

**Austin Police Department
Austin, Texas**

Creating a DWI Unit



Distinguishing Features

Creating a special-purpose unit within a large law enforcement agency can be difficult and time-consuming. Political and institutional barriers and the inertia of traditional approaches can defeat even the best of intentions. The Austin approach is distinguished by an innovative policy intended to ensure that new officers are skilled in all aspects of DWI enforcement. This description of the process by which the Austin Police Department planned, implemented, and now is perfecting, a dedicated DWI Unit provides useful advice to the managers of law enforcement agencies who are contemplating similar initiatives.

Setting



The City of Austin is located on the banks of the Colorado River at the eastern edge of the Texas Hill Country, at approximately the geographic center of the State. San Antonio is to the south, Dallas and Fort Worth are to the north, and Houston is to the east. The City of Austin encompasses 238 square miles and includes portions of Travis and Williams Counties; two of the seven Highland Lakes are located within the city limits. Austin is home to more than 674,000 residents, with approximately one million people living in the Austin metropolitan area. Austin is the site of the main campus of the University of Texas, with more than 50,000 students and 21,000 faculty and staff. In addition to serving as the political capital of the State, Austin is recognized as the intellectual, cultural and entertainment center of the region, and home to a diverse music community with a tradition of live performances and active nightlife at the many bars, restaurants, and music clubs in the city.



Background / Planning Process

Prior to 1998, all traffic enforcement by the Austin Police Department (APD) was conducted by general patrol officers, but only when they were not busy responding to calls for service. Concerned about increasing numbers of alcohol-involved crashes in the city, the chief ordered development of an operations plan in January 1998 that led immediately to the formation of a DWI Task Force. The primary goal of the task force was to reduce the number of alcohol-related fatalities in 1998 by 15 percent from the previous year's total. The principal method would be for task force officers to focus their patrol effort almost exclusively on DWI enforcement and to assist nonspecialist patrol officers by relieving them of the DWI processing and arrest procedures. A schedule was established that assigned officers to the task force from their normal duties in the various divisions, with division commanders determining the individual assignments.

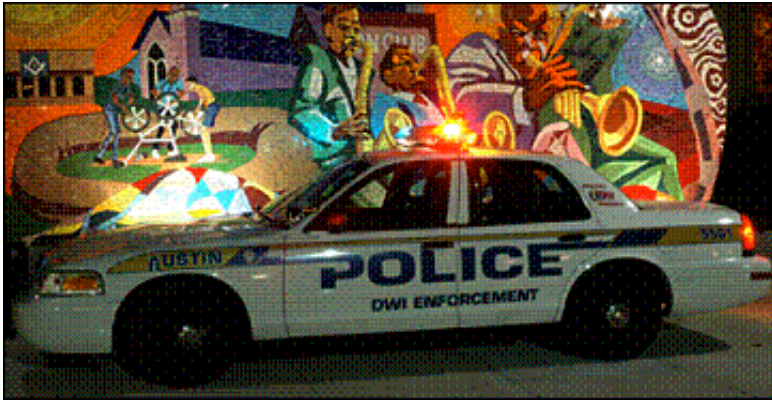
Special enforcement by the DWI Task Force was conducted daily from 10 a.m. to 4 a.m. hours, with two teams of two officers deployed on Sundays through Wednesdays and four two-officer teams on Thursdays through Saturdays. Saturday deployments were augmented by five officers from the department's DWI Selective Enforcement Program (STEP); the STEP officers were not required to operate in pairs. The numbers of officers and hours of operation varied slightly during the initial seven-month special enforcement program.

Task force officers focused on the enforcement of impaired driving laws, but also were encouraged to make enforcement stops for the full range of traffic offenses. The officers were expected to process their own DWI arrests and to relieve general patrol officers of the processing tasks by either driving to the scene of the arrest or arranging to meet the patrol officers at the police station. Patrol officers completed the written supplement to the incident report, which provided a description of the probable cause for the originating enforcement stop. The patrol officers also were responsible for administering the tests necessary for a DWI arrest before handing off the process to a task force officer. DWI Task Force officers then completed the incident reports, affidavits, and booking sheets for the patrol officers' arrests. Task force officers also completed nightly activity reports to which they attached copies of their dispatch sheets. A supervising lieutenant analyzed the reports to calculate the time required to process arrests.

