

End leniency for drunken drivers

By John Gale

Alcohol abuse causes ravaging effects throughout American society. Nearly 14 million Americans – one in every 13 adults – abuse alcohol or are alcoholic.

Impaired drivers cause tremendous carnage on our roads. In 2003, 17,013 people were killed in alcohol-related crashes in the United States. These deaths constituted 40 percent of the total traffic fatalities that year.

I've gotten quite an education about alcohol abuse in my work on the Nebraska Pardons Board. As secretary of state, I serve on the board with the governor and attorney general.

As part of our work, the board reviews applications for reprieves from individuals who are under a 15-year license revocation because of a conviction for third offense drunken driving. To qualify for a reprieve, an applicant must have served seven years of the revocation with no criminal conviction and been sober for three years.

To assist us in our task, the Department of Motor Vehicles (DMV) reviews the applications, checking on the driving record of the individuals and claims of sobriety. DMV then makes either a positive or negative recommendation to the Pardons Board regarding license reinstatement. The DMV recommendation is based solely upon whether the applicant meets criteria set out in state statute. For example, if there is a driving under suspension conviction subsequent to the 15-year revocation, DMV is required to recommend a denial.

The Pardons Board has the authority to put conditions on the driving privileges of any applicant that receives a reprieve. As a matter of policy, the board requires every successful applicant to drive only a vehicle equipped with an ignition-interlock device for whatever remains of the 15-year revocation. The ignition interlock is attached to the vehicle so it will not start until the driver provides an alcohol-free breath sample.

The Pardons Board is very strict about the requirement of three years of sobriety. In fact, the board is looking at setting a more stringent standard for sobriety.

In reviewing applications, we look for a confirmed record of substantial recovery from alcohol abuse and a support system that might include church, family, counselors or groups such as Alcoholics Anonymous. Having such help is of critical importance. Those who tell us that they quit cold turkey one day, have no further desire to drink, have no support system and can handle it by themselves are quite suspect.

People under 15-year revocations often get into deeper trouble when they drive during the revocation. Driving under suspension presents as high if not higher risk to the public than drunken driving. When driving under suspension, the operator has no license and no insurance and has a desperate need to avoid being arrested. This makes them the worst

kind of outlaw, willing to risk the lives of others so they may exercise a privilege denied to them by our courts.

While I can't speak for the entire Pardons Board, I can say without hesitation that protecting the lives and property of our citizens is our first priority. While applicants may plead for license reinstatement in order to secure a better job, or to help with family driving chores or to be able to do errands in a more timely fashion, these arguments carry little weight without that clear and convincing evidence of hard work at sobriety and the willingness to get support.

Recently, a Nebraska judge planned to sentence a man to prison in light of the serious nature of a traffic offense, which was the man's third drunken-driving infraction.

The offender was involved in a crash that left a motorcyclist with permanent disabling injuries. The offender's blood-alcohol content was 2½ times the legal limit at the time, and he attempted to flee the scene of the crash. Yet the offender pleaded with the judge not to send him to prison because he would lose his new job. The judge caved in and granted probation.

I must adamantly disagree with the judge. This was a serious crime, and leniency was not the answer.

In fact, the judge and the court system become enablers. It looks like there is always a loophole for the drunken driver. Why do we allow the destructive behavior of drunken drivers to continue unabated on their tearful pledges to do better?

I will continue to do my best to keep high-risk offenders asking for reprieve off the streets unless they meet our strict standards for an interlock device, including clear and convincing evidence of sobriety and a sincere remorse for the hardships they have inflicted.

But our prosecutors and judges need to do more as well, and get these offenders off the streets and into treatment sooner. A staggering statistic is that there were 31,081 drivers in Nebraska with three or more drunken-driving convictions on their record in 2004. The right to life should include the right of every citizen to know that their life counts in the equation of sentencing drunken-driving offenders.

If you know someone who shows evidence of alcohol abuse, get help for him or her immediately. Don't let it go until they appear before the Pardons Board, because we will hold them accountable.

#