularity and believe there is a significant chance of being charged with an offense, they are more likely to modify their behavior.

Source: Voas, Tippetts & Fell⁽¹⁶⁾

Basic Overview

Introduction

At sobriety checkpoints, law enforcement officials evaluate drivers for signs of alcohol or drug impairment at certain points on the roadway. Vehicles are stopped in a specific sequence. These checkpoints are often set-up during times when impaired driving is most likely to happen, such as holiday weekends, after public events, late at night or early in the morning.

Description of Operation

A sobriety checkpoint is a law enforcement tool utilized to detect and deter impaired driving. Officers set up a checkpoint on a roadway to stop vehicles to check for impaired drivers. The checkpoint can be utilized to determine alcohol or other drug impairment. They are conducted in a fixed location and vehicles are stopped according to a pre-determined plan (e.g. every car, every other car, every 4th car etc.). If the driver is found to be impaired, appropriate enforcement action is taken. If it is determined the driver is not impaired, they are allowed to proceed on their way.

Summary of Effectiveness

Research shows that for every dollar spent in conducting checkpoints, communities can save between \$6 and \$23 in costs associated with alcohol-related crashes. There is also substantial and consistent evidence from research that highly publicized, highly visible and frequent checkpoints in the United States can reduce impaired driving fatal crashes by 18%-24%. Additionally, studies indicate that checkpoints have been found to decrease fatal crashes between 20%-26% and property damage collisions by an average of 24%.

Benefits

Sobriety checkpoints serve several purposes:

- Identify impaired drivers and remove them from the road
- Deter impaired individuals from attempting to drive after consuming alcohol or other drugs
- Decrease social acceptability of driving under the influence

Source: MADD⁽¹¹⁾; Fell, Lacey, & Voas⁽⁸⁾; Elder Et Al.⁽⁷⁾, NHTSA⁽³⁾

Sobriety Checkpoints Processes

Sobriety checkpoints include the following processes:

- Officers set-up a checkpoint on a roadway to stop vehicles to check for impaired drivers.
- During the stop, officers engage the driver in a brief conversation in an attempt to determine if the driver is impaired.
- If the officer has a reasonable suspicion that the driver is impaired by alcohol or other drugs they may request the driver to submit to various field sobriety tests and/or may require them to submit to a chemical breath test.
- If the officer can determine through the various field sobriety tests or by use of the chemical breath test that the subject is in fact impaired by alcohol or other drugs, they can arrest the subject for operating a motor vehicle while impaired. If it is determined the driver is not impaired they are allowed to proceed on their way. The length of the stop is short in duration and non-impaired drivers interaction with law enforcement is minimally intrusive.

Providing Support

Prevention coalitions can provide support to enforcement efforts through various means of support.

Provide Training

Volunteers can organize and pay for training for law enforcement, prosecutors and judges on the impaired driving laws, sobriety checkpoint guidelines, and the latest court decisions impacting sobriety checkpoints.

Build Community Support

Volunteers can build support for sobriety checkpoints by educating the community about the underage drinking problem, promoting the laws and consequences for impaired driving, and informing the community about how and why sobriety checkpoints are effective. A crucial tool in building community support is media advocacy. Local media can help notify the community of upcoming sobriety checkpoints and raise awareness for the consequences of impaired driving to help maximize the strategy's deterrent effect.

Media advocacy is the strategic use of media to advance a social or public policy goal. Advocacy plays a role in educating the public, swaying public opinion and/or influencing policy-makers. There are a variety of ways to get the issue in the public eye, including:

- letters to the editor
- op-eds
- paid advertisements
- press releases
- press conferences
- interviews
- social media

It is important to engage multiple sectors of the community to develop support for the prevention strategy. Groups such as schools or universities, parent groups, or advocacy groups such as MADD or SADD can help build the political support needed to rally the community around enforcement initiatives.

Source: PIRE⁽¹⁵⁾

Module Two:

Planning



SAPP Standards for Sobriety Checkpoints

The SAPP Standards for Sobriety Checkpoints are derived from research and are associated with the effectiveness of the strategy. They are the elements that, when implemented, are most likely to result in successful replication of the strategy. The standards are one way that SAPP helps to ensure that strategies are planned for and implemented with fidelity.

