



Looking Down the Road

By William Aiken Jr.

Interview with Kimberly Waldin

In past newsletters I've interviewed officials who pass DWI laws as well as those who work on this issue from the administrative side. Here, you'll hear from Kimberly Waldin. She is responsible for prosecuting DWI/ impaired by drugs cases in Schenectady County.

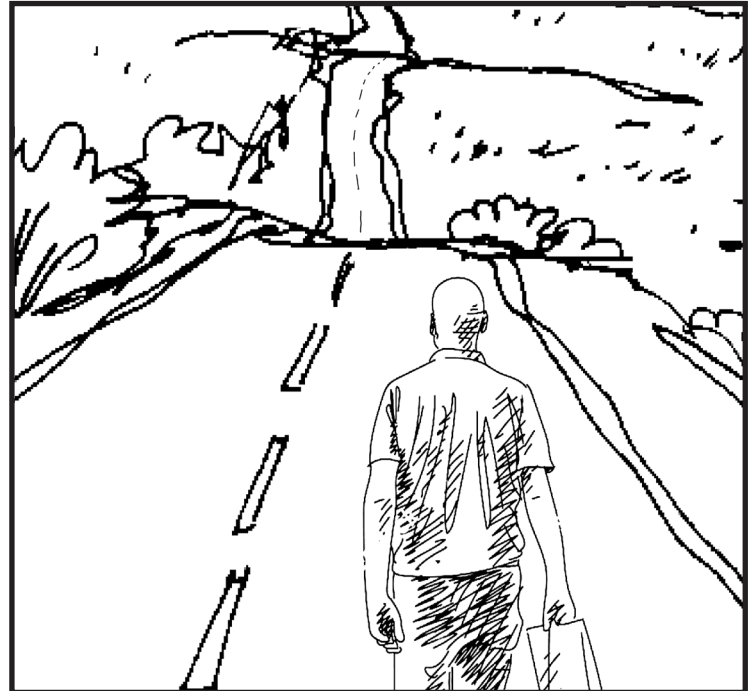
Here's a synopsis of Ms Waldin's background:

Ms. Waldin joined the Schenectady County District Attorney's Office in 2017 and began prosecuting misdemeanor cases in the City and Local Court division. She also serves as the representative from the Schenectady County District Attorney's Office on the Alternative Treatment Court for Mental Health. In 2020, she became the designated DWI & DWAI by Drugs and Vehicular Collision prosecutor on the felony level.

Waldin holds Bachelor of Arts from Russell Sage College and graduated from Albany Law School in 2015. Prior to joining the Schenectady County District Attorney's Office, she was a New York State Excelsior Service Fellow and served at the New York State Office of Children and Family Services.

Amid her full schedule, Ms. Waldin took time to explain her attitude toward DWI, how those beliefs guide her as a prosecutor, and what can be done to reduce drunken driving.

Interview continued on Page 2



3 Ways RID Saves Lives:

- 1.) LEGISLATION: RID educates Lawmakers from both sides of the isle on life saving bills.**
- 2.) PUBLIC AWARENESS: RID uses its platforms (newsletter, website (rid-usa.org) & media interviews) to inform the public on the importance of driving sober.**
- 3.) RESEARCH: RID utilizes the latest DWI data and studies to highlight the necessity to take a proactive approach to drunken driving that is saving lives.**

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Looking Down The Road...

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1.) Did you, a family member or friend ever have an encounter with a drunken driver? And if you have, how has that experience shaped your views as the lead prosecutor of DWI cases in Schenectady County?

Someone who was important to my family was arrested for DWI. He killed himself three days later, and that loss had a profound impact on my family. Alcoholism and drug addiction are serious illnesses. However, they are also treatable illnesses and driving while impaired or intoxicated is an entirely preventable crime. Having also been in a near head-on collision where a driver crossed the double-yellow line and swerved into my lane, I have personally felt the fear of what it means to share the road with an unsafe driver.

As such, I review each case with an understanding that – for some defendants – justice is served by offering them an opportunity to participate in our county’s Drug Court program. Those defendants plea to a criminal charge, usually the original charge of Driving While Intoxicated or Ability Impaired, and they undergo court-ordered treatment for several years. Their driver’s license is also revoked. The goal is that those individuals will be safer, healthier drivers once their license is restored, something that is not always achievable when someone is simply incarcerated. Unsuccessful participation in Drug Court, however, could lead to incarceration.

