

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate Transportation Committee Monday, February 14, 2011

Good afternoon Senator Maynard, Representative Guerrero and distinguished members of the Transportation Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

Proposed House Bill No. 6198, *An Act Prohibiting Open Containers of Alcoholic Beverages in Motor Vehicles*

Various Proposals Concerning *the Use of Ignition Interlock Devices in Motor Vehicles*

Every thirty minutes, one person dies from an alcohol related crash in the United States. In 2009, an estimated 12,233 people died in drunk driving related crashes; Connecticut reported a hundred and four (104) deaths due to alcohol related crashes in 2009 alone. Additionally, for each and every injury or death caused by an alcohol related crash, it is estimated that there are at least more than double the number of surviving family members suffering from these tragedies. Stated another way, for each of the hundred and four individuals lost in 2009 due to alcohol related crashes, there are a hundred and four families and extended families, suffering as well. Incidentally, the number of drunk driving incidents may be and most likely is higher, as these statistics do not include offenders that have fled the scene and are not apprehended until a later date.

Sadly, despite the efforts of many victim advocates and others, Connecticut has yet to pass an open container law. This type of proactive measure is based upon common sense. A study found a 5.1 % decrease in fatal crash rates (among all drivers) attributable to open container laws. Additionally, a second study found that open container laws have a significant deterrent effect against drinking and driving. Further, each year Connecticut loses three percent (3%) of our state's federal highway funds transferred from our highway construction budget each year until an open container law is finally passed. Due to our state's failure to adopt an open container law, Connecticut is missing out on an opportunity to capture much needed funds.

According to a Gallup poll, of the general driving population, ninety-eight percent (98%) perceive drinking and driving as a threat to their personal safety and eighty-six percent (86%) feel it is very important to do something to reduce the problem. Fortunately, there is technology that has the potential to decrease and/or eliminate these preventable deaths – the ignition interlock device. This device can prevent a vehicle from being driven by a drunk driver. If used correctly, coupled with strict supervised treatment,

tough license suspensions and enforcement, the ignition interlock device can stop or prevent potential repeat offenses of drunk driving.

It is estimated that first time drunk driving offenders have driven drunk an average of 87 times before they are detected and arrested. A first time drunk driving offender may also have a serious alcohol addiction problem. If not appropriately addressed, the drunk driver will likely become a repeat offender. Studies have shown that ignition interlocks can decrease repeat offenses by 64%. We have the technology and we know how to reverse the trend.

I strongly urge the committee to bring Connecticut up to speed with proactive drunk driving measures and pass an open container law and expand the use of ignition interlock devices in drunk driving offenses. Thank you for consideration of my testimony.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle S. Cruz".

Michelle Cruz, Esq.
State Victim Advocate



State of Connecticut
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STATE CAPITOL
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Testimony by Representative Tom Reynolds
Transportation Committee
February 14, 2011

**House Bill 6198, AN ACT PROHIBITING OPEN ALCOHOLIC BEVERAGE CONTAINERS
IN MOTOR VEHICLES**

Senator Maynard, Representative Guerrero, and distinguished members of the Transportation Committee, I am pleased to testify in support of HB 6198, An Act Prohibiting Open Alcoholic Beverage Containers in Motor Vehicles.

Every 48 minutes there is a drunk driving fatality in this country. One of every 141 drivers in the nation has been arrested for driving under the influence. The average drunk driver has driven drunk 87 times before a first arrest.

Connecticut is among the nation's worst offenders. In 2009 44% of all traffic fatalities in Connecticut were alcohol related—the second highest percentage in the entire nation and a 7% increase over 2008.

This bill would make it illegal for anyone to possess an open alcoholic beverage container in the passenger area of a motor vehicle while the vehicle is on a Connecticut highway. With this bill we will end once and for all the last vestige of legally sanctioned alcohol consumption in motor vehicles. Connecticut is the only northeastern state and one of the last states without an open container law.

Most state residents are shocked to learn that in Connecticut it is legal to party in your car with alcohol. They are also surprised to learn that Connecticut drivers can operate a motor vehicle with an open container of alcohol within arms reach.

Studies by the National Highway Traffic Safety Administration and the Stanford Institute for Economic Policy study found that states without open container laws experienced greater proportions of alcohol-related fatal motor vehicle crashes than states with one.

Federal law requires states to adopt an open container law. States that fail to do so are penalized with a diversion of a percentage of federal highway construction funds to their highway safety programs. As a result of Connecticut's failure to comply with this law approximately \$40 million of federal highway dollars have been transferred in this way. The bill before you is not federally compliant; therefore, this funding diversion would continue following passage of the bill.

The bill contains reasonable exceptions, including passengers in recreational vehicles, taxis, limousines, and other vehicles for hire. This year's bill subjects the driver only to an infraction for a violation.

Every drunk driving death is a preventable crime. The time for complacency is over. Connecticut's ranking among the worst in the country is a national embarrassment. The time for legislative and gubernatorial leadership is now.

Prepared Testimony of the City of New Haven, Department of Police Services
Respectfully submitted to the Transportation Committee
Public Hearing, February 16, 2011



City of New Haven
John DeStefano, Jr.
Mayor

Good Afternoon Honorable Members of the Transportation Committee,

Thank you for the opportunity to express my support for Senate Bill 6178. My testimony is based on my thirty-three years of experience in law enforcement in three different communities. Regardless of where I've served, all communities want to be safe and issues of traffic safety remain a top concern. Today, law enforcement agencies are faced with the new challenges of a changing environment; first we are challenged to do more with less and second, new technologies are distracting the driving population more than ever so the need for traffic enforcement is increasing every day. I am here, as Police Chief of the City of New Haven, to advocate support for a senate Bill to move the State forward towards embracing the standard of nationally accepted traffic safety camera technology that has proven to increase road safety, reduce traffic accidents, and save lives.

