NIGHTTIME SEAT BELT ENFORCEMENT STRATEGIES

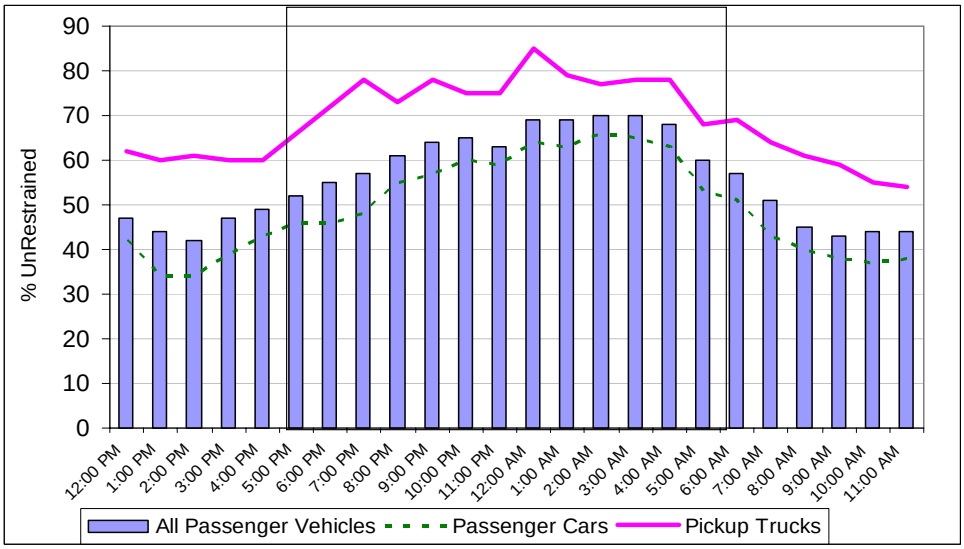
Background:

Seat belt use rates have reached relatively high levels in recent years with the observed daytime rate exceeding 82 percent nationally and 90 percent in several States. However, there are many high risk motorists who continue to ride unrestrained, including late-night drivers, young males, drivers with violations and crashes on their records, and drinking drivers. Strategies focusing on these unrestrained high risk motorists are needed to further reduce fatalities and injuries.

Nighttime traffic safety is a priority for the National Highway Traffic Safety Administration (NHTSA). The nighttime passenger vehicle occupant fatality rate is about three times higher than the daytime rate. Data show a decline in belt use among fatally injured passenger vehicle occupants as it gets later in the evening, reaching the lowest levels between midnight and 4 a.m. as the graph below shows. Increasing seat belt usage among occupants traveling at night could substantially lessen injury and fatality rates.

Percent Unrestrained Deaths in the U.S., by Time of Day and by Vehicle Type

(Source: FARS, 2005 data)



A major factor in achievement of current levels of belt use has been the overwhelming response from States and law enforcement to the annual *Click It or Ticket* (CIOT) seat belt campaign. Most State CIOT activities have been conducted during daylight hours and observation surveys also measure daytime belt use rates. Concern about lower

nighttime use rates – and recognition of the unique challenges of seat belt law enforcement after dark – has led to increased interest in effective nighttime countermeasures.

Studies have identified a number of factors that are likely to contribute to lower seat belt use at night. First, people who wear seat belts during the day may be less likely to buckle up at night because they know police are less likely to observe non-belt use at night. Also, the demographics of nighttime drivers and passengers often differs significantly from daylight hours, with fewer high-use populations, like parents with children and older adults, but more of those who tend to engage in risk taking behaviors like speeding, impaired driving and non-use of seat belts.

NHTSA is examining experience and evidence concerning nighttime seat belt programs. This paper shares information collected to date that could help law enforcement agencies plan successful nighttime seat belt emphasis patrols for the next CIOT Mobilization. In addition to the following, two detailed research papers with results from several of our recent nighttime belt enforcement projects are expected in the fall of 2008.

A roadside sign in Washington State is updated to reflect the importance of buckling up both day and night.

A Brief Summary of NHTSA Nighttime Seat Belt Programs

2004:

- NHTSA and the Connecticut Department of Transportation conducted the first statewide study to compare daytime and nighttime seat belt use. Observers measured seat belt use at the same locations during the nighttime hours as they observed during the day immediately before and after Connecticut's May 2004 seat belt mobilization campaign. Observed nighttime seat belt use was lower than daytime seat belt use by 6.4 percentage points as measured on the same day of the week at the same sites.
  For more information, see publication DOT HS 809 954.

