

SOMEONE YOU KNOW DRINKS AND DRIVES

If you are reading this brochure, you are most likely in the very difficult and frightening position of knowing someone who drinks and drives. There are no easy answers and you may have some strong feelings about the issue. You care about the person but hate and fear their behavior. You may feel angry about irresponsible decisions that have been made. You may even be spending time and energy protecting your friend or loved one from the consequences of their own decisions. You may live in fear of the moment that you hear this person has been injured or killed in a drunk driving crash, or has injured or killed someone else. You have most likely experienced feelings of sadness, embarrassment, anger, helplessness, isolation, exhaustion and frustration.

If you get nothing else out of this brochure, we hope you discover that you are not alone. We also hope that you are able to take some comfort in the tangible steps that are provided as well as arm yourself with information about drinking in general, the effects of alcohol, the disease of alcoholism and the role that you can play in helping to keep those you care about safe.

This leads us to the specific topic of this brochure; drunk driving. Drunk driving is the most frequently committed violent crime in the United States. Thousands are killed and half a million

injured each year as a result of drunk driving (NHTSA 2002). Due to the breadth and scope of this problem, millions of people know what it is like to care about someone who drinks and drives. We hope this brochure will provide guidance as you seek to cope with this person's drinking and driving. We stand with you in wanting a better life both for your friend or loved one and those around them, including you.

Regrettably, there is no magic solution to the problem. A strategy that works in one situation may not work in another. Ultimately, you must decide which to try and how far you are willing to go to influence the person. We wish you courage in your efforts.

ALCOHOLISM:

IT'S NOT A SMALL PROBLEM

In this country, approximately 18 million Americans — 8.5 percent of the population — meet the diagnostic criteria for alcohol abuse or alcoholism (NIAAA, 2004). More than one-half of American adults have a close family member who has or has had alcoholism (Dawson and Grant, 1998). Tragically, approximately one in four children younger than 18 years old in the United States is exposed to alcohol abuse or alcohol dependence in the family (Grant, 2000).

If you believe that someone you know may have a drinking problem, the National Institute for Alcohol Abuse and Alcoholism recommends considering the following four questions on their behalf:

- Have you ever felt you should cut down on your drinking?
- Have people annoyed you by criticizing your drinking?
- Have you ever felt bad or guilty about your drinking?
- Have you ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover?

One “yes” answer suggests a possible alcohol problem. More than one “yes” answer means it is highly likely that a problem exists. If you think that someone you know might have an alcohol problem, it is important that you encourage the person to see a doctor or other health care provider right away. They can help determine if a drinking problem exists and help plan the best course of action, because although some people are able to recover from alcoholism, most will need help in doing so.

In addition to those with diagnosable alcohol problems, there are those who merely do not consider the dangers of driving after drinking. Even if your friend or loved one does not meet the official criteria established for identifying alcoholism, they may continue to behave in a dangerous and harmful way by drinking and driving.

UNDERSTANDING ALCOHOLISM

If you believe your friend or loved one may be an alcoholic, it is important that you begin to understand the disease of alcoholism. An alcoholic is physically and/or psychologically addicted to alcohol. If untreated, the alcoholic will rely more and more on alcohol to function and may ultimately die of the disease. Unlike some diseases, alcoholism also affects the family and friends of the alcoholic. Unless they've lived with an alcoholic, it's very difficult for other people to understand the emotional pain alcoholism can cause. Alcoholics are often wonderful people, even though their behavior may be unacceptable.

Here are some things that research has shown us about alcoholics:

- **Alcoholics tend to blame other people and situations for their drinking.** The fact is, alcoholics drink because they are addicted.
- **Alcoholics cannot stop drinking without assistance.** Therefore, it is very important that you seek assistance from someone familiar with helping alcoholics and their families.
- **Men, women and children of all ages and races can become alcoholics.**
- **Alcoholism becomes worse without intervention and is usually ultimately fatal.**
- **Nothing you can do or say will make the alcoholic stop drinking.** It is the alcoholic who must make that decision. What you can do, however, is learn ways to react to the person's alcoholism.