In other cases, justice is served by incarceration.

Each case is unique, requiring different considerations to be taken, including the fact that many people’s lives are disrupted when someone drives while intoxicated or impaired. Nonetheless, every case is taken seriously.

2.) Over the years, penalties have increased for DWI offenses. Yet, the nation’s annual DWI fatalities have hovered around 10,000 since 2000. Why hasn’t the approach of getting tougher worked to bring that number down? Is it due to people’s human nature that some think they won’t ever be caught? Or do you think it’s something else?

There is a misconception that only people who are falling-down drunk are unsafe to drive. There is also a misconception that because cannabis is now legal that a driver cannot be arrested for driving while under the influence. That simply is not true. It is the fact that when even legal substances such as alcohol or drugs – including cannabis and prescription medications – affect a driver’s ability to operate an approximately two-ton, complex piece of machinery in a safe manner that a crime has been committed. The National Highway Traffic Safety Administration reports that in 2019, 1,775 people were killed in car crashes where the intoxicated driver was within the legal limits of impairment (BAC of 0.01% to 0.07%).

3.) Lowering the BAC has shown to be successful in Utah along with dozens of countries that passed a lower BAC into law. The first year a .05 BAC was implemented, Utah saw a 70% and 30% reduction in DWI deaths and crashes, respectively and the DWI crimes rates have remained low. The logic is a .05 BAC gets the driver to consider

sobriety before they get behind the wheel. Do you think lowering the BAC threshold is an approach that should be embraced as a strategy to fight drunken driving?

Yes.

A new approach to educating the public about the misconceptions we just discussed would also be beneficial. Most people are probably desensitized to the current public service announcements that warn the public not to drive while intoxicated or impaired by drugs. It is time to start addressing fervently those misconceptions, now that cannabis has been legalized, before more unnecessary and avoidable tragedies occur.

4.) The late legendary defense attorney, F. Lee Bailey use to advise anyone pulled over by law enforcement to never consent to a breathalyzer. Are the penalties for refusing a breathalyzer severe enough to motivate an alleged drunken driver to comply? As a prosecutor, how important is it to have BAC evidence to prove your case?

Under New York State Law, every driver has consented to submitting to a chemical analysis of their blood simply by getting behind the wheel of a car and driving on New York State roads. This includes when a suspect is asked whether they will submit to a breathalyzer examination. The penalty for refusing to submit to a chemical analysis is that a driver’s license can be revoked for one year regardless of what happens to the criminal case in court. The penalties increase with further incidents.

Such revocation is a civil proceeding taken by the Department of Motor Vehicles. It is separate and apart from the criminal case, so the DMV does not need to prove beyond a reasonable doubt – as a prosecutor would in the criminal case – that the defendant refused.

While it is helpful to the prosecution to have evidence of a defendant’s blood alcohol content, it is not necessary for someone to be convicted.

5.) Drunken driving has plagued society for decades. It’s a problem so ubiquitous that at times the public appears to be numb to it. What aren’t we doing, but should be doing to fix that?

Change the message to focus on the gaps in people’s education that any alcohol, cannabis, prescription drugs, or illegal drugs can impact a person’s ability to drive safely. Even one beer can lead to a fatal car crash. A person should never get behind the wheel of a car if they are not feeling normal and completely unaffected by drugs or alcohol.

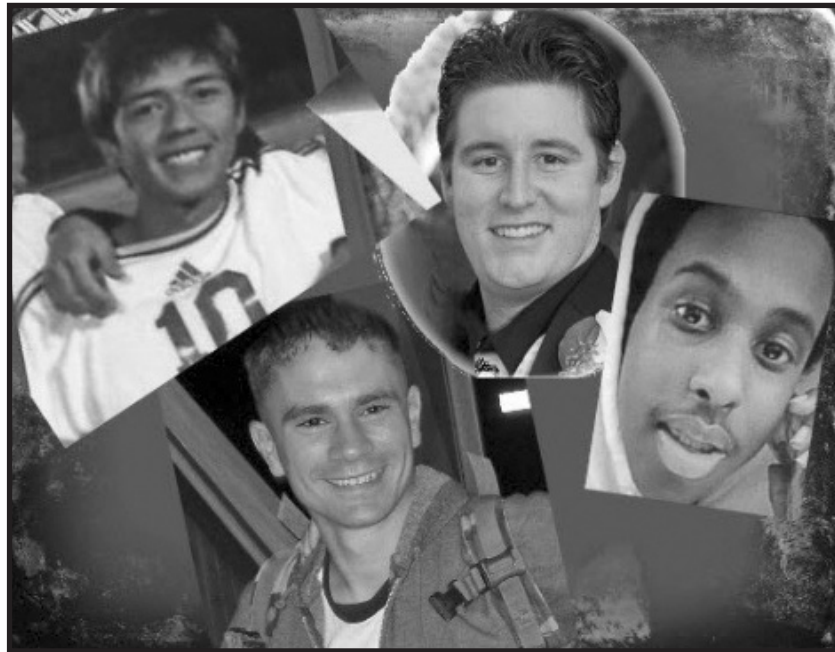
Thank you for your input, expertise, and commitment to the cause.