- The Pennsylvania Department of Transportation addressed the question of whether nighttime seat belt enforcement increased use during the day as well as nighttime hours. The Reading (Pennsylvania) Police Department conducted one month of nighttime seat belt enforcement activity. The results showed that Reading belt use increased significantly during both the day and night after the campaign. Nighttime belt use remained lower than daytime belt use in both periods, but the gap was reduced by half. Nighttime belt use in Reading increased by six percentage points; daytime belt use increased by three percentage points.
  For more information, see publication DOT HS 809 646.

2005:

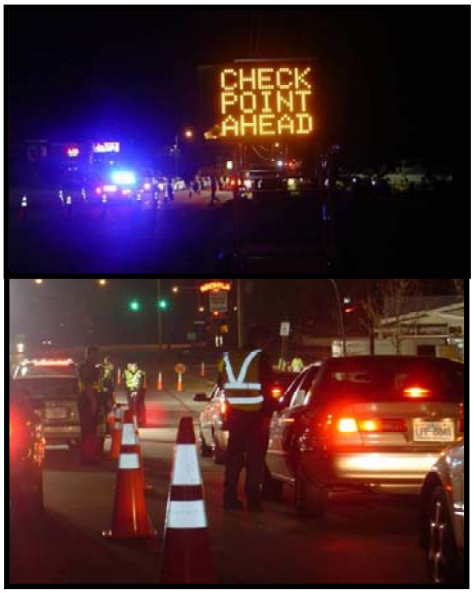
- The next statewide survey of nighttime belt use occurred in New Mexico in 2005. Both daytime and nighttime belt use was observed at 108 sites across the state, the same sites used for New Mexico's official Section 157 National Uniform Criteria belt use survey. The observational survey was conducted during the first two weeks of June 2005, immediately following the May/June Click It or Ticket mobilization. Following the mobilization, belt use at night was 6.2 percentage points lower than during the daytime.
  For more information, see publication DOT HS 810 705.

2006:

- The Marion County (Indiana) Traffic Safety Partnership Nighttime Project was conducted to reduce crash injuries and fatalities by using nighttime seat belt enforcement zones to increase seat belt compliance. For the first time in Indiana, in addition to their daytime survey, they also conducted a full statewide observation survey at night both before and after the May 2006 campaign, using the same sites as during the day. Belt use increased during the day (79.7 to 84.3 percent) but decreased at night (79.0 to 74.0 percent). Daytime belt use was 10 percentage points higher after the mobilization.
  For more information, see publication DOT HS 810 734.

- North Carolina and West Virginia initiated high-visibility nighttime enforcement demonstration projects. The projects identified and evaluated different approaches to carrying out nighttime enforcement of seat belt laws using Checkpoints, Safety Zones and Roving Patrols. North Carolina is a primary law state and West Virginia is a secondary enforcement law state. Preliminary information follows. A final report is expected in fall 2008.

  - **Asheville/Buncombe County, NC** – Used seat belt checkpoints during each of the 40 nights of enforcement. They used the NHTSA grant to pay for officer overtime and equipment needed to run night-time checkpoints (variable message signs, reflective vests, cones, portable lights, a trailer, etc.). They partnered with several other local agencies to make this work. Several officers were needed to run the checkpoints since they were in highly-visible locations all around Asheville. The checkpoints were moved nightly. Each checkpoint required the development of an operations plan, and the District Attorney, Defense, and Courts were informed and engaged in the enforcement effort. Using checkpoints generated significant news coverage and brought numerous other crimes, including impaired driving, to the attention of law enforcement. SFST trained officers were in high demand during this type of operation.



Buncombe County, NC, nighttime enforcement

  - **Greenville/Pitt County, NC** – Relied heavily on saturation patrols. Law enforcement used the NHTSA grant for officer pay and equipment needed to carry out their enforcement approach. The approach involved setting up portable light towers and using motorcycle officers and patrol cars to watch for violators as they drove by the lighted areas. The portable light towers were moved to different locations each night of enforcement, sometimes in high-crime locations, as a secondary deterrence tool. The Greenville Police Department partnered with several other local agencies. However, the effort did not receive much earned news media attention.


Pitt County, NC, nighttime enforcement effort

  - **Charleston, WV** – Used safety enforcement zones during each of the 40 nights of enforcement. Like Asheville, they used the NHTSA grant for overtime and

equipment needed to run night-time zones (variable message signs, reflective vests, cones, portable lights, a trailer, etc.). Efforts were carefully explained as "safety zones" and "belt zones" or "belt checkpoints," given that the focus here was on seat belts and West Virginia is a secondary law State. This seat belt operation resulted in significant increases in impaired driving and other criminal arrests. Several officers were engaged in the operation since the zones were conducted in high traffic and highly visible locations. A great deal of earned news media was generated for this effort.

