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EXAMINATION OF LEGAL AND ADMINISTRATIVE ACTIONS TAKEN AGAINST AT-FAULT DRIVERS INVOLVED IN FATAL TRAFFIC CRASHES

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FINAL REPORT

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16. Abstract An exploratory study was made of the legal and administrative actions taken against at-fault drivers who survived fatal traffic crashes in Michigan in 1972. The purpose of the study was to assess the ability of centrally maintained traffic records to provide data on the frequency of charging and sanctioning at-fault drivers. The study revealed that in Michigan, for the year 1972, the centrally maintained records were inadequate, apparently because of the failure of the courts to report the disposition of cases. The review of accident reports, locally maintained records, and central criminal records resulted in the estimates that: approximately one driver in four who was involved in a fatal crash could have been charged with a felony (manslaughter or negligent homicide); only one in twelve was actually charged; only one in twenty-four convicted of a felony; and of those convicted, only half had their convictions entered on their driving records. Most of the drivers in fatal crashes were summoned for reexamination by the driver license authority. Administrative sanctions, especially license revocation or suspension, were more frequent in the case of at-fault drivers.					
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METRIC CONVERSION FACTORS

Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
in	inches	2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
AREA				
in ²	square inches	6.5	square centimeters	cm ²
ft ²	square feet	0.09	square meters	m ²
yd ²	square yards	0.8	square meters	m ²
mi ²	square miles	2.6	square kilometers	km ²
	acres	0.4	hectares	ha
MASS (weight)				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
VOLUME				
tsp	teaspoons	5	milliliters	ml
Tbsp	tablespoons	15	milliliters	ml
fl oz	fluid ounces	30	milliliters	ml
c	cup	0.24	liters	l
pt	pints	0.47	liters	l
qt	quarts	0.96	liters	l
gal	gallons	3.8	liters	l
ft ³	cubic feet	0.03	cubic meters	m ³
yd ³	cubic yards	0.76	cubic meters	m ³

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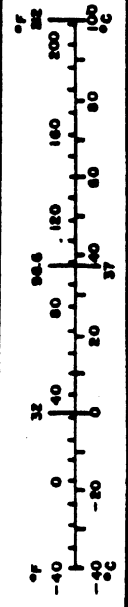
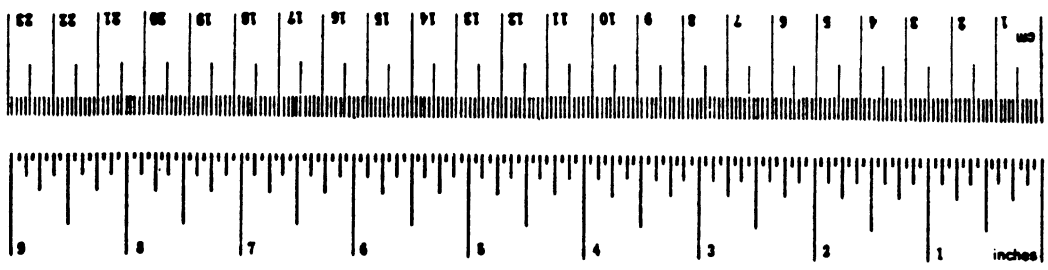
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C
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Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
mm	millimeters	0.04	inches	in
cm	centimeters	0.4	inches	in
m	meters	3.3	feet	ft
mi	meters	1.1	yards	yd
km	kilometers	0.6	miles	mi
AREA				
cm ²	square centimeters	0.16	square inches	in ²
m ²	square meters	1.2	square yards	yd ²
km ²	square kilometers	0.4	square miles	mi ²
ha	hectares (10,000 m ²)	2.5	acres	ac
MASS (weight)				
g	grams	0.035	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	sh
VOLUME				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
l	liters	1.06	quarts	qt
l	liters	0.26	gallons	gal
m ³	cubic meters	36	cubic feet	ft ³
m ³	cubic meters	1.3	cubic yards	yd ³

TEMPERATURE (approx)

°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F
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*1 in = 2.54 (exactly). For other exact conversions and more detailed tables, see NBS Misc. Publ. 286, Units of Weights and Measures, Price \$2.26, SD Catalog No. C13.10:286.

PREFACE

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This is the first in-depth empirical study conducted in any jurisdiction on the extent to which surviving drivers in fatal crashes are charged with manslaughter or negligent homicide and, of those charged, how many convictions occur. The national assumption has been that few are charged and few are convicted. The results of the Michigan study which supports this assumption should encourage jurisdictions to determine if the assumption applies to them, and, if so, to take action to increase the number of charges and convictions.

In Michigan it was found that although one driver in four could have been charged with manslaughter or negligent homicide as a result of fatal crash involvement, only about one out of every twelve was actually charged. Further, it was found that only 27.2 percent or 39 of the 143 known dispositions of manslaughter and negligent homicide charges were convictions of the original charges. Eighteen percent of all drivers charged with manslaughter or negligent homicide were cleared of charges.

Similar to Michigan and prior to the implementation of a negligent homicide project in Multnomah County, Oregon, fatal vehicle accidents were rarely investigated as crimes and virtually never prosecuted by the District Attorney's Office above the level of a traffic ticket. From 1973 to 1978 through the use of Oregon Traffic Safety Commission funds fatal accident investigation and negligent homicide prosecution was strengthened. During this period 611 negligent homicide cases were investigated with 150 prosecutions and only 5 acquittals.

ACKNOWLEDGMENT

This project as a multidisciplinary study necessarily involved the efforts of many individuals and represents their combined work product. The study was designed by Kent B. Joscelyn, who served as project director. William T. Pollock, Ph.D., completed the initial review of the accident records, selected the cases for examination, and coordinated contact with the Michigan Department of State. Paul A. Ruschmann, J.D., conducted and reported the field studies, made the clinical assessments of driver fault, reviewed accident and criminal records, and developed the basic draft of the final report. Daniel Minahan assisted by coordinating the contacts with Michigan State Police. Susan Kornfield assisted in the preparation of the final report and the codification of the data. Murray Greyson, J.D., served as a technical reviewer. James Haney edited the report.

The study was made possible through the cooperation of the Michigan Department of State, the Michigan State Police, and many of Michigan's circuit and District Courts. Particular recognition must be extended to:

Perry Brewington, director, Bureau of Regulation and Licensing Data Center, Michigan Department of State

Michael Miner, assistant director, Bureau of Regulation and Licensing Data Center, Michigan Department of State

Captain Paul J. Ruge, commander, Safety and Traffic Division, Michigan State Police

Captain Alan J. Shaw, commander, Records and Identification Division, Michigan State Police

Appreciation must also be expressed to the National Highway Traffic Safety Administration's Technical Managers, Donald F. Mela and Marvin S. Stephens, who exhibited patience and understanding as the unavoidable delays that plagued this effort occurred. The support of the Highway Safety Programs Committee of the Motor Vehicle Manufacturers Association and its staff, in particular, Nils Lofgren is also appreciated. Gift funds provided to HSRI for development and dissemination of research information were used to fund the costs associated with the tasks performed under this study that were beyond the scope of work of the NHTSA contract.

The principal investigators thank all who assisted.

Kent B. Joscelyn, J.D.
Principal Investigator

Paul A. Ruschmann, J.D.
Principal Investigator

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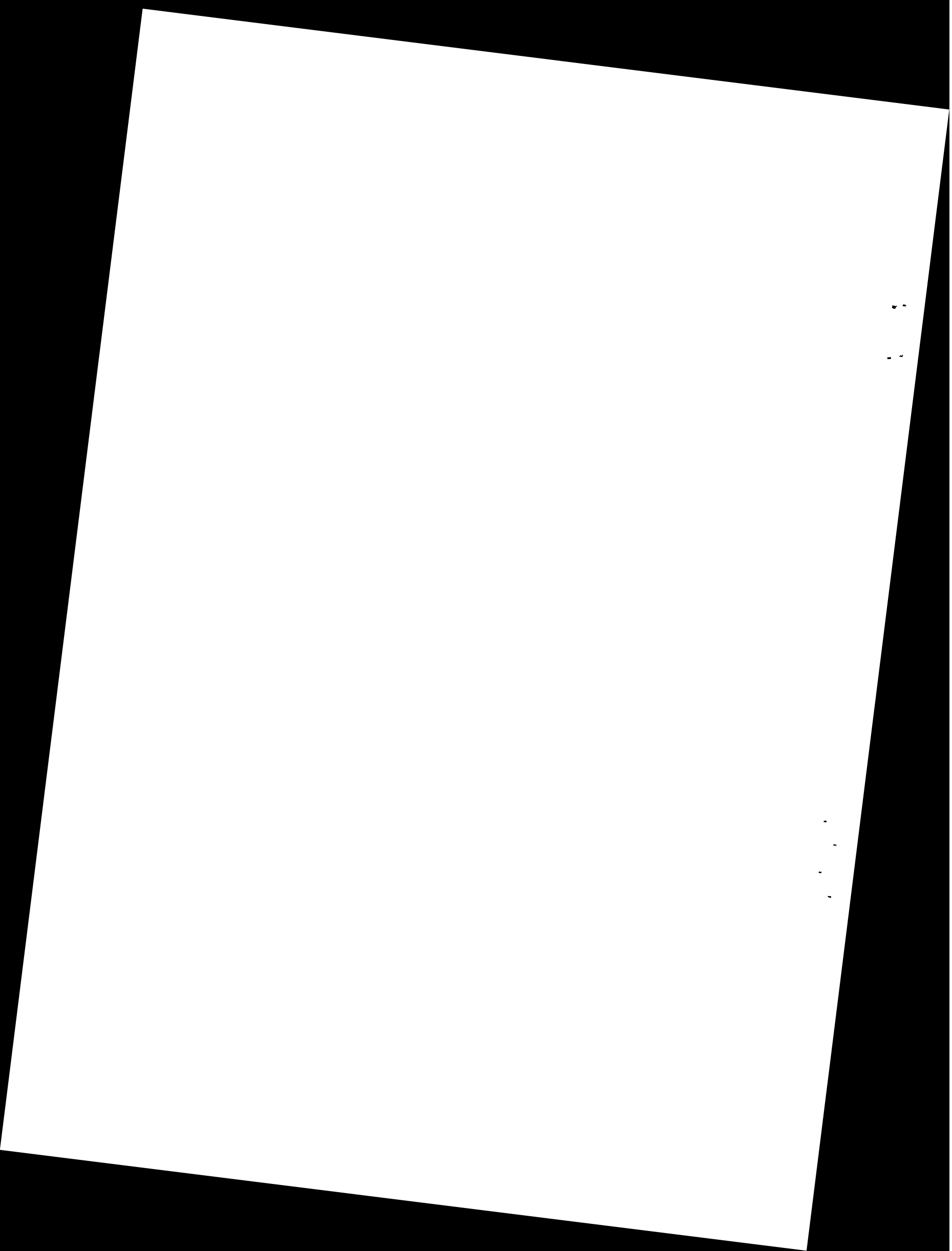
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1.0 INTRODUCTION AND PURPOSE

This is the final technical report of a study entitled, "An Analysis of Legal and Administrative Action Taken Against At-Fault Drivers in Fatal Crashes." This study was undertaken by the Policy Analysis Division of The University of Michigan Highway Safety Research Institute (HSRI) under sponsorship of the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA), pursuant to Task Six under contract number DOT-HS-4-00937. This document constitutes the final work product of Task Six.

