



## **MADD's Legislative Initiatives**

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# Overview

- Where we are
  - State of drunk driving in the US/Texas
- MADD's Response 2012-forward
  - National, State & Texas legislative initiatives in response



# State of Drunk Driving

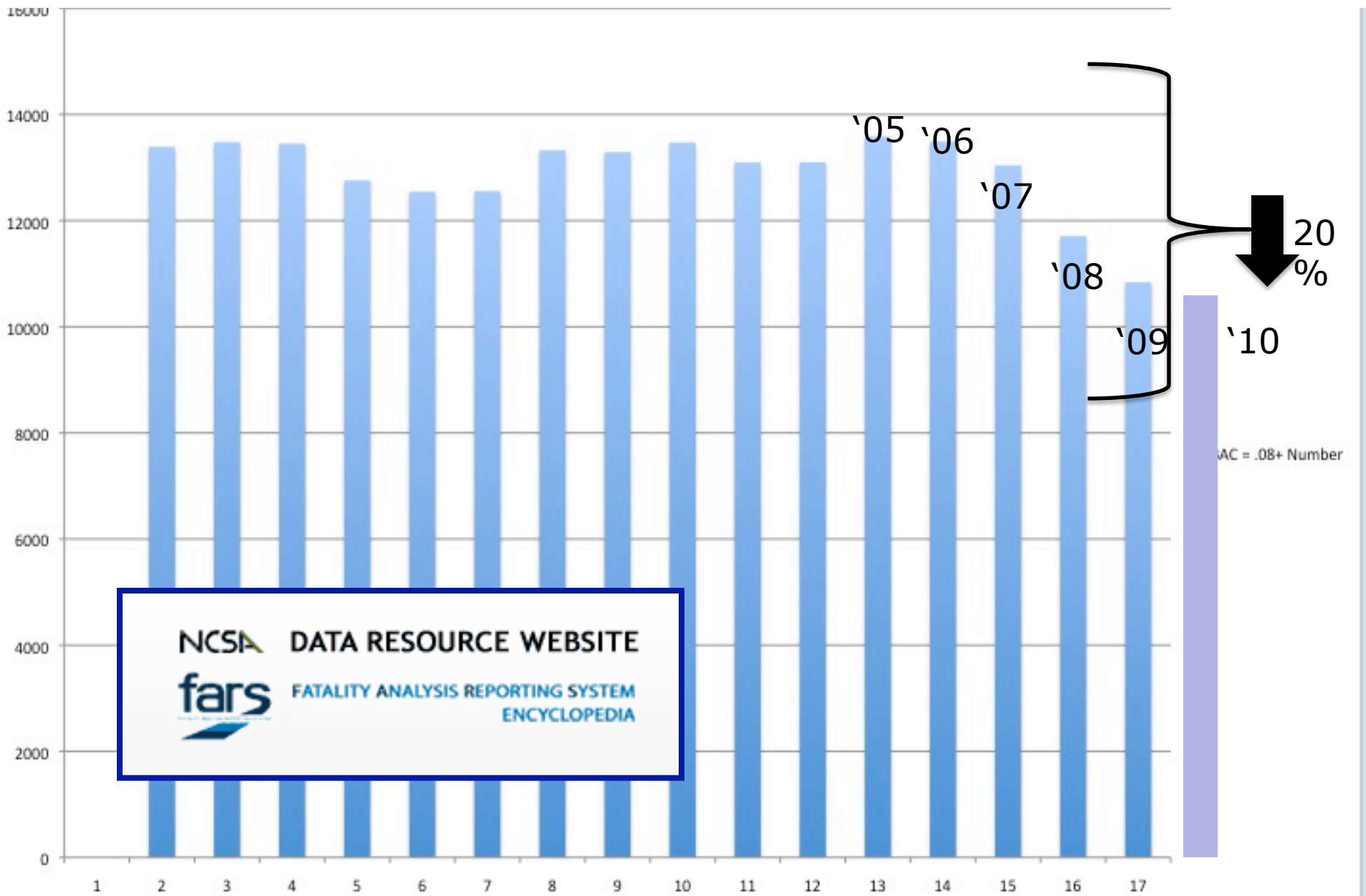


# Fatalities

- 10,228 Americans were killed in alcohol-related (.08 or higher) crashes in 2010
  - ~ 28 every day
  - More than 1 every hour
- Alcohol impaired driving fatalities account for 31% of all motor vehicle fatalities (almost 1 in 3)
- The 2010 figure is down only slightly from the year before (2009: 10,759)

