

**Testimony of Michelle Ramsey Hawkins
Victim, Survivor, Volunteer
Mothers Against Drunk Driving**

**Before the U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
“Examining Equity in Transportation Safety Enforcement”
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Good morning. Thank you Chair DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis and Members of the Subcommittee for the invitation to appear before you today on an issue that is so personally important to me and my family. My name is Michelle Ramsey Hawkins. I am honored to be here on behalf of Mothers Against Drunk Driving (MADD), representing millions of victims and survivors of drunk driving crashes. I am an active MADD volunteer in Baton Rouge, Louisiana, sharing my story through public speaking engagements across the state. I am also a Social Worker at IDEA Innovation Academy with the IDEA Public School System. Our k-12 students are primarily from low-income communities of color. I am proud to say that one hundred percent of our graduating seniors go on to college. As a Black woman, a Social Worker, and as a mother who has suffered traumatic loss, I appreciate being heard and look forward to continued collaboration with the Committee and other stakeholders in the coming weeks and months. Fair and just traffic safety enforcement is crucial, and as we will hear from other witnesses today, it is also achievable.

In 2019, 10,142 people were killed in alcohol-related traffic crashes, and hundreds of thousands more were seriously injured. For forty years MADD has given a voice to millions of crash victims and their families. We have taken our collective pain and turned it into action, with the goal of no more victims. From passage of the 21 Minimum Drinking Age Law, to the national .08 BAC standard, high visibility enforcement campaigns, all-offender ignition interlock laws, and the development of advanced drunk driving prevention technologies, MADD will not rest until drunk driving is a thing of the past. We have made tremendous progress in forty years, reducing drunk driving deaths by over 52 percent. But the job is not done. According to the National Academies of Sciences, Engineering and Medicine, “Alcohol-impaired driving remains the deadliest and costliest danger on U.S. roads today.” And this profound human loss is 100 percent preventable.

I would also like to convey that MADD works closely with law enforcement officers around the country, supporting enforcement efforts to ensure that our roads are safe. Without traffic safety enforcement, and the dedication of police officers, traffic fatalities and injuries would increase exponentially.

My Story: Khaiden and Samuel

Not one – but two – drunk drivers changed my family’s life forever. On April 10, 2016, my three children -- 15-year-old Kaylee, 6-year-old Khaiden, 4-year-old Samuel, and I – attended a housewarming party for Khaiden’s godbrother. Before we left that evening, one of the guests promised Samuel a ride on his motorbike the following weekend. Samuel was thrilled; he loved

motorcycles. We said goodbye, not imagining that for Samuel and Khaiden, there would be no next weekend.

As we drove home along a dark highway, Khaiden and Samuel chattered away in the backset, excited to be up past their bedtime. Their father, a U.S. soldier, called on a flight home; he'd be back in time to pick them up from school the next day.

The events of that night were already beginning to unfold. Up ahead, a trash compactor fell from the back of a pickup. The driver, who had two previous DUI convictions, was driving drunk that night, too. He didn't bother to stop.

A minute later, we crashed into the trash compactor. I pulled to the side of the road and got my children out of the car. I called law enforcement and then my parents, asking them to pick up the kids while I waited for the tow truck. I wanted them to be safe. Meanwhile, two good Samaritans, a father and his teenage son who'd heard the initial crash from their home, set up orange safety triangles to divert traffic. I remember digging in my wallet for my roadside assistance information. I remember the boys wrestling in the grass, and Samuel complaining that Khaiden was blowing spit bubbles at him. I asked my daughter to help with her brothers, instructing the boys to hold hands in the grass, away from the road.

I have no memory of the second drunk driver – a man with a blood alcohol content nearly three times the legal limit – crashing through the safety triangles in his SUV. When I came to, I was lying on the ground. I couldn't move or see. But I heard my daughter's cries – and understood the absence of my sons'. They were already gone.