Sobriety Checkpoint Operations have been implemented in a way that demonstrates the following have been addressed:

1. The support of the individuals/agencies responsible for leading enforcement efforts has been secured
2. The support of adjudicators/prosecutors has been secured
3. Enforcement efforts are targeted to locations and time of day/year based on data
4. Enforcement agencies have agreed to supply enforcement data with the coalition/provider as evidenced through a memorandum of understanding and/or subcontract
5. Training has been provided for non-law enforcement operatives who are part of the enforcement effort
6. Sanctions for violations have been administered
7. The community has been notified at least once that sobriety checkpoint operations will be conducted, and the consequences of being out of compliance or non-compliance with the law
8. Information about the sobriety checkpoint operations results have been publicized within the community– at least once per fiscal year

As you prepare to implement Sobriety Checkpoints, it is recommended that you develop a **Sobriety Checkpoints Plan** to meet each of the SAPP Standards. Each standard will be discussed in greater detail during this module.

Secure the Support of Enforcement

SAPP Standard:

1. The support of the individuals/agencies responsible for leading enforcement efforts has been secured
-

In order for sobriety checkpoints to be effective, law enforcement agencies must commit to conducting operations on a regular basis and establish policies that encourage officers to support/conduct sobriety checkpoints.

A Sobriety Checkpoints Plan should include strategies to secure and maintain the support of law enforcement for the strong and consistent application of laws aimed at deterring youth impaired driving.

If law enforcement is indifferent or even resistant to implementing a sobriety checkpoints strategy, determine the barriers to their support, and identify strategies for building their support over time.

Demonstrate Community Support

A frequent barrier to enforcement is a belief that there is no community support for conducting sobriety checkpoints. Law enforcement generally supports efforts that are well supported by the community. Provide research that the community supports the implementation of sobriety checkpoints and law enforcement may be compelled to take action.

Educate about Strategy Effectiveness

Demonstrating evidence that the use of sobriety checkpoints will result in less harm and a safer community can help persuade law enforcement. Sharing community-specific data regarding drinking and driving can also help garner the support by demonstrating a need for the strategy. Educate law enforcement that this strategy is based on the premise of general deterrence, and provide evidence that sobriety checkpoints are an effective means to reduce consequences of impaired driving.

Articulate Benefits to Law Enforcement

By implementing sobriety checkpoints law enforcement can benefit through reduced calls for service to alcohol-related traffic crashes. Demonstrating the economic benefits of conducting sobriety checkpoints to law enforcement and policy makers can help compel departments to implement this strategy. Research shows that every \$1 spent on a sobriety checkpoints program can result in more than \$6 in savings to the community (Miller, Gailbraith, and Lawrence).

Offer Support

Stretched resources can be a common barrier to police support for, or willingness to implement sobriety checkpoints. Community coalitions and prevention agencies can partner with police by offering to supplement sobriety checkpoints through prevention grants, as well as provide volunteers, training, equipment and media support.

Review SAPP Standards

Finally, if sobriety checkpoint operations are funded by the Illinois Department of Human Services Substance Abuse Prevention Program, it is critical to review the SAPP Standards for Sobriety Checkpoints with law enforcement prior to implementation to ensure understanding and commitment to fulfill each standard.

Source: Miller, Gailbraith & Lawrence⁽¹¹⁾

MOU/Sub-Contract

During the planning phase, providers should document the sobriety checkpoint agreement with law enforcement through a Memorandum of Understanding (MOU) or Linkage Agreement.

An MOU is a document describing an agreement between two or more parties. Each MOU should include the following:

- Names of both parties and length/date of agreement
- Description of the scope of services, including timelines and compensation
- Roles and responsibilities of both parties
- Signature and date of each party

An MOU between a SAPP Provider/coalition and police agency should reflect and ensure that all SAPP Standards will be adhered to.

MOU (SAMPLE)

This Memorandum of Understanding (MOU) is entered into between Anytown Police Department and ABC Coalition, for services from July 1, 2014 – June 30, 2015 as follows:

Anytown Police Department agency will conduct 4 sobriety checkpoints by no later than June 30, 2015. Payment shall be based on the cost of overtime for 4 officers and one supervisor for each checkpoint. Sobriety checkpoints shall occur on a quarterly basis, or every 3 months, throughout the county, specifically targeting locations and time of day/year where impaired driving is probable.

During the term of this agreement, as long as funding is available, ABC Coalition agrees to pay Anytown Police Department \$4,000.00 for 4 sobriety checkpoints.

