



**CAMPAIGN TO
ELIMINATE
DRUNK DRIVING**

**Janice Heggie Margolis
Executive Director
Connecticut Affiliate of Mothers Against Drunk Driving
Before the Joint Transportation Committee
Testimony in Support of Ignition Interlocks for All Convicted Drunk Drivers
14 February 2011**

Co-Chair Maynard, Co-Chair Guerrero and members of the committee, thank you for the opportunity to testify in support of ignition interlocks for all convicted drunk drivers. My name is Janice Margolis, Executive Director for Connecticut Affiliate of Mothers Against Drunk Driving.

In November 2006, MADD launched its Campaign to Eliminate Drunk Driving throughout the United States, which includes support for all-offender ignition interlock laws. Prior to the Campaign launching in 2006, only one state, New Mexico, had a law requiring ignition interlocks for all first time convicted drunk drivers. Now, thirteen states and a pilot program in California have laws requiring or highly incentivizing interlock usage by all first time convicted DUI offenders.¹

MADD's support of ignition interlocks for all convicted drunk drivers is simple—it is about saving lives. Countless studies show that ignition interlock devices for all convicted DUI offenders is the most highly effective tool available to stop drunk driving.

Ignition interlocks for all convicted drunk drivers will save lives. In New Mexico, drunk driving re-arrests are down statewide by 37 percent, alcohol involved crashes down by 31 percent, alcohol related injuries down by 39 percent and alcohol related fatalities down by nearly 30 percent. In Arizona, drunk driving fatalities have dropped by 46 percent since their interlock law.

Drunk driving is a violent crime. But it is ultimately a 100 percent preventable crime. While nationally drunk driving deaths have decreased, Connecticut has witness an increase in drunk driving fatalities from 2008 to 2009. Drunk driving fatalities accounted for 44 percent of all total traffic deaths in our State. As a result, MADD ranks Connecticut 50th when it comes to progress in stopping drunk driving. This is unacceptable.

By advancing legislation that requires ignition interlocks for all convicted drunk drivers, the Committee can send a clear message to drunk drivers: if they violate the public's trust by driving drunk, they will receive an ignition interlock—or in-car breathalyzer—on their vehicle.

Ignition interlocks should not be an option for convicted drunk drivers, they should be a requirement. Requiring this technology is also an economically sound public safety measure. In 2009, the economic cost of drunk driving fatalities to the people and state of Connecticut was \$683 million. Every life saved by the device translates to millions of taxpayer dollars no longer spent subsidizing drunk drivers. A study of New Mexico's interlock program found the cost of an interlock was \$2.25 a day for the offender, but for every dollar invested on first offender interlock laws the public saves three dollars.ⁱⁱ

Some may argue that requiring ignition interlocks for first time offenders is too harsh. This is not the case. We know that the average first time offender has driven drunk before—one particular study showed drunk drivers getting on the road an average of 87 times before the first arrest.ⁱⁱⁱ We know it is not enough to simply revoke the license of a convicted drunk driver. Studies show that 50 to 75 percent of convicted drunk drivers continue to drive even while their license is suspended. This is the reason that interlocks are so critical to protecting the public.

You will also hear talk about punishing those who are one sip over the legal limit. The illegal limit in Connecticut is a .08 blood alcohol concentration. The National Institute on Alcohol Abuse and Alcoholism notes that to get to a .08 BAC, men must typically consume 5 or more drinks, and women must typically consume 4 or more drinks, in about 2 hours. A standard drink is defined as 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of 72-proof distilled spirits, all of which contain the same amount of alcohol – about .54 ounces.^{iv} The fact is that interlocks

don't prohibit someone from going to the bar or restaurant, they prevent convicted drunk drivers from driving drunk and endangering the public.

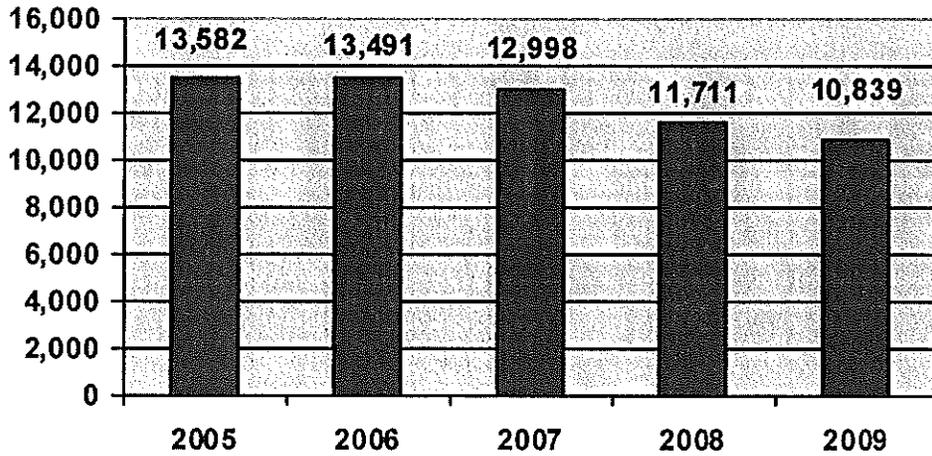
Interlocks work for both society and for the offender—they allow convicted offenders a mobility they would not have with a license suspension or jail time, while also keeping the public safe.

