

101583

101583

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Minnesota Department of Public  
Safety

to the National Criminal Justice Reference Service (NCJRS)

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

CR-Sent  
8-18-86

Forst Lowery  
Minnesota Department of Public Safety  
207 Transportation Building  
St. Paul, Minnesota 55155  
(612) 296-9490

November, 1983

PROVIDING THE MONEY TO TRIPLE ARRESTS  
AND SUSTAIN ENHANCED DETERRENCE:

A proposal for improving control of  
the drinking driver

NCJRS

APR 2 1983

Abstract:

ACQUISITIONS

Costs of controlling drinking drivers through the arrest/court process are presented and related to low ratios of apprehensions to violations taking place. These ratios are ascribed to limited police resources which are unlikely to increase enough from present funding sources to affect sustained general deterrence. The author argues that a dedicated special alcohol tax (5¢ per half-ounce of ethanol, i.e., "nickel-a-drink") will both allow and encourage significant increased certainty of apprehension to enhance deterrence.

A specific proposal describes one way to establish such a system through a National Trust Fund for Drunk Driving Control and Prevention, with state and local jurisdictions reimbursed on a per-unit-of-service basis, e.g., \$500 per arrest, \$250 per prosecution, \$100 per presentence drinking problem assessment, \$100 per administrative license revocation action, etc.

The author concludes that such a tax in the U.S. would raise more than \$6 billion annually, that based on the reimbursement schedule tentatively suggested would cost \$5 billion if arrests tripled, and that deterrence could thus be sustained over extended periods of time.

10/583

Whatever the ultimate success of various long term efforts to reduce drunk driving through change in public attitudes and norms, immediate short term improvements must depend on making our conventional deterrence system work better -- much better.

We rely on arresting and punishing law violators who endanger all of us on the road. But we are going to have to cast a wider net with a finer mesh.

The proportion of drunk drivers caught, out of thousands out there on the road, is ridiculously tiny. The rate varies in different places but estimates of between one out of 500 and one out of 2,000 seem well accepted.

With all the best intentions and good will of thousands of public spirited citizens, industries, organizations and government officials at all levels, no amount of massive effort directed at focusing national attention and outrage can cut sharply into drunk driving unless there is a significant increase in arrests.

We must provide a credible perception of risk, and providing that PERCEPTION will require a sustained public attention campaign. But without the RISK -- a real risk -- the perception of added risk will prove to have no substance, and in a few months the drunk driving hordes will come barreling through the smoke.

John A. Volpe, Chairman of the Presidential Commission on Drunk Driving, former Secretary of Transportation and former Governor of Massachusetts, writing about the task of the commission in April, 1982, very aptly described the emphasis the country must place on general deterrence:

"States and communities must significantly increase their arrests and combine that with specific public information and education that will increase the perception that drunk drivers will be caught and that there will be sure and swift sanctions."

Governor Volpe goes on to say "As public resources at the national, State and local level become more scarce, these programs must be financially self-sufficient. The offender must carry the burden, and through the innovative use of the revenues generated, programs must pay their own way. Without this concept firmly in place, I am convinced we will not be able to sustain these programs in the long term."

To do anything significant about reducing drunken driving crashes will require sharply increased LOCAL expenditures adding up to a massive NATIONAL cost.

This paper agrees with and expands on Governor Volpe's assessment of what needs to be done to achieve deterrence of the drunk driver, but goes on to propose, in some detail, a means of financing this massive local effort.

If we expect to achieve general deterrence of drunk driving we must vastly increase the CERTAINTY of apprehension. In Minnesota when we are in danger of being smug about catching one out of 300 drunk drivers instead of one out of 500 or one out of 2,000, we cool ourselves off with this analogy:

Suppose we have just put down new carpet in our living room and our dog comes in and defecates on that carpet and we let him do it 300 times before we hit him with a rolled up newspaper. Do you think we have provided specific deterrence for that dog?

Or let's look at it another way. Suppose our dog invited in 300 of his friends one Saturday night and they all were simultaneously treating our carpet in the same way -- but we picked out only one of those dogs and took him out of the room and reasoned with him, or chained him up in the dog house for a couple of days or even forever. Do we think we have achieved any general deterrence among the rest of the 300?

The purpose of this paper is not to provide a detailed description of the success or lack of success of various countermeasures. Many respected researchers, including Borkestein, Joscelyn, Jones, Waller, Cameron, Nichols, Ross and many others, have already done that.

The respected philosophers of drunk driving control would agree, I believe, that the classic theory of deterrence through punishment does not have a chance of much success unless we vastly increase the level of enforcement. The three main barriers to increasing enforcement are well identified.

1. THE LARGE NUMBER OF DRUNK DRIVING EPISODES TAKING PLACE AT ANY GIVEN MOMENT DURING NIGHT HOURS, COMBINED WITH THE RELATIVELY SMALL PROPORTION IN THE TOTAL TRAFFIC STREAM -- "ONLY" ONE OUT OF 20, OR 5%.

Thus if we were to try to pluck out drunk drivers by checking out all drivers we would have to look at twenty drivers before we found one eligible for arrest. The police officer skilled in drunk driving enforcement can make a somewhat greater number of arrests per officer-hour by patrolling and identifying typical drinking driver behavior than through spot check or road block efforts. Road blocks are, of course, more highly visible and are thought to contribute to increased perception of risk.

2. THE FINITE NUMBER OF HOURS OF POLICE PATROLLING WHICH STATE AND LOCAL JURISDICTIONS CAN AFFORD TO PUT INTO CONTROLLING DRUNK DRIVERS.

The direct cost of making a single drunk driving arrest, including the cost of patrolling, stopping, testing, booking and taking the other actions associated with only the arrest itself, will amount to from \$250 to \$350. The drunk driving arrest consumes more time and more paper than any other kind of arrest.