ABC Law Enforcement Agency agrees to:

- Notify the Strategic Prevention Framework Project Coordinator at least 2 weeks prior to each sobriety checkpoint operation
- Report all sobriety checkpoint activity occurring during each quarter including:
 - Number of sobriety checkpoints conducted and corresponding dates
 - Locations where sobriety checkpoints were conducted
 - Number of hours that sobriety checkpoints were conducted
 - Number of vehicles stopped during each sobriety checkpoint
 - Breakdown of charges/sanctions administered to drivers/passengers
- ABC Law Enforcement Agency agrees to adhere to all of the SAPP Standards for Sobriety Checkpoints (see attached).

ABC Coalition agrees to:

- Sign a Statement of Confidentiality regarding the advanced notice of enforcement operations
- Inform community of their responsibility to not drive under the influence of drugs/alcohol (within 3 weeks prior to the upcoming sobriety checkpoint)
- Educate the community on the consequences of impaired driving
- Develop and distribute press releases announcing results of sobriety checkpoints

Authorized Representative, ABC Coalition

Date

Authorized Representative, Anytown Police Department

Date

Secure the Support of Adjudicators

SAPP Standard:

2. The support of adjudicators/prosecutors has been secured
-

Sobriety checkpoint operations will greatly impact the regulatory and criminal justice system. The Sobriety Checkpoints Plan should address how judicial partners will be informed of the operation and include strategies to garner and maintain their support.

During the planning phase, coalitions should build the support of local prosecutors, the Illinois Attorney General's Office, the Illinois Secretary of State's Office, juvenile officers, and judges. Each of these groups plays a unique role in the prosecution of impaired driving violations, and youth violations specifically. Establishing a working relationship, and notifying these agencies and individuals of operations ahead of time will go a long way in ensuring successful prosecution of cases. These groups can advise law enforcement on specific procedures that need to be followed during the sobriety checkpoint to ensure a successful prosecution of cases. Coalition leaders should encourage law enforcement to consult with legal counsel to ensure operational plans meet state and local requirements prior to implementing sobriety checkpoints.

Target Enforcement Efforts

SAPP Standard:

3. Enforcement efforts are targeted to locations and time of day/year based on data
-

Sobriety Checkpoints should be targeted to locations and times of day and year based on data. Generally, youth tend to drink in homes and remote locations and at earlier times in the evening due to curfews imposed by either law enforcement or parental rules. Additionally, youth drinking is often related to specific events such as homecoming, prom, sporting events, graduation, etc. Sobriety checkpoints should target known locations and time of day/time of year for alcohol consumption based on law enforcement or other local data in order to effectively deter impaired driving.

Source: PIRE⁽¹⁴⁾

Obtain Enforcement Data

SAPP Standard:

4. Enforcement agencies have agreed to supply enforcement data with the coalition/provider as evidenced through a memorandum of understanding and/or subcontract

SAPP providers/coalitions who are sponsoring and/or working with law enforcement to conduct sobriety checkpoints are required to obtain the results from all checkpoints conducted.

SAPP providers sponsoring sobriety checkpoint operations must report:

- Number of sobriety checkpoint operations conducted
- Number of hours sobriety checkpoint operations were conducted
- Number of locations sobriety checkpoint operations were conducted
- Number of vehicles stopped during the sobriety checkpoint operation
- Number of DUI arrests
- Number of underage DUI arrests – if available

A process/system for documenting and sharing information should be developed prior to the start of the checkpoint operation. The agreement and methods for sharing information may be documented in an MOU or Linkage Agreement and should be included in the Sobriety Checkpoint Plan.

Provide Training for Volunteers

SAPP Standard:

5. Training has been provided for non-law enforcement operatives who are part of the enforcement effort
-

Sobriety checkpoints can be supported by coalition members, or other volunteers, to increase the resources available to law enforcement. The role of volunteers in the enforcement effort of a sobriety checkpoint is one of support as opposed to actual enforcement.

Volunteers can play a huge support role to police functions during sobriety checkpoint operations. They can help set up and tear down the checkpoint. Volunteers can assist in data collection by tracking the number of cars stopped and the length of the stop. Volunteers can even help distribute literature to motorists highlighting the costs of impaired driving and underage drinking. Additionally, volunteers can make food runs for the officers staffing the event, they can make telephone calls for passengers who may need transportation from the checkpoint and they can assist the officers in other duties as necessary to help ensure safe and effective operations.

