

Testimony of
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Senator Defranzo, Representative Guerrero and distinguished members of the Transportation Committee, thank you for allowing me time to speak today. I am testifying today in support of proposed Bill 6137.

According to a Bureau of Justice Statistics Report, 3 million violent crimes had been committed by people who are drinking. 2 million convicted offenders under the jurisdiction of corrections agencies had been drinking at the time of the offense. Two-thirds of victims who suffered violence by an intimate (a current or former spouse, boyfriend, or girlfriend) reported that alcohol had been a factor. Among spouse victims, 3 out of 4 incidents were reported to have involved an offender who had been drinking. By contrast, an estimated 31% of stranger victimizations where the victim could determine the absence or presences of alcohol were perceived to be alcohol-related. Like many states, Connecticut often orders people who have been convicted of multiple Alcohol and Drug related crimes to not drink. They are expected to do this on the honor system. Sec. 30-86 O f the liquor control act states - Sale or delivery to minors, intoxicated persons and habitual drunkards is prohibited, but Alcohol servers and retail sellers have no Idea who these people are and don't have any means to identify them. Some states use an Alcohol Detection Bracelet that is monitored 24/7 and can detect when the user is drinking however, this program is very expensive and many of the convicted drinkers can't afford it. You might think, that people with severe legal consequence looming over their heads if they are caught drinking, certainly would not drink, but this is often not the case. According to MADD statistics 1/3 of all D.U.I. convictions are repeat offenders and 2/3 of the people whose license is suspended for D.U.I., drive anyway. NHTSA's National Center for Statistics and Analysis reports that Connecticut's percentage of Alcohol impaired driving fatalities for 2007 is 36.5% compared to the National average of 31.7%.

Any new idea takes time to evolve. The first thing we have to do is wrap our minds around the main concept of the idea, in this case it's a Volunteer Alcohol Exclusion list. With some legislative help my Patented Program of a "National Alcohol Voluntary Exclusion list" (N.A.V.E.L.) could be adopted In Connecticut as an inexpensive alternative to a lengthy incarceration for alcohol and drug related crimes. Proposed Bill 6137 - is an opportunity for someone who has been charged with an alcohol related crime to enter into a plea agreement in which the person pleads guilty to a lesser offense or receives a shorter sentence by voluntarily placing their name on a National Alcohol Volunteer Exclusion List. **If we start anywhere or accomplish anything from proposed Bill 6137 it should be this rudimentary step; establish a Volunteer Alcohol Exclusion List. Give the people with alcohol problems a forum or an instrument to volunteer their information to help us, help them. Just establishing this list and doing nothing else would have an impact on Alcohol related crime.**

How Navel works-

John Q Public gets arrested for an alcohol related crime. He goes to court and through plea bargaining decides to volunteer his name to the National Alcohol Volunteer Exclusion lists (NAVEL) for a predetermined amount of time.

In doing this he is saying that he will not drink or try to procure liquor for that predetermined amount of time. The list is maintained and administrated at NAVEL central. NAVEL central will get the names and information directly from the courts. NAVEL central makes the lists available to all licensed alcohol retailers for both on premise and off premise consumption through their fully automated, secure, password protected website. This means Bars, Restaurants, Hotels, Liquor Stores, Grocery Stores, anyone holding a state beer wine or liquor license. Before liquor sellers and servers sell anyone alcohol they must card that person regardless of age. The server will then check that name against the NAVEL data base via an electronic input device such as a PC, laptop, PDA, cell phone or one of many other electronic devices. This is similar to verifying a credit card. The server either inputs the individuals name or drivers license number. If the search displays a hit then the individual is on the NAVEL program and should not be served or it will say "no results found" and that Individual is cleared through the NAVEL data base.

Another option could be if the individuals name does pop up, the server is then prompted with this question – *is this Individual trying to procure liquor or enter a liquor serving environment?* A yes reply would automatically get an electronic report sent back to the court system and could have severe consequences for the offender. An action like this would help prevent people from trying to sneak through the system. The information would stay on the Navel program for the predetermined amount of time, and then would automatically cycle itself out.