Mothers Against Drunk Driving believes this Committee should also advance legislation toughening the state's approach to those who drive drunk with a child passenger under the age of 16 in a vehicle. Connecticut is one of thirteen states with lacking a DUI child endangerment law. Every child deserves a sober designated driver. Driving drunk with a child passenger in a vehicle is a form of child abuse. It is time for the punishment to fit the crime. MADD believes in these cases, a convicted offender should have double the time on an ignition interlock and prosecutors should be able to charge the offender with a felony.

In conclusion, Mothers Against Drunk Driving urges this Committee to advance legislation that requires interlocks for all convicted drunk drivers. The support of this concept is simple—it is about saving lives. This technology for convicted drunk drivers will change the status quo in Connecticut and help to stop drunk driving. For this reason, MADD urges this committee to support expanding Connecticut's current interlock program for all convicted drunk drivers.

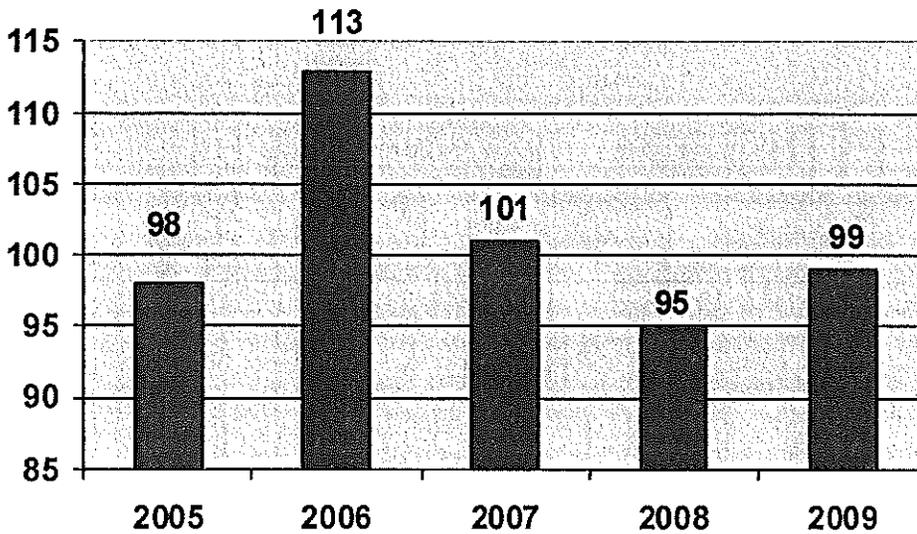
Thank you.

Drunk Driving Fatalities in the United States



In the United States, drunk driving fatalities decreased by 20 percent since 2005

Drunk Driving Fatalities in Connecticut



In Connecticut, progress in reducing drunk driving fatalities have stalled

Source: National Highway Traffic Safety Administration (www.nhtsa.gov)

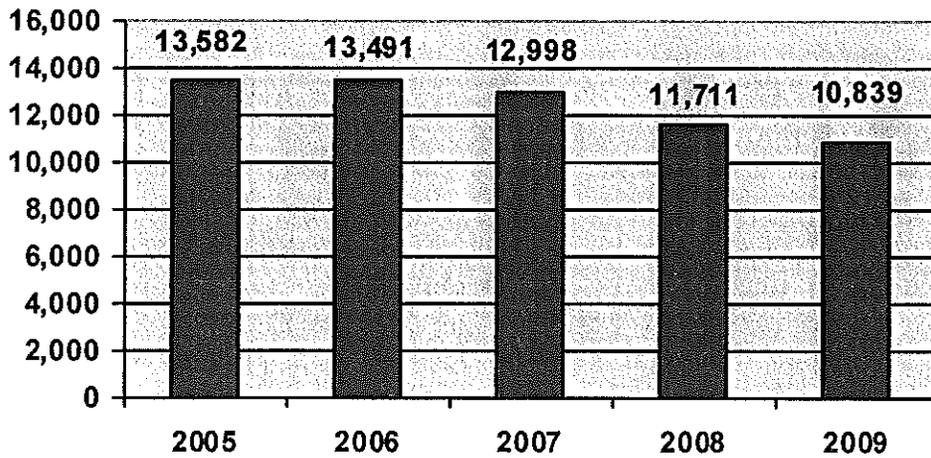
ⁱ New Mexico, Arizona, Louisiana, Illinois, Washington, Nebraska, Alaska, Colorado, Arkansas, Utah, Hawaii, New York, Oregon