The DWI Task Force operations familiarized many Austin PD officers with DWI assessment and arrest procedures. As a consequence of this exposure, many general patrol officers developed the skills and confidence necessary to make and process their own DWI arrests, without assistance from the task force's DWI specialists. The combination of formal and on-the-job training resulted in general patrol officers being responsible for handling 75 percent of the Austin Police Department's DWI arrests.

A special DWI Enforcement Unit was formed in September 1998 as a permanent replacement for the DWI Task Force and operates under the direction of the Traffic Administration Section of the Austin Police Department. The purpose of the new unit was (and remains) to increase the levels of effort and professionalism of DWI enforcement, to reduce the incidence of alcohol-involved crashes, and to send a clear message to motorists that impaired driving is not tolerated in Austin. The DWI Enforcement Unit was composed initially of eight specially trained officers and one sergeant.

Special Enforcement Methods



The DWI Enforcement Unit continues the practice of frequent, sustained, highly visible, impaired driving patrols that was established by the task force during its seven months of operation in 1998. The Unit devotes the first two days of each week to conducting what is called an "Impact Initiative," during which all members of the DWI Unit deploy to the same APD Area Command to search for and arrest DWI violators, and to deter others from driving while impaired by their high-visibility enforcement. The officers of the DWI Unit deploy citywide during the remainder of the week when not conducting an Impact Initiative for a specific Area Command. The special unit's vehicles are equipped with window-mounted video cameras and the words "DWI Enforcement" are conspicuously displayed to elevate public awareness of the special enforcement effort.

The curriculum of the Austin Police Academy includes NHTSA's DWI Detection and Standardized Field Sobriety Test (SFST) course. However, the task force's success in providing general patrol officers with operational experience with DWI enforcement procedures has led to an innovative approach to teach DWI enforcement skills to novice officers. That is, the Austin Police Department implemented a policy in 2002 that requires all new officers entering the force to train with the DWI Enforcement Unit for two

weeks during their probationary periods. The first day of the special training consists of the eight-hour SFST Update Class, which is taught by the four SFST Instructors who are members of the DWI Unit. After completion of the SFST Update Class, probationary officers accompany officers of the DWI Unit on patrol. The intention is to improve the novice officers' detection and testing skills under operational conditions while coached by an expert. When probationary officers have demonstrated proficiency to the satisfaction of their mentors, they are permitted to patrol on their own and conduct DWI enforcement under the supervision of DWI officers for the remainder of the temporary assignments. This policy ensures that all new recruits to the Austin Police Department understand the importance of DWI enforcement and possess the skills and knowledge necessary to perform the associated tasks. It is likely that the experience gained during their two-weeks with the DWI Unit will benefit the new officers, the department, and the citizens of Austin for the durations of the officers' careers.

Frequency of Operations / Duration of Program

The Austin Police Department's DWI Enforcement Unit has conducted patrols dedicated to DWI enforcement as routine, standard operating procedure since the unit was formed in September of 1998. Normal duty hours are 10 p.m. to 6 a.m., with schedules modified during holiday weekends and special events to increase the level of enforcement effort in response to predicted increases in impaired driving, based on historical patterns of behavior. Impact Initiatives are conducted from 10 p.m. until 4 a.m. hours.

Participation

The DWI patrols are conducted by officers of the Austin Police Department's DWI Enforcement Unit, which presently consists of nine officers, one corporal, and one sergeant. All personnel assigned to the unit have received formal training in on-the-road DWI detection and SFST administration and scoring. Also, all members of this special unit are required to attend annual SFST Update classes, a further indication of the APD's commitment to reducing the incidence of alcohol-involved crashes by ensuring uniformly high skills and abilities, and fostering professionalism, motivation, and pride among the department's DWI enforcement specialists. Every officer is a certified Intoxilyzer operator, seven are certified drug recognition experts (DREs), and four are NHTSA-certified SFST Instructors.

Public Awareness / Program Visibility



The Austin Police Department's DWI Unit recently acquired a late-model special transit service bus from the local transit district and converted it to serve as a command vehicle, using funds also provided by the transit district. The bus is equipped with an Intoxilyzer 5000, a report writing area, and video taping capabilities. The command vehicle is used during all high-visibility impaired-driving enforcement operations, including the weekly impact initiatives, holiday mobilizations, and special events. The vehicle increases public awareness of the special enforcement activities, facilitates the processing of DWI arrests, and reduces DWI processing time for arresting officers.

