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Spring 4-29-2008

# Sobriety Checkpoints: The Case for Implementation in Rhode Island

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Sobriety Checkpoints:  
The Case for Implementation in Rhode Island

Scott Naso

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## Introduction & Background

Sobriety checkpoints are a method of law enforcement in which police officials aim to locate and deter drunk drivers. These checkpoints are conducted by having officers stop every vehicle, or every few vehicles along a designated public roadway to investigate the possibility that the driver may be too impaired to drive. If the officer has reason to believe that the person is under the influence, the car is then pulled aside for further investigation; for instance, the driver may be issued a preliminary breathalyzer test (PBT), or other sobriety tests, such as the horizontal gaze nystagmus, one-leg stand, and the walk and turn. (Appendix C contains a sample sobriety checkpoint).

Sobriety checkpoints are conducted in thirty-nine states, including all states that line the east coast, with the exception of Rhode Island. In the year 2005, fifty-seven percent of all traffic fatalities were alcohol related in the state of Rhode Island. It seems clear that Rhode Island is in need of legislation to prevent drunk driving, but these checkpoints have been very controversial. Although sobriety checkpoints can be compared to security checkpoints at airports that millions of people pass through every day, many feel that the nature of these sobriety checkpoints violates the privacy clause of the Fourth Amendment.

In 1990, a major case brought to the Supreme Court involving the use of sobriety checkpoints was, *Michigan State Police v. Sitz*. The issue originated in 1986, when the Police Department of Michigan created a sobriety checkpoint program designed to reduce the amount of drunk driving within the state. The program included information such as

the location of the roadblocks, as well as the amount of media information to be given to the public. Rick Sitz, a licensed Michigan driver, sought declaratory and injunctive relief before the first roadblock even went into place. Sitz was successful in the lower courts of Michigan, but when the case went to the Supreme Court, the use of checkpoints was upheld. In a 6/3 decision, the Court found that the roadblocks did not violate the privacy clause of the Fourth Amendment. The Court added that although the sobriety checkpoints did in fact create minimal disturbance for drivers, the importance of protecting the public from drunk drivers outweighs the minimum level of intrusion roadblocks cause.<sup>1</sup> The ruling of the United States Supreme Court in *Sitz* merely sets the minimum standard applicable to drunk driving roadblocks under the Fourth Amendment. In states where a state Constitution affords a suspect more rights than the U.S. Constitution, the law of the state Constitution would govern the use of drunk driving roadblocks.

There are also a number of common misconceptions relating to sobriety checkpoints that aid in bias against them. For instance, many believe that checkpoints hold people up for long periods and cause traffic delays. In reality, a well-conducted checkpoint generally delays drivers for no more than thirty seconds and this amount of time can be compared to the average stop light. A second misconception is that checkpoints are expensive to operate. In actuality, sobriety checkpoints have been successfully run in California and Ohio with only three or four officers conducting them.

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<sup>1</sup> *Michigan State Police v. Sitz*, 496 U.S. 444 (1990)

In addition, most checkpoints yield more arrests for DUI per officer duty hours than normal patrol.<sup>2</sup>

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<sup>2</sup> National Highway Traffic Safety Administration. (2001). *Low Staffing Sobriety Checkpoints*. Washington DC: US Department of Transportation.

## Survey Process

I prepared and conducted a survey (appendix A) to investigate the viability of implementing sobriety checkpoints in Rhode Island. Studies have found that sobriety checkpoints efficiently and effectively help deter and apprehend those who choose to drive while under the influence of intoxicating substances. The purpose of collecting this data is to describe the attitudes towards sobriety checkpoints of Massachusetts residents compared to Rhode Island residents.

