

Office of Traffic Safety

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

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This report concludes that neither federal nor state laws establish standards by which law enforcement agencies must administer checkpoints. Instead, rulings issued by the California Supreme Court (court) have resulted in a set of guidelines for administering checkpoints. The State's Office of Traffic Safety (OTS) does not formally monitor grant recipients' adherence to these court rulings—nor is it required to under federal or state law—but instead focuses its monitoring efforts on ensuring grant recipients perform the expected number of checkpoints and spend grant funds properly. All of OTS's funding for checkpoints comes from the federal government and OTS's monitoring efforts are focused on ensuring that federal requirements are met. Our review found that OTS's monitoring practices were reasonable and also noted that the National Highway Traffic Safety Administration (NHTSA) commended OTS for its grant monitoring practices in 2010.

In addition, we reviewed documentation for a single checkpoint at five different law enforcement agencies to assess compliance with the court's rulings and to document the outcomes of these checkpoints. Our review found that law enforcement could reasonably demonstrate their adherence to the court's guidelines. We also noted that checkpoints often resulted in citations for nonalcohol-related offenses, and in many cases, these citations resulted in the motorist's vehicle being towed. Based on our review of federal regulations and discussions with NHTSA, we also determined that revenue resulting from federally funded checkpoints, such as vehicle release fees assessed on impounded vehicles towed from checkpoints, can be used by law enforcement for their own purposes. Finally, our discussions with these five law enforcement agencies, as well as the results of a survey performed by the University of California at Berkeley, found that the amount of these vehicle release fees vary.

In the report, the California State Auditor (state auditor) made the following recommendation to the Legislature. The state auditor's determination regarding the current status of the recommendation is based on legislative actions as of December 2012.

Recommendation 1—See pages 11 and 12 of the audit report for information on the related finding.

If the Legislature desires to receive periodic information on whether law enforcement agencies comply with existing checkpoint guidelines across the State, it should consider amending state law to require OTS to evaluate and include this information in its annual report. Such an amendment should also require OTS to recommend statutory changes if it identifies widespread problems at checkpoints.

Legislature's Action: Unknown.

The state auditor is not aware of any action taken by the Legislature as of December 18, 2012.