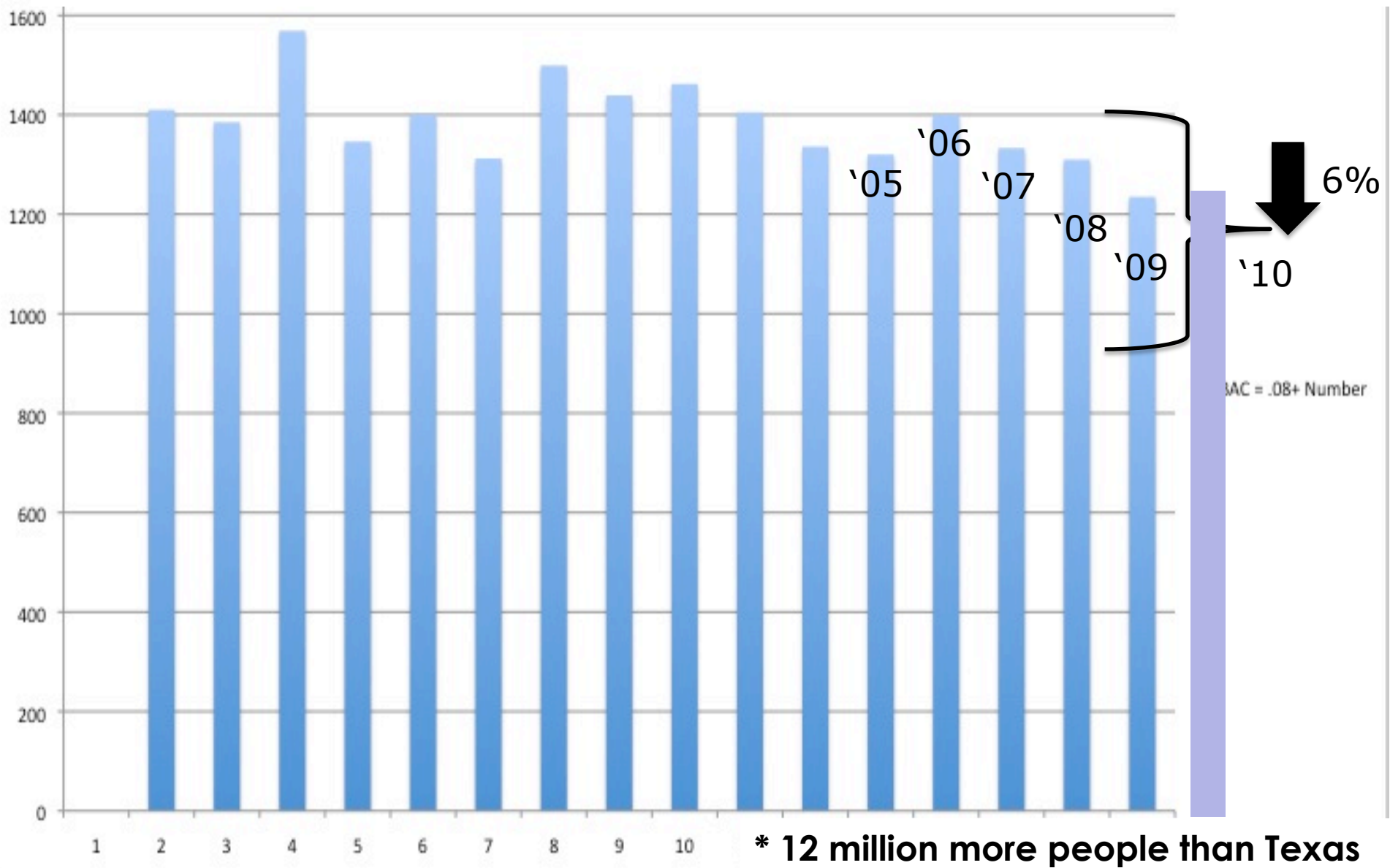


# Alcohol Related Driving Fatalities 1994 – 2010

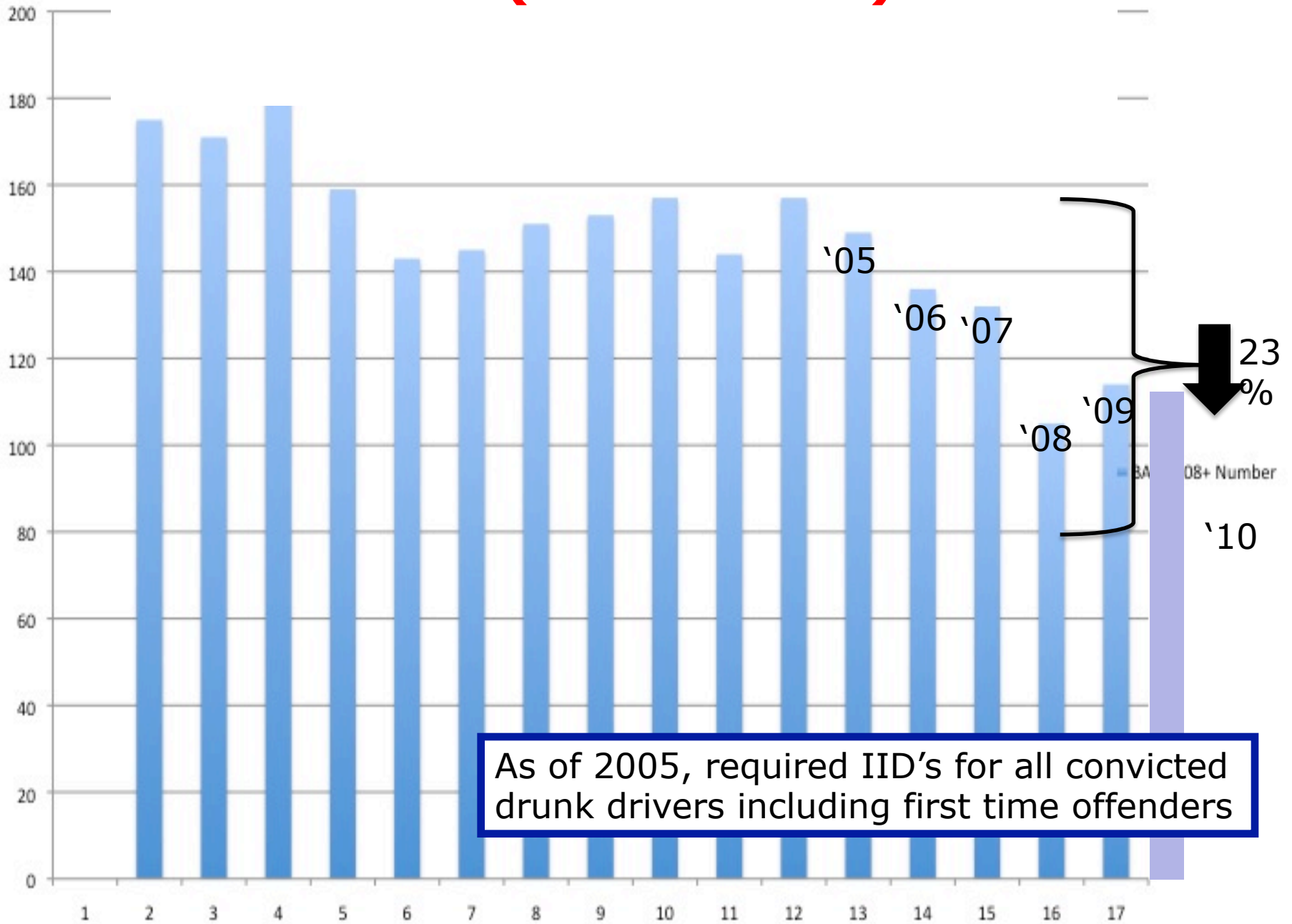


# TEXAS is #1 at 1259 (only state >1000) (CA at 791\*, FL, PA, NC: rank 2-5)

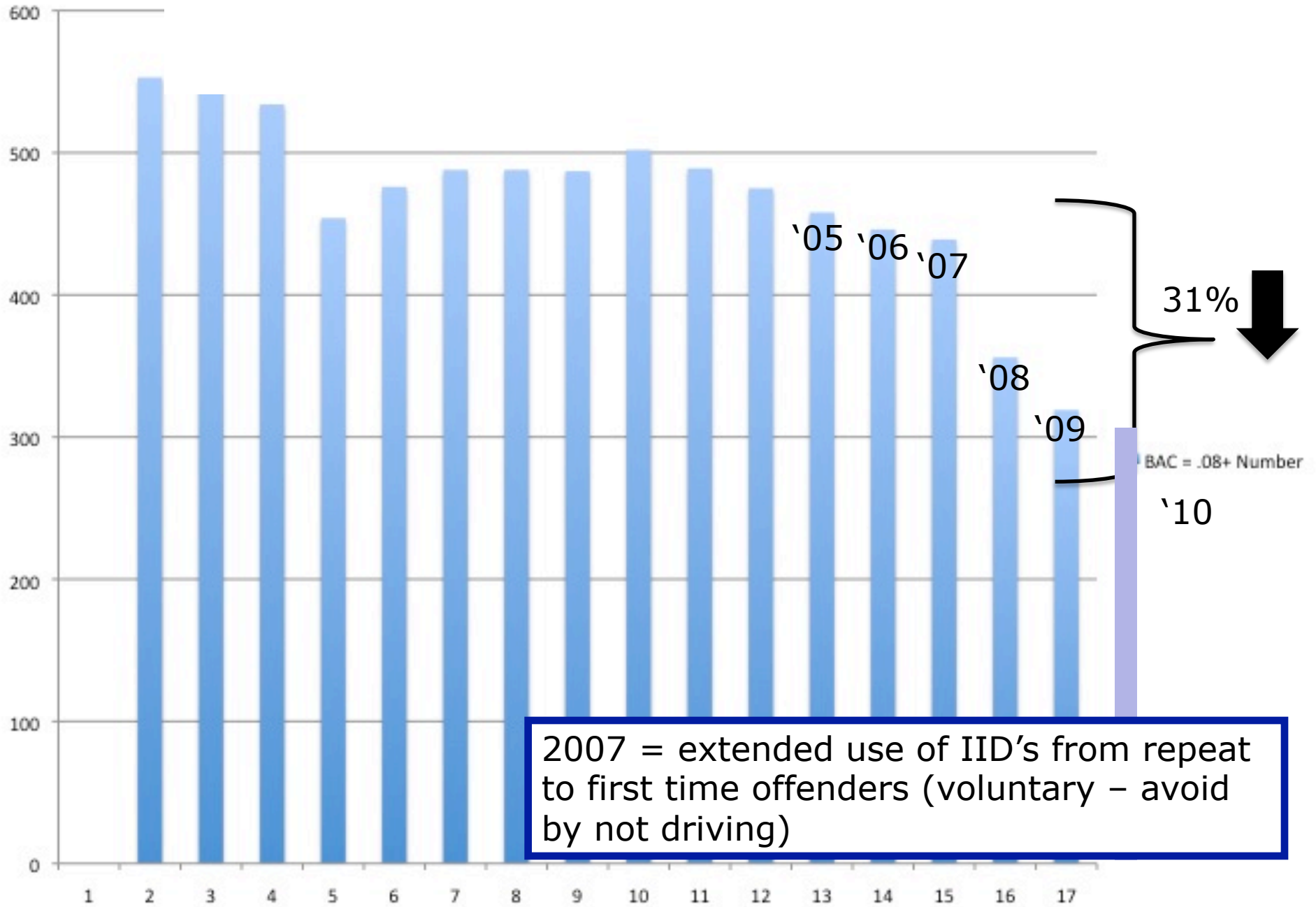
18



# New Mexico (ranks 32nd)

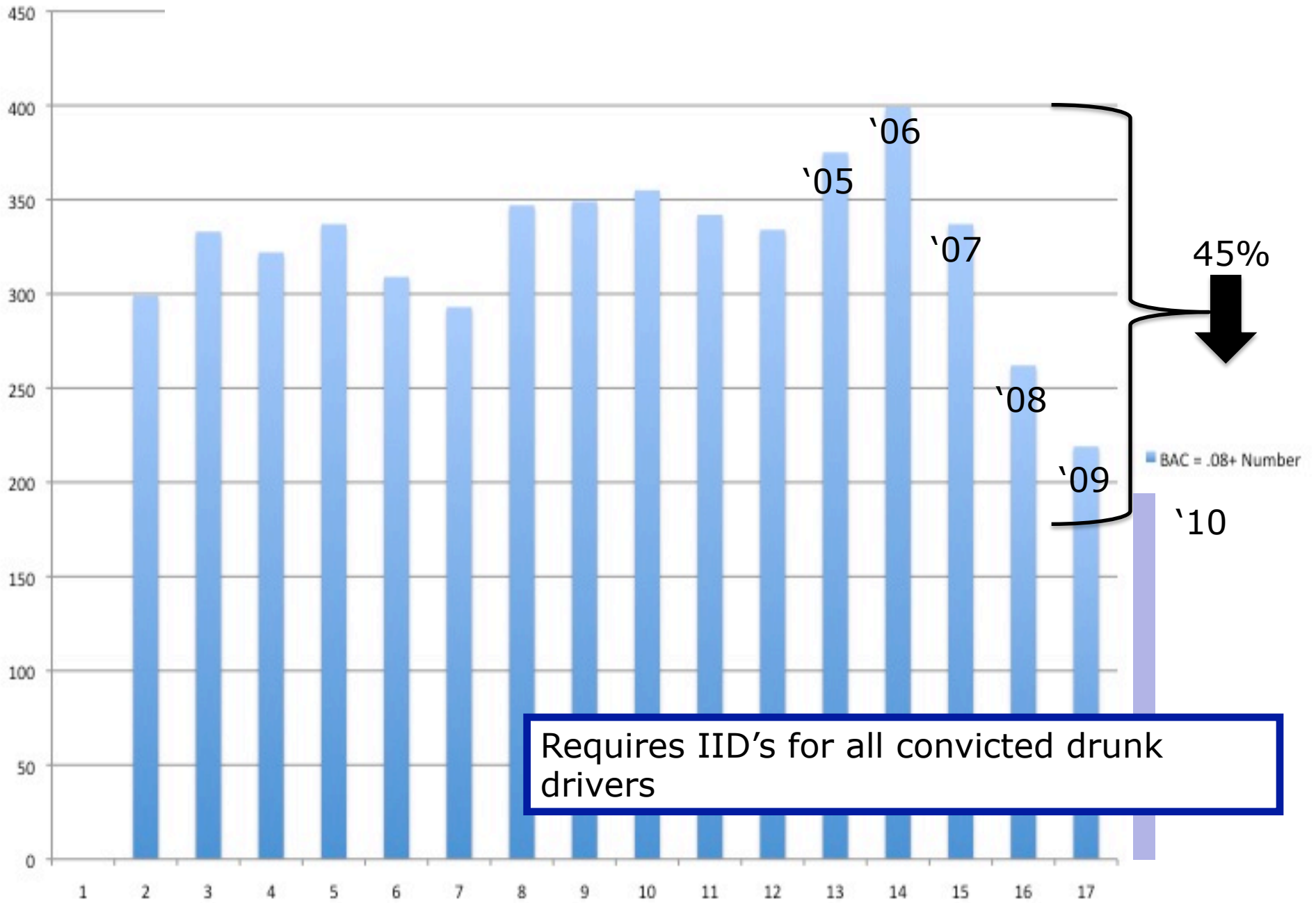


# Illinois (tied for 9<sup>th</sup> with GA)





# Arizona (ranks 21st)



Requires IID's for all convicted drunk drivers

# Summary

- Where are we?
  - Progress is being made in some states and, as a result, national numbers have improved, but we're a long way from the finish line
    - 20% decline is great progress, but more work remains to be done
  - Some states are models for the good work; others (TX) need to take notice (and lessons)
  - **Eliminating** drunk driving is possible – and remains MADD's goal



# Legislative Initiatives in Response



# Summary

- National
  - HIGHWAY REAUTHORIZATION BILL
  - DADSS
- States
  - IID
  - Sobriety Checkpoints



# National Efforts



# National Initiatives

- **Senate** Highway Reauthorization Bill
  - 2 year, \$109 billion bill
  - Ignition interlock incentive grant program (Section 402 of the Highway Safety Act)
  - \$12 million per year for two years for DADSS funding
  - Bill passed the Senate 74-22 mid March (significant bipartisan support)
