



February 7, 2017

The Honorable Richard Wilborn
Senate Committee on Judiciary
Kansas State Capitol
300 SW Tenth Avenue, Room 541-E
Topeka, KS 66612-1504

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President & CEO

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Dear Chairman Wilborn,

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by Bacardi U.S.A., Inc.; Edrington; Beam Suntory; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Hood River Distillers, Inc.; and Pernod Ricard USA. For more than 25 years, Responsibility.org has transformed countless lives by bringing individuals, families and communities together to guide a lifetime of conversation around alcohol responsibility and by offering proven strategies to stop impaired driving. To learn more, please visit www.responsibility.org.

There are many effective and evidence-based solutions to address the drunk driving issue in America. One such countermeasure is the use of ignition interlock devices (IIDs) among driving while impaired (DWI) offenders. To date, 28 states (including Kansas) have enacted this law. However, **Senate Bill 123**, will weaken Kansas' existing ignition interlock program by allowing first-time convicted DUI offenders to essentially opt out of the interlock requirement if they choose to do so. **As such, Responsibility.org opposes S.B. 123 and urges the Senate Committee on Judiciary to vote no on this bill.**

Interlocks can act as a safety net for those offenders who require additional interventions to address alcohol issues, protecting both them and the public from drunk driving. Evidence shows interlocks are highly effective in preventing alcohol-impaired driving for both repeat and first-time DUI offenders while they are installed.

In fact, a study of New Mexico's interlock program (Marques et al., 2010) found that first offenders who participated in the program had a 61% lower recidivism rate while the device was installed and a 39% lower recidivism rate following the removal of the interlock when compared to offenders who never installed the device. Beyond the proven effectiveness of this countermeasure, there are other reasons why it is necessary to utilize the interlock with first-time DUI offenders. Consider the following:

- **First-time DUI offenders may not be "first" offenders in the true sense of the word.** They are often individuals who have driven drunk repeatedly but were never detected or apprehended. The Centers for Disease Control and Prevention (CDC) estimate that drunk drivers drive repeatedly before ever being detected and arrested (average of 80 times before first arrest). Other research shows that drunk drivers can drink and drive more than 200 times before being detected and apprehended (Beck et al., 1999).

- **First offenders are the majority of the DUI problem.** While repeat drunk drivers are overrepresented in fatal crashes, 70% of drunk driving offenses in many jurisdictions involve drunk drivers with no prior conviction (Voas and Fisher, 2001).
- **First offenders can be high-risk.** Research shows that at the time of arrest, many first offenders have BAC levels comparable to those of repeat DUI offenders (Jones and Lacey, 2000). Moreover, many first offenders meet the criteria for alcohol abuse or dependence (Wieczorek, 1992; Couillou et al., 2007). A study conducted by Rauch (2005) found that 82% of first offenders were assessed as alcoholics or problem drinkers. Research further suggests that first-time offenders will continue to engage in drunk driving unless significant interventions are made (Rauch, 2005). The use of ignition interlocks is one such intervention that can be effectively utilized with this population.
- **Convicted drunk drivers commonly drive unlicensed.** Literature reveals that between 25% and 75% of suspended or revoked drivers will continue to drive (Griffin III and De La Zerda, 2000; McCartt et al., 2002); in other words, these offenders learn that they can drive unlicensed and undetected. In order to overcome this problem, many states (such as Minnesota, New Mexico, and Washington) have either removed or greatly reduced the hard suspension/revocation period for offenders who install interlocks. The benefit of this practice is that the offenders install the device, which prevents them from starting their vehicle after drinking, and they remain within the licensing system.

The solutions to stop drunk driving work best in combination, not in isolation. The long-term desired goal should be the prevention of drunk driving and a reduction in recidivism such that first offenders do not become repeat offenders. If communities, the criminal justice system, and legislatures begin to apply a comprehensive approach to this issue, significant gains in the fight against drunk driving will be achieved. As part of a comprehensive solution to eliminate drunk driving, Responsibility.org supports the mandatory and effective use of ignition interlocks for all convicted DWI offenders. Effective use of IIDs requires proper assessment and treatment, supervision, and verification of installation for all offenders ordered to install the device.

Responsibility.org also believes actions must be taken to improve ignition interlock installation rates and to expand treatment opportunities in conjunction with interlock program participation. Research shows that referral to and participation in appropriate treatment interventions are particularly important for hardcore drunk drivers as this population of offenders are historically resistant to behavior change.

It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DWI offenders in tandem with an interlock sanction to identify those offenders who have issues that must be treated. Research shows that repeat DWI offenders often suffer from multiple disorders. In one study, in addition to a lifetime alcohol disorder, 41% of the participants had a drug-related disorder and 44% had a major mental health disorder that was not alcohol or drug-related (Shaffer et al., 2007). Absent the identification and treatment of substance use and co-occurring disorders, long-term behavior change is unlikely for these offenders. In order to prevent future instances of drunk driving, and subsequently, save lives, the underlying causes of DWI offending (such as substance misuse or mental health issues) must be addressed.

Responsibility.org and the Division on Addiction at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, are working together to expand and test a [Computerized Assessment and Referral System \(CARS\)](#) for use with a structured diagnostic mental health assessment in DWI intervention and treatment settings. Already successfully piloted in multiple locations, this program examines the relationship between psychiatric profiles and driving under the influence among repeat DWI offenders. We hope this project will help states better identify, sentence, supervise, and treat hardcore drunk drivers and subsequently, reduce recidivism.

In 2015, 23.7% of all motor vehicle fatalities in Kansas involved an alcohol-impaired driver. Furthermore, 75% of these fatalities involved a driver with a BAC of .15 or greater (NHTSA, 2016). We urge the Kansas State Legislature to maintain its strong ignition interlock program that mandates ignition interlocks for all convicted DWI offenders and reject S.B. 123.

If there is anything that Responsibility.org can do to support this effort, please contact Erin Holmes, Director of Traffic Safety/Technical Writer of Criminal Justice Programs, at (202) 445-0334 or erin.holmes@responsibility.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph S. Blackman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ralph S. Blackman
President & CEO