A portion of the effort of this study was supported by the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA) through gift funds provided HSRI to support dissemination of research information. NHTSA funds were used to examine existing data files in accordance with the objectives of the base study. MVMA funds were used to support the field studies and prepare a more detailed report.

1.1 Objectives

Several limited empirical studies and general news reports have contended that the Traffic Law System (TLS) has been unjustifiably lenient in its treatment of drivers who through careless or reckless operation of motor vehicles cause serious traffic crashes. Very little objective data, however, have been advanced in support of those contentions. Systematic study of the performance of the TLS in apprehending, prosecuting, adjudicating, and sanctioning these at-fault drivers has so far been minimal.

The two objectives of this exploratory study were to (1) assess state and local TLS record systems, and (2) develop estimates of the frequency with which at-fault drivers are charged, adjudicated, and sanctioned by elements of the TLS.

1.2 Scope and Approach

This exploratory study was limited to examination of four record systems in one state concerned with fatal crashes and the drivers involved in them. The first system examined was the Michigan Fatal File, consisting of microfilmed copies of police accident reports maintained by the Michigan Department of State Police (DSP). The study population of drivers was drawn from this record system.

The second record system consisted of computerized driver records maintained by the Michigan Department of State (DOS).

The third consisted of criminal history files, both manual and computerized, maintained by DSP. These were examined primarily to obtain records of criminal and administrative actions taken against drivers.

The fourth system consisted of public records maintained at courts of record throughout Michigan. These supplemented the other record systems and were examined to obtain records of criminal actions.

Fatal traffic crashes occurring during calendar year 1972 in Michigan were selected as the data base from which the study population was drawn. Fatal traffic crashes were selected because these, as a rule, receive more attention from enforcement and adjudication agencies in terms of both investigative diligence and record keeping. Calendar year 1972 was selected to best accommodate two concerns: first, assuring that enough time had elapsed since the crashes so that judicial and administrative proceedings would have been completed; and second, assuring the availability of automated crash records. Michigan was selected because several record systems relative to Michigan are maintained by HSRI and because other Michigan record systems were made available to HSRI. In addition, Michigan police reports and driver records are considered among the better record systems.

Examination of the Michigan Fatal File provided the set of drivers involved in fatal crashes. Drivers killed in crashes were eliminated from the sample. For each surviving driver the police report was again examined to determine whether that driver had been charged with an accident-causative offense arising out of the fatal crash involvement.

The study population was composed of two sets of drivers. One consisted of drivers charged with accident-causative offenses. The second set was a structured sample drawn from the remaining surviving drivers. Frequencies of criminal and administrative action against drivers in each set were obtained from data contained in the record systems.

As this study progressed, a general trend was noted that convictions for traffic-related felonies were infrequent. Further study was therefore undertaken to gain greater insight into the data. Two special studies were undertaken: the first involved assessment of the presumed legal fault of selected drivers; the second was a limited field study aimed at examining in greater detail the TLS responses to at-fault driving behavior.

1.3 Report Structure

The main substance of this report is presented in five major sections. Section 2.0, BACKGROUND, examines the TLS as an instrument of social control and describes the record systems maintained by TLS elements. Section 3.0, METHODS, explains the selection of the study population, identifies the data sources used, and describes the two special studies. Section 4.0, RESULTS, presents in tabular form the principal findings of this study. Section 5.0, DISCUSSION, compares actual performance as reflected by the data with law-based performance criteria. Section 6.0, CONCLUSIONS AND RECOMMENDATIONS, states conclusions regarding TLS performance, and presents recommendations for future studies.

2.0 BACKGROUND

In this section the Traffic Law System (TLS) is defined and its four first-order functions are set out. Each of these functions, as it relates to the control of dangerous driving behavior resulting in the death of another, is then discussed. The record systems maintained by TLS elements in support of their operations are then described.

2.1 The TLS: Description, Components, and Functions

The TLS may be described as the major formal mechanism relied on by society to control driving behavior. It consists of four first-order functions: law generation, enforcement, adjudication, and sanctioning. Control is exercised by the four TLS functions in a number of ways, one of which is to deter individuals from engaging in dangerous driving. Deterrence is created by threatening those who drive dangerously with punishment, the cost of which is expected to outweigh the expected benefits of their dangerous driving. The ultimate deterrent threat of the TLS is provided through the sanctioning function.

The Michigan TLS is similar to that of other states. It consists of two principal subsystems: the Criminal Justice System (CJS); and an administrative system responsible for the licensing of drivers. These are separate entities but they are interdependent. The following sections discuss the specific tasks carried out by the CJS and the administrative system, and the record systems generated by each in the course of their operations. The four TLS functions provide the framework for discussion.

2.2 Law Generation

Dangerous driving behavior that results in the death of another is a valid subject of social control. This is recognized in laws

defining certain types of unsafe driving behavior and specifying penalties for drivers who engage in them. These laws treat many unsafe driving acts as criminal offenses and also provide for the sanctioning of unsafe drivers by administrative bodies. Laws also facilitate overall TLS operation by establishing record systems relative to driver behavior and official action taken against drivers.

2.2.1 Criminal Laws. Michigan law defines all moving traffic violations as criminal offenses. The great majority of these are treated as misdemeanors, but several traffic-related offenses are classified as felonies. The term "felony" includes offenses which under an unusual provision of Michigan law are labelled "misdemeanors" but are treated in every other respect as felonies; these offenses, for example, are tried in circuit (felony) courts in accordance with rules of procedure governing felony prosecutions.

The two chief felonies arising out of at-fault driving that results in the death of another are manslaughter and negligent homicide. Those two offenses are the chief focus of this study. Other traffic-related felonies include felonious driving and leaving the scene of the fatal accident.

2.2.1.1 Elements of Traffic-Related Offenses. Criminal offenses consist of several elements that must be proved by the state beyond a reasonable doubt to gain a conviction. To convict a driver of manslaughter or negligent homicide, three elements must be established: the death of another; legal fault on the part of the driver; and causation.

Categories of legal fault are known as mental states. These describe the legal effect of a person's decisions with respect to the risk his behavior poses to others. The mental states applicable to driving behavior are the following:

- intent, in which a driver intends, by his dangerous driving behavior, to kill another person;

- gross negligence (recklessness), in which a driver intentionally engages in dangerous driving behavior in disregard of a risk known to him (or so obvious to him that he must have known it), and so great as to make it highly probable that harm would follow; and
- simple negligence (ordinary negligence), in which a driver engages in dangerous driving behavior that creates an unreasonable risk of death or injury to others. "Unreasonable risk" involves acting with a lesser degree of care than a hypothetical "reasonable" person would exercise under similar circumstances; this involves a determination of the severity and likelihood of harm posed by his driving, and his ability to prevent that harm from occurring.

In addition to the death of another and legal fault on the part of the driver there must also exist a direct causal connection between the driver's at-fault behavior and the fatality. For example, speeding is normally considered at-fault driving behavior. If, however, a pedestrian were to dart in front of the speeding vehicle and be fatally struck, it would be the pedestrian's conduct--not that of the driver--that brought about the fatality, and the driver's speeding would not be considered the legal cause.

2.2.1.2 Manslaughter. Manslaughter resulting from at-fault driving is known as involuntary manslaughter. It is an unintentional killing resulting from such unlawful acts as driving while intoxicated, or from gross negligence. It is punishable by maximum penalties of fifteen years' imprisonment, a \$7,500 fine, or both.

2.2.1.3 Negligent Homicide. The difficulty of establishing the degree of negligence sufficient to sustain a manslaughter conviction, combined with public reluctance to sanction a driver so severely for an act regarded by many as likely to happen to anyone, led to the creation of a lesser offense known as negligent homicide. This offense requires only simple negligence, and carries less severe maximum penalties: two years' imprisonment, a \$2,500 fine, or both.

2.2.1.4 Felonious Driving and Leaving the Scene. In addition to manslaughter and negligent homicide in Michigan there are two other traffic-related felonies. The first of these, felonious driving, requires grossly negligent driving that results in disabling injury to another.

Leaving the scene, unlike the three other traffic-related felonies, relates to postcrash behavior and does not require any driver fault causing the crash. In crashes involving death or personal injury, a driver is required to stop, identify himself, and assist in summoning aid for the crash victims. Failure to do so is a felony punishable by maximum penalties of two years' imprisonment, a \$2,000 fine, or both.

2.2.2 Laws Relating to Driver Licensing. Primary authority for driver licensing is vested in the Michigan Department of State (DOS), which has established an administrative system to license drivers, investigate driver competence and fitness, and take remedial action against those who cannot operate a vehicle safely.

DOS is authorized by law to reexamine the fitness of certain drivers whose accident or violation records suggest an inability to drive safely, including any driver involved in a fatal crash. A reexamination is an interview in which a driver's traffic record is evaluated and discussed, and his driving ability assessed. A variety of corrective measures may be taken by DOS following reexamination.

Michigan law provides for mandatory license suspension for drivers convicted of any of the traffic-related felonies discussed in this section. Another provision of law requires a driver to prove his future financial responsibility--either by obtaining liability insurance or by posting a bond--in the event a civil judgment was rendered against and not fully satisfied by him.

2.2.3 Laws Relating to Record-Keeping by TLS Elements. Three provisions of Michigan law mandate the establishment of central record systems relating to TLS activity. The first of these requires police officers to forward to DSP written reports of traffic crashes involving fatalities, injuries, or property damage in excess of \$200. The second provision requires courts of record to forward to DOS abstracts of all convictions for traffic-related offenses. The third requires police agencies to forward to DSP records of felony and certain misdemeanor arrests, imposes a duty on courts or police agencies to inform DSP of the outcomes of those arrests, and requires DSP to maintain records of arrests and subsequent legal proceedings.

