

SB528 Drunk Driving Offenses – Ignition Interlock Systems Program

Richard Leotta, Activist and Father of Officer Noah Leotta, Fully Supports This Bill

Impaired driving is on the rise, and we need to use all measures to curb this deadly threat. The Bill is a measure that can do just that by making improvements to Noah's Law that was passed and became effective on October 1, 2016. Noah's Law primarily requires an interlocking device to be installed in the vehicles of convicted drunk drivers. Interlocks are an extremely effective tool that saves lives by helping to change the bad behavior of drunk drivers. In states with all offender interlocks there is a 67% reduction in re-arrest rates and a 15% reduction in deaths rates. However, Maryland is not seeing these results because judges are using probation before judgement (PBJ) to evade the spirit and requirements of Noah's Law. To be clear a person granted the leniency of a PBJ by a judge is a person that pleads guilty, is found guilty but, not convicted and given probation in lieu thereof. Thereby, since a person is not convicted, the judges do not have to comply with the requirements of Noah's Law. To verify this, I attended the Rockville Maryland District Court proceedings once a week from 4/30/18 – 2/20/20. The results of my review are as follows:

Total number of DUI/DWI case recorded: 328

Breakdown of the 328 cases:

- 217 PBJs = 66% of all cases
- 129 No Interlock Ordered = 59% of PBJs
- 88 Interlock Ordered = 41% of PBJs

- 79 Convicted = 24% of all cases
- 59 Interlock Ordered = 75% of Convicted
- 20 No Interlock Ordered = 25% of Convicted

- 5 Not Guilty = 2% of all cases

- 27 Sentences Deferred = 8% of all cases

- 27 Given some jail time = 8% of all cases

- 74 With Prior DUI/DWI Offenses = 23% of all cases
- 53 Interlock Ordered = 72% of Priors
- 16 No Interlock Ordered = 21% of Priors
- 5 Deferred = 7% of Priors

- 272 Represented by private attorneys = 83% of all cases

The primary reasons given by the judges for leniency of NOT ordering an interlock are as follows:

- **A Persons First Offense:** This is a **very weak** argument since a person drives drunk about 80 times before they are caught. Therefore, it is really the **first time being caught** for the offense of drunk driving.
- **Interlock Cost Too Much:** There are affordability provision included in Noah's Law for those that cannot afford the cost. However, it should be noted that my data shows that most of the time, **(83%)**, individuals charged with DUI/DWI had private attorney representation. Therefore, these people certainly can afford the cost of an interlock. An interlock is about the cost of a drink a day. **However, most importantly, what is the cost of my son's life and all the victims of drunk driving? (PRICELESS!)**
- **Low Blow or Blood Alcohol Content (BAC):** This is a **very weak** argument since the drivers of commercial vehicles are considered impaired at a .04 BAC. Therefore, someone is clearly and seriously impaired at .08 BAC. However, there are other factors at play that allow for .08 BAC for drivers of non-commercial vehicles. Also, it should be noted that for most of Europe and Utah .05 BAC is considered impaired.

Discussion of Judge's discretion:

- Judge's discretion is always maintained no matter what any law stipulates. In fact, I witnessed cases where a person was convicted of impaired driving and ill-advised judges did not require an interlocking device installed. However, an interlocking device should be a condition for the leniency of a PBJ. With an interlock device a person can live a normal life, they just cannot drink and drive. This is a reminder and therapy that helps a person not repeat this very serious, violent and deadly crime. It helps change behavior and saves lives including that of the drunk driver.

Summary Statement:

- **Judges grant Probation Before Judgement (PBJ) in 66% of DUI/DWI cases. I fully support the leniency of a PBJ but, judges practice catch and release by taking leniency to the extreme, by NOT ordering an interlock device in 59% of the PBJs. For these 59%, the judges usually order counseling, attending one MADD victim impact panel and sometimes one shock trauma visit. However, without ordering an interlock device, there is very limited success in changing the bad behavior of these drunk drivers. In fact, the three-time offender that struck and killed my son said it was the leniency of catch and release that lead to his continuing to drive drunk. Thereby, help protect the victims and the community, by making the leniency of a PBJ conditioned on an interlocking device. Additionally, drunk and drugged drivers given a suspension continue to drive on a suspended license 50% to 75% of the time. Let's save lives and make Maryland a state where 67% of drunk drivers do not repeat and reduce fatalities from drunk driving by 15%.**