Charleston, West Virginia's Safety Enforcement Zones

- Washington State initiated a pilot project called *Take the Fight to the Night*, to test the outcome of conducting seat belt enforcement at night. Washington State has one of the highest daytime belt use rates in the country at 96 percent, but continues to experience a high number of unrestrained fatalities. Led by the Washington Traffic Safety Commission (WTSC), law enforcement teams placed a "spotter" in locations where there was sufficient ambient light (such as at off ramps or other brightly lit areas). Whenever the "spotter" officer viewed an unbuckled occupant, the next step was to radio ahead to a second officer who made the stop. This project is still underway. A great deal of earned media is generated during WTSC's nighttime belt enforcement waves.
  Visit the WTSC website, www.wtsc.wa.gov, for information about their program, the Washington State Patrol law enforcement training video, program planning documents, data collection sheets, talking points and preliminary findings.

How Some Jurisdictions Conduct Nighttime Seat Belt Enforcement

Washington State – "Take the Fight to the Night"

- Stationary locations selected with high volume of on-coming traffic that is moving slowly or stopped.
- Locations ensure a safe environment for the officer(s); no traffic obstruction and ample ambient light to allow observing/spotter officer to look, in an unobtrusive way, into a vehicle and determine whether a person is wearing a seat belt or not.
- Personnel: Supervisor(s), Observation Officers, Contact Officers (at least one DRE and others SFST trained).
- Observation Officers are seasoned officers, as spotting unbuckled motorists at night can be more difficult than during the day (e.g., tinted windows).
- Observation officers radio ahead to Contact Officer providing color and type of vehicle and location of unbuckled person, he/she keep keeps vehicle in constant visual until the Contact Officer is behind the vehicle.
- Contact Officers work in full uniform and operate their assigned patrol vehicle.
- Violators are stopped and given the appropriate enforcement.

A training video used by the Washington Traffic Safety Commission is a resource available for viewing at: http://www.wtsc.wa.gov/programs/nighttime_sb.php

Indiana Nighttime Seat Belt Enforcement Zone Procedures

- Zones set up at well-lit intersections.
- Zone signs are placed about 200 feet from the intersection.
- Officers wear reflective vests.
- A police car is placed behind the zone sign in the curb lane, with red lights flashing.
- Only vehicles in violation of the seat belt/child restraint laws are pulled over.
- Violators are only stopped as they slow down for a yellow/red light or a stop sign.
- The curb lane serves as "dead lane" for vehicle pull-off and allows for officer safety. If an off street pull-off area is available, it should be used.
- If another crime or violation is observed, enforcement action is proper.
- Consent for the search of a person or vehicle is not requested unless probable cause for a crime is present.
- If a DUI suspect is observed in the zone, a DUI task force car should assist, if available.
- Officers assist motorists pulling out of traffic back into the traffic flow.
- A spotting officer by the zone sign is used to give officers' ample warning of a violator approaching. (The officer observing the violation must be in court.)
- Officers use an assigned radio channel for communications.

Reading, Pennsylvania Project

- Checkpoints were set up similar to daytime checkpoints – same signs, cones, etc.
- Police utilized a command unit and a fire truck to light up the roadway and detainment area.
- Officers worked in pairs, so there was always a cover officer.

- At least four officers assigned to night duty were dedicated to seat belt enforcement.
- Saturation patrol officers could set up on an intersection to look for red light running and stop sign violations.
- Officers were instructed to initiate vehicle contacts and write the primary violation as well as the secondary seat belt violation.
- The enforcement plan included Traffic Safety Checkpoints, Saturation Patrols and Mini-cade Details. There was a zero tolerance for seat belt/child restraint violations.

NOTE ON OBSERVATION TECHNIQUES:

Observation of seat belt use in traffic during hours of darkness presents special challenges. A number of successful techniques have been employed, typically involving use of enforcement locations with adequate ambient light and strategic positioning of officers to ensure their safety from moving traffic but still provide for effective observation. In at least two programs, nighttime vision goggles have been employed. Due to the adverse public reaction to the use of these devices experienced in one of these programs, use of nighttime vision devices such as goggles or scopes is not recommended.

DEFINITIONS:

Saturation Patrols: Focused enforcement efforts that involve high-visibility traffic law enforcement activity in a specific geographic area. Saturation patrols can be applied by individual departments, or through coordination among multiple agencies to concentrate resources and impact.

Checkpoints: Organized, planned, and systematic law enforcement operations designed to identify traffic violations. Checkpoints are high-visibility enforcement activities established and conducted in compliance with State/local statutes (where permissible by law). Operational planning for checkpoints ideally defines the location, time frame, and methodology for contacting drivers.

Mini-cade Detail: A high-visibility enforcement activity that uses less staffing than a checkpoint operation. Mini-cades are intended to be mobile, and give the appearance of a seat belt enforcement zone. Mini-cades should be set up on high volume roadways in safe but visible locations utilizing marked law enforcement vehicles, lighting, message boards, signage, or other available resources.