2.3 Enforcement

The enforcement function includes investigation of fatal crashes, apprehension of at-fault involved drivers, and collection of data relating to crashes.

A driver may be charged as the result of the fatal crash involvement in either of two ways: first, investigating officers may arrest or cite him for an offense at the crash scene; and second, the prosecuting attorney may either at the request of investigating officers, or independently, seek from the court a warrant for the driver's arrest. In the case of felonies, the act of charging, i.e., issuance of an arrest warrant, may occur days and even weeks after the crash.

2.4 Adjudication and Sanctioning

The adjudication and sanctioning functions include determination of whether prohibited driving behavior had occurred and the ultimate TLS response intended to deter future prohibited conduct. An at-fault driver may, in a given case, be adjudicated and sanctioned by the CJS, the administrative system, or both.

2.4.1 By the CJS. The principal stages of the CJS proceeding include preliminary steps to determine the legal basis for charges brought against the driver, a trial to determine guilt or innocence, and sentencing.

The principal ways of terminating a CJS proceeding before trial are dismissal and plea. Dismissal is a determination of no legal guilt made by the judge or prosecuting attorney, usually because a weak or baseless case exists in support of the charges.

The great majority of convictions are the result of pleas of guilty or nolo contendere rather than verdicts of judges or juries. Sanctions imposed upon convicted drivers include: payment of fines and costs; probation, the terms of which often restrict driving or drinking; and confinement to jail or prison.

2.4.2 By the Administrative System. The principal steps in an administrative proceeding are reexamination and sanctioning. In some instances, especially following conviction of a traffic-related felony, sanctions are imposed directly by force of law; most drivers, however, are brought to the attention of DOS as the result of accident involvement or convictions for traffic-related offenses suggesting an inability to drive safely. These drivers are reexamined and, where appropriate, sanctions are imposed.

Administrative sanctions are aimed at removing unfit drivers from the road and are therefore limited in their effect to driver licensing. These include: mandatory group or individual instruction; referral to county driver safety school; driving restrictions such as travel to and from work; and license suspension or revocation. DOS may, however, choose not to impose any sanctions following reexamination.

2.5 Record Systems Maintained by TLS Elements

Three central record systems contain data relating to TLS activity. Two of them, the Michigan Fatal File and the DOS driver

records, were established for the specific requirements of the TLS; a third, the DSP criminal history files, was established for general CJS use.

A fourth record system, consisting of public records of court proceedings, is maintained locally at courts of record.

2.5.1 Michigan Fatal File. The Michigan Fatal File consists of microfilmed copies of police reports of fatal traffic accidents, made available to HSRI by DSP. The 1972 file was examined in this study to obtain data relating to driver crash involvement, survival, and initial charging by police.

Police accident reports are submitted in accordance with state law by investigating police agencies, using standard forms prescribed by DSP. There were two standard forms used in Michigan in 1972. The first of these, known as the UD-10, was used by police agencies outside the City of Detroit.

In addition to entries identifying the involved drivers and vehicles, noting casualties, and describing the crash itself, the UD-10 contained several boxes in which entries relating to at-fault driving and TLS response appeared. These included:

- the "hazardous violation" box, noting driving behavior deemed by investigating officers to have contributed to the crash, whether or not charges were brought;
- the "police action" boxes, noting whether any charges were brought against the involved drivers, and if so, whether those charges involved hazardous (accident-causative) driving behavior;
- the "charge" box, specifying the charges brought against the involved drivers; and
- the "charging status" boxes, noting whether the crash investigation had been closed or remained open.

The form used by the Detroit Police Department provided essentially the same information as did the UD-10, but with minor differences in format.

Some police reports contained in the Michigan Fatal File, especially those submitted by Michigan State Police posts, were accompanied by narrative supplements. Some of these supplements carried entries noting subsequent TLS action, including final CJS dispositions.

2.5.2 DOS Driver Records. DOS maintains for every driver licensed in Michigan, and for every unlicensed resident involved in a crash or convicted of a traffic-related offense, a computerized driver record. Three main categories of entries appear on these records:

- crash involvement entries, which include the date and place of the crash, and the number of casualties;
- conviction entries, which include in addition to the offense and date of conviction, the date and place of the driver's arrest or citation; and
- DOS action entries, which describe the action taken, and its effective dates (i.e., length of license suspension).

2.5.3 DSP Criminal History Files. DSP maintains criminal history files of persons convicted of criminal offenses in Michigan. These files, which are both computerized and manual, consist of arrest and disposition records submitted to DSP in accordance with state law by police agencies and courts of record.

Not every arrest and disposition can be found in these files. Arrest records of acquitted suspects without prior criminal histories are expunged; and arrests for minor offenses--including traffic-related misdemeanors--often are either omitted or placed into a general category called "Traffic Offenses." The criminal history file contains two main types of data: first, the date of arrest, the arresting agency, and the initial charge; the second, the final CJS disposition including (in cases of conviction) the sentence.

2.5.4 Court Records. CJS proceedings in Michigan are conducted in one of two court systems: circuit (felony) courts; and district (misdemeanor) courts. Public records of all cases are maintained by the clerk of the court that heard the case, normally the court for the circuit or district in which the crash took place.

Court records include: the charge brought against the driver; a chronology of court proceedings in that case; motions made by both sides; testimony taken at key stages of the case; and the final disposition.

2.6 Limitations of the Data Sources

The data developed in this study, especially the frequency data relating to charging and to final dispositions, were obtained from the record systems discussed in the previous section. Limitations of these record systems are discussed in the following sections.

2.6.1 Michigan Fatal File. Police reports of fatal traffic crashes were used for a variety of purposes in this study, including selection of the study population, identification of charged drivers, and determination of apparent driver chargeability.

The Michigan Fatal File reports proved adequate for determination of driver involvement and survival, the initial steps in selection of the study population. They were, however, somewhat deficient for several other purposes.

First of all, about one-fifth of the police reports on file involved "open" cases (in which the police report noted an investigation was still in progress) and cases in which it could not be concluded from the police report that the investigation had been closed. In each of those cases, felony charges could have been brought following submission of the police report. Some "open" cases, as well as two cases that apparently were closed, did result in felony charges that were not noted on police reports; it follows that an unknown number of other cases might have involved felony charges that were not disclosed by the available record systems.

A second limitation involved misplaced, incomplete, and missing charging data. This limitation resulted in more than one-sixth of the initial charges having to be determined by inference from available information appearing on the police report. The most common irregularity was the apparent placement of charging data in the "Hazardous Action" box rather than the "Charge" box (see section 2.5.1). Charging data were especially difficult to obtain from reports submitted by the Detroit Police Department: in some cases the entire back page (which contains the "Charge" box) was omitted from the Michigan Fatal File; in others, misdemeanor traffic charges were referred to by Detroit Traffic Code citations rather than by name.

Finally, narrative descriptions and crash scene diagrams accompanying some police reports were incomplete or misleading.

2.6.2 DOS Driver Records. Driver records maintained by DOS were examined primarily to obtain final CJS and administrative system action against drivers. It was assumed that these records, being so widely used by TLS elements, would provide the most complete disposition data of the four record systems.

Driver records were available for between eighty-five and ninety percent of the members of both sets. Some of the missing records involved residents of states other than Michigan for whom DOS keeps no driver records; among Michigan drivers the percentage of available records exceeded ninety-five percent.

The completeness and accuracy of the administrative disposition data could not be determined because there was no collateral source for comparison.

Serious discrepancies, however, were discovered between CJS disposition data appearing on driver records and combined disposition data appearing on all four sources. The limitation of driver records appeared especially serious with regard to felony convictions; fewer than half of the recorded manslaughter or negligent homicide convictions were entered on the respective driver records.

2.6.3 DSP Criminal History Files. DSP criminal history files were examined primarily to obtain felony charges and convictions that were not recorded on the other data sources. It was not anticipated that misdemeanor traffic offenses would be recorded with any consistency on these files.

DSP files were the sole source of approximately ten percent of the felony charges, and fifteen percent of the felony convictions, obtained from the four record systems combined.

As was the case with the DOS driver records, however, serious discrepancies were discovered between CJS disposition data appearing on DSP files and combined disposition data appearing on all four records. Again, fewer than half of the recorded manslaughter or negligent homicide convictions were entered on the respective criminal history files.

2.6.4 Court Contacts. The disposition of every case involving an initial charge of manslaughter or negligent homicide was sought through accident report supplements, DOS driver records, and DSP criminal history files. These three sources combined provided about three-fourths of the case dispositions. In the remaining cases it was necessary to contact the appropriate court of record to obtain the final disposition.

The appropriate court was usually the circuit court covering the county in which the crash occurred; in Detroit, the appropriate court was Recorder's Court. The courts for Detroit and surrounding Wayne County were contacted in person; courts elsewhere in Michigan were contacted by telephone. Some of these contacts had been made earlier in connection with the fourteen field studies to be discussed in Sections 3.2.5 and 3.3.2.

Nearly forty-five percent of the missing dispositions were obtained through in-person or telephone contacts with courts. Most of the cases for which information could not be obtained involved crashes in Detroit or Wayne County. Recorder's Court, the felony

court for the city of Detroit, was unable to provide any data on the dispositions sought in connection with this study.

2.6.5 Information Transfers Within the TLS. The chief record system relied on by elements of the TLS is the driver record system, which is described in section 2.5.2. Driver records are assembled from several sources, including DSP, courts of record, and DOS itself. Their completeness and accuracy largely depend upon how well information is transferred from these sources to DOS headquarters.

Entries relating to administrative action by DOS are transmitted by the DOS unit that took action to the DOS unit responsible for maintaining the driver records. More than eighty percent of the driver records of members of the charged and reference sets indicated that some kind of administrative action had been taken. Of those records carrying no entries reflecting administrative action, most were believed to reflect DOS decisions not to take action, rather than failure by DOS to report the actions it had taken. There being no collateral source of administrative disposition data against which the DOS records could be compared, the completeness and accuracy of driver records cannot be measured. It is believed, though, that between 90 and 100 percent of the driver records correctly reflected administrative dispositions.

Entries reflecting final CJS action are transmitted by courts of record to DOS. Under Michigan law only convictions of traffic-related offenses are required to be forwarded, and only convictions of those offenses appear on driver records. Even so, driver records reflected less than half the manslaughter and negligent homicide convictions that were obtained from the four record systems combined. In a few cases, the disposition that was recorded on the driver record differed from the disposition entered in the court records for that particular driver.

