

Addressing OWIs

Last April the Governor signed into law an increase in the state's drunk driving penalties for the repeat offenders with seven or more convictions. Too bad it won't accomplish anything.

The purpose of criminal penalties is, for the most part, to deter crime. If you or I knock off the local 7-11, and get caught and convicted, we'll end up spending the next 10 years or so in prison. For you and me, that's reason enough to leave the 7-11 alone.

Drunk driving penalties work the same way – for you and me. If we drink and drive, and get caught and convicted, we'll have to pay a hefty fine, lose our driver's license for 6 months, and get some not-too-desirable publicity to boot. Again, for you and me, that's reason enough not to drink and drive.

But the repeat offenders who these higher penalties are aimed at are not like you and me. As their records show, they aren't reasoned decision makers, at least not when alcohol is concerned. With prison time already staring them in the face, they drink and drive anyway. With licenses taken away, they drink and drive anyway. So we up the penalties, and guess what: they'll drink and drive anyway.

Yes, increasing their prison time will keep them off the streets a bit longer. But locking people up is extremely costly, and there are just too many repeat offenders for that to actually work. So maybe it's time we think a little more creatively, rather than just relying once again on tougher sentences that in this case just don't work.

The real problem is that these people – the many time offenders – cannot control their drinking. So the solution is to cut off their access to alcohol. Make it illegal to provide them with alcohol, and attach a heavy fine to anyone who does. And then the problem will, maybe not go away, but be reduced tremendously.

The advantage of this approach is that it puts the penalty on people who will actually respond to it. Joe Lush may ignore a prospective \$10,000 fine and drink anyway, but the guy who owns the bar that Joe just stumbled into will not be so nonchalant. Same with the liquor store owner. So Joe can no longer get his twelve beers and ten bumps, and you and I can drive down the street safely once again.

But how will the bar and liquor store owner know about Joe? We'd have to change our state IDs – driver's licenses and the like – so anyone with some number of OWI convictions has a special mark on it – perhaps a red band all around the outer edge. If Joe has an ID with a red band, or no ID, then providing Joe alcohol is illegal. That simple.

Now I do realize that this will not be airtight. Joe's neighbor Bob might give him a 6 pack – even though that would be illegal too – figuring that he won't get caught. But since Bob's six pack will probably be consumed at home, the likelihood of any drunk driving occurring is substantially reduced. Joe might try to get a fake ID, but if we increased the penalty to providing one of those to a OWI offender high enough, the supply of those will dry up. Not every drunk driver will be stopped, but many will, far more than we can afford to lock up.

Repeat OWI offenders need to be stopped. They won't stop themselves, no matter what the penalty. So let's stop playing around with penalties, and adopt a law that will actually work.