My daughter, Kaylee, was 10 by the time my second child, Khaiden, came along. Kaylee was the first person to hold him, a fact she never forgot, and she adjusted quickly to life with a baby in the house. When Samuel – my bonus baby – arrived two years later, it was another story. Samuel was just a few days old when I went into the kitchen to fix a bottle. When I came back, I couldn't find him. Kaylee and Khaiden had set him out on the patio, car seat and all. I explained to them that they had to take care of one another. From then on, they did. Khaiden and Samuel called each other "brother." Kaylee and the boy's other sister Haleigh were "Sister." In the mornings, I sometimes found Samuel tucked at the bottom of one of his sisters' beds. They were incredibly close, while Kaylee, Khaiden and Sam shared a love of basketball, Haleigh simply loved hanging out with her brothers. Khaiden and Samuel never met a stranger. It didn't matter who you were - you were their cousin. They were blessed with real-life superheroes: their dad, a U.S. soldier, and my father, a veteran, who taught them how to fish and took them on road trips.

Both boys attended the Baton Rouge Foreign Language Academic Immersion program. After just three months, Khaiden spoke fluent Spanish. Unbeknownst to me, my 6-year-old joined the chess club in his afterschool program. We spent many weekends traveling to chess tournaments; I was so proud when Khaiden placed second in his age group in the entire state of Louisiana.

Samuel was my gentleman who always tucked in his shirt and wore a belt. He said his glasses made him look cool like his Dad. He loved painting and drawing. If you got a picture from Sam, you got a Picasso. He always had a wad of bubblegum in his mouth. He was the smallest and also the feistiest, trying to make himself louder and bigger. Samuel wanted to play football – tackle football, not flag football. I told him he had to wait until he turned 5. I didn't want anyone hitting my baby.

Authorities would reconstruct the events of that night: The drunk driver who plowed through the safety triangles struck a car that then struck me before running off the road and slamming into my 3 children and the teenage neighbor. In the ambulance, the EMT, an old high school friend, tried to keep me from hearing that my boys had died on the scene. I told him I already knew. Kaylee learned the terrible truth from the TV news that played in her hospital room. The crash had left her with back injuries and nerve damage in her left foot. The emotional injuries went deeper; she never played basketball again. She couldn't. Not without her brothers. The teenager who'd come outside to help after the crash endured more than 20 surgeries. He couldn't get his driver's license at age 16 because he had fragments of his skull behind his eyelids. To this day, he is not the same. None of us are.

My boys weren't nameless boys or statistics. They were Khaiden and Samuel. They were my sons. They had just started their lives. They had everything to live for. They were going to be somebody. Two drunk drivers robbed them of their futures and robbed me of the closure I needed as a mother. The impact of the crash caused so much trauma that I never got the chance to hold them or touch them. Samuel's face had to be reconstructed with clay; at the funeral, I could only look at their caskets from a distance.

While Sam never got that ride on a motorbike, the sheriff's department sent out a whole fleet for his funeral – motorcycles for what seemed like miles. They escorted us everywhere we needed to go, and I was so grateful for that, and for the outpouring of love for my boys. A month after the funeral, I did what I had long promised my children – and what doctors told me I couldn't do because of the severity of my injuries. I walked across the stage to accept my master's degree in social work, and I did it in heels. There was a walker waiting on the other side, but I did it. I'd missed a lot of games and recitals because I was in school. I owed it to Kaylee, Khaiden and Sam to see it through.

For two years, the man who killed my sons and injured three others walked free. For two years, I went to court and faced him and his family. Finally, on July 26, 2018, a judge sentenced him to 19 years in prison. The drunk driver who dropped the trash compactor and set into motion the events of that night is already out of jail.

Racial Bias: After the Crash

It would be naïve to think that my family's race, and the race of the offenders, did not play a role in what happened after the crash.

My children were Black boys, the offenders White men. What if it was the other way around? If I were white and my boys were white, and the drunk drivers were Black, would I have been crucified in the media – accused of having my children in the street that night, of being a negligent mother and somehow responsible for their deaths? As a black mother, that's what I endured during the worst moments of my life. The loss and the judgement felt too much to bear.