The survey is designed to make a comparison between a state, which has found sobriety checkpoints to be “constitutional”; Massachusetts; and a state that has found sobriety checkpoints “unconstitutional”; Rhode Island. The goal of this survey was to compile a set of data from a state where sobriety checkpoints are used, and compare it to a state where they are not used. This is done to see if residents support this enforcement measure, as well as their reactions and feelings. Being a resident of Massachusetts and full time student in Rhode Island, I have the resources and outlets necessary to conduct data collection for an effective and sufficient survey. In looking at sobriety checkpoints, I not only sampled the opinions of the residents of these two states, but also law enforcement officials.

Accompanying the survey was an informed consent sheet, which the participant must have signed before proceeding. This form was administered and collected before the survey was given and kept separate from the completed survey. This was done to insure the participants’ confidentiality. The informed consent sheet is a key element in

the process because it explains the parameters for taking the survey, as well as the fact that it is entirely voluntary and they may stop taking it at anytime.

In Massachusetts, I administered the survey to three different school departments specifically sampling their teachers and administrators, allowing 20 surveys per department. In addition, I dispersed the survey to three separate law enforcement agencies, allowing 20 surveys per agency. In doing so, I made an attempt to make the survey sample random and substantial. Being a student at Salve Regina University, I sampled my peers and professors. During class change at O'Hare Academic Center and dinner at Miley Hall, I administered at random the survey to my fellow classmates, as well as professors and administrators. As done in Massachusetts I collected a sample size of 20 surveys and dispensed them to three different law enforcement agencies. Each specified department was issued 20 surveys in hopes that at least 10 would return. All surveys were color coordinated: Massachusetts law enforcement received one color sheet (blue), teachers another (pink), Rhode Island students and professors another (white), and finally, Rhode Island law enforcement another (green). Each completed survey was inserted into an envelope by the participant, sealed for confidentiality, and placed in a collection box. Each department and/or testing group was selected based on available contacts I have made through the years. Contacts at each location were issued surveys, envelopes, consent forms and a collection box. From there the contact person distributed the survey randomly to co-workers and administration. The collection box was then picked up two weeks later. Salve students and faculty placed their completed survey into an envelope and then placed it in a collection box, which was removed at the survey's conclusion.



This survey provided a fundamental and real life basis for my presentation and report. The purpose of collecting this data was to describe the attitudes towards sobriety checkpoints of those residents in Massachusetts compared to residents of Rhode Island. It was predicted that various constituents of Massachusetts and Rhode Island would indicate that they believe sobriety checkpoints detect and deter impaired drivers.

## Findings & Results

The data retrieved through my surveys is posted in five different graphs in appendix B. The first four graphs describe the level of agreement to the questions for each different group of people surveyed. The last chart indicates the amount of people surveyed who knew someone who has been killed or injured by a drunk driver.

The first graph shows the levels of agreement for the Rhode Island police officers who were surveyed. As one can see, this group was in extremely high agreement with every question except question six. Question six asks if the individual feels that sobriety checkpoints cause significant traffic delays. Here the group was in almost complete disagreement with this question.

The second graph shows similar comparisons for Massachusetts police officers. This data portrays almost identical results to those of the Rhode Island police officer graph. The only minor difference is in question three, which pertains to whether or not the individual believes that sobriety checkpoints will deter drunk drivers. It is important to note that, although this level of disagreement is somewhat higher among the group in graph two, it agrees to the question. It is also notable that even though some Massachusetts officers did not find sobriety checkpoints to be a deterrent for drunk driving, all unanimously agreed that sobriety checkpoints should be implemented in Rhode Island (See appendix A, question 8).

The last chart portrays the overwhelming percentage of people surveyed who know someone who was killed or injured by a drunk driver. The purpose of this chart is to show how important and relevant the topic of drunk driving is. It is something that has

affected the large majority of people surveyed in a serious way. This data gives foundational purpose to the entire topic of sobriety checkpoints and the surveys provided. Such a serious issue, which affects such a large number of people, necessitates action for public safety. It is in this light, which sobriety checkpoints and my survey were created.

