



CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

FACT SHEET

Date: February 16, 2012

Report: 2011-110

The California State Auditor's Office released the following report today:

Office of Traffic Safety

Although It Exercises Limited Oversight of Sobriety Checkpoints, Law Enforcement Agencies Have Complied With Applicable Standards

BACKGROUND

To reduce traffic deaths, injuries, and economic losses, the Office of Traffic Safety (OTS) administers traffic safety grant funds and makes grants available to local and state agencies for programs to enforce traffic laws and to educate the public about traffic safety. More than 99 percent of all OTS funding comes from the federal government. OTS-funded activities include conducting sobriety checkpoints (checkpoints) and serving warrants on drivers with multiple driving under the influence of drugs or alcohol offenses. OTS grantees reported conducting 2,562 checkpoints in federal fiscal year 2010. Although there are no statutory standards for conducting checkpoints, there are guidelines that resulted from a decision made by the California Supreme Court in a case that considered whether a checkpoint violated state and federal constitutional protections.

KEY FINDINGS

During our review of OTS's oversight of grants it provides for checkpoints, we noted the following:

- OTS collects checkpoint data and voluntarily includes this self-reported data in its required annual performance report—neither state law nor federal regulation expressly requires that it do so.
- OTS has no process in place to verify the accuracy of the checkpoint data it receives from grantees because doing so would be overly burdensome and federal funding is not tied to the grantee checkpoint data.
- The 2,562 checkpoints administered by law enforcement in federal fiscal year 2010 resulted in nearly 28,000 citations to unlicensed motorists while there were only 7,000 arrests for driving under the influence of drugs or alcohol.
- To ensure it stays informed of how federal funds are spent, OTS has various mechanisms in place, including a performance review process that encompasses a fiscal and program review and contracts for audits of certain grantees conducted by the Department of Finance.
- Although it does not have a formal process to evaluate its grantees' compliance with checkpoint guidelines, OTS uses two retired police officers to witness grantees' execution of checkpoints and report their findings to OTS.
- Our review of the documentation of five OTS-funded checkpoints conducted by different law enforcement agencies revealed the following:
 - ✓ Law enforcement agencies generally complied with guidelines.
 - ✓ Of the total citations issued, only 7 percent were drinking-and-driving related.
 - ✓ Sixty-three percent of the citations issued resulted in a towed vehicle—each of the five law enforcement agencies appeared to use discretion when deciding whether to impound a vehicle.
 - ✓ None of the law enforcement agencies tracked fees earned from checkpoint operations separately from other fees and could have charged between \$406 and \$7,534 for authorizing the release of the towed or impounded vehicles.

KEY RECOMMENDATIONS

If the Legislature desires to receive continued information on how checkpoints are administered, we recommend that it consider amending state law to require OTS to evaluate and report whether law enforcement agencies comply with existing checkpoint guidelines across the State. Further, it should require OTS to recommend statutory changes if it identifies widespread problems at checkpoints.