Beginning in 2001, the APD has conducted "Operation Summer Heat" in addition to the routinely deployed DWI patrols. This special enforcement program runs from June through August and triples the number of officers on the street who are enforcing impaired and aggressive driving laws. Redirecting officers from their normal assignments to traffic enforcement duty provides further evidence of the department's commitment to DWI enforcement. The Austin Police Department received a commendation from MADD for the agency's performance during the annual "Operation Summer Heat."

The Austin Police



The Austin Police Department has not yet developed a publicity campaign to support the special DWI enforcement program, nor has the DWI Unit established community partnerships to help elevate public awareness. However, the department has obtained substantial coverage of its periodic press conferences concerning the DWI

Unit's special enforcement activities and in response to high profile arrests.

Funding

The DWI Enforcement Unit is funded as a normal Austin Police Department budget item, augmented by grants, when possible.

Lessons Learned

The principal lessons derived from the experiences of the Austin Police Department are presented in three categories. The first concerns some of the obstacles that were encountered and the actions taken in response, followed by a discussion of the features that are believed to contribute to the success of the APD's efforts. Specific suggestions from the officers who created the Austin Police Department's DWI Unit are presented third.

Obstacles

Too much time is consumed by court appearances.

The exclusive daytime scheduling of court appearances for DWI and Administrative License Revocation (ALR) cases results in a considerable burden for officers who work the night shifts required by DWI enforcement duty. The inconvenience and the effects on officers' sleep schedules are frequently mentioned as reasons for avoiding assignments with the DWI Unit. Also, the durations of the court appearances seem excessive to officers and contribute to their sleep deficits. For example, it is reported that most ALR judges allow even simple hearings to become mini-trials that take as long as 90 minutes. In response to this problem, the managers and officers of the DWI Unit have requested establishment of a night court for DWI and ALR cases.

Prosecutors and judges were unfamiliar with roadside assessment procedures.

It became apparent that many prosecutors and judges did not understand the purpose of NHTSA's SFST battery and were unfamiliar with the procedures, scientific background, and related legal issues. The prosecutors have limited time and opportunity to remain informed of issues, such as the SFSTs, and the judges often find themselves having to make decisions based on the facts presented by the prosecutors and the obfuscation offered by defense attorneys.

In response to this problem, officers of the DWI Unit organized a training session to provide information about the SFSTs and DWI detection techniques to municipal court judges and prosecutors. The training was conducted in a classroom environment, away from the chess game of the witness stand, and provided hands-on experience similar to the training that officers receive. The session increased judicial understanding of SFST procedures and educated prosecutors and judges concerning the scientific and legal issues.

New recruits lacked confidence regarding DWI enforcement.

Police cadets received instruction in DWI detection techniques and administration of the SFSTs at the Austin Police Academy. However, it was found that many new officers had lost the essential skills and knowledge learned at the academy and lacked confidence in their DWI enforcement abilities by the time they received their first patrol assignments. The policy of requiring all new officers to serve a two-week tour of duty with the DWI Unit was implemented to provide the refresher training and supervised on-the-job experience necessary to create competence under operational conditions. The positive comments of defense attorneys concerning the abilities of rookie officers who have completed their tours with the DWI Unit provide anecdotal evidence of the policy's merit.

Prosecution is difficult when a DWI suspect refuses all chemical tests.

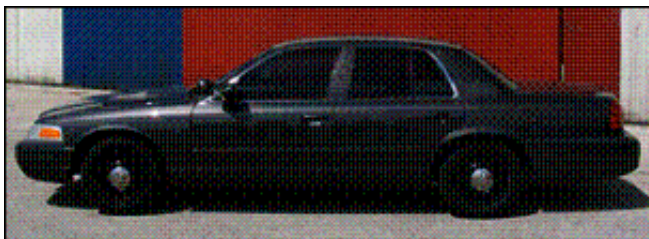
In Austin, the probability of a successful prosecution of a DWI case is diminished when the suspect refuses to provide any form of chemical sample for analysis of BAC. Many law enforcement agencies have worked with their local judicial personnel to establish procedures for obtaining the warrants necessary to forcibly draw blood when a motorist refuses to provide a breath sample. Austin Police Department managers intend to meet with a committee of local judges to begin working on a plan for obtaining search warrants to allow the forcible drawing of a blood sample when a person who has been arrested for DWI refuses all chemical tests.

Also, the Texas Transportation Code prohibits paramedics from drawing blood for the purpose of blood alcohol or drug analysis, even with the consent of the person arrested. Officers of the DWI unit have submitted legislation that would allow paramedics to draw blood upon consent of the arrested person or at the direction of a search warrant.