The question then becomes; what does this data mean? The significance of the first two charts is that they give a professional opinion on the issue. Law enforcement officers are well aware of the procedural functioning of a sobriety checkpoint. They know the actual facts of sobriety checkpoints as opposed to a civilian who may have formed an opinion of checkpoints from hearsay and rumors. They also have better knowledge of what a sobriety checkpoint would cost and if they are worth implementing. These officers are in almost unanimous agreement that sobriety checkpoints are not only a useful tool against drunk driving, but also should be implemented in Rhode Island. Those numbers speak for themselves.

The second two graphs, which show civilian levels of agreement, are also in an almost identical complete agreement to the implementation of sobriety checkpoints in Rhode Island and that the roadblocks deter drunk driving. In fact, more civilians agree that sobriety checkpoints will deter drunk driving than law enforcement officers in Massachusetts. This is an important finding because it is primarily the civilian population who are involved in drunken driving accidents. Since the survey is their personal opinion, one could rationally make the correlation that if individuals state that sobriety checkpoints will deter people, those individuals will be deterred.

The only other discrepancy in the complete agreement and support for sobriety checkpoints is found in the civilian groups on question six. These groups are in slight

agreement with question six, which means that they believe sobriety checkpoints will most likely cause significant traffic delays. Here, it is important to refer back to the fact that the first two groups of law enforcement officers are much more knowledgeable on the subject matter than the civilian groups. They know how much of a traffic delay a sobriety checkpoint would cause where as a civilian may answering because of hearsay. Referring back to the first two graphs, those more knowledgeable officers did not agree that sobriety checkpoints caused delays.

After looking at question six with regards to the knowledge of each group, it is easy to see that the data provided through these surveys shows that all individuals surveyed are in favor of the implementation of sobriety checkpoints in Rhode Island. Question eight, (Do you believe Rhode Island should implement sobriety checkpoints?) is in almost complete agreement with every group surveyed. Those numbers alone are proof that people agree that sobriety checkpoints should be implemented.

## Facts & Recommendations

Rhode Island is one of only eleven states that have established sobriety checkpoints as being unconstitutional under their respective state Constitutions. The other ten states are Texas, Louisiana, Oregon, Washington, Idaho, Wyoming, Alaska, Minnesota, Michigan, and Wisconsin. Rhode Island is the only state on the east coast to find sobriety checkpoints to be unconstitutional. It is statistically proven that states with sobriety checkpoints have a lower percentage of alcohol related automobile fatalities each year. New York, a state that has found sobriety checkpoints to be constitutional, reported 27.4% of all automobile fatalities are alcohol related, while Texas, a state that finds sobriety checkpoints unconstitutional, reported 49.8% of all automobile fatalities alcohol related in 2005. In 2005, 16,885 people died in the United States due to alcohol related automobile accidents, which is 39% of all automobile fatalities. Rhode Island had the largest number of alcohol related automobile fatalities that year with 57%, well above the national average. (NHTSA)

The United States Supreme Court, in *Michigan State Police v. Sitz* found sobriety checkpoints to be constitutional. The court claims, "the weight bearing on the other scale the measure of the intrusion on motorists stopped briefly at sobriety checkpoints is slight." The U.S. Supreme Court found that the checkpoints would deter drunk driving and would help police to maximize their resources and work force. A small number of officers can operate a sobriety checkpoint and can catch a larger number of offenders. The average time of a stop at a sobriety checkpoint is 30 seconds, hardly an intrusion on the rights of a motorist for the greater good of the safety and well-being of

all motorists that are on the roadways. Law enforcement officials, in both Massachusetts and Rhode Island, feel that sobriety checkpoints are a necessity in police work. Citizens of both states feel the checkpoints make the roads a safer place and allow law enforcement to concentrate their efforts onto other matter of public safety.