3. ADDITIONAL COSTS BEYOND MAKING AN ARREST, TO WHICH THE COMMUNITY IS PUT: TRIAL, PROSECUTION, PUBLIC DEFENDER SERVICES, AND WHERE IMPOSED, INCARCERATION COSTS.

Various calculations of the public cost of running drunk drivers through the criminal justice system range upward from \$1,000 per uncomplicated case. The heavy costs of stepping up the number of drunk drivers arrested act as a disincentive to bold increases in effort.

The system of paying for getting drunks off the road rests now on the conventional state and local tax base -- the property tax, the income tax, the sales tax. Controlling drunk drivers is in competition for limited local tax revenues with every other public activity.

In looking for ways to take drunk drivers off the back of the general taxpayer, one of the first ideas which comes to mind is to increase the fine revenue from those who are caught and convicted. While there is a certain ring of justice to this idea, it tries to place the total cost on those very few who are caught instead of on the vast numbers who are offending and endangering. Even sharply increased fines, appropriately distributed, probably do not realistically offer the revenue to support even the present level of enforcement, to say nothing of providing any additional revenue to increase that level. Fines should be left as one kind of specific punishment rather than as a substantial source of revenue to control the problem. Fees should, of course, support treatment or education of violators.

Instead, let us consider a way in which making a drunk driver arrest would provide sufficient revenue to encourage making more arrests from among the thousands of unapprehended drunk drivers who are eligible.

I PROPOSE THAT FUNDS TO REIMBURSE STATE AND LOCAL JURISDICTIONS FOR DRUNK DRIVING CONTROL COSTS SHOULD COME FROM AN ADDITIONAL FEDERAL TAX ON ALCOHOLIC BEVERAGES, THE PROCEEDS TO BE PLACED IN A "NATIONAL TRUST FUND FOR DRUNK DRIVING CONTROL AND PREVENTION."

This fund would take all of the costs of controlling drunk drivers off the backs of the general taxpayer by reimbursing the state, and through the state the local jurisdiction, for the whole range of control services. Such reimbursements would be made for each individual service rendered -- arrest, testing, prosecution, court expense, public defenders when required, pre-sentence alcohol problem assessment, alcohol-related driver license revocation actions, and other costs of the comprehensive alcohol traffic safety program Governor Volpe describes and the report of the Presidential Commission recommends to states and local communities. The reimbursement rate for each service, or for programs, would be established annually.

The tax might accurately be called a "Nickel-a-Drink Tax" since it would increase existing federal taxes on all alcoholic beverages by five cents per half-ounce of ethanol. This is the amount of alcohol contained in a "drink" consisting of one ounce of 100 proof liquor (or somewhat more of lesser proof liquor,) or the amount of alcohol in a 12-ounce beer, or the amount of alcohol in a four-ounce glass of table wine.

Such a tax would raise the price paid by the consumer by the following amounts:

- \$1.10 per fifth of 86 proof liquor
- \$1.28 per fifth of 100 proof liquor
- 30 cents per six-pack of beer
- 40 cents per quart of table wine

Since the tax would, of course, be passed through to the consumer, it would not be borne by the distiller, the brewer, the winery, the importer, the wholesaler, the package store, the grocery store, or the bar or restaurant. (It might be interesting to note here that the federal tax on liquor has remained the same \$10.50 per gallon for more than thirty years. This proposal would bring that amount to \$16.90. The state and federal taxes on beer and wine have been much lower per gallon of alcohol these beverages contain, in comparison to distilled spirits. This proposal would put the special additional tax on the alcohol contained, rather than on the form of the beverage. The liquor industry pointed out in 1980 that the overall Consumer Price Index had risen three times faster than the distilled spirits price index in the years 1974 to 1979.)

We should point out that this modest new additional tax is not at all likely to reduce the sale or consumption of alcoholic beverages. All it will mean is that those of us who do drink will be paying a little bit more for each drink we have. When I go into a bar and have a drink or two I will be getting a nickel or a dime less in my change. However, if I toss down ten or twenty drinks it will cost me fifty cents or a dollar more. If, however, I then get into my car I will have made an investment in getting caught for drunk driving.

Payments from the National Trust Fund for Drunk Driving Control and Prevention should NOT be made to the states and communities on the basis of population, road mileage, or alcoholic beverage sales but rather on the sole basis of specific drunk driving control actions. A possible schedule of such reimbursements might be the following:

- \$500 per drunk driver arrest
- \$250 per prosecution
- \$250 per case requiring a public defender
- \$100 per case processed by the court
- \$100 per pre-sentence alcohol problem assessment
- \$100 per administrative driver license action related to alcohol

Other payments would be made to state and local jurisdictions furnishing drunk driving control and prevention services to cover the costs of training, equipment, prevention and education programs, but only in proportion to the enforcement effort made by each jurisdiction and only as reimbursement for specific costs incurred.

Assuming a tripling of enforcement effort over the present level, the cost of such a reimbursement program would be approximately \$5 billion. The revenue going into the National Trust Fund for Drunk Driving Control and Prevention from a nickel-a-drink tax will be about \$6.1 billion annually.

The proposal is to take the cost of controlling the drunk driver off the back of the local property tax payer and put it on all of us who drink, in direct proportion to the amount we drink.

Argumentation for this system of financing the costly job of getting drunks off the road, and keeping them off, would have to acknowledge the small unfairness of taxing that rare consumer of a goodly quantity of alcohol who never drives. This is indeed a rare bird. But a tax on alcohol is a far more equitable way of paying for catching drunk drivers than a tax on the home of my hypothetical widowed Aunt Maude who never took a drink in her life.