Program Strengths

The primary strength of the Austin Police Department's efforts are attributable to having a special unit of officers dedicated to DWI enforcement. This practice allows those officers to increase their detection and roadside assessment skills and to become more confident in their abilities. As a consequence, officers who serve in the DWI Unit are more likely to interpret SFST results in strict adherence to the NHTSA guidelines and to make correct arrests decisions that other officers might not make, especially in borderline cases. Officers of the DWI Unit also become familiar with the judicial process and comfortable providing testimony in court. DWI Unit officers testify frequently and from this experience learn which aspects of the arrest process that defense attorneys are likely to challenge. The officers convey this information to their colleagues and adjust the established operating procedures, when necessary. Additional strengths are summarized below.

- Managers of the Austin Police Department have been very supportive of the DWI Unit, especially by providing training opportunities. The support has benefited the department by (1) improving the performance of individual officer's in the detection and assessment of impaired drivers; (2) allowing DWI Unit officers to assist other officers in the department to improve their skills; (3) increasing the level of professionalism of the force; and (4) enhancing the credibility of officers' testimony in court.
- Currently, the Austin PD's DWI Unit uses patrol cars configured specifically for DWI/DUI Enforcement. Officers believe that the public can become desensitized to the sight of a police car; however, the DWI Enforcement decals on the special unit's vehicles distinguish their patrols from all others, elevate awareness of the unit's activities, and sometimes provide opportunities for pleasant interactions. Officers of the DWI Unit report seeing drivers at intersections mouth "DWI Enforcement" as they read the decals on the patrol cars and many citizens have made positive comments to the officers concerning their special duty. The officers believe that the distinctive lettering on their vehicles contributes immensely to the successful performance of their mission.
- The DWI Unit's DREs expand the APD's abilities to detect drivers whose performance is impaired by substances other than alcohol, including recreational drugs and prescribed medication. The unit's DREs also help educate the public and other officers concerning the performance-degrading effects of specific drugs and of drugs and medications when taken in combination with alcohol.



- Officers of the DWI Unit occasionally borrow unmarked vehicles from other units to augment their regular, high visibility DWI patrols. Similarly outfitted unmarked patrol cars are on order for use by the DWI Enforcement Unit. The new patrol vehicles will be equipped with moving radar and digital video systems to provide additional capabilities.

Suggestions From the Program Organizers

Judicial Issues

Work with prosecutors and judges. Advise them that their DWI case loads will increase dramatically as a result of a special enforcement program. After that, educate the judicial personnel about impaired driving issues and the enforcement effort. Begin with information about the SFSTs and DWI detection, then move to discussion of other drugs and medications that impair driving.

SFSTs and DWI Detection

The NHTSA's DWI Detection guidelines and the SFSTs must be the central components of the DWI enforcement program. The agency's managers must support the use of the SFST battery to help officers make roadside arrest decisions. Like many members of the public and judicial personnel, law enforcement managers might not fully understand the systematic procedures that have been developed by NHTSA. Some judicial personnel and law enforcement managers will require education concerning alcohol and other drugs that impair driving performance.



Training

Officers selected for special duty with a DWI unit must be willing to seek continuing education and training to preserve their understanding of procedures and case law regarding DWI detection and the SFSTs. A well-trained and disciplined DWI unit will quickly earn a reputation for professionalism and reliability among judges, prosecutors, and even defense attorneys.

Officer Motivation

Managers of the Austin Police Department allow the members of the DWI Enforcement Unit to use their patrol vehicles for transportation between shifts. This unusual privilege recognizes the importance of the officers' special duty, mitigates the burden imposed by lengthy and inconvenient court appearances, and contributes to general awareness of the special enforcement program by exposing the public to patrol vehicles announcing "DWI Enforcement" during daylight hours.

Evidence of Program Effects

A recent NHTSA study of the Austin Police Department's DWI Unit found that the number of DWI arrests made by the department doubled as a consequence of the reassignment of general patrol personnel and the command emphasis on impaired driving enforcement. The authors of the report also suggest that the 25 percent decrease in alcohol-involved fatal crashes in Austin between 1997 and 2001, and the 10 percent increase in the conviction rate during the same period are attributable to the special enforcement efforts of the APD's DWI Unit.

Changes Attributed to DWI Unit Between 1998 and 2001

DWI Arrests	+100%
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Drivers in Fatal Alcohol-Involved Crashes	-25%
DWI Conviction Rate	+10%

Source: Wiliszowski, C.W. and Jones, R.K, *Evaluation of the Austin Police Department DWI Enforcement Unit*, National Highway Traffic Safety Administration, Washington, DC, DOT-HS-809-641, 2003.