Three factors suggest that courts may be responsible for the failure of convictions to appear on driver records. First, traffic-related felonies make up a small part of the caseload of circuit (felony) courts. There are fifty-one such courts in Michigan, and these together handle no more than 200 such felony cases per year. The relative rarity of these cases might result in inattention to, or unawareness of, reporting requirements on the part of court personnel. Second, DSP criminal history files recorded an even lower percentage of felony dispositions than did the DOS driver records. Since one entity charged with reporting such data is the court system, it may be assumed that courts are partially responsible for nonreporting of such data. This in turn suggests failures by courts to report the same data to DOS. Third, other data--crash involvement and DOS action--appear much more regularly on driver records than do convictions, even though they, too, are usually submitted by local authorities.

3.0 METHODS

This section describes how the study population was selected, how TLS records were analyzed, and how two special studies of selected cases were conducted.

3.1 Selection of the Study Population

The population of cases selected for this study consisted of 1,997 fatal traffic crashes that occurred in Michigan during calendar year 1972. Microfilmed copies of the police reports of those crashes contained in the Michigan Fatal File were examined for driver crash involvement, survival, initial charges, and whether investigation of the crash had been closed.

3.1.1 Identification of Drivers Involved in Fatal Crashes.

Names of all drivers involved in fatal traffic crashes were obtained from the police reports. In 1972 there occurred a total of 1,997 fatal crashes in which 2,259 persons were killed. Analysis of police reports from those crashes revealed that 2,909 drivers were involved.

3.1.2 Identification of Surviving Involved Drivers. Drivers who died in crashes and therefore could not be affected by any deterrent effects of TLS activity were removed from the study population. Of the 2,909 involved drivers, 548 were shown by police reports to have died in crashes. Elimination of the deceased drivers reduced the study population to 2,361 surviving involved drivers.

3.1.3 Identification of Charged Drivers. Police reports were examined to determine whether any involved surviving drivers had been charged with traffic-related offenses arising out of the fatal crash involvement. Examination of police reports showed that 300 drivers had been charged, or were highly likely to have been charged, with some offense arising out of their crash involvement.

Some of the 300 cases, however, involved offenses relating to conduct having no relation to precrash driver fault; these offenses included leaving the scene, which relates to postcrash behavior; and licensing, registration, and insurance violations. Because these offenses were not accident-causative, drivers charged with them did not properly belong with those charged with hazardous precrash driving behavior. A total of twelve drivers were charged with offenses not classified as accident-causative; their elimination reduced the "charged" driver set to 288 members.

3.1.4 Classification of Drivers in the Charged Set. Members of the charged driver set were placed in one of three categories, depending on whether felony charges, i.e., manslaughter, negligent homicide, or felonious driving, were brought. The first category, Drivers Charged with Felonies, consisted of all drivers charged at some stage with one of the three traffic-related felonies.

The second category, Drivers Charged with Misdemeanors, Felony Charges Possible, consisted of drivers charged with misdemeanors in cases where it could not be concluded that the crash investigation was closed. In each of these cases the possibility existed that further investigation leading to felony charges would take place.

The third category, Drivers Charged with Misdemeanors Only, consisted of drivers charged with misdemeanor traffic offenses in cases where the crash investigation had apparently been closed by the investigating police agency. The determination whether an investigation had been closed was made from all available information appearing on the police report.

3.1.5 Construction of the Reference Set of Drivers. In recognition of the fact that police reports do not fully reflect TLS response to at-fault driving, a sample was taken among surviving involved drivers apparently not charged with accident-causative offenses to determine the frequency of criminal and administrative action against them.

A total of 2,073 surviving drivers were apparently not charged with accident-causative offenses arising out of their fatal crash involvement. This group of drivers was too large to be examined for charges and dispositions in the same manner as was the charged set, so a structured sample of drivers was taken. Every tenth accident report was selected and reports of crashes having no surviving drivers or charged surviving drivers were eliminated. A total of 253 drivers were selected. The purpose of the sampling process was to obtain a smaller and more manageable driver set which at the same time was representative of all drivers in this group. Since the derived set was a representative sample, findings obtained from it could be extrapolated over the entire group of drivers; the extrapolated results could, in turn, be used to develop data relative to the entire study population.

This reference set consisted of three classes of drivers: those clearly not at fault; those who, according to police reports, were not charged with accident-causative offenses; and those in which the crash investigation had not been closed by investigating police agency, although it appeared from the police reports that further action was unlikely.

3.1.6 Classification of Drivers in the Reference Set. Drivers placed in the reference set were assigned to categories depending on whether felony charges had been brought, or the possibility existed that they would be brought.

The first category, Drivers Charged with Felonies, consisted of drivers who according to police reports were not charged with felonies, but who were identified by collateral sources as having been charged.

The second category, Drivers Not Charged with Felonies, Felony Charges Possible, consisted of two classes of drivers: drivers in cases in which the crash investigation was noted as still "open"; and cases in which it could not be concluded that the investigation

had been closed. In each of these cases the possibility existed that further investigation leading to felony charges would take place. This possibility was believed to be remote, however, in contrast to the somewhat similar cases placed in the charged set.

The third category, Drivers Not Charged with Felonies, Closed Cases, consisted of three classes of drivers: those charged with offenses other than accident-causative, including leaving the scene; those not charged following a crash investigation closed by the investigating police agency; and those in which an involved driver was, on the basis of information appearing on the police report, clearly not at fault.

3.2 Examination of Data Sources

Data dealing with initial charges and final CJS and administrative dispositions were obtained from the four record systems described in Section 2.5. The principal source of initial charging data was the Michigan Fatal File, the use of which was described in Section 3.1. The chief sources of CJS disposition data were DOS driver records, DSP criminal history files, and direct contacts with courts of record. Administrative disposition data were obtained from a single source, DOS driver records. Some overlap among these files was discovered in the course of this study.

3.2.1 Michigan Fatal File. This data source and its employment to obtain initial charging data are described in Section 3.1.

3.2.2 DOS Driver Records. Available DOS driver records for the entire set of charged drivers, and the entire set of reference set, were examined. Entries relating to action by the CJS, namely convictions for traffic-related offenses arising out of the drivers' fatal crash involvement, were recorded. Entries relating to administrative action by DOS, stemming from the fatal crash and events arising out of it, were similarly recorded.

DOS driver records could not be examined for two classes of drivers: residents of states other than Michigan; and Michigan residents for whom no record was available, presumably due to the driver's death or departure from Michigan, or some unknown system error.

3.2.3 DSP Criminal Histories. Available DSP criminal histories for the entire charged driver set, and for the entire reference set, were examined. Arrests for traffic-related offenses arising out of the drivers' fatal crash involvement, and CJS dispositions of those charges, were recorded. The information obtained here supplemented initial charging data from the Michigan Fatal File, and CJS disposition data from DOS driver records, respectively.

3.2.4 Direct Contact with Courts of Record. In every case in which a felony charge was brought, but the disposition of the charge was not available from record systems, the appropriate court of record was contacted to obtain the missing disposition data. Court contacts were not made to obtain missing dispositions of misdemeanor charges.

3.2.5 Field Studies. Fourteen drivers charged with felonies were selected from the charged driver set for in-depth study of the CJS proceedings brought against them. Data obtained from physical searches of court records were combined with available record system data to develop narrative accounts of each case. These will be discussed further in Section 3.3.2.

3.2.6 Data Overlap Among Record Systems. In the course of this study two areas of overlap among the data were found. The first of these involved the appearance of multiple entries relating to the same charge or disposition, such as a manslaughter conviction appearing on the DOS driver record and DSP criminal history file for a given driver.

The second area involved the appearance of charging or disposition data outside their principal sources. As noted in Section

2.5.1, some police reports were accompanied by narrative supplements that contained CJS disposition data. On the other hand, some initial charges not appearing on police reports were entered on DSP criminal history files; still other initial charges were inferrable from the appearance of felony convictions on DOS driver records.

3.3 Special Studies

Two special studies were undertaken to gain greater insight into the data developed by the methods outlined in Section 3.2; these were an assessment of the presumed legal fault of selected drivers, and an in-depth field study of CJS proceedings.

3.3.1 Assessment of Driver Fault. In recognition of the likelihood that some drivers who engage in dangerous driving behavior resulting in the death of another are not charged, or are charged with offenses less serious than those prescribed by law, the presumed legal fault of a sample of drivers was determined.

From both the charged driver set and the reference set, one-in-five driver samples were drawn. The police report for each selected case was reviewed by an attorney, and a subjective estimate was made of the driver's level of presumed legal fault, based on all available information appearing on the report. The purpose of this procedure was not to determine the guilt of any driver, but rather to identify cases in which CJS action to determine guilt or innocence was believed to be warranted. The standard applied in determining legal fault was one of probable cause; if there existed a reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves, to warrant a cautious person's believing the involved driver to be guilty of a traffic-related felony, then that driver was presumed to be at fault--and therefore chargeable--with that offense.

The probable-cause requirement for charging a driver with a traffic-related felony is less stringent than the requirement of proof beyond a reasonable doubt for conviction of such an offense.

A driver chargeable with an offense, therefore, is not necessarily guilty of that offense.

Drivers in each subset were classified as follows: Chargeable with Manslaughter; Chargeable with Negligent Homicide; Not Chargeable; and Unable to Determine.

3.3.2 Field Studies. The field studies outlined in Section 3.2.5 were aimed at gaining greater insight into TLS response, through the CJS, to at-fault driving resulting in fatal crashes.

Fourteen cases arising out of fatal crashes in southeastern Michigan, in which the involved driver was charged with a felony, were selected for study. Court files of the CJS proceedings in each of these cases were physically searched, and all details relating to CJS action, and to the facts and circumstances surrounding the crash, were noted. In some cases, law enforcement and court personnel were interviewed. These data were combined with those appearing on police reports and DOS driver records and reduced to narrative summaries, which are contained in Appendix A to this report.

The case selection method for these field studies was not a sampling approach; the case studies are therefore not statistically representative. The findings of the study taken as a whole, however, do not suggest that these case studies are atypical. Thus, the case studies are viewed as useful illustrations of TLS action.

4.0 RESULTS

As indicated in the previous section, examinations of available record system information and the two special studies were conducted to develop a data base from which the adequacy of the TLS response to at-fault driving and the manner in which the TLS disposed of such cases could be estimated. The results of those examinations and special studies are summarized here.