ⁱⁱ Roth, Richard, Voas, Robert and Marques, Paul (2007) 'Interlocks for First Offenders: Effective?', *Traffic Injury Prevention*, 8:4, 346 – 352 URL: <http://dx.doi.org/10.1080/15389580701598559>

ⁱⁱⁱ Zador, Paul, Sheila Krawchuk, and B. Moore (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," Rockville, MD: Estat, Inc. 1997.

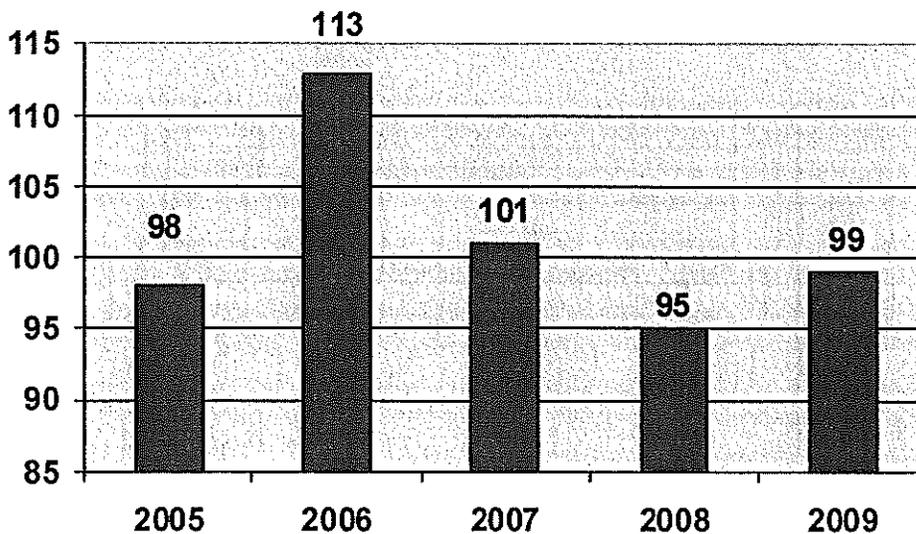
^{iv} National Highway Traffic Safety Administration. "Alcohol Screening and Brief Intervention in the Medical Setting." DOT HS 809 467. Washington, DC: National Highway Traffic Safety Administration, July 2002.

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Alcohol Ignition Interlock Fact Sheet

Alcohol ignition interlocks save lives

- The breath alcohol ignition interlock prevents a vehicle from being driven by a drunk driver. If used correctly, the device can substantially reduce repeat offenses.ⁱ
- If properly administered, alcohol ignition interlocks could save thousands of lives and give offenders the ability to drive while not endangering the public.ⁱⁱ

Studies clearly show alcohol ignition interlocks are effective

- Multiple studies on interlocks for both first-time and repeat offenders show that interlocks reduce repeat drunk driving offenses by an average of 64 percent.ⁱⁱⁱ
- Most of the failures of interlocks are legal system failures, where mandatory interlock laws are not enforced and offenders who are sentenced to receive interlocks either do not have them installed or receive little oversight. MADD's proposed model interlock law will alleviate many of these issues.^{iv}

The public supports the implementation of alcohol ignition interlocks

- Eighty Eight percent of the public supports the mandatory installation of alcohol ignition interlocks for all convicted drunk drivers.^v

First offenders are likely to become repeat offenders

- First-time arrestees have driven drunk an average of 87 times before they are arrested.^{vi}
- First-time arrestees are likely to have committed the crime before and will commit the crime again unless significant intervention is taken.