Based the statistics from the National Highway Traffic Safety Administration (NHTSA) and my finding from surveys; I feel that Rhode Island should implement sobriety checkpoints. The Rhode Island Supreme Court should also reverse its 1989 decision in *Pimental v. Department of Transportation for the State of Rhode Island*, which held sobriety checkpoints violate the state's constitution, which has not been ratified since 1843. I feel that Rhode Island is well behind the national traffic safety curve and needs to address the issue of how unsafe its roadways are for motorist. The state needs to re-weigh citizen's privacy against the public safety, if they continue to deny law enforcement sobriety checkpoint on average 18% more Rhode Island motorist die due alcohol related automobile crashes then the national average. Rhode Island needs to make this choice for the innocent people that are killed or effect by drunk driving each year in this state and help its residents to have to safest possible roadways to travel.

## Conclusion

As illustrated from the numbers posted in other states, which have implemented sobriety checkpoints, they are effective means of limiting the number of alcohol related traffic fatalities. If something is not done, the number of alcohol related traffic fatalities in Rhode Island would increase and continue to take the lives of innocent drivers.

Through this survey, I have accomplished my goal by showing the number of people in Rhode Island who are affected by drunken driving accidents and that something more needs to be done about it. Of the people we surveyed, 69% know someone who has been killed or injured in a drunk driving accident, and 31% of the people surveyed said that they did not know someone killed or injured in a drunk driving accident; a statistic, which is unsatisfactory. I believe that by implementing sobriety checkpoints on Rhode Island roadways it will deter drivers from driving impaired and decrease the amount drunk driving accidents in the state.

Compared with other states in the country that do not have sobriety checkpoints, the rates of alcohol related traffic fatalities are higher than they should be based solely on the fact that there is nothing to keep drivers from not drinking and driving. I believe that with the addition of sobriety checkpoints, drivers will be more cautious of the amount they drink before they get behind the wheel of an automobile. If there is no possibility of drivers being stopped and checked for alcoholic impairment while operating, then there is a much higher possibility of a drunken driving fatality.

One main reason that Rhode Island does not have sobriety checkpoints is because the court believes that they are not constitutional. I believe this ruling is inconsistent with the concerns of drivers in Rhode Island because it is a safe and effective way to stop

people from drinking and driving. Rhode Island should make sobriety checkpoints constitutional because they are shown to work in all other 39 states that have implemented them. The fewer number of drunk drivers on the roads, the more chance there is that drunken driving accidents will not happen.

As you have seen through this research and statistics, Rhode Island is well behind other states when it comes to deterring drunk drivers. The Rhode Island legislature should look at these numbers and realize what a difference these checkpoints have made in other states. As long as there are no sobriety checkpoints in Rhode Island, the number of alcoholic fatalities will continue to increase.

In order to implement sobriety checkpoints Rhode Island would have to adopt new public policies for action. This aspect of implementation references the facet of the Pell theme of public policy, it also addresses the civil responsibility and action theme in that society must act in order to being the implementation process for the state of Rhode Island.



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APPENDIX A

**SOBRIETY CHECKPOINT SURVEY**

**Sobriety checkpoints** involve law enforcement officials stopping every vehicle (or more typically, every *n*th vehicle) on public roadways and investigating the possibility that the driver might be impaired to drive. Sobriety Checkpoints are used in an effort to detect and deter the impaired driver.