Not only can NAVEL work for repeat Alcohol and Drug related crimes, (such as D.U.I.s) through plea bargains, it could also be used for people on probation or parole for Alcohol and Drug related crimes. All of this could be done through the judicial system and paid for by the Accused, much in the same way as when the Accused have to pay for and go through Drug and Alcohol classes.

NAVEL opens lines of communications

Since the days of the "Dram shops" the liquor industry has been held accountable for the actions of the people they serve. They have been the recipients of law suits, fines and penalties with an ever increasing set of laws and regulations to abide by but given very little in the way of tools or resources to help fight liquor liability in a proactive way. The NAVEL program is proactive in that it works with the liquor industry and not reacts to it. Through the NAVEL program liquor license holders and their employees will communicate everyday with the state in an effort to reduce liquor liability and prevent alcohol related crimes. This means that when John Q Public volunteers his name to the NAVEL program that tens of thousands of servers and store clerks are out there working and checking for his name to help keep him sober, at no cost to the state. And in opening these lines of communication between the state and the people that they license to sell and serve liquor, we start to break down the walls that created the "us and them" attitude that's been going on since "Dram shop laws" were instated.

NAVEL creates other options

The NAVEL program can give the judicial system another option to incarceration which in turn saves the state money and helps to lessen the problem of overcrowded prisons. The NAVEL program wouldn't be just for people convicted of Alcohol and drug related crimes, an array of people who are trying to quit drinking, such as members of AA could also volunteer their names to the NAVEL program.

MADD has been fighting the war against drunk driving since the early eighties. Today's MADD is focusing all its efforts on the development of quality ignition interlocks and getting states to pass legislation to mandate and enforce ignition interlock laws. Although this is a good idea the likelihood of cars coming out of the factories with ignition interlock systems as standard equipment is still five to ten years away.

There are four DMV-approved vendors that provide ignition interlock devices in Connecticut. The user typically has to pay an installation fee for the device, a monthly lease payment, a charge for downloading the information stored in the device and for calibration (which in Connecticut occurs every 60 days), and in some cases a charge when the device is removed after the required period for its use has elapsed. The monthly fee for the device can vary depending on the length of the lease period. The NAVEL program is much less expensive and covers a much broader scope. The NAVEL Program isn't just focused on drunk driving. The NAVEL Program can reduce drunk driving and reduce underage drinking as well as all other Alcohol related crimes such as Domestic Violence, disturbing the peace, and even drug related crimes.

NAVEL reduces underage drinking

One of the bi-products of this program is the reduction of underage drinking. Liquor servers and store clerks would be required to check the ID's of customers before they serve them against the "National Alcohol Voluntary Exclusion Lists". This could be done quicker than verifying a credit card. If servers start checking the ID's of everyone they serve instead of just the people that look approximately the age of 21 then the rate of incidence of serving someone underage would drop. If someone under age does get served and is caught or is caught trying to use a fake ID and or falsify their documents then that individual can have their name put in the NAVEL data base and to automatically become active as of their 21st birthday, quelling their chances to drink when they are of legal age. This should help detour underage drinkers.

NAVEL keeps alcohol retailers and servers informed

NAVEL involves liquor retailers and servers in the process because ultimately they are the ones who are liable for the people that they serve. By involving retailers and servers NAVEL works with the industry instead of reacting to it. There is a possibility that insurance companies will consider reducing premiums on liquor liability insurance policies for businesses involved with this program.

For liquor license holders to get the information they need all they have to do is a once weekly download from the NAVEL password protected website for the most current list to their PC or PDA and they are fully informed. The only information kept in the NAVEL data base is the information given to NAVEL by the volunteers which would be name; state license was issued in, license number, and address. In other words the only information that will show up when checking ID's against the NAVEL central point data base is basic personal information that was volunteered in an effort to prevent the person who volunteered the information from drinking again, for the agreed amount of time.