You are welcome.

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STATES TRYING TO LIMIT HIGH-POTENCY CANNABIS

By Renee Barchitta



These four young men died in marijuana-related suicides. Clockwise from left, Daniel Juarez, Colorado (photo CBS News), Shane Robindson, California, Hamza Warsame, Washington (photo Seattle Times, from the family), and Andy Zorn, Arizona

“How do you thread the needle here?” “Now that Pandora’s Box has been opened, what do you do?” As Washington State Representative Lauren Davis said, regarding high-potency marijuana and concentrates and suicide.

In an effort to stop the rising number of suicides, psychosis, and addiction, legislators in eighteen states that previously legalized and commercialized cannabis(having dispensaries and lounges) are struggling to come up with solutions to reduce high-potency marijuana and cannabis concentrates. Vermont is the only state that has succeeded in passing a potency limit. Pearl River NY Assemblyman Lawler has already proposed legislation to make revisions to cap THC levels.

According to BJ Biz Daily (business news source for the cannabis industry), “Marijuana industry officials are fighting back against the limitations saying the proposals are based on questionable science, including a controversial study that suggests a correlation between high-potency marijuana and psychosis.” “Industry watchers predict the efforts to cap THC at levels ...will likely fail this year.” “Some states have already watered down proposed measures or abandoned them.”

Colorado’s new legislation includes: A \$3 million, 3 year study on high potency research and collecting “...hospital and emergency room discharge data for patients diagnosis reflecting marijuana use...” by CSPH. It directs coroners to toxicology screen testing and reporting of THC “...in non-natural deaths of those under 25 years old.” The legislation also limits the amount of daily purchases.

A 2021 study in the JAMA Medical Journal, indicates that “cannabis use was associated with higher prevalence of suicidal ideation, planning, and attempts; 40% to 60%, in young adults...”

High-potency cannabis concentrate, oils and butters can be as high as 99% THC. Once our towns and villages have stores carrying these products there will be no turning back. If you are concerned about the effect of high potency THC on our children now and in the future, tell your town and village officials you want to Opt Out of stores, lounges, and farmers/grow houses.

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PRESIDENT'S LETTER

By William Aiken Jr.



I first want to thank RID members, Betty Martin, Renee Barchitta and Marsha Woodward for their contributions to this issue. RID encourages others to submit articles. It exposes our readers to a broader perspective and improves the quality of the newsletter's content.

While waiting to take a blood test at Ellis Hospital, I picked up the Times Union, a local newspaper and opened the opinion section. There was an op-ed written by a rep from the alcohol industry that characterized legislation to lower the BAC (Blood Alcohol Content) as political theatre. The piece lacked any proven facts. Yet, it was persuasive in arguing that lowering the BAC is bad policy.

So I sent the op-ed to my partner in crime, Tom Louizou. We agreed both of us would write rebuttals to counter the alcohol industry false narrative. I wrote a letter-to-the-editor. Tom penned an op-ed of his own. To our surprise, the TU published both of our commentaries within days of each other. Neither of us expected it.