4.1 Charging of Involved Drivers

Charging data for involved drivers were obtained from the Michigan Fatal File, DOS driver records, and DSP criminal history files. Because examination of felony charge dispositions was necessary to the aims of this study, charged drivers from both the charged and reference sets were combined and analyzed as one group. Combined charging data from these record systems for the charged driver set and for the reference set are summarized in Table 4-1. Individual case data upon which these summary tables are based are contained in Appendices B and C.

4.1.1 Categories of Charges. For the purposes of this study, charges were organized into five categories:

Felonies, consisting of manslaughter, negligent homicide, and felonious driving.

Class A Misdemeanors, consisting of offenses or combinations of offenses indicating a reckless or grossly negligent mental state. Such a mental state coupled with a death resulting from a crash could result in a manslaughter charge.

Class B Misdemeanors, consisting of offenses or combinations of offenses indicating a negligent mental state. Such a mental state coupled with a death resulting from a crash could result in a negligent homicide charge.

Drinking/Driving Offenses, consisting of the two alcohol-related charges recognized by Michigan law: driving under the influence of alcohol (DUIL) and the lesser offense of driving while impaired (DWI). Neither offense by itself

TABLE 4-1
SUMMARY OF CHARGES

<u>Charge</u>	<u>Number of Drivers</u>	
	<u>Charged Driver Set</u>	<u>Reference Set</u>
Felonies:		
Manslaughter	69	1
Negligent Homicide	94	2
Felonious Driving	4	
Misdemeanors:		
Class A Misdemeanors		
Reckless Driving	11	
Left of Center/Careless Driving	1	
Class B Misdemeanors		
Failure to Signal		1
Speed Violations (speed too fast or violation of basic speed law)	18	
Failure to Yield	25	
Driving Left of Center	16	
Careless Driving	16	
Disobey Traffic Control Device or Stop Sign	12	
Improper Passing	2	
Improper Turn	2	
Improper Start	1	
Leaving Curb Without Safe Observation	1	
Equipment Violations	1	
Improper Parking	1	
Riding Snowmobile on Shoulder	1	
Drinking/Driving Violations (DUIL or DWI)	9	
Unspecified Hazardous Violations	4	
Not Charged With Accident-Causative Offenses		249
TOTAL	288	253

indicates negligence; however, drinking is a factor leading to the determination of a driver's mental state.

Unspecified Hazardous Violations, consisting of cases in which the police report indicated the driver was cited for a hazardous violation, but did not specify the charge.

In some instances multiple charges were brought against individual drivers. In those cases only the most serious charge was counted in the totals; less serious offenses and offenses which were not accident-causative, including leaving the scene, were omitted from the count.

4.1.2 Sources of Charging Data. The principal source of the charging data was the Michigan Fatal File, in which 143 of the total of 170 felony charges were identified for both the charged driver set and the reference set. Charging data were generally obtained from police reports and, when available, from supplements to these reports. In some instances, charging data were incomplete or were entered in inappropriate places on police reports. In those cases it was necessary to infer the actual charges from all information appearing on the report.

DSP criminal files revealed nineteen additional cases in which manslaughter or negligent homicide charges had been brought. These nineteen cases included three charges--one of manslaughter and two of negligent homicide--against drivers in the reference set.

Eight more cases from the charged driver set were identified in the DOS driver records and the DSP criminal history files in which there were record entries of manslaughter or negligent homicide convictions but no entries indicating felony charges for these drivers. These cases plus the nineteen cases identified in the DOS criminal history files were added to the set of felony charges developed from the Michigan Fatal File.

4.1.3 Open Cases. In a number of cases involving drivers in both sets, it is possible that felony charges not evident from the records might have been brought. These were identified in the records as "open" cases; that is, the crash investigations were

apparently still open at the time the respective police reports were submitted to DSP. Of the 288 members of the charged set, 48 misdemeanor charges involved cases in which the crash investigation had not yet been closed. Of the 253 members of the reference set, 34 cases were still open at the time that the respective reports were submitted, and in another 23 cases it could not be determined whether the crash investigations had been closed. In 105 cases in both driver sets, therefore, it is possible that felony charges were subsequently brought against each of the respective drivers as a result of further police investigations.

4.2 Final CJS Dispositions

4.2.1 Cases Involving Felony Charges. Final disposition data were obtained from DOS driving records, DSP criminal history files, available supplements to police reports, and, when necessary, contact with the courts of record. Available record system data provided disposition information for 148 of the manslaughter, negligent homicide, and felonious driving cases. Such information was not available in 22 cases. The three felonious driving dispositions were dropped from the disposition counts and not analyzed further. Felonious driving, as previously noted, is an appropriate charge when at-fault driving results in serious injury, not death. Thus, such a charge is legally inconsistent in the case of a fatal crash. In two other cases the at-fault driver died before trial. Those cases were also dropped from the disposition counts, leaving 58 manslaughter and 85 negligent homicide cases to be analyzed.

As with the charging data, some dispositions included convictions of multiple offenses. In those cases only convictions for the most serious offenses were counted in the totals; less serious offenses and offenses that were not accident-causative including leaving the scene, were omitted from the count.

Dispositions of the manslaughter and negligent homicide cases are summarized in Table 4-2 for both the charged and reference set of drivers. Included in this table are the number and type of each disposition in each set of drivers and the percentage of each disposition with respect to all known dispositions involving the same charge.

TABLE 4-2
CASES INVOLVING MANSLAUGHTER AND NEGLIGENT HOMICIDE CHARGES

Dispositions	Members of Charged Set		Members of Reference Set	
	Number of Drivers	Percent of Totals	Number of Drivers	Percent of Totals
Convictions:				
Felonies				
Manslaughter	4	6.9		
Negligent Homicide	33	57.0	35	41.1
Attempted Negligent Homicide	1	1.7		
Felony Driving	1	1.7		
Class A Misdemeanors:	4	6.9	12	14.1
Class B Misdemeanors:	2	3.5	14	16.5
Drinking/Driving Offenses:	4	6.9	2	2.4
Other Offenses:	1	1.7	1	1.2
Other Dispositions:				
Dismissed	5	8.6	10	11.8
Acquitted	2	3.5	10	11.8
Driver Treated as Juvenile	1	1.7	1	1.2
TOTALS	58	100.0	85	100.0

4.2.2 Cases Not Involving Felony Charges. Of the drivers in the charged and reference sets against whom felony charges apparently were not brought, 312 dispositions were identified from available

record systems. Records were not available for 59 drivers who were charged with non-felony violations. The number and types of each disposition within this group for the combined sets of drivers are summarized in Table 4-3.

TABLE 4-3
COMBINED CHARGED AND REFERENCE SETS
Final CJS Disposition of Cases
Not Involving Felony Charges

Disposition	Number of Drivers
Convictions:	
Class A Misdemeanors	12
Class B Misdemeanors	38
Drinking/Driving Offenses	7
Other Violations	3
Other Dispositions:	
Dismissed	3
Never Charged With Accident	
Causative Offenses	249
TOTALS	312

4.3 Final Administrative Dispositions

Administrative disposition data were obtained from DOS driver records for 257 charged drivers and 211 drivers from the reference set. Out-of-state drivers, from whom DOS keeps no driver records, accounted for part of the missing records. Of the 257 charged drivers, one voluntarily surrendered his license and that case was not included in the totals. A summary of the remaining administrative dispositions is presented in Table 4-4. Included in this table are the number and type of each disposition, and the percentage of drivers receiving that disposition within each set.

TABLE 4-4
SUMMARY OF ADMINISTRATIVE DISPOSITIONS

Dispositions	Members of Charged Set		Members of Reference Set	
	Number of Drivers	Percent of Totals	Number of Drivers	Percent of Totals
Administrative Sanctions:				
Revocation	99	38.7	13	6.2
Suspension	40	15.6	15	7.1
Driving Restrictions Imposed	2	0.8	1	0.5
Referred to County Driver Safety School	11	4.3	2	0.9
Special Instructions Given			2	0.9
Other Dispositions:				
Reexamination, no sanctions	73	28.5	128	60.7
No Administrative Action	30	11.7	50	23.7
	256	100.0	211	100.0

Cases were found in which the driver record contained no entry reflecting any DOS action. It is assumed that the absence of such an entry reflected a decision on the part of the DOS not to take any action, and that these cases reflected final administrative dispositions rather than missing data.

4.4 Special Studies

Two special studies were conducted in the course of this study. In the first of these, police reports of crashes involving selected drivers from each set were examined to assess the presumed legal fault that could be attributed to those drivers. In the second, fourteen cases were selected from the charged driver set for in-depth study of the CJS proceedings involving the respective drivers.

4.4.1 Assessment of Driver Fault. For this special study, fifty-five charged drivers and forty-nine drivers from the reference set were selected by choosing every fifth driver. As described in Sections 3.2.5 and 3.3.2, police reports of crashes involving these drivers were examined by an attorney to determine what charges could have been brought against them. Determinations of the chargeability of each driver and the reasons supporting those determinations are presented in Appendices D and E. Summaries of the chargeability determinations derived from the appendix material are presented in Table 4-5 for each set of drivers.

TABLE 4-5
SUMMARY OF DETERMINATIONS OF CHARGEABILITY

Level of Legal Fault	Members of Charged Set		Members of Reference Set	
	Number of Drivers	Percent of Totals	Number of Drivers	Percent of Totals
Manslaughter	19	34.6	0	0.0
Negligent Homicide	35	63.6	7	14.3
No Legal Fault	0	0.0	40	81.6
Not Determinable	1	1.8	2	4.1
TOTALS	55	100.0	49	100.0

4.4.2 Field Studies. Fourteen cases involving drivers charged with felonies were selected from the charged driver set for in-depth study of the CJS proceedings involving the respective drivers. The purpose of this study and the methods used in conducting it are described in Section 3.3.2. Narrative accounts of these cases, developed from the examination of court records and other record system information, are contained in Appendix A.

The initial charges, final CJS dispositions, and final administrative dispositions of each of the cases investigated are summarized in Table 4-6.