If I were white and my boys were white, and the drunk drivers were Black, would we have had to fight so hard for the so-called justice we received?

Would I have felt the need to explain to the world that my beautiful boys were somebodies? That I needed to prove their worth? To explain that Khaiden and Samuel's father, currently serving in Afghanistan, is a Staff Sergeant in the U.S. Army? That Khaiden and Samuel's Uncle was the first black district attorney for the City of Clinton, Louisiana? That another Uncle is a Senior Chief in the U.S. Navy? That their grandfather served in Vietnam? My black boys mattered. When my boys were taken from me, in such a senseless manner, it felt like they didn't matter. And it felt like I had to prove that they did. I understand what it feels like to live daily with inequities.

My family had resources to help us work within the justice system. We also had the support of Mothers Against Drunk Driving. MADD Victims Services Specialist Valerie Cox stood with us at every court appearance.

I think about other families – from communities of color – who may not have the resources we have. How would the system have treated them? What resources would they have had at their disposal?

MADD understands my pain, both as a mother who lost her sons to drunk driving, and as a mother of color who had to fight extra hard for some semblance of justice.

High Visibility Enforcement: The Most Proven Countermeasure to Combat Drunk Driving

MADD also understand that traffic safety enforcement is critical to keeping drunk drivers off the roads. And MADD is committed to fair and just enforcement. MADD commends this Committee for its leadership in creating and authorizing the National Highway Traffic Safety Administration's (NHTSA's) high visibility enforcement program. The program combines law enforcement efforts with efforts to publicize the enforcement as a way to promote awareness and compliance with the law. These efforts are proven to reduce crashes, death and injuries on our roads. Sobriety checkpoints, saturation patrols and other high visibility enforcement efforts should include increased publicity and warnings to the public. Warning the public about upcoming enforcement waves may seem counterintuitive, but in fact the purpose of the high visibility enforcement effort is to stop people from engaging in risky behavior in the first place. This is known as the "general deterrence" effect, and it is one of the most effective countermeasures we have in the fight against drunk driving. The more obvious enforcement efforts are to the public, the less likely drivers are to take illegal risks.

High visibility enforcement is designed to be conducted in locations that are chosen based on data, sometimes identifying high-volume and high-crash traffic areas. High-volume traffic areas assist with the visibility of enforcement efforts, with more people seeing these efforts – and, as a result, drivers are more likely to voluntarily comply with traffic safety laws. Identifying "hot spots," or high-crash rate locations, is a tried and true approach to target enforcement resources.

High visibility enforcement campaigns, such as "Drive Sober or Get Pulled Over" and "You Drink. You Drive. You Lose." are conducted at the national, state and local level, and are proven to be very effective when combined with enforcement efforts on the ground. A significant portion of Section 402 funding is used to fund enforcement countermeasures, including activities to support national high visibility enforcement mobilizations. These efforts are key to saving lives and preventing injuries on our nation's roads.

Fair and Just Traffic Safety Enforcement is Achievable

MADD will continue to support law enforcement in their efforts to deter would-be drunk drivers. Officers are on the front lines of traffic safety every single day. Victims and survivors have the utmost respect for those who put their lives on the line so that others are protected. And, tragically, the leading cause of death for police officers killed in the line of duty is traffic crashes.

Simultaneously, MADD recognizes the need for reform. Efforts to ensure that enforcement is fair and just must be paramount. We know from witness testimony today that there are racial and ethnic disparities in traffic stops. We know that Black and Hispanic drivers are disproportionately stopped and disproportionately searched compared to white drivers. We know that Black and Hispanic drivers are stopped at a greater rate for equipment violations and administrative offenses compared to white drivers. But there is little evidence to support a claim that Black and Hispanic drivers more frequently commit these offenses. And what is very compelling to me, a Black woman who has lost her two Black sons in a violent, preventable traffic crash due to illegal, deadly driving: racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on hazardous driving behaviors.