Current sanctions alone are not effective in stopping repeat offenses

- Currently, the most common sanctions for first-time offenders in the United States are fines, license suspensions and assessment and treatment for problems with alcohol.^{vii}
- Studies estimate that 50 to 75 percent of drunk drivers whose licenses are suspended continue to drive anyway. A strong alcohol ignition interlock program will prevent the suspended offender from driving.^{viii, ix}

How interlock technology works

- An alcohol ignition interlock is a breath test device linked to a vehicle's ignition system. When a convicted drunk driver wishes to start his or her vehicle, he or she must first blow into the device. The vehicle will not start unless the driver's Blood Alcohol Content (BAC) is below a preset level.^x

Expanding interlocks for all convicted drunk drivers

- MADD is undertaking an aggressive state legislative strategy to push for new state laws to require interlock use by all drunk driving offenders, including first conviction.
- MADD's model state legislation includes a compliance revision. An interlock should remain installed in a vehicle until an offender can adequately demonstrate sober driving through an interlock or electronic monitoring. If an offender fails a test, the offender's

interlock installation should be extended to match the initial interlock period (e.g., 150 days for a first offense).

- As of October 2010, the total number of currently installed interlocks in the U.S. is approximately 212,000. This estimate is based on data supplied by 14 ignition interlock distributors and 42 independent state estimates. That number represents an increase of 18% from the estimate of 180,000 in 2009.
- There are approximately 1,400,000 drunk driving arrests each year in the U.S. Not everyone arrested for DUI are convicted for drunk driving. There are most likely between 1 to 1.2 million DUI convictions per year.
- As of October 2010, there are approximately 700 currently installed interlocks per million residents in the U.S. (212,000 interlocks divided by 306 million residents).

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ⁱ MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

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ⁱⁱⁱ Willis, C., Lybrand, S., & Bellamy, N. "Alcohol Ignition Interlock Programs for Reducing Drunk Driving Recidivism." *Cochran Database of Systematic Reviews* (2005).

^{iv} MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

^v Center for Excellence in Rural Safety at the University of Minnesota. Survey March 23-May 6, 2010, of 1,205 registered voters who drive at least once a week. Margin of error +/-3 percentage points. Presentation at the *MADD International Technology Symposium*: June 19-20, 2006.

^{vi} Zador, Paul, Sheila Drawchuk, and B. Moore. (1997) "Drinking and Driving Trips, Stops by Police, and Arrests: Analysis of the 1995 National Survey of Drinking and Driving Attitudes and Behavior," Rockville, MD: ESTAT, Inc, 1997.

^{vii} MADD, *Stopping Drunk Driving Before It Starts: A Technological Solution*.

^{viii} Nichols, James, and H. Lawrence Ross. "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers." *Alcohol, Drugs and Driving* 6(2) (1990): 33-55.

^{ix} Peck, Raymond, R. Jean Wilson, and Lawrence Sutton. "Driver License Strategies for Controlling the Persistent DUI

Offender," *Strategies for Dealing with the Persistent Drinking Driver. Transportation Research Board, Transportation*

Research Circular No. 437. Washington, D.C.: National Research Council, 1995.

^x MADD, *International Technology Symposium: A Nation without Drunk Driving Summary Report*. November, 2006: pg 4.

Source: Legislative Gazette

NY DWI offenders now face toughest penalties in nation

by John Purcell

November 23, 2009

Not only will drunk drivers who have a child passenger face more stringent penalties, but all convicted DWI offenders will also face stricter punishments under a new law Gov. David A. Paterson signed last Wednesday.

The bill (A.40008/S.66008, Governor's Program Bill 204) known as "Leandra's Law" is aimed at preventing the death of child passengers, anyone 15 years old or younger, due to the driver being intoxicated. Leandra Rosado was an 11-year-old who died in a drunk driving accident.

In October, Leandra was a passenger in a vehicle being driven by the mother of another girl. The 31-year-old woman was drunk and flipped her car over on the Henry Hudson Parkway.

"On the night of Oct. 11, I lost my only child — as a single parent she was my heart, my soul and my best friend," said Leandra's father, Lenny Rosado, as his eyes began to swell with tears at Paterson's bill-signing event. "And the day after I made the decision that I don't want to see no parent or grandparent lose their child the way I lost my child to someone who is very reckless and negligent in driving off in a vehicle with my daughter and six of her friends."

Sen. Martin Malave Dilan, D-Brooklyn, chair of the Senate Transportation Committee and sponsor of the Senate bill, said in a statement, "The passage of Leandra's Law was a concerted effort in the Senate that broke through political barriers for the good of all New York families."

This legislation increases penalties for driving drunk with a child passenger from a misdemeanor to a Class E felony and increases the maximum jail time from one year in jail to four years. In a case where a DWI causes a serious injury to a child passenger, the legislation increases the offense from a Class E felony to a Class D felony and brings a maximum prison sentence of seven years.