- **House** Highway Reauthorization Bill (American Energy and Infrastructure Jobs Act)
  - 5 year, \$260 billion bill
  - Ignition interlock incentive grants as part of a revamped “402 Program”
  - No DADSS funding
  - House failed to pass their version or bring the Senate version to the floor; passed a 90 day extension instead
  - Note: Republican-led House Rules Committee on Tuesday cleared for a final vote in the House a bill that would tie an extension of federal highway funding to the controversial **Keystone pipeline**.
- Current highway funding expires on **June 30, 2012** (extended from March 31)



# DADSS

- Driver Alcohol Detection System for Safety (DADSS)
- The **Automotive Coalition for Traffic Safety** and the **National Highway Traffic Safety Administration** entered into a **cooperative research agreement** to explore the feasibility, the potential benefits of, and the public policy challenges associated with a more widespread use of **in-vehicle technology to prevent alcohol-impaired driving.**



# DADSS

- **Passive Breath Sampling**



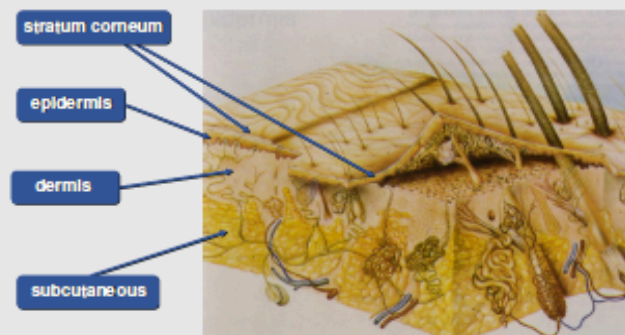
Schematic of possible vehicle application



# Touch-Based Prototype

## Tissue Spectrometry

- ◆ Touch-based system
- ◆ Uses Near Infrared to identify alcohol concentration in the dermis
- ◆ Extensive human subjects testing



TruTouch Prototype



Schematic of possible vehicle application

TOP STORIES IN  
Life &  
Culture



1 of 12  
The Simple Idea  
That Is  
Transforming  
Health Care



2  
If Only Heart  
Attacks Were  
Predictable

EYES ON THE ROAD | April 3, 2012, 6:35 p.m. ET

# After the Party, a Car That Takes Away Your Keys

Article

Video

Comments (18)



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290



3

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274



Friends don't let friends drive drunk. In the future, your car could be that friend.



Researchers working with the Alliance of Automobile Manufacturers and the National Highway Traffic Safety Administration are developing technology

Wall Street Journal  
April 2012  
\$24 mil in funding  
in the Senate  
version of the  
Transportation  
Reauth. Bill

"...could allow  
[NHTSA] by 2013  
to equip a fleet of  
100 or more cars  
with prototypes of  
[the] two types of  
alcohol detectors."

# State Efforts



# States

- Primary Objectives
  - Ignition Interlock laws
  - Sobriety checkpoints
- Secondary Objectives
  - Child endangerment laws
  - Mandatory minimums
  - Victim's rights / access to courts
- Amicus Efforts
  - Roadside memorials, police right to stop, dram shop, social host, etc.