We must do what we can to help foster a higher level of trust between police agencies and the communities they serve. The stakes are too important – the cost is too high.

The good news? Fair and just enforcement is achievable. Our national conversation surrounding racial inequity is bringing more stakeholders to the table. Research and hard data are now being used to identify what the problems are, where problems exist, and what solutions can be employed to do better. Best practices are being identified and implemented. Organizations and individuals are recognizing that we all must be a part of the solution. Implicit bias is now a part of the dialogue, understanding perceptions we have as individuals, and how we respond to the world around us based on our own experiences. We all carry bias, whether we are aware of it or not, regardless of our race and ethnicity. I would like to commend the groundbreaking work of hearing witnesses Dr. Rashawn Ray and Ken Barone. Thank you both for helping to frame these discussions, based on research and real-world experience.

MADD commends this Committee for its leadership to address disparities in enforcement practices. The Moving Forward Act (H.R. 2) that passed the House in the last Congress contained numerous important provisions to address these issues, including:

1. Section 3005: Grant program to prohibit racial profiling. These funds go to research and implementation of research-based programs focused on implicit bias training as it relates to racial profiling at traffic stops. The program encourages institutions of higher education to work collaboratively with State and local police departments. MADD is very encouraged by results of the work Ken Barone has led in Connecticut, with Central Connecticut State University working closely with law enforcement agencies across the state. MADD encourages the Committee to provide additional resources to implement best practices across the country.
2. Section 3010: Implicit bias research and training grants. MADD supports efforts to fund research in this area, such as the work currently conducted by Dr. Rashawn Ray at the University of Maryland. Dr. Ray's research is now incorporated into training police recruits,

using interactive programs to help bring about better interactions between citizens and police officers.

3. Section 3007: National priority safety programs. Under this section, a new component is added to the established Section 405 program called “Driver and Officer Safety Education.” This program encourages States to include training for police officers and also drivers (through DMVs) on rights, responsibilities, and best practices during traffic stops.

MADD fully supports the above provisions, and is encouraged by the Committee’s commitment to address equity in traffic safety enforcement. We look forward to working with Members of the Subcommittee to advance these efforts. Traffic crash victims and survivors have a vested interest in ensuring traffic enforcement is fair and just – because it’s the right thing to do, and so that essential traffic enforcement can continue. A social worker, like myself, is not able to ride as a passenger in every drunk driver’s vehicle. A social worker was not able to talk reason into the man who killed my boys, and injured me, my daughter, and the good Samaritans who helped us. Some drivers make illegal decisions that put others at grave risk on the roads, and law enforcement officers are needed on the front lines, to serve and protect the public.

Advanced Drunk Driving Prevention Technology Is Here...Now

We are better positioned today than ever before to eliminate risk posed by drunk drivers. While traffic safety enforcement is the most effective way to currently mitigate risk, advanced drunk driving prevention technology exists now and will one day solve this public health problem.

What if we could reduce the need for traffic safety enforcement? What if drunk drivers were no longer able to get behind the wheel and operate a vehicle as though it were a weapon? These questions are no longer based on fantasy, but are now firmly rooted in reality. And advanced drunk driving prevention technology does not notice a person’s race or ethnicity. Impairment prevention technology has no implicit bias.

MADD is grateful to the Committee for inclusion of language modeled after the Honoring Abbas Family Legacy to Terminate Drunk Driving (HALT) Act in the House passed H.R. 2. Representative Debbie Dingell led the way by proposing the groundbreaking legislation after a devastating wrong-way drunk driving crash killed a family of five - Isaam and Rima Abbas and their young children Ali, Isabella and Giselle. House Energy and Commerce Chair Frank Pallone and Consumer Protection Subcommittee Chair Jan Schakowsky helped lead efforts to ensure passage, along with leadership of this Committee. The legislation calls for a process that will lead to drunk driving prevention technology as standard equipment in new vehicles.