What Can Help?

- **Admit the truth.** The person has a drinking problem and may be an alcoholic.

- **Learn about alcoholism.** The more you understand about alcoholism, the better you will be able to cope with the alcoholic, your family and yourself.
- **Don't blame yourself.** Don't allow the alcoholic or anyone else to blame you for the alcoholism. You neither caused it nor can cure it.
- **Continue with your own life.** Don't allow the alcoholic to control your life. Pursue hobbies and friendships that are meaningful to you and your family.
- **Seek assistance.** Encourage the person to enter an alcohol treatment program. Regardless of the response, enter a program yourself. You will meet others who live with alcoholics and learn ways to cope with them. A treatment program or Al-Anon will teach you how to intervene with the problem.
- **Make a plan.** If you live with the person who refuses to change, consider asking him or her to leave. Or, you may need to leave yourself. Loving an alcoholic does not require that you stand helplessly by their destructive behaviors. You must be the one strong enough to take action to change the situation. Make a plan with the help of your family and other trusted advisors, and be prepared to follow through with the plan.
- **Never ride with a person who has been drinking.** This protects your safety and gives a clear message that you will not tolerate or condone such behaviors.

It takes courage to say, "I think my friend or family member is an alcoholic." Follow up on that courageous admission by starting to look for help in your local phone book under "Alcoholism" for services in your area or search the Internet for online resources. Your local Mental Health Association will also help you identify appropriate programs in your

community. Speak with your family physician or priest, minister, or rabbi. If you can't find something in your community, contact one of the agencies listed in this brochure. There is help out there. You just have to dig around a little to find it.

MAKING YOURSELF MORE AWARE OF ALCOHOL'S EFFECTS

While many may be confronting the difficulties of dealing with an alcoholic, drunk driving is certainly not a behavior that is limited to alcoholics. It is often a pattern of individuals who underestimate the impact of alcohol on their physical and mental capabilities. There are numerous misconceptions and myths about alcohol. Despite the fact that some people feel more outgoing when they've had a couple of drinks, alcohol is actually a depressant. It affects the central nervous system which impairs vision, coordination, judgment and reaction time. Because judgment is affected, the drinker usually thinks he or she is okay to drive; but they are not capable of making that decision.

There are many myths about drinking, as well as drinking and driving while impaired.

Myth 1: Many people believe that after drinking they will be capable of making a decision regarding whether they are capable of driving or not. Some people exhibit obvious signs of impairment after consuming alcohol, such as slurring their words or having trouble walking. It's easy to know that

person should not be driving. However, other people don't show their impairment as obviously. Not everyone who is impaired has visible symptoms.

Fact: You can't tell if someone is able to drive just by looking at them.

Myth 2: Beer and wine are less intoxicating than hard liquor. Some people believe that one kind of liquor affects them less than another; but an ounce of alcohol has the same power to affect the drinker regardless of the type. **Fact:** *A 12 ounce can or bottle of beer, a 5 ounce serving of wine, and a 1.5 ounce shot of hard liquor all have about the same amount of alcohol.*

A six-pack of beer has about the same alcohol content as six average mixed drinks. You can't tell how much alcohol someone has had by just counting their drinks. Some mixed drinks contain more than one shot of alcohol.

Myth 3: Coffee, cold showers, exercise, or other home remedies can make someone sober. **Fact:** Nothing can speed up the body's rate of processing alcohol except time. While a number of factors affect how quickly someone becomes impaired (their mood, how much they weigh, how much food is in their stomach, their gender, etc.), the body needs about one hour to process each ounce of liquor. A person who has had five drinks in two hours burns off only about two ounces of the alcohol and will need at least three more hours of non-drinking time to become sober.

THE DIFFERENCE BETWEEN IMPAIRMENT AND INTOXICATION

At what point does a person become *impaired*?