TABLE 4-6
IN-DEPTH STUDY OF FOURTEEN CASES
SUMMARY OF CHARGES AND DISPOSITIONS

Driver Code And Case Number	Initial Charge(s)	Final CJS Disposition	Final Administrative Disposition
A 041	Manslaughter	Negligent Homicide	Revocation
B 040	Manslaughter	Negligent Homicide	No Record Entry
C 144	Negligent Homicide	Dismissed Following Mistrial*	Reexamination
D 102	Negligent Homicide and Leaving the Scene	Not Guilty of Leaving the Scene; Negligent Homicide Dismissed*	Reexamination
E 104	Negligent Homicide	Reckless Driving	Revocation
F 026	Manslaughter and Leaving the Scene	Negligent Homicide and Leaving the Scene*	Revocation
G 031	Negligent Homicide	Attempted Negligent Homicide*	Reexamination
H 034	Manslaughter	Attempted Felonious Driving+	Reexamination
J 033	Manslaughter	Negligent Homicide*	Revocation
K 127	Negligent Homicide	Reckless Driving	Revocation
L 153	Negligent Homicide	Dismissed*	Reexamination
M 042	Manslaughter and Leaving the Scene	Dismissed*	Suspension
N 050	Manslaughter	Negligent Homicide*	No Record Entry
P 044	Manslaughter and Leaving the Scene**	Leaving the Scene	Reexamination

- * Disposition not recorded on DOS driver record. Michigan law requires all convictions of traffic-related offenses to be forwarded by courts of record to DOS. Dismissals and verdicts of not guilty are not required to be forwarded.
- + Disposition incorrectly recorded on DOS driver record as a conviction for felonious driving.
- ** Accident report notes only the former charge; DSP criminal history file notes both charges.

5.0 DISCUSSION OF RESULTS

5.1 Introduction

This exploratory study was intended to provide initial insight into TLS performance with regard to at-fault drivers involved in fatal traffic crashes. Evaluation of the TLS is based on the assumption that society has, through the enactment of appropriate laws, established criteria for system performance with respect to those who engage in dangerous driving behavior. These criteria encompass not only system response to instances of at-fault driving, but also such functions as the transfer of information among components of the system.

The most important law-based performance criterion is reflected in the criminal statutes dealing with manslaughter and negligent homicide. These provisions define at-fault driving behavior resulting in the death of another as criminal and prescribe sanctions for those who engage in such behavior.

When an at-fault driver in a fatal crash is not charged or is incorrectly charged, there exists a prima facie of inconsistency between actual TLS performance and law-based performance criteria. Incorrect charges include instances when a driver is charged with a lesser or different offense, such as felonious or reckless driving. The elements of those offenses, when coupled with a death, support a charge of manslaughter or negligent homicide. Felony charges that are disposed of by a conviction for lesser offenses are legally inconsistent with the fact that a death occurred. In essence, proof of the lesser offense plus the death resulting is the proof necessary to sustain a conviction for manslaughter or negligent homicide. The prima facie inconsistency that such charges and dispositions present in the case of a fatal crash is obvious.

Unlike charging and disposition data that were obtained from record systems, the presumed legal fault or chargeability of drivers was not directly obtainable from available record systems. Rather, such determinations were the product of subjective judgments made from available data that were not always complete or wholly accurate. Comparison of driver chargeability data with TLS performance data therefore provides only a gross indication of possible inconsistency between actual performance and law-based criteria.

A second law-based performance criterion concerns administrative response to at-fault driving. Criteria reflected in laws relative to DOS might appear clear and objective, but they are not. Except for the limited number of grounds for mandatory license suspension, Michigan law makes administrative action discretionary. Reexaminations are authorized for several specific classes of drivers, including all those involved in fatal traffic crashes. DOS, however, is not required to reexamine all drivers in those classes, nor is it required to take any specific action following reexamination of a specific driver. In the case of administrative action, performance consistent with law-based criteria would be reflected by increasingly frequent reexaminations and sanctions as the level of driver fault increases.

The third performance criterion concerns the quality of records maintained by TLS components. The most important of these systems, because of its widespread use and multiple functions, is the system of driver records maintained by DOS. This system contains information provided by three sources: DSP, which supplies traffic crash data obtained from police accident reports; courts of record, which forward abstracts of traffic convictions; and DOS itself, which enters data relating to administrative actions. The first two sources supply information in accordance with Michigan law (see Section 2.2.3). Performance consistent with law-based criteria could be reflected by the appearance on driver records of entries noting all fatal crashes and all convictions of traffic-related offenses.

The purpose of this section is to discuss the results obtained from the examination of available record systems, and to compare actual TLS performance with the law-based performance criteria discussed above. Three areas in particular are examined: felony charging; criminal dispositions; and administrative dispositions.

5.2 Felony Charging

5.2.1 Extrapolation of Charging Data to Total Study Population. Using results obtained from the charged driver set and the reference set, charging data were estimated for the total study population. A two-step process was used. First, the charging data for the 253 drivers in the reference set were projected over the total population of 2073 drivers not charged with accident-causative offenses. Second, these projected figures were then added to the figures obtained for the set of 288 charged drivers. This procedure yielded estimates of 77 manslaughter and 110 negligent homicide charges that were likely to have been brought against drivers from the total study population. Thus, it is estimated that approximately eight percent of the surviving drivers of 1972 fatal crashes were charged with manslaughter or negligent homicide.

5.2.2 Extrapolation of Driver Chargeability Data to Total Study Population. The special study to determine driver chargeability revealed that approximately 98.2 percent of the selected drivers from the charged set and 14.3 percent of those from the reference set could have been charged with manslaughter or negligent homicide. Projections of the 98.2 percent figure over the charged driver set and the 14.2 percent figure over the reference set revealed that approximately 283 drivers out of the charged set and 36 drivers out of the reference set could have been charged with felonies. When these figures were extrapolated over the total study population, it was estimated that 579 drivers out of the total study population of 2361 drivers could have been charged with felonies, a number that is equivalent to 24.5 percent of the study population. Of the estimated

579 drivers that could have been charged with felonies, 100 or 17.3 percent were believed to be chargeable with manslaughter, and 479 or 82.7 percent with negligent homicide. Thus, it is estimated that approximately 25 percent of the surviving drivers of 1972 fatal crashes could have been charged with manslaughter or negligent homicide.

5.2.3 Comparison of Actual TLS Performance with Law-Based Performance Criteria. Projections derived from charging data reported in Section 4.1 revealed estimated totals of 77 manslaughter and 110 negligent homicide charges for the entire study population. These figures, when compared with the estimated number of drivers who could have been charged with each of the felonies, reveal that 77 percent of the drivers chargeable with manslaughter and only 23 percent of the drivers chargeable with negligent homicide were so charged.

These estimates indicate that although one driver in four could have been charged with manslaughter or negligent homicide as a result of a fatal crash involvement, only about one out of every twelve was actually charged. This low proportion of chargeable drivers who were actually charged with felonies suggests inconsistent TLS performance with regard to charging. It is possible that if the final dispositions of all "open" cases had been determined, a few additional manslaughter or negligent homicide cases would have been found. However, even if a few additional felony charges were discovered, the proportion of charged drivers would continue to be so small as to suggest inconsistency.

5.3 Dispositions of Felony Charges

Of the 143 known dispositions of manslaughter and negligent homicide charges, only 72, or 50.3 percent, were felony convictions. Of those 72 convictions, only 39, or 54.2 percent, were convictions of the offense initially charged. Thirty-three of the manslaughter charges resulted in convictions of a less serious felony, i.e., negligent homicide. Thus, only 27.2 percent of the 143 dispositions

of felony charges were convictions of the original charges. Dispositions of the remaining 71 cases, which comprised 49.7 percent of the felony charge dispositions, included: convictions of leaving the scene, felonious driving, and attempted negligent homicide; convictions of misdemeanor traffic offenses; juvenile court proceedings (with unknown results); dismissals; verdicts of not guilty; and driver deaths before trial. When these figures are extrapolated over the entire study population, it was estimated that five drivers were convicted of manslaughter and 89 of negligent homicide.

In seven, or 12.1 percent, of the manslaughter cases and 20, or 23.6 percent, of the negligent homicide cases, the charged drivers were cleared of charges through dismissals or verdicts of not guilty. Of all drivers charged with manslaughter or negligent homicide for whom disposition records were available, 27, or 18.9 percent, were cleared of charges.

Note that these data indicate that the more serious the charge, the less the likelihood of conviction for that charge. Specifically, the fraction of drivers charged with manslaughter who were convicted of manslaughter is smaller than the fraction of drivers charged with negligent homicide who were convicted of negligent homicide.

Available record system data therefore indicate that with respect to felony charging and disposition of felony charges there appears to be inconsistency. This inconsistency occurs between the actual performance of police agencies, prosecuting attorneys' offices, and courts, and the performance criteria set out by Michigan law.

5.4 Administrative Dispositions

Projections of the administrative disposition data across the entire charged driver set yielded 171 drivers sanctioned by DOS, 73 drivers reexamined but not sanctioned, and 34 drivers against whom no action was taken. Projections of data across the population from

which the reference set was taken yielded 324 drivers sanctioned by DOS, 1268 drivers reexamined but not sanctioned, and 491 against whom no action was taken. Projections of these figures across the total study population yielded 495, or 21 percent of the drivers, sanctioned by DOS, 1341 or 56.8 percent of the drivers reexamined but not sanctioned and 525 or 22.2 percent of the drivers against whom no action was taken.

These data showed a correlation between driver fault and the severity and frequency of administrative sanctioning, as well as a broad DOS policy of reexamination of drivers involved in fatal crashes. Among charged drivers, approximately 60 percent received some form of sanction, most commonly license revocation or suspension. Almost 90 percent of this set received either a sanction or reexamination. Among the reference set, nearly 16 percent were sanctioned and slightly over 75 percent were either sanctioned or reexamined.

With respect to availability, driver records were available for about 90 percent of the drivers in the charged set and 83 percent of those in the reference set. Elimination of out-of-state drivers from consideration and projection of the resulting figures indicated that records were available for about 95 percent of the Michigan drivers in the study population. Despite the availability of these records, however, a number of inconsistencies were noted. In some cases the records of drivers charged and/or convicted of traffic-related felonies carried no notation of DOS action against them, and the records of some drivers who were uncharged carried notations of DOS action.