**Please circle one of the following:**

**Sex** Male / Female

**Age Group** 18-20 21-29 30-39 40-49 50-59 60+

**State in you which you reside:**  
Massachusetts Rhode Island Other \_\_\_\_\_

**Have you ever been involved in a sobriety checkpoint?**  
YES / NO

**Do you know anyone who has been killed or injured due to an intoxicated driver?**  
YES / NO

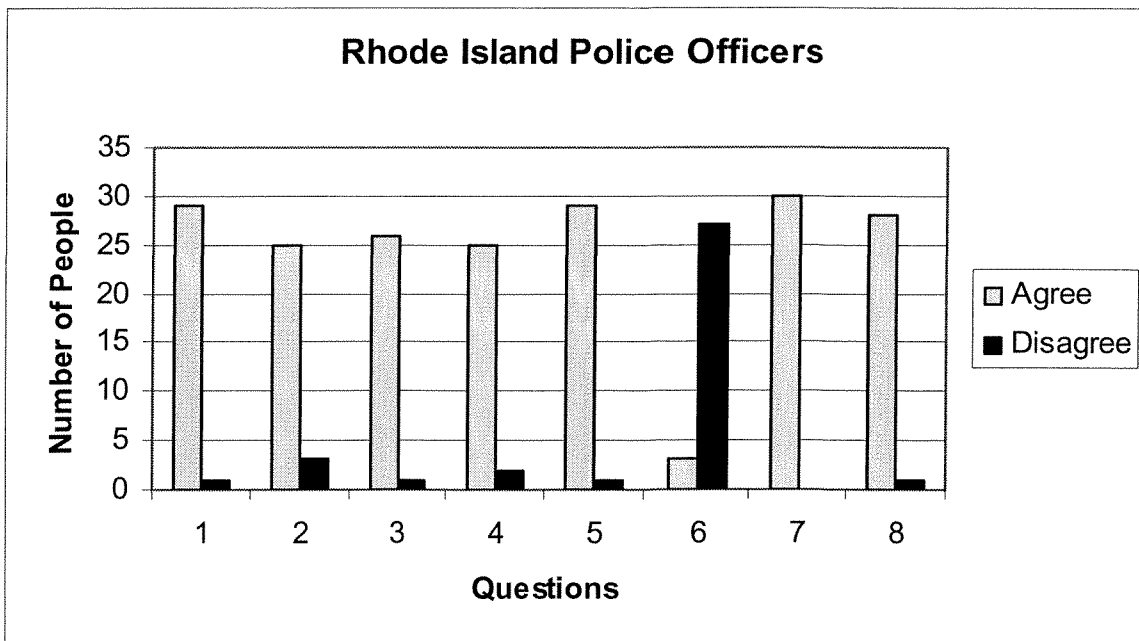
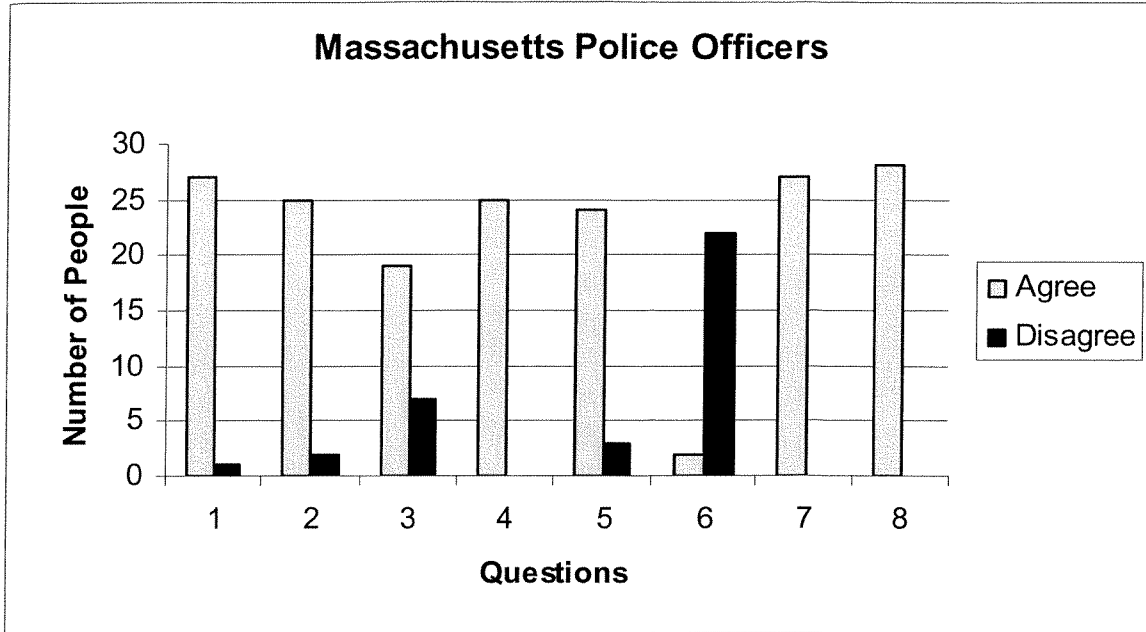
**Do you know anyone who has been arrested for driving under the influence?**  
YES / NO