Impairment is the point where one's intake of alcohol or other drugs affects their ability to perform appropriately. The impairment process begins with the very first drink. At low BAC levels, some people may not *appear* to be impaired, but their judgment, coordination, and reaction time have been affected. Since it takes time for alcohol to leave the stomach and enter the blood stream, a person may continue to become more impaired for a period of time following their last drink.

At what point is someone considered *legally intoxicated*? Intoxication is a legal term that establishes a certain level of alcohol in the blood as the point of impairment severe enough that criminal sanctions are enforced for driving. Most people are severely impaired before they become legally intoxicated. In the U.S., the level of legal intoxication is .08 blood alcohol concentration (BAC). For those under the age of 21, it is illegal to drink and illegal to drive with any measurable alcohol in the bloodstream.

Regardless of whether or not the drinker believes he or she can drive, the law in most states says that a person is intoxicated and must not operate a motor vehicle if the BAC reaches .08. The safest rule to follow is not to drive when you've been drinking and never to ride with anyone who has been drinking.

However, the need for this brochure points out that this is not always an easy rule to follow. Ultimately, the decision to drink and drive rests with each individual. While you have more control over making safe choices for yourself, you cannot control other people. You can point out that there are dangerous and deadly consequences of drinking and driving and often that may motivate a person to change his or her behavior. However, you should not feel guilty if, in spite of everything you do, the person you are concerned about continues to drink and drive. You must acknowledge that you cannot control him or her, and focus on protecting others on the roads and highways.

KNOWING CONSEQUENCES MAY HELP YOU BE MORE PERSUASIVE

There are real and serious consequences for driving after drinking. Being aware of these consequences may be helpful in your conversations with your friend or loved one. Again, you may not be able to convince them to change their behavior but knowing some of the challenges they may face, if caught, might trigger a positive step towards their making a change.

Driving while legally intoxicated is a crime in every jurisdiction in the United States. State legislatures continue to address the issue by toughening existing laws and passing new ones.

Many states have mandatory jail terms for first time offenders convicted of drunk driving. Many of

those states also have a mandatory fine plus standard court costs and fees. In addition, many states administratively revoke the offender's driver's license at the scene of a positive breath test or for refusing a breath test, suspending the license for a period of time; even those states that do not revoke a license administratively have the option to do it at the time of conviction. Although individuals may choose to continue driving without a driver's license or insurance, they are likely to be charged with the additional offenses if they are stopped by law enforcement. In most states, after a certain number of offenses, a person can be declared a habitual offender. That, too, carries additional criminal penalties up to life in prison. Many states have amended their criminal drunk driving statutes to enhance the penalty if a minor child was in the vehicle at the time of the offense.

Besides the criminal consequences of drunk driving, there is also the possibility of civil lawsuits in cases where property damage, injury or death resulted from the drunk driving crash. Win or lose attorney fees for civil suits are enormous. If a judgment is found against the drunk driver, transferring assets does not protect the drunk driver. Since 1984, declaring bankruptcy does not relieve the offender from financial obligations. Even if the person does not currently have assets or income, civil judgments can be charged to future assets, endangering future earnings or inheritances. In addition, if you are the spouse or legal guardian

of the person being sued, or if you provided the car or alcohol involved in the drinking and driving offense, your assets are also at risk.

In addition to criminal and civil penalties, some convicted drunk driving offenders lose their jobs due to the policies and procedures in their work place. Convicted drunk drivers who are separated or divorced may also find visitation rights with their children curtailed if this information becomes known to the divorce court.

Insurance rates for convicted drunk drivers increase or their policies are canceled outright, requiring the purchase of new insurance at even higher rates. Any person insured under the same policy as the drunk driver will have difficulty obtaining new insurance. This is true even if you are separated from the offender.

Along with legal and financial consequences, there are social and emotional consequences to drunk driving. When a drunk driving crash occurs, people are often killed or injured. Furthermore, families, friends and even entire communities are affected by these crashes. Often those who caused the crash are left with feelings of grief, regret and exclusion.