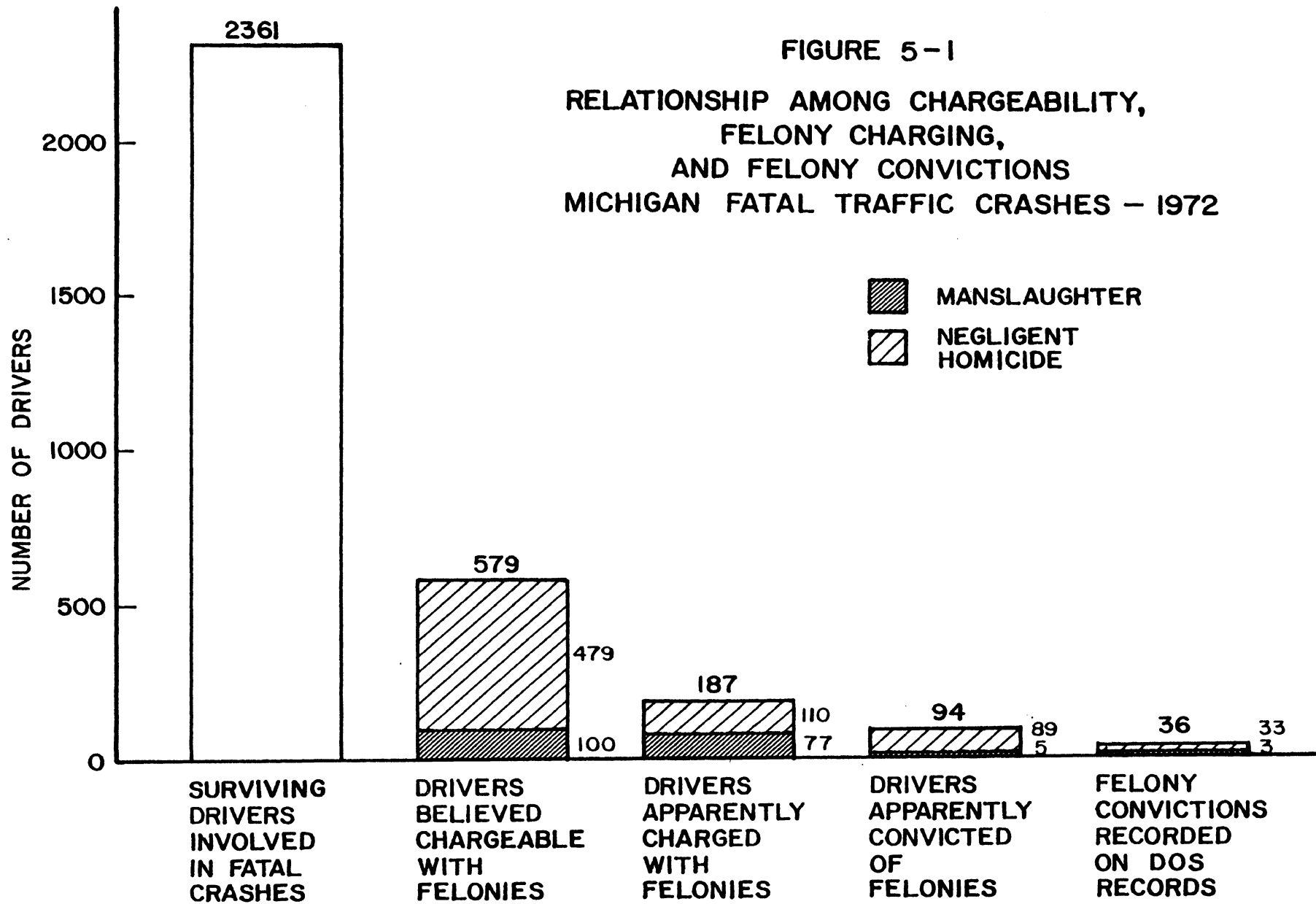
5.5 Summary

From the 1972 Michigan fatal crash data examined in this study, the following estimates regarding performance of the Michigan Traffic Law System in that year can be stated:

- One surviving involved driver in four could have been charged with a felony (manslaughter or negligent homicide) as a result of the fatal crash involvement;

- Of those drivers believed to be chargeable with these felonies, one in three is so charged;
- Of those drivers charged with these felonies, one in two is convicted of one of these felonies;
- Of these felony convictions, only one in two is recorded on the driver records maintained by the Department of State;
- Most drivers involved in fatal traffic crashes, whether chargeable or not, were summoned for reexaminations by the Department of State;
- Administrative sanctions imposed by the Department of State tended to be more frequent and severe in the case of chargeable drivers than nonchargeable drivers; and
- Some police accident reports contained in the Michigan Fatal File were not completed in accordance with standard instructions, especially with respect to charging data and narrative descriptions of crashes.

The above estimates reflecting the relationship among driver chargeability, felony charges, and felony convictions, are illustrated in Figure 5-1. The estimates illustrated there, as well as those relating to DOS action and the transfer of data within the Michigan TLS, indicate a variance between intended TLS performance as set out in state law and actual performance as indicated by the data. Determination of the reasons for the existence of such variance, and possible means of eliminating it, lay beyond the scope of this exploratory study.



6.0 CONCLUSIONS AND RECOMMENDATIONS

This section presents general conclusions drawn from the analysis of data developed in the course of the study. These conclusions address the basic objectives of the study, which were to:

- evaluate the adequacy of state and local government central record systems to provide data concerning legal and administrative actions taken against at-fault drivers in fatal crashes; and
- estimate the frequency with which at-fault drivers in fatal crashes are charged, adjudicated, and sanctioned by the criminal justice and administrative (driver licensing) systems.

The conclusions are drawn from an exploratory study of 1972 fatal crashes in the State of Michigan. The study was intended to provide an initial estimate of criminal justice and administrative actions arising from fatal crashes. The study was also intended to provide a starting point for further examination of such actions should the initial findings warrant it. Recommendations for further study are also presented in this section.

6.1 Adequacy of Traffic Record Systems

The study demonstrates that, in Michigan, centrally administered record systems do not contain sufficient data to allow development of other than a gross estimate of how at-fault drivers are treated by the criminal justice agencies and the driver licensing system. In fact, it was necessary to extend the period of performance and level of the study to allow examination of collateral record systems, including those maintained at individual local courts, to develop the minimum data necessary for initial frequency estimates. This is perhaps best illustrated by the fact that less than one-half of the convictions for manslaughter and negligent homicide

appear in the driver record system. Similarly, many of the police accident reports maintained in the Michigan Fatal File do not contain information on the charges brought against drivers involved in fatal crashes. As this situation is not believed unique to Michigan, it suggests that further study of the problem will require a research design that incorporates data collection at the felony trial court level.

6.2 Frequency of Charging, Adjudication, and Sanctioning

The data developed from examination of the 1972 Michigan fatal crashes provided estimates of the frequency of charging, adjudication, and sanctioning. These estimates are for one state for one year. No evidence was discovered to suggest that the Michigan experience is unique--either for the year 1972 or as a state. Thus, these frequency estimates suggest similar results might be obtained for other states and years. This point must be confirmed by more rigorous inquiry before these data are used for national policy development.

The 1972 Michigan fatal crash data indicate that:

- one driver in four involved in a fatal crash was at-fault and could have been charged with the felony of manslaughter or negligent homicide;
- of those drivers who could have been charged, only one in three was charged with manslaughter or negligent homicide;
- of those drivers who were charged with these felonies, only one in two was convicted of a felony;
- many of the drivers who could have been charged with a felony were charged with lesser offenses that were legally inconsistent because a death had occurred as a result of the action that formed the basis for the lesser charge (similarly, many of those charged with felonies were convicted of lesser offenses that were legally inconsistent with the facts); and
- most drivers involved in fatal crashes, irrespective of fault, were summoned for reexamination by the driver licensing authority, the Michigan Department of State. Administrative sanctions, especially license revocation or suspension, were more frequent in the cases of drivers believed to be at fault.

These estimates indicate that in 1972 fatal crashes in Michigan there was a substantial variance between the actual performance of the criminal justice system and what would be expected if the criminal laws of the State of Michigan were rigorously enforced. The actual performance reflects a pattern of under-charging, plea bargaining, and extended delay before disposition. The rate of charging and criminal sanctioning in cases arising from fatal crashes is so low that the deterrent effect of the criminal law is questionable.

The available data suggest that the Department of State performs the task of investigating driver competence and taking steps to remove unfit drivers from the road in a manner consistent with the criteria expressed by Michigan law. The fact that the driver record system does not contain significant information on felony convictions is disturbing and should be investigated to determine the reasons. Preliminary information suggests that non-reporting by the courts may be a major reason for the lack of data in the primary driver record system.

6.3 Recommendations

The results of this exploratory study suggest that some at-fault drivers involved in fatal crashes in Michigan are escaping legal sanctions. This weakens the credibility of the legal system and probably lessens the deterrent effect of the traffic law. As this is inconsistent with expressed national, state, and local policy, it is recommended that detailed studies be undertaken to more precisely define the nature and extent of criminal justice and administrative actions taken against at-fault drivers in serious crashes.

The experience of this study strongly suggests that any future studies must collect data from trial courts to ensure an adequate data base for analysis. Because of this, we suggest that a study design be used that addresses both the development of frequency data on case dispositions and the determination of the reasons for the actions taken or not taken.

APPENDIX A
IN-DEPTH CASE STUDIES FOR FOURTEEN SELECTED CHARGED DRIVERS

In this Appendix, fourteen in-depth driver case studies are presented. They are included in this report to show how the Traffic Law System (TLS) deals with drivers who are at fault in fatal traffic accidents. The information on which these accounts are based was gathered from police accident reports, driver records maintained by the Michigan Department of State, and court records pertaining to the selected drivers' fatal accidents. The information has been arranged into a narrative account of both the crash itself and the actions taken by the TLS as a result.

All fourteen drivers were in fatal crashes during 1972 in a four county area in southeastern lower Michigan, and were charged with felonies as the result of their crash involvement. They were not randomly selected; these case studies are illustrative only and should not be regarded as descriptive of overall TLS performance.

These case studies include details concerning the crash itself (including aggravating or mitigating factors); the initial charges by investigating officers; the subsequent action by police, prosecutors, and the Department of State; formal judicial action; final judicial and administrative dispositions; and the drivers' postcrash and post-sanctioning behavior through the final half of 1976. Because some information in these case studies is personal, the drivers and others have been kept anonymous.

DRIVER A

Driver A, a single 22-year-old male, was driving on a main street in his home town at 8:00 a.m. on a July day in 1972. He was accompanied by three companions. Travelling at speeds which police later estimated to be as high as 110 miles per hour, Driver A lost control of his car. The vehicle struck the right-hand curb, then went off the road, where it struck a tree and two signs, and finally overturned. One passenger was killed in the crash; Driver A and the two other riders suffered injuries.

