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The Hon. Teresa Paiva Weed, President
Rhode Island Senate
State House
Providence, RI 02903

The Hon. William Murphy
Speaker of the House
State House
Providence, RI 02903

Dear President Paiva Weed and Speaker Murphy:

Almost every year at about this time, it seems that the General Assembly is criticized for failing to have taken sufficient action to address the problem of drunk driving. Usually pointing to a recently-released study or report that, they claim, suggests that Rhode Island's drunk driving rate is far worse than in most other states, advocates for stricter laws call for passage of bills – imposing tougher penalties or establishing sobriety checkpoints, for example – that often have far-reaching civil liberties implications. This year has been no exception.

The ACLU believes that a response is in order: as has been the case in the past, the concerns expressed about the state's drunk driving problem are, however unintentional, extremely misleading. Frankly, I am beginning to believe that, to paraphrase Disraeli, there are three kinds of lies: lies, damn lies, and drunk driving statistics. Without in any way seeking to diminish the magnitude of this issue or the sincerity of the advocates, it is important to set the record straight.

This past week, both police officials and anti-drunk driving advocates claimed there was a need for further action based on a National Highway Traffic Safety Administration (NHTSA) report showing that 25 people were killed in Rhode Island in drunk driving accidents in 2008, up from 22 fatalities in 2007. Specifically, based on vehicle miles traveled (VMT), NHTSA concluded that Rhode Island's drunk driving fatality rate increased from .25 to .31 per 100 million VMT between those two years, making our state one of ten to show an increase.

Relying on a slight one-year increase in drunk driving fatalities in order to condemn the state's current enforcement of the drunk driving laws, particularly when the number of overall fatalities is statistically small to begin with, is a completely inappropriate use of the data. After all, when the statistics showed that the number of deaths in Rhode Island attributable to an "alcohol impaired driver" went *down* 30% between 2006 and 2007, from 37 to 25, was there any praise for what Rhode Island had been doing? In fact, these statistics show that, until the slight increase in 2008, the number of drunk driving fatalities had been steadily declining in Rhode Island for the previous five years, and, indeed, had been *cut in half during that period*.

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The cries of alarm are disingenuous for another fundamental reason: The NHTSA report that has prompted all this “discouragement” and “concern” actually shows that, even with this slight one-year increase in fatalities, ***Rhode Island still had the 15th lowest alcohol drunk driving fatality rate in the country in 2008!***

On the positive side, I do want to at least commend the police and others for relying on NHTSA’s VMT statistics for their baseline view on the status of the drunk driving problem in Rhode Island. In past years, they have focused on other measures – such as the percentage of drunk driving fatalities in the state – that are themselves very misleading. We documented the problem with such statistics in a 2006 report that I encourage you to review. The report is available on our web site at <http://www.riaclu.org/PublicEd/Reports/DUIreportfinal.pdf>.

In closing, we believe we can do no better than to quote from the conclusion of that ACLU report, which still accurately summarizes the situation in Rhode Island four years later:

“There is one thing that’s clear about Rhode Island’s drunk driving ‘problem’: it has, however unintentionally, been greatly exaggerated. Obviously, any drunk driving fatality is one too many, but efforts to eradicate this problem cannot be premised on misleading statistics or ungrounded expectations about the utility of punitive laws.

“Rhode Island, in defiance of reputation, seems to have meaningfully dealt with drunk driving without turning to many of the measures that are most odious to privacy, due process, and other fundamental civil liberties that should never be suspended – not when circumstances are extreme, and certainly not when they’re less egregious than they seem. We are hopeful that lawmakers will keep this in mind as they debate proposals on how best to further address this important issue.”

If you have any questions about this, I hope you will feel free to let me know. Thank you for your attention to our views.

Sincerely,

Steven Brown
Executive Director

cc: Majority Leader Daniel Connors
Majority Leader Gordon Fox
Sen. Michael McCaffrey
Rep. Donald Lally
Sen. Dennis Algiere
Rep. Robert Watson