TAKING ACTION

By being aware of alternatives and options, you may be able to have an impact on the problem. Not only are there options you can recommend, there are courses of action you can take if you are concerned about the safety of your friend or loved one.

Model and Encourage Safe Behavior

Designate a Driver. One simple and effective alternative to impaired driving is to develop a plan *before* drinking. Encouraging a *designated driver*, a person who agrees not to use alcohol or other drugs throughout the day or evening, may be a way to help everyone get home safely. The designated driver is selected *prior* to the event and picks everyone up so no one is tempted later to drive home after drinking. It also prevents leaving an unattended car overnight, placing the car owner at risk for a ticket, tow or vandalism.

Plan on Public Transportation. If your group does not have a designated driver, drinkers should plan to use public transportation if it is available. Most bars and restaurants are more than happy to call a cab for their patrons. Walking home is infinitely more preferable than impaired driving. However, all cities have public intoxication statutes that may be enforced if a person appears to be intoxicated in public, and even walking home impaired can be dangerous. Planning for a sober driver is the safest and easiest way to get home.

Be Smart at Home. When the drinker is in your home, develop a transportation plan with him or her before the drinking starts when they are sober and clear-headed. This is a way to resolve issues before anything dangerous happens. If the drinker becomes belligerent, you can consider hiding the keys, letting the air out of their tires, removing the distributor cap, or even moving the car. Just remember your own safety. Do not do anything that will put you in harm's way.

Know Who You Can Call

Sometimes just talking with someone is not enough. The next set of options can allow you to take a less confrontational approach immediately but some of these recommendations may feel a bit extreme. Remember you're trying to keep someone you care about safe and alive. Despite your initial reservations, all the following options are real ways that you can have an impact.

Contact the Department of Motor Vehicles or Department of Public Safety. If you have reason to believe that a person has provided false information to obtain a new driver's license, call either the Department of Motor Vehicles or the Department of Public Safety in your state and report this information. Lying or failing to provide accurate information in order to obtain a license is a criminal offense punishable by license revocation and/or jail. You may make the call

anonymously, but you will need to provide the driver's name, date of birth, license plate number, and place of employment. All drivers' licenses issued are listed in the National Driver Register, so driving privileges revoked in one state can be traced to the offender even if they attempt to obtain a license in another state.

Contact Local Call Law Enforcement. If the person of your concern continues to drink and drive in spite of your efforts, call the police immediately after he or she leaves and give a description of the car, the driver and the direction of travel. This can be done anonymously. Be aware that law enforcement agencies vary widely in their interest and ability to respond to such calls, but many law enforcement agencies will make an effort to locate the vehicle.

If they do spot it, they will be able to pull the car over *only* if they have probable cause to do so. This means the police officer must *observe* the vehicle being driven in such a way that the officer believes the driver may be intoxicated. Your phone call alone will not be enough for the officer to justify stopping the car. Many states have a toll-free hotline for reporting suspected drunk drivers. Your State Highway Patrol or State Police can tell you if such a number is available in your state. Current numbers are listed in the back of this brochure.

Contact the Prosecuting Attorney If the person has already been charged with an alcohol-related crime and was released on bond or bail, call the prosecuting attorney's office and inform them about the ongoing problem. Ask for the prosecutor who has been assigned to the case and inform him or her that the person has a previous impaired driving record or is again drinking and driving. The prosecuting attorney may be able to recommend an appropriate course of action.

Contact the Defense Attorney. The person's defense attorney should have advised him or her to stay out of further trouble with the law. You may want to inform the defense attorney that his or her client continues to drink and drive.

Contact the Probation and Parole

Authorities. A person who has been convicted of a crime can be put on probation for a period of time instead of serving time in jail or prison. People on probation are required to do certain things as elements of their sentences. They may have to report to a probation officer at certain times; they may be required to go to special classes; they are to refrain from getting into further trouble with the law. The elements of probation are largely determined by the judge who hears the case.

Parole is similar except that parolees have spent time in jail or prison prior to release. If released before completion of the sentence, they spend the remainder of their sentence on parole.

