

Leandra's Law: One Year Later

New York drivers passed a noteworthy milestone on Dec. 18, which marked one year since the first phase of the much-publicized Leandra's Law went into effect. How significant the milestone is will be determined years from now after much analysis and number crunching, but early indications are that toughening state DWI penalties had a positive effect on the number of New Yorkers who drove impaired during the past year.

According to statistics compiled by the New York State Division of Criminal Justice Services, there was a significant decrease in DWI arrests in the year after Leandra's Law took effect. It should be noted the comparison is not precise because the DCJS compared the one-year period ending in December 2009 (56,937 arrests) to the 11-month period ending in November 2010 (47,011). A projection based on those figures would equate to nearly 6,000 fewer DWIs over the course of a year, so the drop-off remains substantial regardless of the exact totals.

It would be easy to praise the law as a monumental victory in the war against drunk driving, but making any pronouncements at this point and projecting what it all means long-term would be premature. There is much to consider when analyzing pre and post-Leandra's Law data. Facts and figures, numerical and intangible, may glean an answer eventually, but we will not know the precise effect for quite some time.

For a quick refresher, Leandra's Law, known as the Child Passenger Protection Act, was passed in memory of 11-year-old Leandra Rosado, who died in October 2009 when the SUV she and seven other children were riding in crashed on the Henry Hudson Parkway. The SUV driver, who was drunk at the time, recently pleaded guilty to manslaughter and more than a dozen other charges and was sentenced to 4 to 12 years in prison. The resulting law made it an automatic felony to drive drunk with a passenger under the age of 16. Previously, driving drunk with a child passenger could result in a misdemeanor charge of endangering the welfare of the child, but the charge was at the discretion of the police rather than being mandatory.

The nature of the previous law is precisely why it is too early to say what effect Leandra's Law has had. Since the endangering charge was discretionary under the old law, there is no way to confirm how many times children were actually in the vehicle during DWI arrests. For every endangering charge handed out there may have been a dozen other DWI-only charges to drivers who had children in the car. We simply do not know, so a direct comparison between then and now is not available.

Now that it's mandatory to record every instance of DWI involving children, a system is in place for year to year analysis. One thing we know for sure is that 653 drivers were charged with DWI under Leandra's Law during an 11-month period ending in November 2010. This time next year we'll be able to examine data from the preceding 11 months and the first reliable analysis will be possible.

There are a number of additional factors that make any telling determination impossible at this stage. Since Leandra's Law was designed for the specific intent of limiting DWI's involving

children, any effect the law has had on drunk driving in general could be considered residual. The law certainly made headlines, which may have had an effect on the collective consciousness of drivers, especially after the second phase of Leandra's Law went into effect in August and required all drivers convicted of misdemeanor or felony DWI to have a breathalyzer style device installed on their vehicles.

Cautious optimism sounds about right this early in the game. Encouraging numbers do not necessarily need an explanation to be encouraging. But let's hold off on talking about cause and effect in factual terms. Wait a few years. See if children and DWI become less intertwined. Then we can crunch numbers and determine whether Leandra's Law was a colossal success or if the reality is something a bit more sobering.