# States

- Targeted All Offender Interlock Legislation
  - Pennsylvania
  - Virginia
  - South Carolina
  - Mississippi
  - Florida
  - Massachusetts
  - Washington, D.C.
  - Iowa
  - Missouri (pending introduction)
  - Wisconsin
  - Texas
- Other Legislation
  - Washington (child endangerment, mandatory minimums, interlock working group)
  - Georgia (.15 and child endangerment)



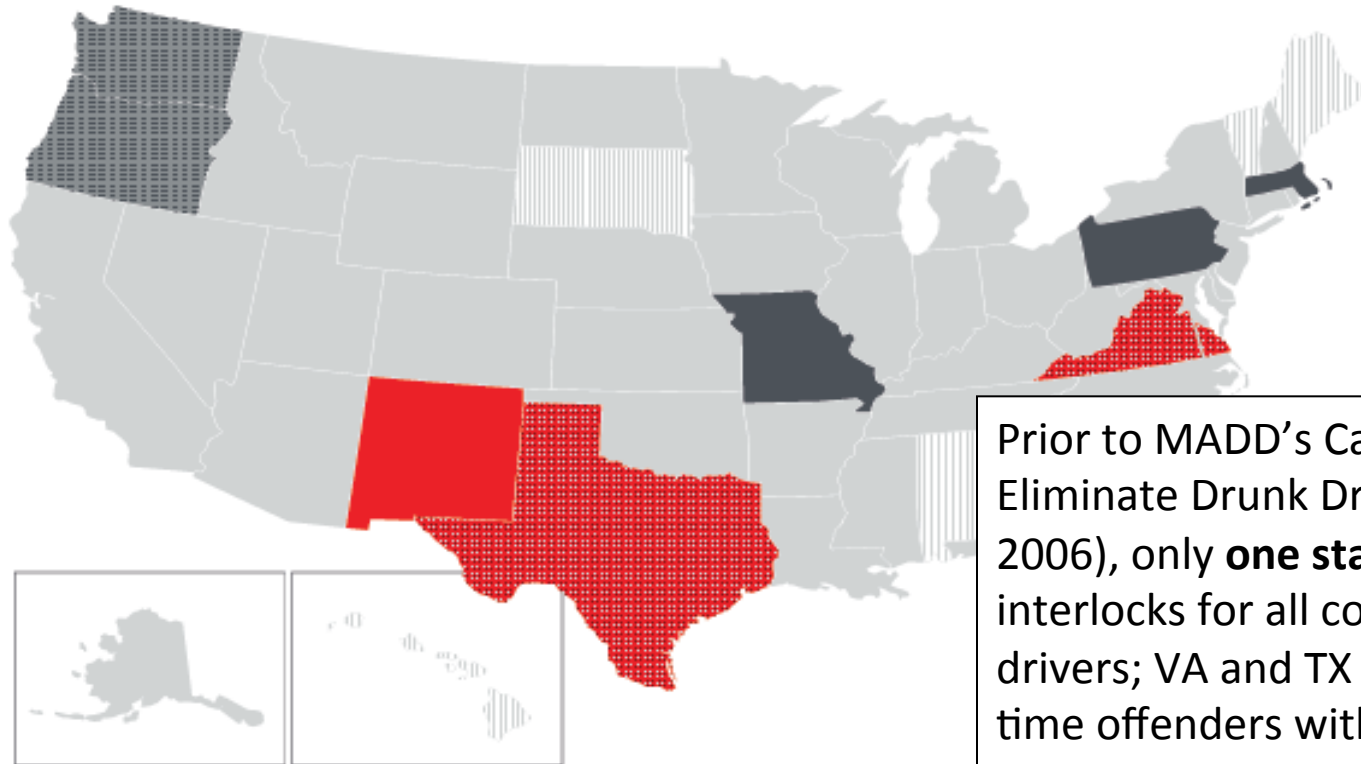
# Ignition Interlocks – All Offenders



# INTERLOCK LAWS

2006

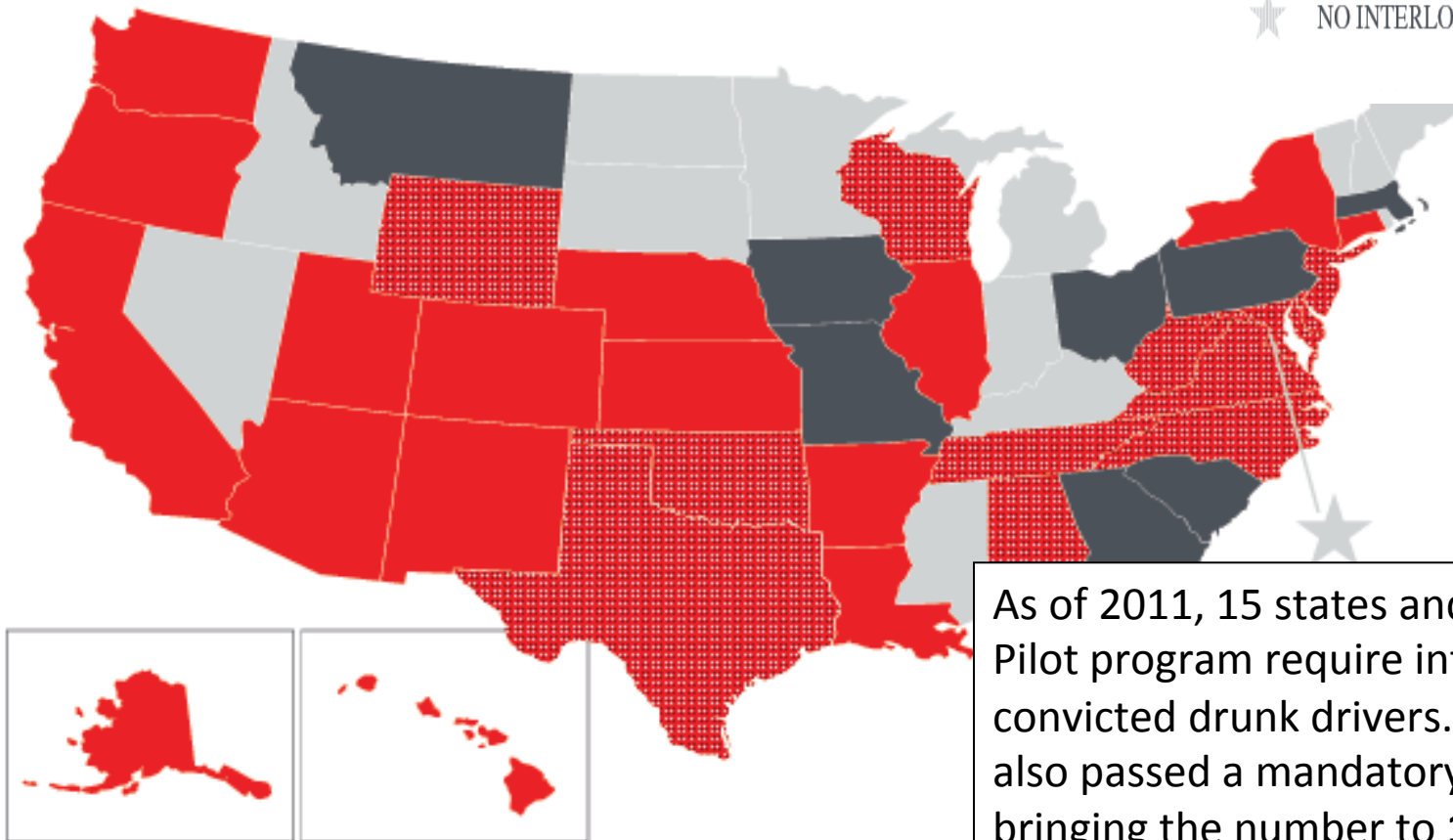
- ★ MANDATORY UPON .08 CONVICTION
- ★ MANDATORY WITH A BAC OF AT LEAST .15
- ★ MANDATORY WITH REPEAT CONVICTION
- ★ MANDATORY .08 UPON REINSTATEMENT
- ★ DISCRETIONARY
- ★ NO INTERLOCK LAW AT ALL



Prior to MADD's Campaign to Eliminate Drunk Driving (launched in 2006), only **one state** required ignition interlocks for all convicted drunk drivers; VA and TX required IID for 1<sup>st</sup> time offenders with a BAC of .15 + Four others for repeat offenders. 5 States had no interlock law.

# 2011

- ★ MANDATORY UPON .08 CONVICTION
- ★ MANDATORY WITH A BAC OF AT LEAST .15
- ★ MANDATORY WITH REPEAT CONVICTION
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As of 2011, 15 states and the California Pilot program require interlocks for all convicted drunk drivers. This year VA also passed a mandatory interlock law bringing the number to **16 states**. All states have some form of an interlock law.



# Effectiveness of ignition interlocks

- Re-arrest rates decreased by a median of **67%** relative to comparison groups in a review of 15 studies (CDC 2011)
- In New Mexico, **60 percent reduction** in DWI Recidivism for first time offenders (Voas, Marques, Roth 2008)
- West Virginia (Tippetts and Voas, 1998)
  - **77 percent decrease in recidivism** among interlocked first offenders
  - **75 percent reduction** among repeat offenders.
- Cincinnati (Elliott and Morse, 1992)
  - Looked at both high-BAC (.20+ in this case) first-time offenders and repeat offenders. Overall, **65 percent decrease in recidivism.**

# Effectiveness of ignition interlocks

- Interlocks for all DWI offenders reduces fatalities
  - Arizona:
  - Oregon:
  - Louisiana:
  - New Mexico:



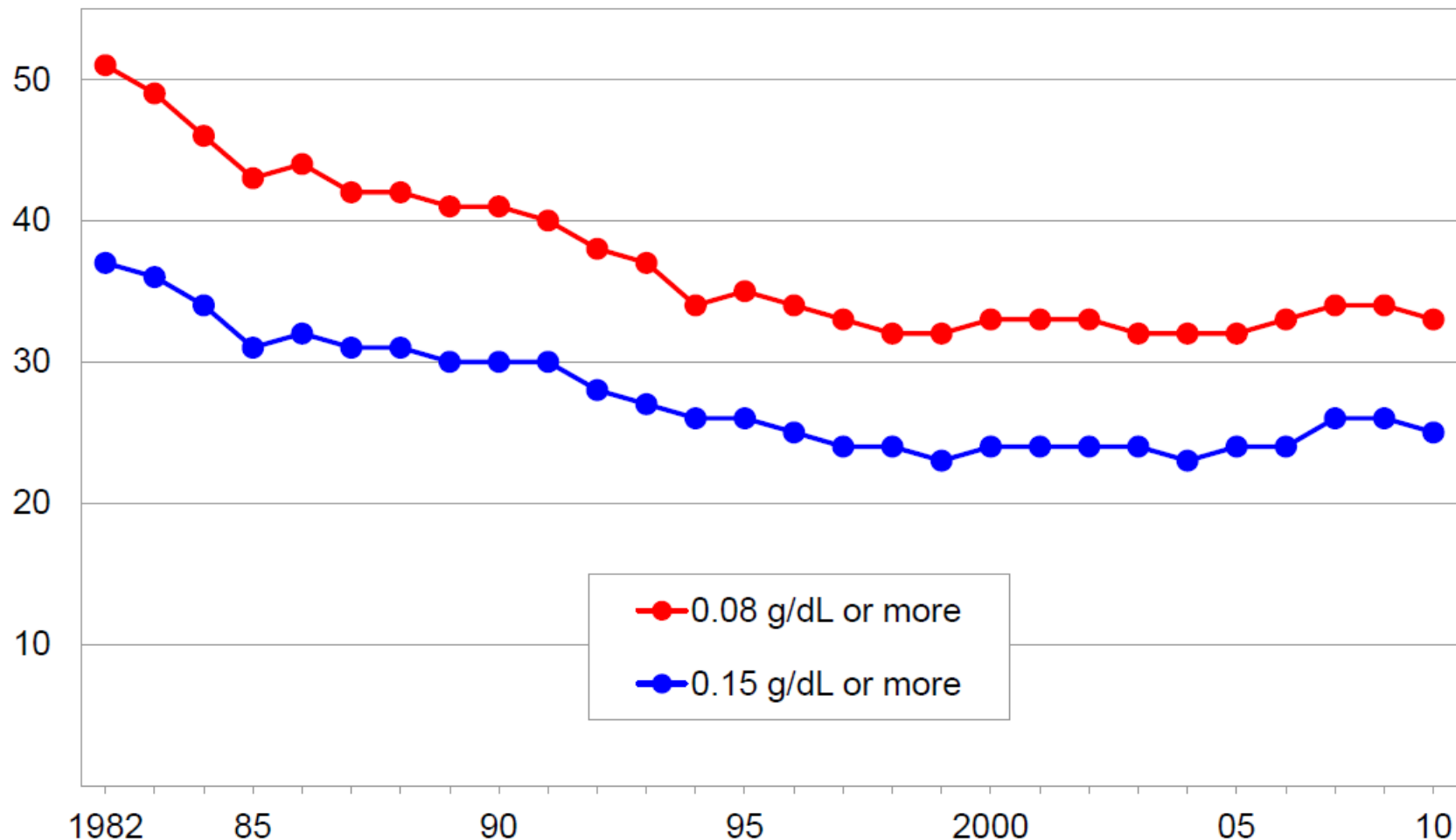
# Effectiveness of ignition interlocks

- Some may say interlocks should only should be for “hard-core” offenders or repeat offenders or those with a BAC of .15. (ABI)
- A September 7, 2006 report from the Insurance Institute for Highway Safety details why focusing on this "hard-core" set of DWI offenders is bad policy, stating: **"The hard-core group isn't the whole DWI problem or even the biggest part, so it doesn't make sense to focus too narrowly on this group.**



# Percent of fatally injured passenger vehicle drivers with BACs at or above specified levels

1982-2010



# Nature of the First Time Offender

- **Likely to have driven drunk before.** The average first offender will have driven with an illegal BAC 80 times before s/he is caught (*CDC 2010*).
- **Likely to drive drunk again.** First offender patterns of recidivism closely parallel those of repeat offenders (*Rauch, 2002; Jones, 2000*)
- **Likely to have issues with alcohol.** A study of over 1200 first offenders found that 82 percent were problem drinkers or alcoholics (*Rauch, 2005*). A study looking at the APA (American Psychological Assoc) guidelines found over 70 percent of DUI offenders have alcohol abuse problems (*Wieczorek et al, 1992*).



# Nature of the First Time Offender

- Bottom Line:

**The 'go easy on 1<sup>st</sup> offenders' argument is a fatally flawed self serving argument, which is inconsistent with the respected science**



# Interlocks more effective than license suspension

- **Likely to drive on their suspended license.** 50 to 75 percent of those whose licenses are suspended continue to drive  
*(Nichols and Ross, 1992; Peck et al, 1995)*
  - Florida: in 2010, there were 21,576 arrests for those who had a suspended/revoked license as a result of a previous DUI.
  - California: in 2009, there were 43,598 convictions for driving on a DUI suspended license (25.5% of total).



## Interlocks needed to send a message of deterrence

- Approximately 112 million impaired driving trips taken per year (CDC 2011)
- 1.4 million arrests made per year (FBI Uniform Crime Reports)
- At most 1 million are convicted.
- Only enough Law Enforcement to catch one percent of drunk drivers on roadways.

**All-offender IID laws supplement law enforcement and send a strong message to folks who might otherwise drive drunk**





# Overview of MADD's Model Law on IID

- Require ignition interlocks for all convicted drunk drivers with an illegal BAC of .08 or greater
  - 6 months on first offense
  - 2 years on second offense
  - 5 years on third offense
  - 10 years on fourth offense
  - Administrative/Judiciary Joint structure (not required as a condition of probation only, should also be required administratively via DMV)
  - Compliance based removal (offender must earn way off, not blow positive)
  - Self sufficient (revenue neutral/fees paid by convicted DWI offenders to offset indigent or any possible administrative costs)

