

From the Office of the Sheriff:

Just a few weeks ago there was a tragic crash in Oconomowoc that resulted in the deaths of a distinguished educator and her unborn child as well as her 10-yr old daughter. On May 8<sup>th</sup>, the headlines in a state newspaper read – “Tragedy spurs push to toughen penalties.” I applaud Rep. Kleefisch and the others for their efforts to do something. I do not know the answer and am unsure whether or not their proposals will really do anything about this pandemic – impaired driving! One thing is for sure, we really do not do much about anything until it is too late and countless lives are lost.

After reading the article, I quickly referred to the State Statutes and began reading the numerous pages of laws, changes, additions and deletions that resulted from previous legislation and reaction to tragic events. As law enforcement officers, the laws and penalties are hard for us to understand much less you the drivers. The simple definition of our laws is “drive drunk and you will be arrested”. Are the penalties more than that? Of course they are. Fines, license revocations/suspensions, ignition interlock devices, community service, alcohol assessment, graveside visits, victim witness panels, and vehicle forfeitures. All this and we still have these tragic events.

I remember when the legislature gave us SS 342.12 (4) (a), which allows us to request thru the DA’s office a title freeze on any vehicles registered in the name of the arrested person. The intent was to prevent the sale/transfer of the vehicles until the court had an opportunity to order seizure of a vehicle owned by habitual impaired drivers. That is of course if the vehicle is owned solely by the drunk, if it does not have a lien, isn’t totaled from the crash, or per SS 346.65(6) (a) (1) the seizure of said vehicle would result in an undue hardship or extreme inconvenience or would endanger the health and safety of a person (the drunk).” Yes, you read it right. I am more concerned about my families health and safety, my inconvenience should a family member be hurt or my wife’s hardship should I be killed by an impaired driver. But our statutes ensure we are sensitive to those who drive impaired more in one year than most do in a lifetime. I recall our first court ordered vehicle forfeiture. The “junkie” was found in Milwaukee and the costs associated with towing it, sending the required certified mail, and the required secure storage taught me real quick this was a no-win situation for law enforcement.

Yes, I am frustrated. Let’s look at the penalties for a third offense impaired driver. BAC dependant, fines of \$1,200 to \$8,000. License revocation from 2-3 yrs, one yr waits for an occupational, AODA, ignition interlock, and jail from 30 – 365 days. However, per state statutes 346.65 (2e), if the court determines that a person does not have the ability to pay, the court may reduce the costs or order community service in lieu of payment.

So what is the answer? Lock’em all up and throw away the key. Not necessarily. I have stated many times over the years I have served as your Sheriff that we must educate the violators, their friends, family and the vendors. I am confident that the majority of those arrested for impaired driving said good night to someone before they drove off in a drunken or drug induced stupor. I am confident that most servers have no idea what a .20% BAC customer looks like, acts like, or sounds like. We must change the way we do business.

Let our legislators draft laws that make a difference rather than pass the feel good ones. Let's put some teeth into the statutes rather than just words. I don't care if the violator's car has a lien, don't care if it is in his wife's name, don't care if it is leased, don't care if he needs it to get to the grocery store because he lives in a rural area – let's TAKE IT!!! Feel the pain of having a car, making payments and not being able to drive it. Park it in court ordered storage, with no access.

Lastly, let's stop serving those that are already impaired. Let's stop allowing our friends and families to drive impaired. Let's stop serving alcohol at each and every event and gathering that is hosted in our state. Let's shed the title of the drunkest and most impaired driving state in this country.

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