

Testimony to the Commission on Public Access to Court Records  
5-16-03                      LOB Hearing Room C Albany, NY

Doris Aiken, RID-USA President & Founder

Good afternoon. I am Doris Aiken, Founder and President of RID (Remove Intoxicated Drivers) formed in 1978 to deter drunken driving and to serve and protect victims' rights.

Court records need to remain public and easily accessible in all formats including court dockets, DMV driving records, and on the Internet. The records need not show the addresses, social security numbers, banking or other personal I.D., but must include the full name, date of birth and court arrest and conviction records. If a violent crime (RID considers DWI a violent crime) then the record must stand for ten years. This is currently the law for DMV records if alcohol is involved in DWI/AI convictions.

Public safety and justice for crime victims are closely related to open records available to everyone. The unfortunate closing of driving records by Federal mandate several years ago due to a stalking incident in California where a starlet's address pulled from the DMV open driving records resulted in her being assaulted by a stalker, means that victims can only get needed records if a prosecutor is indicting someone. Often, in DWI fatal cases, if there is no alcohol involved in the defendant's record, the prosecutor can only look at a three year driving record. In one case involving the death of a 17 year-old pedestrian by an extremely drunk 22 year old in New York City, the prosecutor could obtain legally only the three year driving record. The court docket in the area where the drunk driver lived showed a history of reckless driving and speeding, as well as drunken property damage arrests. RID used its local volunteer court watch service to look at the local court records, giving this vital information to the prosecutor. Without public access to the court dockets, this criminal would have received a very light sentence, or just probation. The judge acknowledged the defendant's court record, read slowly at sentencing, which led to a 3-8 year sentence for manslaughter. Under current law, RID volunteers can obtain DMV driving records, but cannot use them to help victims, or prosecutors.

**Remove Intoxicated Drivers**

Serving Victims Since 1978

A better solution for the Federal mandate would have been to eliminate the address and other personal information from the public records, but letting stand the full name and DOB of the drivers. I recommend this solution to this Commission. People move a lot for various reasons. When I was called by a DWI victim's family from Connecticut whose daughter and new son-in-law were killed by a New York driver charged with a reckless plea bargain as a first time offender, I was able to check the local New York court docket. In this particular case, we were able to alert the prosecutor that the defendant had been charged with vehicular assault two years earlier, putting his victim into a coma. This changed the entire course of the adjudication process, and the surviving family saw the criminal justice system work. The defendant pled guilty which enabled the family to proceed with a civil suit without having to prove guilt. RID can no longer provide this service under the restricted rules for open records.

Open criminal and driving records are a public safety necessity on the Internet, as are cameras in the court. A minimal fee of no more than \$5 could be charged for downloading Internet records. More could be charged for full text searches, but victims should have to pay nothing. They have already paid full measure for someone else's crime(s).

RID has audited and/or reviewed more than 11,000 court cases in New York alone since 1983.

Respectfully submitted by *Donis Aiken*.