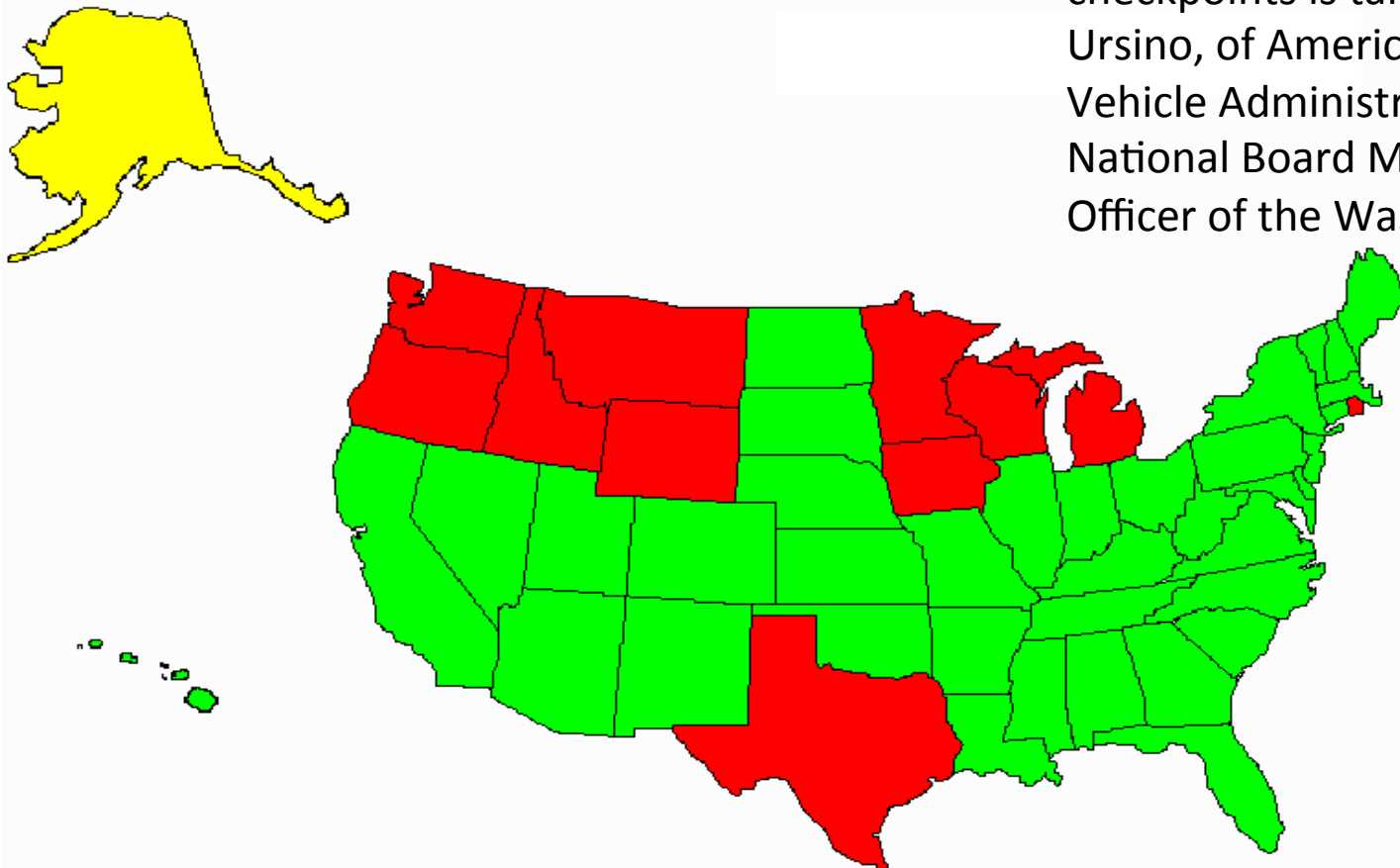


# Sobriety Checkpoints



# Sobriety Checkpoints

**Legal in 38 states.** This map and much of the information on sobriety checkpoints is taken from Brian Ursino, of American Assoc. of Motor Vehicle Administrators, MADD National Board Member and retired Officer of the Washington State Patrol



# Sobriety Checkpoints

- U.S. Supreme Court ruled in Michigan v. Sitz (1990)
  - Found highway sobriety checkpoints constitutional and established this 3-Prong Balancing Test:
    - State's interest in curbing drunk driving;
    - Effectiveness of the stops; and
    - Insubstantial subjective intrusion on individual liberties.



# Sobriety Checkpoints

- Stopping a motor vehicle is a seizure under the 4<sup>th</sup> and 14<sup>th</sup> Amendments and therefore must be reasonable.

## **To be reasonable:**

Must balance the public interest v. the individual's right to personal security free from arbitrary interference by law officers.



# Sobriety Checkpoints

- **Eight high-quality studies (as defined by the CDC) were conducted in the 1990s on checkpoints**
- These studies showed an alcohol-related crash decrease of **18% to 24% (an average of 20%)**
- These studies were done in a mix of cities and counties in both urban and rural areas



# Sobriety Checkpoints

- In California, a study showed highly publicized ***saturation patrols***\* reduced alcohol-related crashes by **17 percent**
- In contrast, four California communities that used highly publicized ***sobriety checkpoints*** reduced alcohol-related crashes by **28 percent**

\* large number of officers are concentrated into a small geographic area



# Sobriety Checkpoint Objections

- Some argue against checkpoints saying they don't yield enough arrests
  - So what? The goal is not arrests, but deterrence and ultimately the elimination of alcohol-related crashes
  - Publicity increases the **perceived risk of arrest** and that is what gives the checkpoints their deterrent value





# Sobriety Checkpoint Best Practices

**In the preparation and execution of any Sobriety Checkpoint, best practices should be focused on:**

- Site Selection
- Public Awareness & Publicity
- Stopping Vehicles



## Best Practice: Site Selection

- Site selection should be made based upon **DATA**. Primarily, alcohol related crash data that identifies trends such as:
  - Time
  - Day of the week
  - Location
- Other data points can also be considered:
  - Liquor establishment over-service violation data
  - Retail outlet selling to minor violations



## Best Practice: Public Awareness/Publicity

- The Law Enforcement Agency should:
  - Disseminate a media release to the appropriate electronic and print media a minimum of three business days prior
  - The release should provide the overall purpose of the Checkpoint to help gain public acceptance, support, cooperation, and voluntary compliance
  - The release should indicate the general area the Checkpoint will be conducted, but not the precise location or hours of implementation



# Best Practice: Stopping Vehicles

- The selection of vehicles to be stopped should be either every vehicle or a set number pattern (depending on traffic volume)
- The operator and any passengers should remain within the vehicle
- If there is reasonable suspicion, based upon articulable facts, that the operator and/or passenger(s) is committing or has committed a DUI violation or other violation of law, that vehicle shall be directed from the normal flow of traffic and the offender(s) checked further



# Texas



# Texas

- 2011 efforts to secure all-offender IID and checkpoint legislation failed
  - HB473/SB537 moved but failed to pass (IID)
  - Checkpoints made progress but stalled (HB439/SB531)
  - Note: Checkpoints bill passed the Senate in 2009
- 2013 Legislative Session is approaching
  - MADD will work to reintroduce these bills
  - Over the next several months will be meeting with key players



# Texas

- What if....
  - In 2013 we overcome these challenges & secure all-offender & checkpoint legislation?
  - If Texas saw a 28% reduction in fatalities (like the 4 CA communities) with **checkpoints**, we'd have **352 fewer dead** husbands, wives, mothers, fathers, daughters and sons
  - If we passed an Arizona style IID law for 1<sup>st</sup> time offenders, we could have 51% fewer fatalities....**642** neighbors and friends alive in 2013 and every year after that



# MADD

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