The following tables present crash data obtained from the Texas Department of Public Safety. The first table presents the numbers of alcohol-related crashes in the City of Austin and in all Texas cities combined (minus the number of crashes in Austin) for the years 1998 through 2001 (the four-year period following formation of the Austin Police Department's DWI Unit in January of 1998). The table shows that the total number of alcohol-related crashes in Austin declined by 16 percent between 1998 and 2001, compared to no change in alcohol-related crash incidence in all other cities in Texas.

Alcohol-Related Crashes In Austin and All Texas Cities (minus Austin)

	1998	1999	2000	2001	Change
Austin	1,102	991	987	927	-16%
Texas Cities	15,930	15,361	16,233	15,911	0%

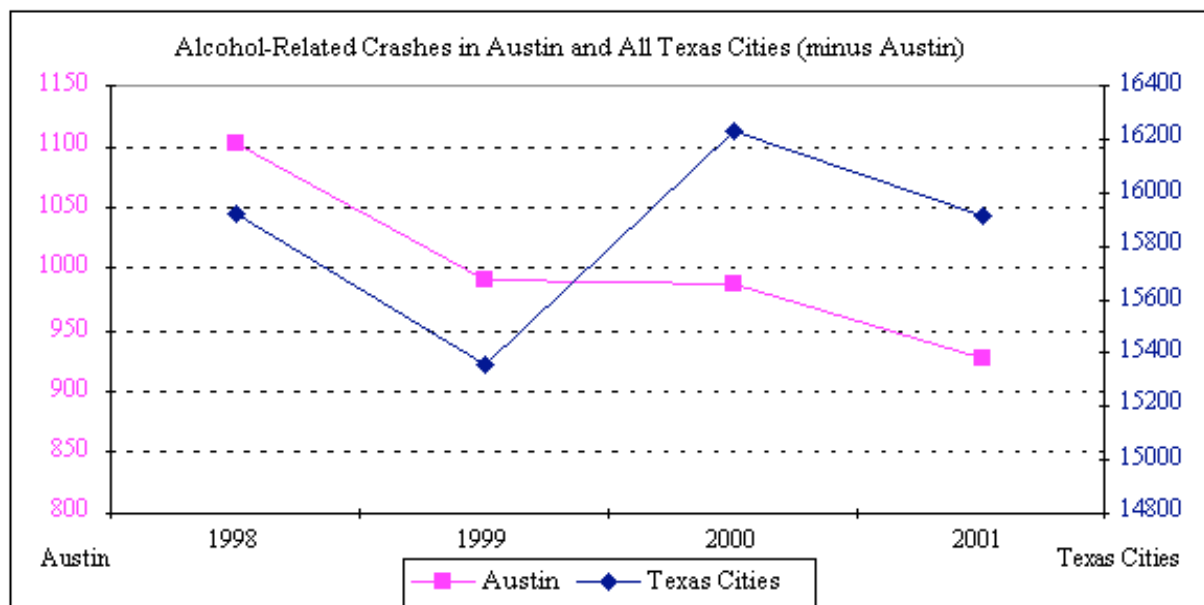
The second table, below, presents the total numbers of crashes in Austin and in all Texas cities (minus the Austin crashes) for the same four-year period. The table shows that total crash incidence declined in Austin by 32 percent between 1998 and 2001, compared to a 6 percent increase in all other Texas cities, combined.