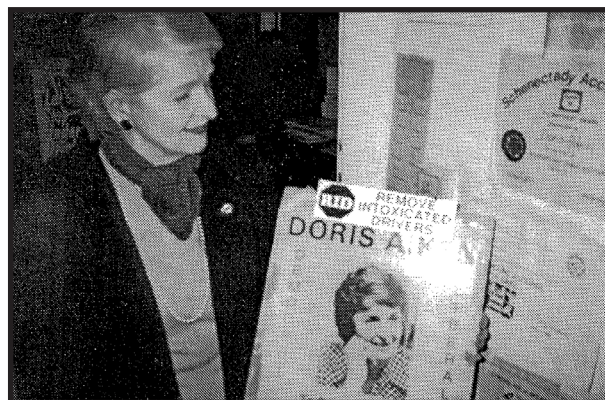
For those of you who haven't been following the battles between RID and the alcohol industry, the way the Times Union's handled the situation is a noteworthy. Early on in the beginning of RID, my late Mom, Doris Aiken got on the wrong side of the alcohol industry when endorsed the SMART (Stop Marketing Alcohol on Radio & TV) campaign. She knew taking a position that affected the profits of alcohol would make her a lot of enemies. She just didn't realize the extent of how powerful these enemies were.

Shortly after joining the SMART campaign, the alcohol industry conspired with the National Broadcasters to ban RID from appearing on national TV shows. She had already appeared on Phil Donahue and the Today Show. But that was before the producers, who booked the shows knew her stand on alcohol advertising. The investigative news magazine show 60 minutes came to Doris's home and conducted a two hour interview. After Doris bragged that she was going to be featured on the iconic news show to a nemesis in broadcasting, she was completely edited out of the segment. That's power.

Doris constantly dealt with a media, who showed deference to the alcohol industry. Why wouldn't they? At the time, the media was receiving tens of millions in alcohol ads. She discovered this reality the hard way. She couldn't go back on her position nor would she.

So having the Times Union published both of our rebuttals marked a sea change. I just wish Doris were here to see this progress. For decades, she was embroiled in a David vs Goliath battle. She kept a stiff upper lip as she fought the alcohol industry, the defense lawyers and broadcasters. She did it on her own terms without anyone to guide her path. She made mistakes along the way as we all do. Yet, she figured it out on the fly.

Through it all, she maintained her dignity, inspiring thousands of others to join RID in the fight against drunk driving. Doris would be pleased to see that the alcohol industry no longer holds all the cards. She deserves much credit for not giving in. She never would.



William Aiken

William Aiken, President

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A SURVIVOR'S STORY

By Betty Martin



*Alice Marie Woodward
Jan. 9, 1964 - Nov. 29, 1983*

In 1983, our 19 year old daughter, an only child, Alice Marie Woodward was killed by a severely impaired alcohol driver.

The crash was horrific. Alice suffered multiple traumas. She barely survived the crash. She underwent many surgeries, dealing with one medical crisis to another and was in ICU for five weeks before she succumbed to her injuries.

Alice developed Sepsis, adult respiratory disorder syndrome. Her pelvis was broken in seven places. Her broken jaw was wired together. She was placed on a ventilator and could not be weaned off. At the end, she had a trachea. I wondered how much worse this could get. Her body could take no more. She did not survive the trachea.

We felt like a bomb had been dropped on us. Not long after Alice passed, my mind told me that the problem with drunken driving should not happen to anyone.

I wrote a letter to my Kentucky Representative Richard Turner about what happened to Alice, and my concern about drunk driving. He responded quickly, I did not have to convince him of the problem with drunk drivers. A son of his had been in a crash caused by a drunk driver and received a knee injury that required several surgeries.

Rep. Turner invited me and my husband to our state house to testify before the House Judiciary Committee on behalf of a DWI bill that was pending. My impact statement moved the Chairman. It was named the Shammer Bill. It was the first tough DWI law passed in Kentucky and the bill passed by a sizable majority

In 2000, another important DWI law was passed on a national level, lowering the BAC (Blood Alcohol Content) from .10 to .08. State Rep. Rob Wilkey was an instrumental force in lowering the BAC in Kentucky that served as a precursor to the national bill. This approach of lowering the BAC as opposed to seeking harsher penalties is the key to proactive measures that successfully curb DWI.

Utah passed a .05 BAC in 2018. The results speak for themselves with a reduction of DWI fatalities and crashes of 70% and 30% respectively in the first year. Currently, there are eight other states with .05 pending legislation. Lowering the BAC has been RID's focus for the past several years. It's the most significant bill out there to fight drunken driving. So I hope anyone reading my story will urge their representatives to support .05

I am a survivor because of my faith in God, along with help from my parent organization, RID. The Aikens, Doris, Bill and William have sacrificed much to promote our cause. I cannot list the names of all the people who have joined in our ranks. I will mention former Attorney General Fred Cowan, former Commonwealth Attorney Ray Lawson. Our local RID chapter worked with many branches of law enforcement, government leaders on all levels, church ministers and those loyal civic mind people, who have supported our cause.