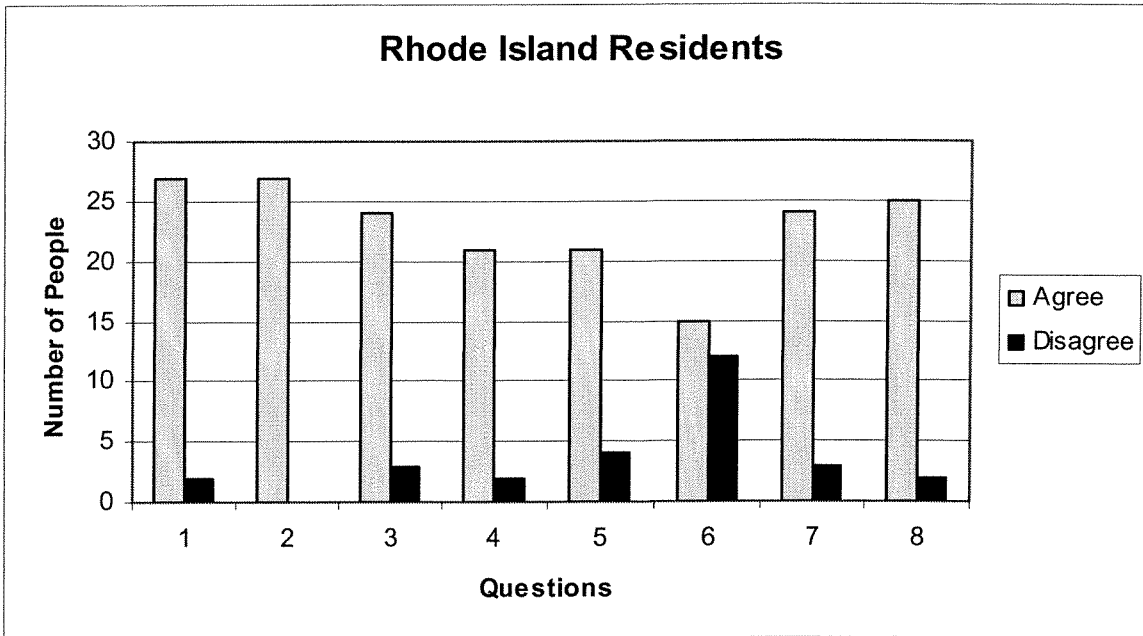
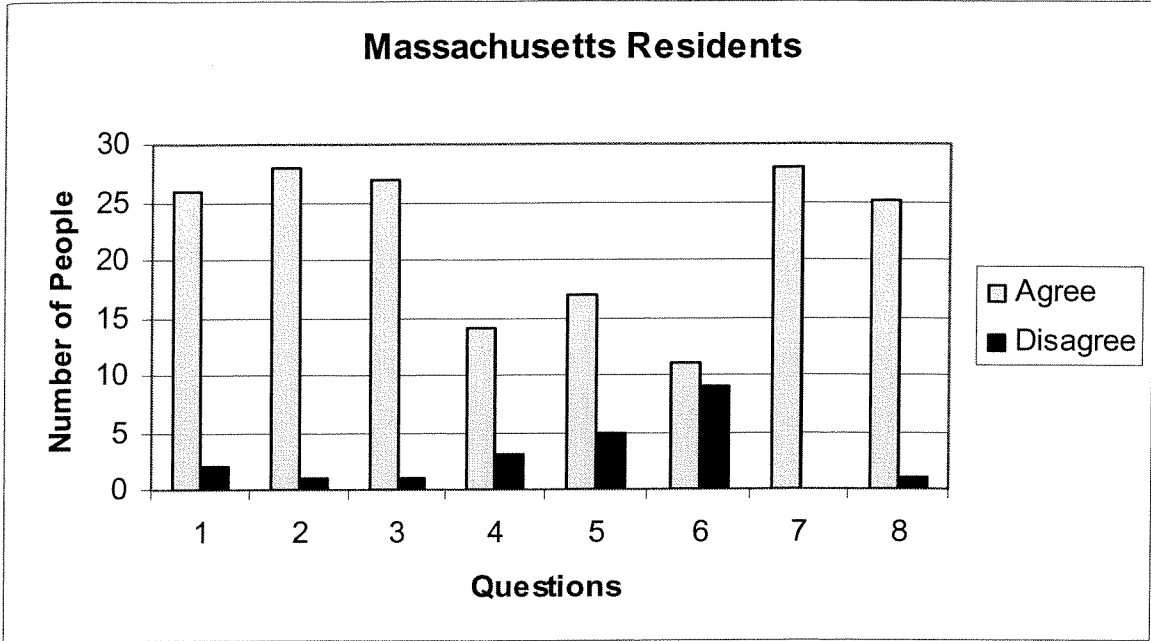
1 – Strongly Disagree 2 – Disagree 3 – Neutral 4 – Agree 5 – Strongly Agree