Volunteer Training

If law enforcement allows for volunteers to assist, those assisting in any component of the enforcement operation should be trained by law enforcement to ensure safety and reduce liability. The Sobriety Checkpoint Plan should include strategies and activities to ensure that volunteers receive adequate training to safely contribute to operations.

Volunteers who are helping staff the sobriety checkpoint should be required to attend the operational briefing where the supervisor in charge will address the operational guidelines for the sobriety checkpoint. Training and operational briefings help ensure volunteer understanding of police operations and appropriate and safe volunteer functions during sobriety checkpoints.

Identify Sanctions

SAPP Standard:

6. Sanctions for violations have been administered
-

The Sobriety Checkpoint Plan should identify the sanctions that will be applied for the violation of the law. The key to an effective Sobriety Checkpoint Plan is to ensure that law enforcement have the appropriate tools to build a solid case against each impaired driver and increase the overall deterrent effect of the strategy. In Illinois, both criminal and administrative sanctions are already in place for youth impaired drivers. Following is a summary of the minimum penalties for DUI convictions for drivers of all ages:

Penalties for DUI Conviction

Penalties for DUI in Illinois vary depending on the circumstances of the arrest and conviction. These circumstances may include the driver's age, the driver's BAC level, whether the driver was transporting a child under age 16, and whether the driver has previous DUI convictions. Any DUI offense resulting in felony charges is classified as Aggravated DUI.

First Conviction

Class A misdemeanor; minimum revocation of driving privileges for one year (two years if driver is under age 21); suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory minimum fine of \$500 and mandatory minimum 100 hours of community service.
- If committed while transporting a child under age 16 — In addition to any penalties or fines, possible imprisonment of up to six months, mandatory minimum fine of \$1,000 and 25 days of community service in a program benefiting children.
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 4 felony — In addition to any other criminal or administrative sanctions, mandatory fine of \$2,500 and 25 days of community service in a program benefiting children.

Second Conviction

Class A misdemeanor; mandatory minimum imprisonment of five days or 240 hours of community service; revocation of driving privileges for a minimum of five years for a second conviction within 20 years; suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory imprisonment of two days and mandatory minimum fine of \$1,250.
- If committed while transporting a child under age 16 (Aggravated DUI); Class 4 felony.
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 2 felony — In addition to any other criminal or administrative sanctions, mandatory fine of \$5,000 and 25 days of community service in a program benefiting children.

Aggravated DUI

Any DUI offense resulting in felony charges is classified as Aggravated DUI (third or subsequent conviction). Penalties vary according to offense.

In addition to felony charges, an Aggravated DUI results in revocation of driving privileges for a minimum of 10 years and suspension of vehicle registration.

Any mandatory term of imprisonment or community service is not subject to suspension or reduction. Any person who is sentenced to probation or conditional discharge also must serve a minimum 480 hours of community service or 10 days imprisonment.

Zero Tolerance Law

Under Illinois' Zero Tolerance Law, a driver under age 21 caught with any trace of alcohol (over 0.00) in his/her system will lose his/her driving privileges. Drivers under the age of 21 face a minimum 2-year driver's license revocation for a first DUI conviction in addition to the penalties that apply for DUI offenders age 21 and older. A judge may order the offender to participate in the "Youthful Intoxicated Driver's Visitation Program."

- **First Offense** - Suspension of driving privileges for 3 months for a BAC of more than .00; suspension of driving privileges for 6 months for refusal to submit to or failure to complete testing.
- **Second Offense** - Suspension of driving privileges for 1 year for a BAC of more than .00; suspension of driving privileges for 2 years for refusal to submit to or failure to complete testing.

Source: Illinois Secretary of State's Office⁽⁹⁾

Notify the Community

SAPP Standard:

7. The community has been notified at least once that sobriety checkpoint operations will be conducted, and the consequences of being out of compliance or non-compliance with the law
-

Providing advanced notice of impending sobriety checkpoints is required for an effective sobriety checkpoint operation. Advanced notification of sobriety checkpoints raises public awareness about the dangers of drunk/drugged driving and can change public perception and ultimately change behavior by making it socially unacceptable to drive impaired. Additionally, the advanced notification can serve an added benefit of easing the courts concerns regarding the intrusiveness of the stop on traveling public.

Media Notification

Notification to the public should spread the word to the community regarding the upcoming operations and the risks and consequences associated with impaired driving. To target both youth and adults, traditional and non-traditional forms of media should be considered such as print media, paid advertisements and social media.