A person who violates one or more of the required elements of probation or parole runs the risk of having their probation or parole revoked and going to jail or prison to serve the remainder of their sentence. If the person is on probation or parole, even for a non-alcohol-related offense, and continues to drink and drive, contact their probation or parole officer to report this illegal activity. This is especially important if the person has been recently ticketed or arrested for an alcohol-related offense.

Reporting someone you care about to the authorities can be a very painful step. In the long run, however, it may be more loving than taking no action, and implying by your silence that you support the drinking and driving.

WHAT TO DO WHEN YOUR CHILD IS AT RISK

Perhaps it is your child's absent parent who drinks and drives. You are in an especially difficult situation because you have limited control over what happens when your child is visiting the drinking parent.

Although you have a legal obligation to protect your child from harm, most judges take a very dim view of one parent denying visitation rights to the other

parent regardless of the reason. If you fail to make your child available to the visiting parent at the appointed time, you run the risk of being found in contempt of the court or the court order.

Be aware that “child endangerment laws” exist in most states that create a separate offense or enhance an existing penalty for a drunken driving offender who endangers a minor. Currently, many states have statutes that create special sanctions for cases of driving under the influence/driving while intoxicated (DWI/DUI) while the offender is transporting a child at the time of the offense.

Also know that you are not alone in this area of concern. MADD victim advocates across the nation frequently receive calls from distraught parents and other loved ones regarding allegations of an adult driving impaired with a child in the vehicle. This is an area that MADD will continue to push for strong sanctions to ensure that children are not placed at greater risk of victimization.

Start by talking with the attorney who handled your divorce or another family law attorney. Some communities offer legal aid clinics for low income families. Your local shelter for abused persons may also have legal referrals, as they are accustomed to handling family violence-related issues. Tell the attorney you would like the divorce decree modified to better protect your child. The attorney will have to petition the court to make the changes, and you and/or your children will need to testify about the

drinking and driving behavior. The judge may rule that your child's other parent may see the child only in the presence of a trusted adult. The modification order may prohibit the other parent from driving with the child in the car. Your chances for amending the custody or visitation orders will be greatly enhanced if: the other parent has a criminal record of drunk driving or other alcohol-related offenses; your child is old enough to testify about the drinking and driving behaviors of the other parent; and/or, you have other evidence to support your claim such as witnesses, police reports, etc. Document the information you believe supports your request and share it with your attorney who will know how to best utilize this information.

KeeP in mind, however, that most judges will make every effort to allow the child access to both parents. The judge will also be suspicious if this is another in a long line of attempts to bring complaints to the attention of the court. Even in the most clear-cut situations, judges are reluctant to make dramatic changes in visitation and custody orders. Before attempting to persuade the court to modify your existing divorce decree, seek the advice of an attorney and try to demonstrate a willingness to allow your child adequate time with the other parent under safe circumstances. You may also be interested in MADD's *Child Endangerment Report* that outlines the seriousness of this issue and how states are addressing child endangerment laws. You can obtain a copy of the report by visiting

MADD's website at www.madd.org or by telephoning 1-800-GET-MADD (1-800-438-6233).

PROTECTING YOURSELF AND YOUR FAMILY

The person you are worried about may become angry, abusive and even violent when drinking. He or she may refuse to believe that his or her behavior is a problem. You may feel as though you have absolutely no control over his or her decision to drink and drive. Although you do have a moral and legal obligation to try to prevent a person from driving after drinking, you also have an obligation to protect yourself and your family. The problem is complex with no easy solutions. If you feel threatened, or if you have been struck or injured by the person, call the police and/or your local shelter for abused persons. You may need to get away until the person sobers up. Leaving the violent situation temporarily may be the best way to protect yourself at that time. It can also confront the drinker with the reality that you may leave permanently if the behavior does not change.

REPORTING A DRUNK DRIVER

For states not listed, dial 911. Numbers where you have to dial a * or # first are for cell phones only.