1. Do you approve of sobriety checkpoints as an enforcement measure to detect and remove impaired drivers from the roads in your community?  
1 2 3 4 5
2. Do you believe sobriety checkpoints will increase an impaired driver's risk of being detected and arrested?  
1 2 3 4 5
3. Do you believe that sobriety checkpoints will deter some people from driving while impaired?  
1 2 3 4 5
4. Do you believe sobriety checkpoints are cost effective?  
1 2 3 4 5
5. Do you believe sobriety checkpoints are constitutional?  
1 2 3 4 5

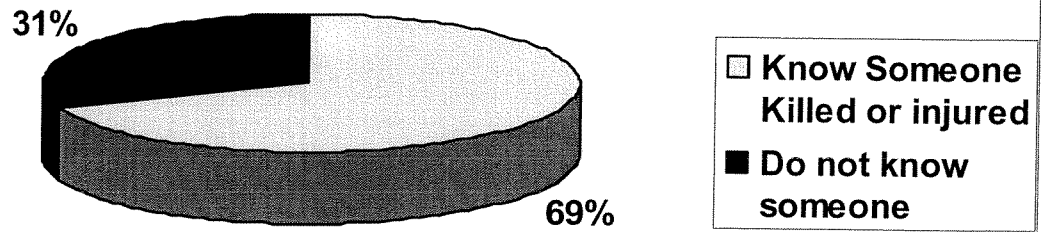
6. Do you feel that sobriety checkpoints cause significant delays in traffic?  
1                      2                      3                      4                      5
7. Are you aware of the penalties of drunk driving?  
1                      2                      3                      4                      5
8. Do you think Rhode Island, which currently does not have sobriety checkpoints, should implement sobriety checkpoints in an effort to deter and detect the impaired driver?  
1                      2                      3                      4                      5

