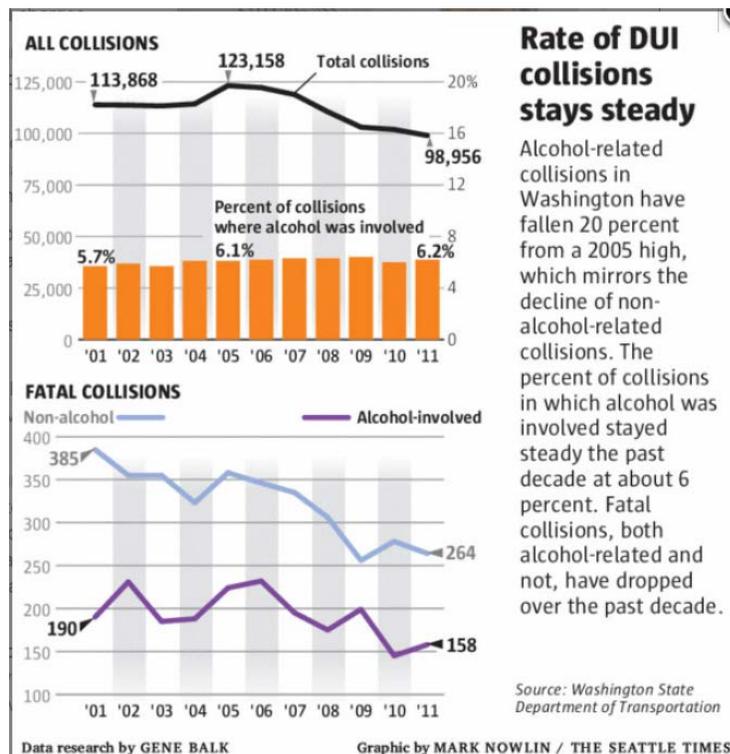


Do state's tough DUI laws go far enough?

Last Monday, police say, Mark W. Mullan, with five previous DUI arrests, plowed his pickup into a family, killing two and severely injuring a mother and newborn. Despite Washington's tough drunken-driving laws, state lawmakers are asking if those laws need to be even tougher.

By [Brian M. Rosenthal](#) /

Seattle Times Olympia bureau



OLYMPIA — If you're shocked that the suspect in last Monday's fatal crash was even on the road, given his string of drunken-driving arrests and a drunken court appearance, you should hear about Janine Parker.

A state trooper found Parker passed out behind the wheel at a Bellingham intersection about 1 a.m. on Jan. 4, 2007. The trooper arrested her on suspicion of DUI, left her Ford Taurus at the scene and took her home to await formal charges.

Parker, who had a previous DUI arrest, never went inside. Once the trooper left, she called a taxi from the driveway.

Parker rode back to her Taurus, got back behind the wheel and, four miles away, slammed head-on into a Volvo on the other side of the centerline.

The other driver, then 22, survived — after 16 surgeries, six weeks in the hospital, three months at a nursing home and a year in a wheelchair.

How can the state stop someone so willing to put others in danger?

That question echoed around the halls of the state Capitol last week, as lawmakers weighed how to respond to the latest tragedy:

Dennis and Judy Schulte killed during an afternoon walk in North Seattle, their daughter-in-law and newborn grandson critically injured. And Mark W. Mullan, whose preliminary blood-alcohol level was nearly three times the legal limit, facing up to 20 years in prison.

Lawmakers have steadily stiffened penalties for drunken driving over the past 15 years, often through legislation named for the victims of similar incidents.

Between felony DUIs, required ignition interlock devices for first-time offenders and last year's doubling in the prison sentence for vehicular homicide while intoxicated, Washington now has some of the strictest DUI laws in the country, according to Mothers Against Drunk Driving.

But while law-enforcement officials say getting tough on drunken drivers has saved hundreds of lives, the numbers tell a more complicated story.

Fatal alcohol-related crashes in the state — and the rest of the country — have fallen significantly over the past decade, but so have non-alcohol-related fatal collisions.

What isn't known is why the roads are safer: cultural changes, tougher penalties, safer cars, more seat-belt use, advances in medical care, or all of those factors combined.

Overall, alcohol was involved in 37.4 percent of the state's fatal crashes and 6.2 percent of all traffic collisions in 2011 — about the same as every year since 2001, according to the state Department of Transportation.

DUI-related crashes constituted 6,088 of the state's 98,956 crashes in 2011. A decade earlier, there were 113,868 crashes — 6,508 DUI-related.

"The new DUI laws have made a difference and things are coming down, but they're not coming down as fast as fatalities generally," said Bob Calkins, a Washington State Patrol spokesman. "Clearly we have more work to do."

State officials noted there has been a more dramatic DUI decline in the past three years, signaling the state's most recent reforms may be working.

What remains particularly confounding, the officials said, is what to do about repeat offenders.

A Seattle Times analysis of nearly 600,000 DUI-related cases between 1998 and 2012 found that one in five defendants had multiple DUI charges.