Since the 1990s, communities have used red light cameras as a low-cost way to police intersections. The number of cities embracing this technology has increased twenty fold from 25 in 2000 to about 500 communities a decade later. The extant literature supports the fact that intersection enforcement is difficult and often dangerous. In order to stop a red light runner, officers usually have to follow the vehicle through the red light, endangering themselves as well as other motorists and pedestrians (<http://www.trafficsafetycoalition.com>). This, of course, occurs only in those instances when law enforcement has a presence during such incidents; we've all witnessed questionable driving practices of motorists at unattended intersections and you probably wondered, *'Where's a cop when you need one...'*

The City of New Haven recorded over 3300 property damage traffic accidents in 2010 and over 2300 traffic crashes which resulted in personal injury; 20% of the entire population of New Haven received motor vehicle citations for traffic law infractions; these striking numbers for a city with a population of 124,000. More alarming is the fact that in 2010, there were 16 traffic fatalities recorded in New Haven compared to 11 the previous year, an increase of 45%! While not all of these accidents can be attributed to red-light violations, a large percentage of these accidents are a direct result of a failure to obey traffic control signals. The proposed technology solution would benefit our city greatly; it would serve to educate the public and make them aware that stopping these violations is a priority for law enforcement. Traffic safety cameras are designed to improve safety and promote compliance with the law at intersections. Use of such

devices is especially critical at or near intersections surrounding our schools. Detection by red light devices is irrefutable evidence of a law violation; those who wish to contest such violations are still entitled to due process but the State's case can be supported without any initial risk to an officer and without the costs associated with an officer's presence in court and away from neighborhoods they are sworn to protect.

Thank you for giving us the opportunity to speak on this bill.

Sincerely,
Frank Limon
Chief of Police, New Haven CT



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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Transportation Committee
Monday, February 14, 2011**

Good afternoon Senator Maynard, Representative Guerrero and distinguished members of the Transportation Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Proposed House Bill No. 6132, An Act Concerning Evidence of Drunken Driving
Proposed House Bill No. 6143, An Act Increasing Penalties for Persons who Operate a Motor Vehicle While Having a Suspended License

Connecticut has adopted an Implied Consent Law for submitting to a chemical analysis of one's blood, breath or urine if requested by a law enforcement officer following a Driving Under the Influence (DUI) arrest (C.G.S. § 14-227b). If a motorist refuses to submit to such testing, he/she faces suspension of his/her license through the Department of Motor Vehicles Administrative Per Se Proceedings. The time of suspension is dependent upon the age of the driver and DUI history, if any. Additionally, the current law allows in motor vehicle crashes which result in serious physical injury and/or death, and where there exists probable cause or responsible suspicion that the operator was under the influence of alcohol, law enforcement officers are mandated to take blood or breathe sample from the operator. In practice, this does not happen.

The Office of the Victim Advocate (OVA) has been able to identify obstacles to the collection of blood/breath sample from operators involved in crashes involving serious physical injury or death. There simply is no mechanism to facilitate the forcible taking of blood/breath sample by law enforcement. The majority of operators continue to refuse to submit to such mandatory testing and only face a license suspension through the Administrative Per Se Proceedings. As a result the intended purpose of the statute has yet to be materialized.

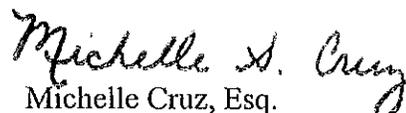
After a review of the policies and procedures of the Department of Public Safety for the taking of an uncooperative operator's blood/breath sample, the policy is not supported by the medical community who are ultimately the entity responsible for the actual performance of the test by an uncooperative operator. As a result, the current statute lacks any real enforcement mechanism as there are no additional legal consequences when an operator refuses to submit to the test in cases of serious injury or death.

To remedy the current gap, the OVA suggests that when an operator involved in a motor vehicle crash with serious physical injury or death, and there exists probable cause

or reasonable suspicion to believe that the operator is driving while under the influence, refuses to submit to a blood/breath sample, that refusal will result in admissible evidence in Court that the operator had consumed alcohol. Additionally, along with the admissible evidence of alcohol consumption, there shall also be a mandatory jail sentence which cannot be waived or suspended, as well as a hefty mandatory fine. Further, for each subsequent offense, the sanction must be increased to obtain the deterrent value targeted at repeat drunk driving offenders.

Moreover, all too often, operators convicted of drunk driving continue to drive while their license to operate a motor vehicle is under suspension. Driving is a privilege, not a right. When an individual has proven him or herself to be a repeat drunk driver, the immobilization of that offender is paramount to protection of our communities. Rarely is there an opportunity to prevent serious injuries and/or death by motor vehicles, and yet a mandatory sentence for continuing to operate a motor vehicle after being shown to be a repeat offender, will prevent harm. The repeat drunk driver jeopardizes their own safety and that of the public at large. Sadly, lives have been lost due to repeat drunk drivers operating a motor vehicle while their license is under suspension. Just as it is necessary to impose strict penalties for refusing to submit to a blood/breath test in cases that involve an accident with serious physical injury or death, the penalty for operating a motor vehicle while the operator's license is suspended must be stiff. The law should not be waiting for a repeat drunk driver to be convicted for a fourth offense of driving while under suspension or a drunk driver to be convicted of manslaughter with a motor vehicle to respond with harsh penalties. To truly protect the public from the habitual drunk driver from driving while under suspension, the penalty must be firm, including a mandatory jail sentence for conviction of the first offense of driving while under suspension. Driving is a privilege and should be treated as such.

Respectfully submitted,


Michelle Cruz, Esq.
State Victim Advocate