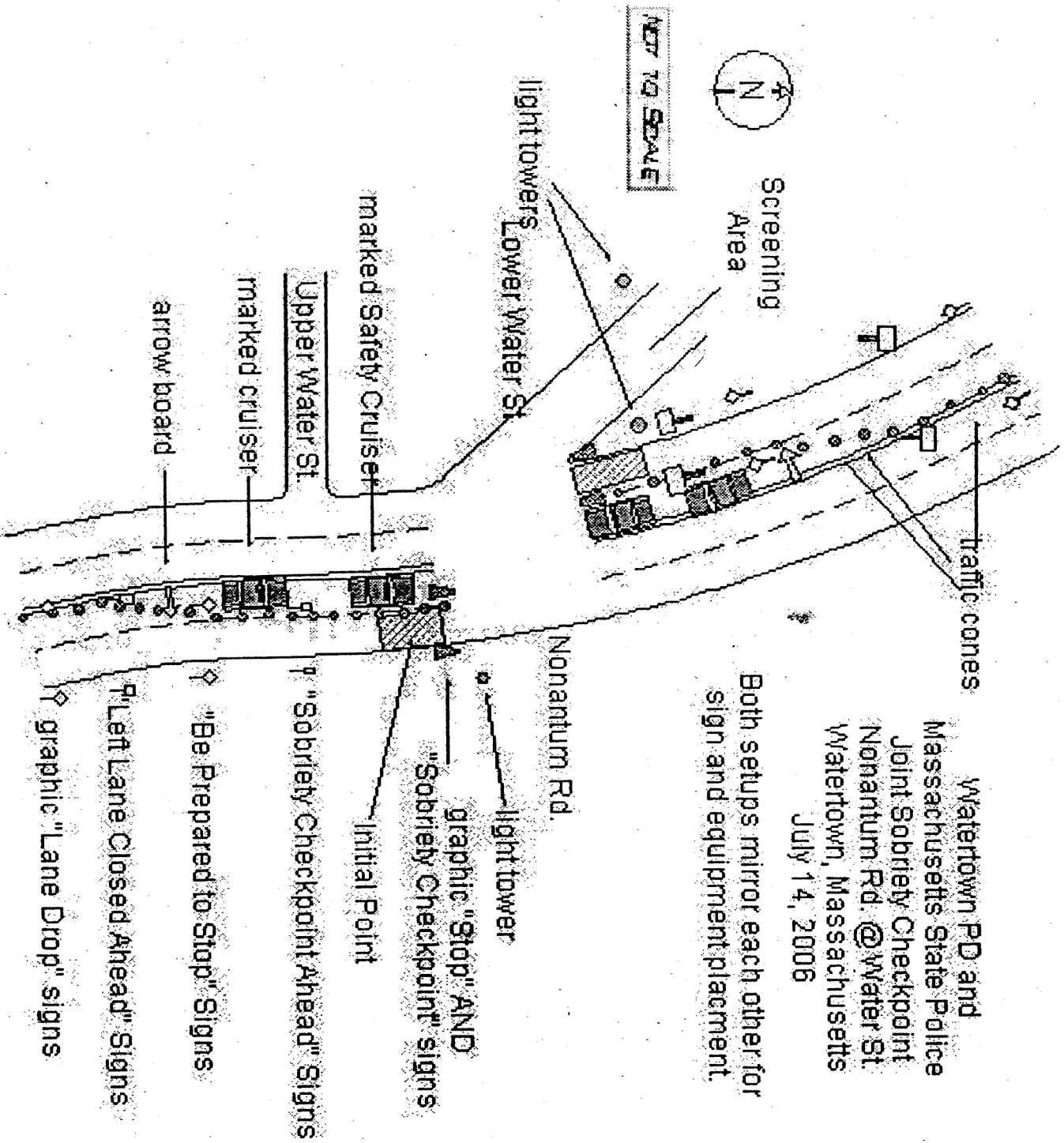
APPENDIX B





**Do You Know Anyone who Has Been Killed or Injured Due to a Drunk Driver ?**





Watertown PD and  
 Massachusetts State Police  
 Joint Sobriety Checkpoint  
 Nonantum Rd. @ Water St  
 Watertown, Massachusetts  
 July 14, 2006

Both setups mirror each other for  
 sign and equipment placement.