Those defendants accounted for 38 percent of the cases, according to the analysis.

There were 1,677 people with five or more cases.

The state made about 38,000 DUI arrests last year.

Lawmakers hoping to target multiple offenders said they plan to offer a variety of proposals in response to last Monday's incident, including making a DUI a felony on the third conviction rather than on the fifth in 10 years.

But some emphasized there's only so much the Legislature can do.

"(The driver in last Monday's crash) flouted the law in every possible way. He ignored court orders, drove without a license, drove without a ignition lock device," said state House Public Safety Committee Chairman Roger Goodman. "I don't know if we could have prevented a tragedy like that."

Goodman, a Kirkland Democrat who chairs the state's Impaired Driving Working Group, said the future of the DUI fight lies in technologies such as interlock devices and new cars that can sense whether a driver is intoxicated.

"Instead of getting stiff, we have to get smart," he said.

Changing attitudes

State Rep. Chris Hurst, a former Black Diamond police officer, remembers when drunken driving was mostly a punch line.

Hurst said that in 1981, a fraternal organization "actually went to the chief and complained that I was arresting too many drunk drivers. They wanted to get me switched to a different shift."

The chief, Hurst said, did not comply.

Attitudes toward drunken driving have changed drastically since then, Hurst said, due to media attention and pressure from MADD, a national group founded in 1980 to put a face on victims.

The courts have also taken the crime more seriously, said Hurst, citing a drop in deferred convictions.

Alcohol-related fatalities dropped dramatically across the country in the 1980s and early 1990s.

Changing laws

Since then, the emphasis has shifted to passing harsher laws.

Nearly 300 DUI-related bills have been introduced in 40 state legislatures already in 2013, according to the National Conference of State Legislatures.

So many states have changed their DUI laws so frequently that the Insurance Institute for Highway Safety gave up on trying to rate individual state laws, according to spokeswoman Kristin Nevels.

In Washington state, the push started in 1998.

That year's Mary Johnsen Act, named for a 38-year-old Sammamish Plateau woman killed while walking with her husband, mandated ignition interlock devices for first-time offenders with a blood-alcohol level of 0.15, and for all repeat offenders.

Among other bills, lawmakers lowered the legal limit from 0.10 to 0.08, echoing a change taking place across the country.

In 2006, the Legislature made a fifth DUI within 10 years a felony — a law some want to toughen. Some states make it a felony sooner, while 13 don't have felony DUIs at all, said former state Rep. John Ahern, R-Spokane, who sponsored the 2006 bill.

Lawmakers in 2011 passed Hailey's Law, which set a 12-hour mandatory impound for the car of anybody arrested for DUI.

The law was named after Hailey Huntley, the woman injured in the 2007 Bellingham crash caused by Janine Parker.

Washington's Impaired Driving Working Group has successfully pushed many laws since its formation in 2007, including last year's increase in the maximum sentence for vehicular homicide while intoxicated from 41 months to 102 months.

Many of the laws have centered on ignition interlocks, said Shelly Baldwin of the Washington Traffic Safety Commission.

The state in 2004 became one of the first to require all offenders get the devices, which do not allow a car to start unless the driver proves he or she is not drunk.

Similar laws now exist in 17 states.

"We're really a model for the rest of the country on interlocks," Baldwin said.

The driver in last Monday's crash ignored a judge's order to get a device before driving. State lawmakers said they hope to invest in better enforcement of device installation.

Currently, only three people in the state are dedicated to that enforcement. State Sen. Adam Kline, D-Seattle, said there should be at least 75.

One anti-DUI strategy Washington has been unwilling to deploy is sobriety checkpoints. Currently used in 38 states, checkpoints allow police to stop all cars — regardless of how they're driving — and smell for alcohol.

MADD and a number of researchers say the random stops are among the most effective ways to combat drunken driving.

The state Supreme Court in 1988 barred checkpoints unless ordered by the Legislature.

The idea has been repeatedly introduced, but lawmakers say it could never pass.

"The civil libertarian crowd doesn't like it," said state Rep. Brad Klippert, R-Kennewick.

New technology

If changing the culture was the first step and stiffening penalties the second, advocates say the next frontier is new technology.

The federal government recently allocated \$5 million toward a research project aimed at developing cars that automatically analyze touch or air to detect whether a driver is drunk.

"This is the future," said J.T. Griffin, MADD's senior vice president of public policy, predicting the technology could be in showrooms in five years.

Others, however, are skeptical.

Hailey Huntley, the woman hurt in Bellingham, said the idea is great in theory but, "How many people with alcohol problems are actually going to want a car that can do that?"

"Alcohol is the problem," said Huntley, now 27 and still unable to walk normally, "but it's not going anywhere."

News researcher Gene Balk and staff reporter Justin Mayo contributed.

Brian M. Rosenthal: 360-236-8267 or brosenthal@seattletimes.com. On Twitter @brianmrosenthal