We must do more to prevent crashes caused by drunken drivers. Prevention is the key. We all have a role to play. Let us never forget those, like my daughter, Alice, whose lives were cut short by a drunken driver.

Respectfully,

Marsha Woodward

RID Kentucky Chapter Head



*Marsha Woodward
RID Kentucky Chapter Head*

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WHERE DOES THE RESPONSIBILITY FALL?

By Betty Martin



Doris with the Scroll of the Dead

I'm standing outside the NYS legislative chamber as they debate the fate of the 21 minimum purchase age for alcohol. Doris Aiken asked me to join her in support of the bill. Through the doors, the discussion could be heard, often a heated argument. As we stood in that hallway, we were being carefully watched by building security.

Doris tells me, "if they tell you to leave, politely refuse. If they attempt to arrest you, just put your hands out and let them cuff you." What! Arrest me! I'm an elementary school teacher. What will my students think if I'm arrested? What will my Superintendent say!? When asked to leave, with a shaky voice, I said "no thank you" and we stood our ground.

The legislative session began to end. Doris and I rolled out the Scroll of the Dead, a white paper carpet with hundreds of names of victims of alcohol related crashes. We stood silently as each legislator stepped over it or around it. I like to think we helped pass that bill.

Challenging the billion dollar alcohol industry with its advertising promoting social acceptance, romance, relaxation, sexual prowess and escape to your private nirvana, etc would prove to be an enormous task, but it pales in comparison to changing the cultural norms associated with alcohol consumption.

Highway safety advocates' determined efforts have overcome seeming insurmountable issues. In the past, a driver could plead to bald tires or some other non-moving violation. Legislation has strengthened our efforts. Lowering the BAC to .08 reduced DWI deaths and crashes. Ignition interlocks for DWI offenders prevent them from getting behind the wheel drunk. Stricter penalties for repeat offenders hold them accountable. Victim Impact panels give voice to DWI survivors. We have designated drivers, Uber, Lyft or taxi rides, busing to private venues, all designed to keep impaired drivers off the roads.

It's now September 2021, and Senate Bill #131 and Assembly Bill #7197 are being held in committee. If passed, New York State will become the second state in the union to have a .05 BAC for impaired driving. The debate with the alcohol industry begins anew. It's an indisputable fact that one is unable to react and respond to traffic conditions at .05. We will hear the same points and counterpoints once again. Where does the responsibility fall?

I remember a college professor telling me that not to decide is a decision. Please make the decision to act! Support the .05 legislation. Contact your legislator. Write letters. Ring a loud bell! We have seen change. We are the change. We will remove the intoxicated driver from our roads and highways. The responsibility is within us.

Betty Martin

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Dear Friends,

Our missions share a common thread – to reduce and eventually eliminate the horrific consequences of drunk driving. The injuries and loss of life go beyond the individual tragedies. Families, friends and communities are all impacted by criminal behavior of drunk drivers. Efforts to curb these losses have stalled for the past 15 years. The familiar countermeasures of education, enforcement, public information, prosecutor/ judicial training, early medical intervention and rehabilitation for habitual offenders, designated driver and ride share initiatives continue to have little crash reduction effect.

To address drunk driving, we have an evidence-based vaccine: a lower BAC law. Tom and I are part of a national network; 05 Saves Life that can provide you expertise, strategies and resources to assist your success with, 05.

If every U.S. State had a .05% BAC Law, we would save the lives of 1,500 people every year. (National Academies of Science, Engineering, and Medicine).

Join us. We can make our roads safer for everyone by separating drinking and driving with a .05% BAC Law. Please contact us to learn how you can help bring .05 to your state.

You can make a difference!

William Aiken, President, RID-USA
ridusa@verizon.net

Tom Louizou, Co-founder, .05 Saves Lives Coalition
Former NHTSA Regional Administrator, Region 2 (retired)
thomas.louizou@verizon.net



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A CITIZEN'S PROJECT TO REMOVE INTOXICATED DRIVERS

P.O. Box 520, Schenectady, New York 12301

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