

Gregg & Susan Spindler  
Cazenovia, NY  
September 10, 2013

Governor Dennis Daugaard  
State Capitol  
Pierre, SD

Dear Governor Daugaard,

Thank you for your letter of August 26 and the condolences from you and your wife Linda. In the days that followed the tragedy, we received many cards and letters from South Dakotans, many that never worked with or knew Maegan.

Maegan's "significant other", Cooper Balke, disbursed some of her ashes on a peak in the Wind River Range, a special place for them. Once a landscaper finishes some block work, the remainder will be placed in a memorial garden Maegan created a few summers ago (see photo).

As you may imagine, given the circumstances of this tragedy (i.e., an unlicensed driver, unregistered, uninsured vehicle) there really is not much in the way of civil damages to recover. We have Uninsured Motorist coverage which may modestly cover Maegan's death, provided our attorney is successful in compelling our insurer to fulfill its obligation. We hope to donate a portion of proceeds to the fisheries biology program at the South Dakota State University in Maegan's memory. Maegan was seriously considering SDSU for grad school and it would be a memorial of which she'd approve.



We are very encouraged that your administration is taking a comprehensive, data-driven, evidence-based review of DUI policies, procedures and laws. We firmly believe that South Dakota can turn this tragedy into a good thing by using proven methods to reduce DUI incidence and save families from grief. We have re-worked, somewhat, our DUI reform proposals and details are contained in a separate document. An Executive Summary is contained on page 2 of this document. The National Transportation Safety Board issued on May 14 "Reaching Zero: Actions to Reduce Alcohol-Impaired Driving" provides guidance for states in DUI reform.

Twelve years ago 3,000 people were killed on 9/11. This was a horrifying event that changed many, many policies and behaviors. *Each and every year, 3.5 times as many people are killed by confirmed legally drunk drivers and up to 6 times as many are killed if "alcohol involved" estimates are used. In the years since 9/11 over 150,000 people have been killed by drunk drivers, far in excess of all Americans killed in terrorism and wars after 9/11 and all wars since WWII.* Three times as many receive debilitating injuries as are killed; over 600,000 casualties of DUI! It is time to stop this senseless, preventable deaths and injuries. The outrage should not be entirely borne by the victims and their families. It should outrage you and everybody else. Once again, Governor, we ask that you lead this effort to stop senseless killing and injury.

We will try and make a trip to South Dakota in fall and hopefully meet with members of the executive and legislative branches of South Dakota government to see how we can help.

Sincerely,

Gregg A. Spindler

/

Susan L. Spindler

## Executive Summary of A Proposal to Build “Best in Class” DUI Enforcement in South Dakota, in memory of Maegan Spindler

- We are using the National Transportation Safety Board report, “Reaching Zero: Actions to Reduce Alcohol-Impaired Driving”, released on May 14 as the basis for many of our DUI reform proposals (see <http://go.usa.gov/TeQe>). The NTSB report is as thorough of a data-driven, evidence-based approach for DUI reduction as one will find. We encourage all relevant departments in the executive branch to thoroughly read this report and draft plans or legislation to fully implement all recommendations that apply to South Dakota.
- 93% of DUI fatal incidents are the result of first time offenders according to NTSB. While it is appropriate to have focus on repeat offenders, meaningful reduction in DUI deaths and injuries necessarily requires robust deterrence of first time offenders. Technology (interlocks, etc) can not deter first time offenders. Deterrence is the perception or fear of the high risk of being arrested for DUI. It amounts to a change in culture and will take many years of effort.
- Scope of the DUI problem: In Charles Mix County there are 130 DUI arrests per year. Based on NTSB data of 80 DUI incidents per arrest, there are 10,400 annual incidents of drunk driving. Reducing the 10,400 DUI incidents requires High Visibility Enforcement (HVE).
- Scope of Resources: Charles Mix County law enforcement consists of 1 sheriff, 4 deputies, a contact deputy and 1 state trooper. With such limited resources, it is nearly impossible to implement HVE using local resources. We advocate at least one additional FTE and twice weekly random sobriety check points supported by state Highway Patrol in such a county. Note that HVE would have positive knock-on effects of quickly removing unlicensed drivers and unregistered or uninsured vehicles from the road such as the one that killed Maegan.
- MADD estimates the cost of DUI in South Dakota averages nearly \$200 million per year. This is a plausible number if one assumes the 40 lives lost annually are worth \$2 million each (a low estimate), plus the cost of injuries and current enforcement efforts. We feel it both reasonable and just to spend a meaningful fraction of the \$200 million annual loss on enhanced enforcement to gradually reduce this preventable crime to a rarity.
- High Visibility Enforcement is not cheap. Unfortunately, only taxes and government can solve a problem such as DUI; no other approach can possibly work. We do not feel meaningful reductions in DUI incidence can be accomplished only by reallocating resources within the state budget, which would continue to **socialize** the cost of DUI across all taxpayers. Adjusting current budget priorities to accomplish “some” HVE today will invite reductions in the next recession or if different priorities arise. This is why we advocate a modest alcohol excise tax to provide a dedicated revenue stream to fund DUI programs for 10 years and then transition this revenue stream into both DUI enforcement and substance abuse treatment funding in later years.

We live in upstate New York and pay very high state and local taxes, plus we are self-employed and get a FICA double-whammy from the federal government. We dislike taxes as much as you do!

*If there is lack of consensus for enacting a new tax*, then we suggest the Governor propose abolishing one or more unpopular taxes affecting families or business development which currently go into the general fund. This will offset the proposed dedicated alcohol excise tax.

- Immediate vehicle impoundment on arrest and asset forfeiture on conviction should be implemented. DUI is a drug crime and asset forfeiture should be simple and routine. It would be a very potent deterrent, especially for vehicles borrowed or used communally.
- The NTSB reports that the European Union has cut DUI deaths by over 50% in the past decade, while in the US the rates have flat-lined in recent years. The EU did not reduce alcohol consumption; it changed public behavior about drinking and driving. This is not a “nanny state” approach, rather good police work, stiff penalties and public education. Only a commitment at the highest levels of government can stop senseless DUI killing and injury.