Advanced drunk driving prevention technology is a game-changer for MADD, giving victims and survivors a tangible, realistic expectation for a future without drunk driving. This lifesaving technology must be made standard equipment in all vehicles through adoption of a motor vehicle safety standard.

A recent study from the Insurance Institute for Highway Safety estimates that more than 9,400 lives – about one-fourth of the current traffic crash death total – will be saved each year when all vehicles have advanced drunk driving prevention systems.

MADD submitted comments to a NHTSA Request for Information (RFI) on advanced drunk driving prevention technology. We found more than 180 technologies that are currently deployed, in development, or soon to be on the market that NHTSA must consider as part of a rulemaking process. There are two types of passive automotive technologies that exist to prevent drunk driving — driver monitoring and alcohol detection. These are passive technologies that automatically gauge driver impairment, as opposed to ignition interlocks that are installed in drunk driving offenders' vehicles that require the motorist to actively blow into the device. Driver monitoring can detect signs of distracted, impaired or fatigued driving. Alcohol detection uses sensors to determine whether a driver is under the influence of alcohol, and then prevent the vehicle from moving.

In March 2019, Volvo announced technology that monitors for alcohol or distracted driving impairment would be a feature on new vehicles in the early 2020s. The Volvo system uses “in-car cameras and other sensors that monitor the driver and all the car to intervene if a clearly intoxicated or distracted driver does not respond to warning signals and is risking an accident involving serious injury or death.” The Volvo systems detect impaired driving using the same technology that more than 100 other driver monitoring systems use. These systems determine a driver’s state using one or a combination of the following features: optical or infrared camera to look at the face or eyes of the driver; seat to monitor body movement, breathing, heart rate or brain waves; and steering wheel sensors. A video of Volvo’s website describes the technology, and various actions taken by the vehicle when impairment is detected.

Volvo Video: <https://www.media.volvocars.com/global/en-gb/media/videos/250162/in-car-cameras-and-intervention-against-intoxication-distraction-animation1>

Volvo Press Release: <https://www.media.volvocars.com/global/en-gb/media/pressreleases/250015/volvo-cars-to-deploy-in-car-cameras-and-intervention-against-intoxication-distraction>

Additionally, Nissan had drunk driving prevention concept cars a decade ago.

Nissan Drunk Driving Prevention Concept Car: <https://www.nissan-global.com/EN/TECHNOLOGY/OVERVIEW/dpcc.html>

Toyota announced a drunk driving prevention system in 2007 with hopes of having it in cars by the end of 2009. <https://www.nbcnews.com/id/wbna16449687>

The Road Ahead: Dialogue, Collaboration, Growth, Action

The promise of a day without drunk driving is exciting for crash victims and survivors. Our loved ones, however, are gone, and they aren’t coming back. MADD victims and survivors speak out and push for change so that other families don’t have to endure what we endure.

People ask me how I do it. How do you go on living after losing the children who should have buried you? How do you stand up and talk about it, over and over again? I went to therapy every

single day. Without it, I would have lost my mind. I cried a lot. I prayed a lot. I got tired of people giving me a sad face, or rubbing my shoulders and my back every time I was around them. I got tired of feeling sad and depressed all the time. I would watch my daughter. "Mom," she would say, "you're not going to be sad today." At first, I didn't understand it. Now I do. I want to be a survivor. Not a victim. I want to fight back. For Khaiden and Samuel. If not their mother, then who?

On behalf of drunk driving victims and survivors, on behalf of my boys: traffic safety enforcement is essential to ensuring safety on our roads, AND enforcement must be fair and just. Identifying best practices and providing resources to encourage growth and change in every community across the country, will serve us all.

I thank the Committee for inviting me to speak on behalf of crash victims and survivors. It is my hope that by sharing my story I can help to prevent other senseless tragedies from happening to other families. I stand with MADD and the Committee in full support of continued research and effective program development to end racial inequities in enforcement. These crucial efforts, while challenging for all involved, encourage essential dialogue and collaboration - with the promise and hope of healing for communities of color and law enforcement, and us all.