

From: Robinson, Beth
Sent: Wednesday, January 26, 2011 5:53 PM
To: Button, Glen; Keith Flynn; Ide, Robert
CC: MacLean, Alex; Lofy, Bill; Robinson, Beth
Subject: DUI-Related Legislation

Privileged and Confidential Executive Policymaking Analysis

Thanks, Rob, Glen, and Keith, for chatting with me this morning to drill down a bit in connection with the formulation of the Shumlin Administration's policy proposals relating to DUI and related expenses. I just wanted to summarize where we are and who's doing what. I'm hoping we can reconnect next Thursday or Friday. Does Thursday at 1:30 work for you both? If not, propose another time. I'm wide open.

Main areas in which we are considering advocating or supporting legislative changes:

- Streamlined administrative civil suspension process—perhaps for DUI #1. At this point, we're still testing the waters on this idea. Glen will loop back with two additional pieces of information: a) a summary of what other states do; b) a sense of the caseload involved and the likely impact on DMV's hearings bureau given resource constraints
- DUI 4,5,6—perhaps bumping up the penalties in a work-camp context. Keith will connect with Andy Pallito to talk about what this might look like in terms of cost, feasibility, numbers, etc.. We kicked around the possibility that the Dale facility would be an appropriate venue. An approach like this could promote the goals of addressing the lack of sufficient sentence progression at the DUI 4-6 level, providing a significant deterrent/punishment, providing value back to the community in the form of community service, and avoiding unhelpful increases in the prison population.
- Ignition Interlock—perhaps enhancing its application. We are just weeks into the pilot study, with a July 1 report-back date, so our data on the effectiveness of this limited and voluntary program in Vermont to date is non-existent. For that reason, we should be cautious about rolling out massive expansions of the program (such as an expansion that would potentially sweep in all 30,000 Vermonters with suspended licenses) prematurely. That said, there is a general consensus that expanding the program some might be worthwhile—both in reducing impaired driving at the margins, and perhaps in generating more experience and data to help us evaluate the program and possible expansions going forward. Glen is going to drill down to develop more detail on the kinds of expansions that the administration might support, including use in connection with folks who are convicted for multiple offenses or folks whose BAC exceeds some threshold. He'll try to get some data concerning the resources that would be required to administer the program depending on which cut-off threshold we used.
- Attempting to elude—creating a felony option in cases with sufficient aggravating factors.
- Refusals- considering criminal refusals as a crime for the first offense

Things we are NOT interested in:

- Mandatory minimums
- Sentencing guidelines
- Tinkering with sentencing structure for DUI 1-3

Areas identified by some stakeholders that don't really require legislative changes:

- Use of aggravating factors, including secondary offenses, in sentencing

On hold:

- New charging options for DUI fatalities—hold off pending outcome of recent case. Existing tools in the prosecutorial toolbox may be ample.

I will loop back with Alex and the Governor, and will also touch base with Matt Valerio to get his perspective on these general concepts.

Thanks,
Beth