Driving recklessly while intoxicated and causing serious injury to a child passenger will become a Class C felony under the bill and hold a new maximum prison sentence of 15 years. Also, if a death is caused to a child passenger by an intoxicated driver the offense will be a Class B felony with a maximum prison sentence of 25 years — previously the maximum sentence for such a crime was seven years.

Another requirement under the bill is for all convicted DWI offenders to install an ignition interlock device, a breathalyzer tied to a car's ignition system, on top of current penalties.

The device won't let drivers start their vehicle if their blood alcohol content is above the legal limit. If a convicted driver tries to bypass, tamper, or get another person to use the interlock device, they will be committing a crime.

Sarah Longwell, spokeswoman for the American Beverage Institute, is not pleased with the passage of this law, because of the mandate for all DWI offenders to install the ignition interlock device.

"What we oppose is taking away the discretion of judges in these cases of low BAC, first-time offenders," said Longwell. "We want judges to decide if someone is one sip over the legal limit whether or not they should have the ignition interlock."

She said someone is more dangerous while driving and talking on a cell phone than with a BAC of .08, but there is nothing similar to the ignition interlocks for cell phone or texting offenses.

Also, Longwell said, "We don't punish someone going 5 miles over the speed limit the same as someone going 30 miles over the speed limit."

After learning about Paterson signing the bill, Longwell said, "We will be working to convince all states that have low BAC offender mandates to replace them with high BAC and repeat offender mandates."

No lawmakers at the bill signing last Wednesday afternoon though hinted there would be any sign of watering down the new law.

"These are the types of penalties that this state has needed for a long time," said Paterson at the bill signing. "We have now given law enforcement officials the tools they need to keep people that act with such reckless disregard to human life off of the roadways of our state."

The bill passed in the Assembly 130-0 last Tuesday and was passed in the Senate last Wednesday unanimously also, with Gov. Paterson signing the bill later that day.

"I appreciate that everyone got together here, put aside all politics and bonded together as human beings, as parents and grandparents to make sure that we pass this bill and that from here on those that think it is okay to drink and drive with children in the car or not will pay the price," said Rosado.

"What we did today is a no-brainer," said Senator Charles J. Fuschillo, R-Merrick, a co-sponsor and early proponent of the legislation. "It was a common sense approach to protecting the lives of those defenseless kids who are in a car being driven by an irresponsible adult that has no business being and if they violate that law in New York state they are going to be severely punished."

Assemblyman Harvey Weisenberg, D-Long Beach, another early proponent of the bill, who was not able to attend the bill signing said in statement, "This bill is a reminder that too many children have been injured or killed because those who are responsible for protecting them sometimes ignore that commitment. Today, we send a message of deterrence, and if that message is not heeded, the punishment will now fit the crime."

Assembly Minority Leader Brian Kolb, R-Canandaigua, said during the bill signing that one of the things the state has had trouble dealing with is repeat DWI offenders and he thinks this bill will

help solve that problem.

"You know that first person that makes a mistake the first time is one thing, but we really didn't have a real solution to deal with repeat offenders and I think this is where the interlocking device really will come in handy," said Kolb. "I think this is a tough bill, an extremely tough bill, but we have an extremely difficult problem to solve."

Mothers Against Drunk Driving had helped push for this legislation to be passed and was represented at the bill signing.

"Ignition interlocks are a proven technology that allows offenders to still be members of the community," said Michele Fonda, senior program coordinator for the Mothers Against Drunk Driving New York state charter office. "It allows them to drive to work, to school, to their place of worship -- they just can't drive drunk. This law, it can only save lives and we are so happy today."

Senate President Pro Tempore Malcolm A. Smith, D-St. Albans, said, "Clearly when it comes to the level of punishment and protection as being provided under this particular law, New York is leading the way."

Smith continued, "Lenny, I don't know how you stand here. I'm not sure as a father of a 16-year-old if I could be standing here if I had befallen the challenges you have."

Lenny Rosado said passage of this bill is not going to be the end to his fight.

"This is not going to be where I stop," announced Rosado. "I'm going to go out there and reach out to as many people as I can and educate them about the tragic, terrible disease we have out there when it comes to substance abuse of alcohol and drugs and driving under these influences and hopefully we can take it all the way up to the White House."

When Paterson was speaking to reporters after signing the bill, he hinted that there could be addendums to the legislation for wider use of the ignition interlocks in the future.

Paterson also said, "I dare say that everybody felt a spiritual connection to the victims and what we try to do in government, something that you can never count is the lives we save and that is what we are trying to do."