Judicial System Notification

The agency must also notify the presiding judge(s) of the jurisdiction of the impending checks and adhere to any guidance they may provide. This notification serves several purposes; it allows prosecutors and judges to provide guidance to ensure the legality of the sobriety checkpoint, it allows them ample time to be appropriately staffed for any increase in workload that may arise from the sobriety checkpoint, and it demonstrates to the community that all components of the legal system support the implementation of the sobriety checkpoint.

Publicize Results

SAPP Standard:

8. Information about the sobriety checkpoint operations results have been publicized within the community– at least once per fiscal year
-

During the planning phase for sobriety checkpoints, it is important to develop relationships with the media, learn their protocols and build support for the strategy.

Establishing a relationship and generating interest and support for the issue in advance of the operation will increase the likelihood of getting media coverage when it's needed. Media can amplify the effects of the enforcement strategy and maintain community support for impaired driving enforcement operations and the community's overall underage drinking prevention efforts.

The Sobriety Checkpoint Plan should include strategies for getting the media on board and the system to be used for collecting and reporting results. Media should be informed of the enforcement campaign prior to implementation. Strategies might include:

- Develop a current contact list that includes contact information for each relevant local media outlet
- Introduce yourself to reporters, editors and others that are most likely to cover your issue
- Provide information that will make your contacts want to stay on top of the issue
- Let them know you can be reached for comment on the issue when needed

Sobriety Checkpoint Plan Template

	Description/Checklist
1. Describe how the coalition will secure or maintain the support of law enforcement (attach MOU).	
2. Describe how the coalition will secure or maintain the support of adjudicators/prosecutors.	
3. Describe the process for scheduling enforcement to ensure effort are targeted to locations and time of day/year based on data.	
4. Describe the process and guidelines for the provider/coalition to obtain enforcement data from law enforcement (attach MOU).	
5. Describe plan to train non-law enforcement operatives.	
6. Describe the sanctions that will be applied for violations.	
7. Describe the process and strategies for notifying the community that operations will be conducted.	
8. Describe the methods and processes for publicizing results.	

Module Three:

Implementation/ Enforcement



Legal Requirements

In order for sobriety checkpoints to be legal they must conform to certain federal and state guidelines. Illinois requires agencies conducting sobriety checkpoints adhere to several minimum standards. Additionally, NHTSA has provided a set of suggested guidelines for states to follow. Strict adherence to these guidelines will not only ensure the legality of your sobriety checkpoint, but will also reinforce the deterrent effect of sobriety checkpoints in general.

Illinois Requirements

Illinois requires agencies conducting sobriety checkpoints adhere to the following minimum standards:

- The location, time and duration of the checkpoint, and other regulations for operation of the checkpoint should be established (preferably in written form) by supervisory personnel rather than front line officers working the checkpoint
- There should be advanced warning of the checkpoint with flares, lights and ample signage making it clear to the motorist that the checkpoint is ahead and that it is a police operation
- Detention of the driver is for a short period of time
- There is a systematic non-random method in place to stop the vehicles

NHTSA Guidelines

In addition to state requirements, NHTSA has provided a set of suggested guidelines for states to follow to ensure that their sobriety checkpoints are fair and adhere to constitutional guidelines as outlined by the various courts. These guidelines address the following components:

- **Ongoing Program to Deter Impaired Driving:** Sobriety checkpoints should be part of a continuing, systematic and aggressive enforcement program to deter impaired driving
- **Judicial Support:** Prosecuting attorneys, district attorneys and attorneys generals should be involved in the planning process to determine legally acceptable procedures. In addition, the jurisdiction's presiding judge should be informed of proposed checkpoints and procedures as they are a key component in the adjudication process and can provide insight into legal parameters which must be met to ensure successful prosecution of cases
- **Existing Policy/Guidelines:** The agency conducting the checkpoints must have established procedures for conducting the checkpoints so as to minimize officer discretion and minimize intrusion to law abiding motorists