- Number one priority is to establish a volunteer alcohol exclusion list.
 - Why we need an alcohol exclusion list.
 - We don't have one
 - People are ordered to not drink by the courts all the time but the people who sell liquor have no idea who these people are.
 - Sec. 30-86 of the liquor control act states –“Sale or delivery to minors, intoxicated persons and habitual drunkards prohibited”. How do sellers and servers know who these people are?
 - Repeat offenders of DUI's
 - About one-third of all drivers arrested or convicted of driving while intoxicated or driving under the influence of alcohol are repeat offenders.
 - NAVEL could be used in conjunction with Committee Bill No. 151 AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES IN MOTOR VEHICLES.
 - Alcohol related Violent crimes
 - Domestic violence
 - Rape
 - Child abuse
 - Underage drinking violators
 - A bill could be passed placing all licensed drivers under the age of 21 on the NAVEL program preventing from accessing bars using doctored drivers licenses. Once they turn 21 their name could be automatically cycled out.
 - Bill 6137 could enhance Committee Bill No. 697 AN ACT REQUIRING THE SUSPENSION OF THE MOTOR VEHICLE OPERATOR'S LICENSE OF A MINOR WHO PURCHASES OR ATTEMPTS TO PURCHASE ALCOHOL. By placing the individuals name on the NAVEL list as of their 21st birthday for a predetermined amount of time, suspending their drinking privileges as well as their license.
 - Self excluding individuals
 - There are individuals out there who have committed no crime and just simply want to quit drinking. They too can utilize the program.
 - Start a National trend
 - If Connecticut becomes the first state to enact this program it could start a national trend. Once Connecticut shows results from its program Border States will want follow suit.

- Require or Give incentives for liquor license holders to utilize the program
 - Require liquor licenses to card all.
 - The best case scenario for this program to be successful would be to require all liquor licenses to card all customers and check the names against the NAVEL Data base. This is a lot to ask especially from the Restaurant community but this measure would insure the program's success.
 - As an alternative the "card all" rule could be for specific license types, such as Night clubs, café license, package stores and pubs. These are places where they do a lot of carding already and it wouldn't be considered as much of a burden or as intrusive to the customers because it's pretty common place. Of course restaurants could still participate on an individual voluntary basis especially if there is an insurance premium reduction incentive and/or an affirmative defense incentive.
 - Finally Individual liquor licenses who have multiple offenses or violations regarding DUI's, over serving, serving under age customers, ect.. Could be required to participate in the program.

 - Incentives for liquor licenses to card all against the NAVEL database could be
 - Insurance incentives
 - Perhaps a reduction in insurance premiums for those who participate in the program
 - Proof of Affirmative defense
 - Reduction of dram shop

Looking Forward

Once the program of a National Alcohol Volunteer Exclusion List gets started and liquor sellers and servers are on board with it, we can begin to attack the problems of DUI's at its very core. According to MADD research shows that, the overwhelming majority of people arrested for drunk driving have driven drunk more than 50 times before their first arrest.

If a patron is shutoff, it is expected that he will quit drinking for the night. This is often not the case, many times the patron will simply go to another bar and drink and when they are shutoff there they go to yet another bar and drink. When they finally get in trouble all the bars that served the patron are liable even though, they did the right thing by shutting the patron off.

With a National Alcohol Exclusion List already in place, if the right legislation is passed, when someone is shut off in one bar they can be placed on the alcohol exclusion list just for the night, shutting them off in all bars. This action would prevent them from going anywhere else to drink.

Conclusion

Whether it be mandated or through a voluntary program by enacting Bill 6137, we begin a new proactive attack by incorporating the sellers and servers of alcohol as well as the people with drinking problems, into the war against alcohol related crimes such as DUI's and Domestic violence in the form of a voluntary alcohol Exclusion list. If we can start to appreciate the need and usefulness of a voluntary alcohol exclusion list and enact Bill 6137 Connecticut can go from being one of the "Fatal 15" to being a National leader for proactive innovative ideas for the prevention of alcohol related crimes. Thank you for your valuable time and consideration of this new and proactive program.