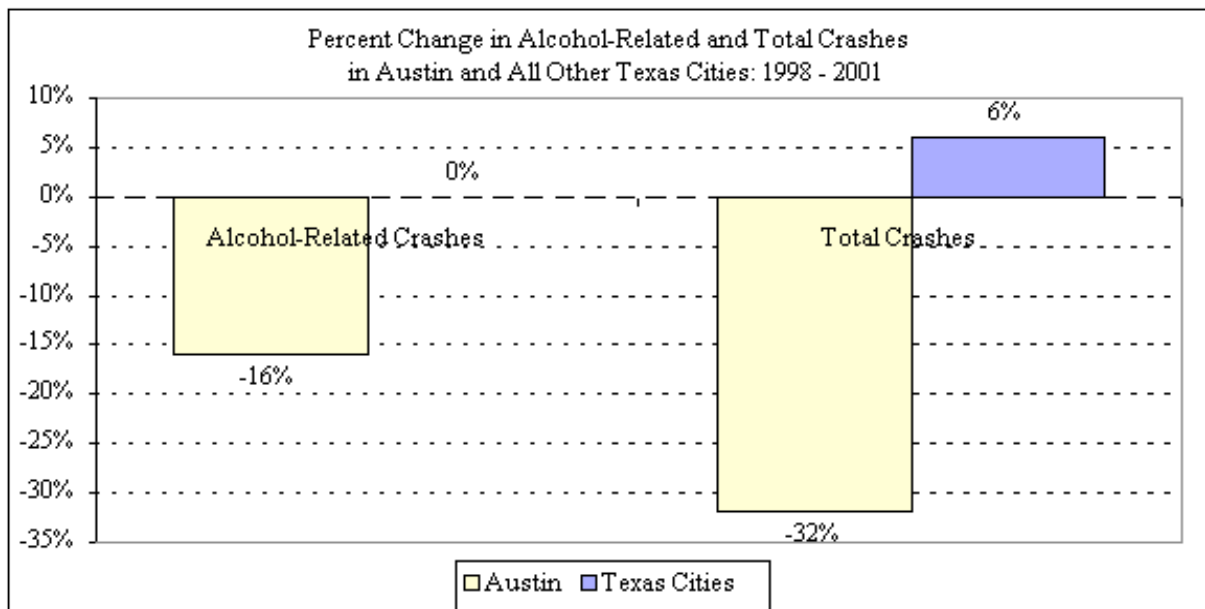
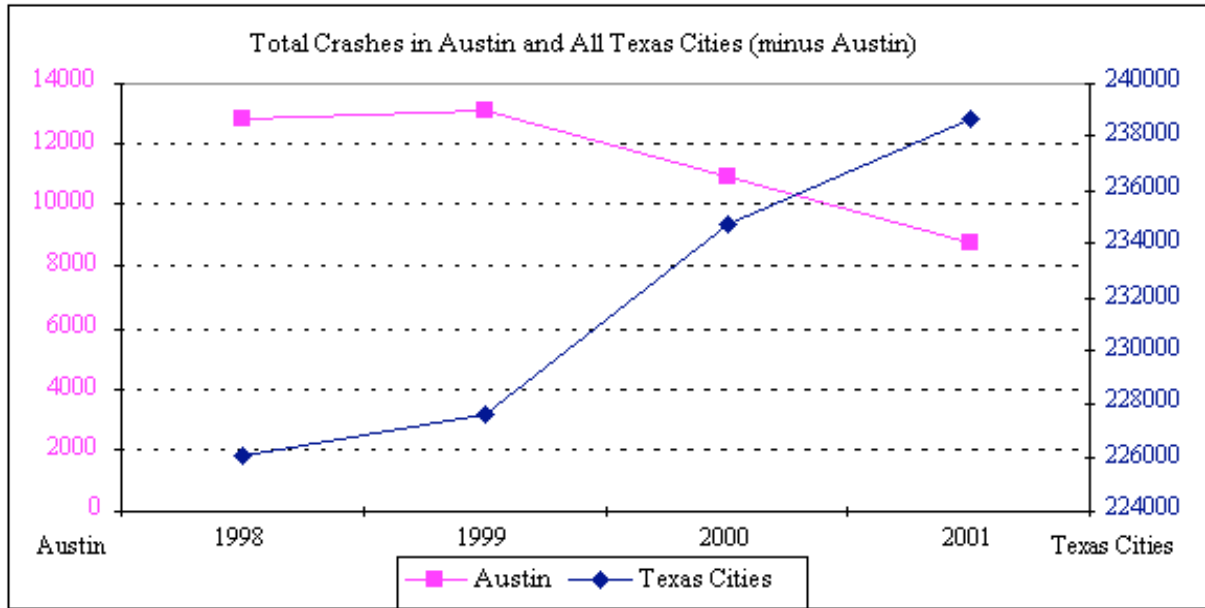
Total Crashes In Austin and All Texas Cities (minus Austin)

	1998	1999	2000	2001	Change
Austin	12,835	13,132	10,897	8,772	-32%
Texas Cities	226,070	227,655	234,779	238,678	+6%

Source: *Motor Vehicle Traffic Accidents (1998, 1999, 2000, 2001)*, Texas Department of Public Safety, Austin.

The data presented in the tables and illustrated in the following three figures provide substantial evidence to support the hypothesis that the efforts of the Austin Police Department's DWI Unit have materially improved traffic safety within their city.





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<<<back

>>>forward

home

contents