- **Site Selection:** The location of the checkpoint must be supported by data that demonstrates for example an unusual incidence of alcohol/drug involved crashes or driving violations or other alcohol related vehicular incidents. The site location should factor in the road conditions, traffic flow patterns and the safety of the officers working the checkpoint as well as the motorists who may be impacted by the checkpoint
- **Warning Devices:** Sufficient signs, visible warning lights, flares and safety cones should be in place to forewarn the driver that a sobriety checkpoint is ahead
- **Visible Police Authority:** Uniformed police officers and marked squad cars with activated safety lights should clearly be visible so drivers are assured of the legitimate nature of the checkpoint. In addition, an officer must be designated as the onsite supervisor of the checkpoint
- **Chemical Testing Logistics:** A plan must be in place to administer a chemical breath test to suspected impaired motorists; this may be done onsite via a mobile testing van if available. If a mobile van is not available suspected impaired motorists must be transported to state approved testing site
- **Contingency Planning:** Any deviation from the predetermined operational plan for stopping vehicles should be documented
- **Detection and Investigation Techniques:** Officers staffing the checkpoint should be properly trained in detecting impaired driving and be proficient in standardized field sobriety testing
- **Operational Briefings:** A briefing outlining the procedures and the operational plan for all personnel staffing the checkpoint should be held prior to the sobriety checkpoint
- **Communication Strategy:** A media campaign should exist to notify the public of the sobriety checkpoint and educational material should be distributed during the checkpoint. This will serve to enhance the deterrent effect of sobriety checkpoints as well as change public opinion regarding drinking and driving
- **Data Collection and Evaluation:** A systematic method of data collection and evaluation should be in place which address public reaction to the checkpoint and captures statistical information regarding the number of vehicles stopped and the outcome of those stops

Source: NHTSA⁽⁴⁾

Safety

The implementation of sobriety checkpoints can raise issues of safety for the officers involved in staffing the checkpoint, the motorist being stopped and any volunteers who may be assisting in the sobriety checkpoint operation. Attempting to stop a motorist who may be impaired can create a real safety risk. Proper protocols should be in place to ensure that the checkpoint location and set-up minimize potential risks to all involved.

The location of the sobriety checkpoint should allow for the safe flow of traffic through the checkpoint. Consideration should be given to the posted speed limits, traffic volume and visibility. There should be adequate visibility in all directions approaching the site location. The location should have sufficient lighting for the safety of both motorists and the officers working the checkpoint. This may require planning for the use of portable lighting at the checkpoint as well as warning lights, safety cones, and signage for notifying approaching motorists.

Locations should be selected that allow for adequate space to completely remove vehicles from the roadway as necessary. Procedures should be in place to allow for safe re-entry of vehicles into the stream of traffic. Additionally, protocols should be developed to ensure an area is designated for further investigation if an officer determines that reasonable suspicion exists that a driver is impaired. To respond to such instances, protocols should be in place for an officer or volunteer to move the vehicle to a designated safe area while an officer conducts a field sobriety test, portable breath test, or chemical breath test.

Protocols should be developed to ensure the safety of volunteers assisting in staffing a sobriety checkpoint. Efforts should be made to provide volunteers with reflective safety vests or other attire that clearly identifies them as a volunteer. Protocols should be in place to ensure volunteers are limited to secondary areas of the checkpoint where risk of injury from vehicles and/or intoxicated individuals is minimized.

Finally, planning consideration should be given to having medical personnel on-site or nearby in order to address any medical issues that may arise during the operation of the sobriety checkpoint.

Source: NHTSA⁽³⁾; NHTSA⁽⁴⁾

Staff and Volunteers

An experienced individual should be assigned to supervise the operation of the checkpoint. All supervisors and officers staffing the checkpoint should be certified in standardized field sobriety testing. Protocols should be developed during the planning stages to ensure officers are trained in the most up-to-date detection methods for identifying impaired drivers and that all of their required certifications are up-to-date. Additionally, where available a certified Drug Recognition Expert (DRE) officer should be on hand to deal with issues of impairment that are not attributable to alcohol.

Prior to the start of the checkpoint, the supervisor should conduct an operational briefing with all staff and volunteers to review the purpose of the checkpoint and ensure all law enforcement and non-law enforcement operatives understand the established operational procedures for the checkpoint.

Tools and Technology

Appropriate tools and technology for field sobriety testing should be secured during the planning phase. Officers staffing the checkpoint should be properly trained in detecting impaired drivers and certified and proficient in the tools and technology utilized in sobriety checkpoints.

Portable Alcohol Breath Testers

Also called breathalyzers, portable alcohol breath testers are hand-held devices that estimate blood alcohol content (BAC) through a breath sample. The results of a portable alcohol breath tester generally cannot be used in court as evidence of impairment, but rather allow law enforcement to establish probable cause to make an arrest.