- California 1.800.TELL.CHP or 911
- Colorado 1.303.239.4501, *DUI, or 911
- Florida *FHP (car phones in some areas), or 911
- Georgia *GSP (car phones in some areas), or 911
- Idaho 1.800.233.1212 (car phones), or *ISP
- Illinois *SP, or *99 (Chicago area)
- Kansas *HP (car phones), or *KTA (on the turnpike)
- Kentucky 1.800.222.5555
- Maine *77
- Maryland #77 (I-95 only, car phones)
- Massachusetts *SP, or 911
- Mississippi *HP
- Nevada *DUI (Centel car phones/Clark Co. only) *NHP (other areas)
- New Hampshire 1.800.622.2394, or *77
- New Jersey 1.888.SAF.ROAD
- New Mexico 1.800.232.8394, or *DWI (car phones)
- New York 1.800.CURB.DWI, or *DWI (car phones)
- North Carolina 1.800.662.7956, or *HP (car phones)
- Ohio 1.800.GRAB.DUI, or *DUI (car phones)
- Oregon 1.800.24D.RUNK, or 911
- Rhode Island 1.800.499.3784
- South Carolina *HP (car phones)
- Tennessee *847
- Texas 1.800 525.5555, or 911
- Virginia #77
- Washington 1.800.28D.RUNK
- West Virginia #77
- Wyoming 1.800.442.9090, or #HELP

FOR MORE INFORMATION

Alcoholics Anonymous (AA) World Services

475 Riverside Drive, 11th floor

New York, NY 10115

1.212.870.3400

www.aa.org**Al-Anon Family Group Headquarters Inc.**

1600 Corporate Landing Parkway

Virginia Beach, VA 23454

1.757.563.1600

1.888.4AL.ANON

www.al-anon.alateen.org**National Council on Alcoholism
and Drug Dependence**

20 Exchange Place, Suite 2902

New York, NY 10005

HOPE LINE: 1.800.NCA.CALL

(24-hour Affiliate referral)

1.212.269.7797 fax 1.212.269.7510

email: national@ncadd.orgwww.ncadd.org**National Institute on Alcohol Abuse
and Alcoholism (NIAAA)**

5635 Fishers Lane, MSC 9304

Bethesda, MD 20892-9304

www.niaaa.nih.gov

This list does not imply the endorsement of the above agencies or organizations by Mothers Against Drunk Driving.

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- United States. Dept. of Transportation, National Highway Traffic Safety Administration. *The Economic Impact of Motor Vehicle Crashes 2000*. DOT HS 809 446. May 2002.

Literature Available from MADD

All titles available online at www.madd.org.

Most titles available in Spanish

BROCHURES

- Closed Head Injury**
A common complication of vehicular crashes
- Don't Call Me Lucky**
For those injured by drunk drivers
- Every Child Deserves a Designated Driver**
- Financial Recovery After a Drunk Driving Crash**
- Helping Children Cope with Death**
- How Are You Feeling?**
A teen's guide to loss, grief, and healing
- Living with Burn Trauma**
- Living with Spinal Cord Injury**
- Loss, Pain, and Healing**
A parent's guide to grief
- Men and Mourning**
A man's journey through grief
- Monday Mourning**
A guide for the workplace when an employee becomes a crash victim
- Picking Up the Financial Pieces, Part 1**
Managing financial issues at home
- Picking Up the Financial Pieces, Part 2**
Managing work issues after a drunk driving crash

- Picking Up the Financial Pieces, Part 3**
Financial recovery issues in court
- Selecting a Civil Attorney**
- Someone You Know Drinks and Drives**
- Unique Grief**
For the non-family bereaved
- Victim Information Pamphlet**
A guide through the criminal justice system
- We Hurt Too**
For adult siblings
- Your Grief: You're Not Going Crazy**

BOOKLETS

- Death at School**
- Your Victim Impact Statement**
A workbook
- Hangin' in there with Nigel (for children)**
Your grief workbook
- Hangin' in there with Nigel (for children)**
For coping with the injury of a loved one

Call 1-877-MADD-HELP for ordering information.