Chemical Breath Testing Units

A chemical breath testing van or mobile site can be utilized at a sobriety checkpoint by a certified operator to perform a chemical breath test on site. If a breath testing van is not on site, the operational plan should address the transportation of the suspected impaired driver to a state-approved testing site for appropriate testing. Chemical breath testing units allow for a full scale chemical breath test. The results of this test are the only results allowed as evidence in court to establish impairment.

Passive Alcohol Sensor (PAS) Units

Law enforcement staffing the checkpoint should also be trained in utilizing passive alcohol sensor (PAS) units to help detect alcohol in the ambient air of a vehicle (not BAC). These devices are typically built into police flashlights or clipboards for a quick, objective method to help identify impaired drivers. If a PAS unit detects alcohol, law enforcement typically will ask the motorist to exit the vehicle and participate in a roadside field sobriety test and/or a chemical breath test.

Types of Field Sobriety Tests

Typically, if law enforcement has reasonable suspicion to believe that a motorist is impaired after making initial contact; steps will be taken to move the motorist and their vehicle to a secure area where they can conduct additional testing. Observations made during field sobriety testing and results of portable alcohol breath sensors help law enforcement determine if a full chemical breath test is needed and whether there is probable cause to charge the individual with impaired driving.

Horizontal Gaze Nystagmus (HGN)

Nystagmus is the technical term for an involuntary jerking or bouncing of the eyeball. In the Horizontal Gaze Nystagmus (HGN) test, an officer observes the eyes of a suspect as the suspect follows a slowly moving object such as a pen or small flashlight, horizontally with his or her eyes. The presence of alcohol or drugs in one's system results in jerking or bouncing movements in the eyeball. The higher a person's blood alcohol content level, the more obvious the nystagmus (jerking of the eyeball) becomes.

Walk and Turn

The Walk-and-Turn test is a "divided attention" tests that is easily performed by most unimpaired people. Divided attention test require a suspect to listen to and follow instructions while performing simple physical movements. Impaired persons have difficulty with tasks requiring their attention to be divided between simple mental and physical exercises.

In the Walk-and-Turn test, the subject is directed to take nine steps, heel-to-toe, along a straight line. After taking the steps, the suspect must turn on one foot and return in the same manner in the opposite direction. The examiner looks for indicators of impairment: if the suspect cannot keep balance while listening to the instructions, begins before the instructions are finished, stops while walking to regain balance, does not touch heel-to-toe, steps off the line, uses arms to balance, makes an improper turn, or takes an incorrect number of steps.

One Leg Stand

The One-Leg Stand test is also a "divided attention" test that can be easily performed by most non-impaired people. In the One-Leg Stand test, the suspect is instructed to stand with one foot approximately six inches off the ground and count aloud by thousands (One thousand-one, one thousand-two, etc.) until told to put their foot down. The officer times the subject for 30 seconds. The officer looks for indicators of impairment, including swaying while balancing, using arms to balance, hopping to maintain balance, and putting their foot down.

Evaluation

Data collection and evaluation of the sobriety checkpoint should be conducted during and immediately following the checkpoint in order to ensure standardization and consistency of sobriety checkpoints. This can be done by both volunteers and officers and can take many forms.

SAPP Required Outputs

As mentioned in Module Two, SAPP providers are required to report the following:

- Number of sobriety checkpoint operations conducted
- Number of hours sobriety checkpoint operations were conducted
- Number of locations sobriety checkpoint operations were conducted
- Number of vehicles stopped during the sobriety checkpoint operation
- Number of DUI arrests
- Number of underage DUI arrests – if available

Operational Feedback

If a sobriety checkpoint strategy is new to a community, it may be beneficial to collect feedback from officers, volunteers, and motorists to enhance the strategy and its deterrent effect. Feedback can be obtained from those staffing the event through informal interviews or short surveys. Public reaction can be captured through a short questionnaire given to the motorist that can be returned via mail or email. This is also a good time for volunteers to distribute any educational information regarding youth impaired driving and underage drinking to build support for the strategy and increase awareness.

Judicial Data

As SAPP providers are required to report the number of sanctions/consequences administered, it will be necessary to follow-up with the court system to obtain information and determine the results of administered sanctions and consequences. It may be necessary to collect deposition data from law enforcement as this information can help determine where break downs may be occurring in the judicial process, such as the prosecution or judges not addressing the issue.

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