City police arrived at the scene and investigated the crash. Driver A was later arrested on a charge of manslaughter, a felony punishable by up to 15 years' imprisonment. The accident report which the police submitted to the Michigan Department of State Police contained a supplementary entry showing Driver A's blood alcohol level to have been 0.21%. (State law defines a person with a blood alcohol level (BAL) over 0.10% as "under the influence of intoxicating liquor.") According to Driver A, however, he had had only "a beer." He further claimed that while his companions had shared two pints of whisky just before the crash, Driver A had had none. (The crash victim was tested for alcohol after his death and was found to have a BAL of 0.21%; that figure may have been mistakenly attributed to Driver A on the police report.) At the time of this fatal accident, Driver A was on probation as the result of a 1971 conviction for driving while impaired by alcohol; the terms of that probation included his participation in an Antabuse program--a medication program intended to curb alcohol abuse. Driver A claimed he had been using Antabuse on the day of the accident.

Brought before the district court following arrest, Driver A stood mute and the district judge entered a not guilty plea for him. Bond was initially set at \$10,000, but two days later the judge reduced the sum to \$2,000. The court also appointed a lawyer for Driver A, who lacked the funds to retain one himself.

DRIVER A (Con't)

Two adjournments of Driver A's preliminary examination delayed the manslaughter prosecution for three months. In October, Driver A agreed to plead *nolo contendere* (no contest) to the lesser offense of negligent homicide, which carries a maximum penalty of two years' imprisonment.

Driver A's traffic record at the time of his plea included his 1971 impaired-driving conviction and three accidents within the year preceding the fatal crash. He had received no other traffic citations.

In November 1972, the district judge (who was aware of Driver A's drinking problem, as was the probation department) sentenced Driver A to two years' probation and ordered him to pay \$350 in fines and costs. The terms of Driver A's probation required that he stay in the Antabuse program, that he neither drink nor drive for the next 10 months, and that he drive neither carelessly nor recklessly during the balance of the two-year probation.

A few weeks before the court pronounced sentence, in September 1972, the Michigan Department of State had ordered Driver A's license revoked because he "was unable to operate a vehicle safely." That revocation remained in effect until October 1973, a month after the court-ordered ban against driving expired.

In 1974, while he was still on probation, Driver A was cited twice for disobeying traffic signals.

In 1976, Driver A was placed under the state financial-responsibility statute. This law requires an uninsured driver who has been sued, and for whom the state has paid claims, to make periodic repayments to a state fund, and to post a bond covering future claims against him.

Driver A currently holds a valid, restricted operator's license.

DRIVER B

Driver B, a 33-year-old male, collided head-on with a vehicle on a four-lane highway outside his home town, shortly before 1:00 a.m. on an August night in 1972. The accident occurred when Driver B, while travelling at high speed, attempted to pass another vehicle travelling in the same direction by using the right shoulder of the road. Driver B drove onto the right-hand shoulder and cut back into the lane too soon. He glanced off the side of the vehicle he intended to pass, lost control of his car, crossed the center line of the highway, and collided head-on with an oncoming vehicle. Driver B was injured and taken to a hospital; the driver of the vehicle he struck died several hours after the crash.

The State Police were called to the crash scene. After the investigating officers questioned Driver B at the hospital and he refused to have his blood tested for alcohol, the officers obtained a warrant for his arrest on a charge of manslaughter. He was brought before the district court a week later but, for reasons not stated in the court records, his preliminary examination did not take place until January of the following year. In the meantime, Driver B, according to state traffic records, had been in two other accidents, for which he had been cited for moving violations. Indeed, in May of 1972, three months before the fatal crash, Driver B's license had been revoked because of his "unsatisfactory driving record" and his failure to take a scheduled driver-improvement re-examination. His record shows three license suspensions, one in 1970 for refusing to take a sobriety test, and two automatic penalties for failing to answer traffic citations. In a single day earlier in 1972, Driver B had received a reckless-driving citation in one city and violated the Basic Speed Law (driving too fast for conditions, or too fast to stop within the assured clear distance ahead) in another. The latter citation stemmed from an accident which resulted in two injuries. One month before the fatal head-on crash, Driver B had 19 violation points on his state record (12 points within two years normally cause a driver to be re-examined, a process which frequently leads to license suspension).

DRIVER B (Con't)

In December 1972, while the preliminary examination on the manslaughter charge was still pending, Driver B had another accident, a three-car head-on crash for which he received a reckless driving citation. This crash resulted in two injuries.

In February 1973, following preliminary examination, the district court bound Driver B over for trial in circuit court. He was lodged in the county jail after he was unable to raise \$4,000 bond. Providing that Driver B do no driving, the court reduced that sum to \$3,000 over the prosecution's objection that Driver B's past history, especially his traffic record, made higher bail necessary. The prosecutor's office cited Driver B's December accident, which his state driving records had not yet noted, as well as his failure to appear in court in connection with other traffic matters. He was, however, released on the lesser bail.

Before trial on the manslaughter charge, Driver B agreed to plead no contest to a reduced charge of negligent homicide. In April 1973, the circuit judge sentenced him to one year in jail, remarking: "This is a serious charge...there is an extensive bad driving record. I feel the seriousness of the offense and the facts presented merit time." Driver B was released after serving some nine months of his term.

In May 1974, the Department of State again ordered Driver B's driver's license revoked on the grounds that he could not operate a vehicle safely. The license appeals board upheld the revocation. Driver B's driver's license expired later that year and was not renewed. Because Driver B also faces an unsatisfied civil judgment stemming from the fatal crash, he will come under financial-responsibility restrictions if and when he returns to the road.

DRIVER C

Driver C, a 36-year-old male truck driver, was driving his tractor-trailer rig on a country road on an April afternoon in 1972. Although, as later shown in court, Driver C was familiar with that road, he was unable that day to keep his rig on the pavement while rounding a curve. The vehicle first went off the right-hand side of the road; Driver C then swung it back onto the road, where it crossed the center line and struck an oncoming car head-on. Two of the car's three occupants were killed.

The report by the sheriff's deputies called to the scene noted that Driver C had been drinking, but no tests were given. Driver C was arrested on a charge of negligent homicide. At the preliminary examination, the district judge rejected Driver C's contention that the collision was the result of a "sudden emergency" rather than negligence. He ruled that in light of Driver C's experience and knowledge of the road, he might have exercised greater care. The question of negligence was one to be determined at trial.

Driver C's preliminary examination was an extended one, requiring three separate appearances over a period of seven months. The first session took place in October 1972, half a year after the crash. Following the first session, the case was transferred to another district judge. In May 1973, Driver C was bound over for trial; he was released after posting \$1,000 personal bond. Following the issuance of an information, or formal charge, of negligent homicide, Driver C promptly moved to quash it, arguing that the prosecution had failed to establish probable cause.

Scheduling problems in circuit court resulted in postponement of a trial date originally set for October 1973. For reasons not evident from the court's records, a new trial date was not set until May 1976. Driver C moved again to dismiss, this time alleging denial of his right to a speedy trial. His attorney claimed to have made repeated telephone calls to the prosecutor's office and to the court clerks, which were allegedly ignored. The judge denied the motion for dismissal and ordered Driver C to stand trial.

DRIVER C (Con't)

Driver C had not been placed under any driving restrictions prior to trial, and he continued to drive during this period. Between the fatal accident and his trial, he was cited three times--twice in his home town and once in another state--for speeding. His driving record shows several 1971 citations for driving without a current license, and an automatic suspension imposed for failure to answer a citation.

Driver C's trial took place in June 1976--some four years after the fatal accident. The jury, after three day's deliberation, failed to agree and a mistrial was declared. Before the scheduled retrial date, in July 1976, the prosecutor's office moved to dismiss the case on the grounds that a second trial would involve the same factual issues as the first one, that Driver C had settled all civil matters with the survivors of the crash, and that "justice would be served" by dismissal. The circuit judge agreed and ordered the charge dismissed.

Driver C holds a valid license with a chauffeur's endorsement. His driving record carries no entries since his trial.

DRIVER D

Around dusk on an October evening in 1972, Mr. A was standing next to a pile of burning leaves, not far off the shoulder of a two-lane country road. He was talking with neighbors while listening to his pocket radio. Meanwhile, on the road east of where Mr. A and his neighbors were burning leaves, Driver D lost control of his vehicle. Driver D's car first swerved left, then swung back across the road; it headed off the right-hand shoulder and, speeding through the pile of burning leaves, it struck and killed Mr. A. The vehicle, which according to witnesses "hardly even slowed down," continued westward.

A neighbor boy, present at the scene, got into his car and pursued the hit-and-run vehicle. After chasing it at speeds of up to 100 miles an hour, the boy finally got close enough to the fleeting vehicle to identify it. He noted its license plate number, the damage on its right front side from the impact with Mr. A's body, and a radio earphone cord hanging from its molding. The boy could not give a good description of the driver but was able to identify him as a male between 35 and 50 years old.

The vehicle's description matched that of Driver D's car, and Driver D himself was 46 years old. Sheriff's deputies, searching for Driver D, arrested him at his house shortly after midnight, and charged him with negligent homicide and leaving the scene of a fatal accident. The accident report noted that Driver D had been drinking, but it gave no details as to when and how much he had drunk.

At preliminary examination, held a month after the crash, the district court bound Driver D over for trial, setting bond at \$500. cash. No restrictions were placed on his driving. At the time, his traffic record showed no moving-violation citations. He had automobile accidents in 1970 and in 1972 but neither one resulted in injuries or citations. In May 1973, the Department of State ordered a re-examination for Driver D but took no action.

DRIVER D (Con't)

The evidence connecting Driver D to the hit-and-run accident consisted of the following: an eyewitness spotted Driver D at a bar east of the crash scene between 90 minutes and two hours before Mr. A's death; Driver D himself admitted to having been in the vicinity of the crash scene that day; the car that killed Mr. A was identified through the neighbor boy's description and state registration records as that owned by Driver D; and the boy's description of the hit-and-run driver, while very sketchy, did not conflict with that of Driver D.

Driver D was brought to trial on the charge of leaving-the-scene in June 1973, some eight months after the fatal crash. Apparently the charges of negligent homicide and leaving the scene had been severed and the prosecution chose to try him first for the latter. The prosecution's apparent strategy was to establish in the first trial that it was Driver D who was behind the wheel when his car killed Mr. A, and then to use that determination to gain a conviction or plea on the outstanding negligent-homicide charge.

Driver D's defense prior to trial had been that he was not the driver of the hit-and-run car. (He had moved in December 1972 to quash charges, using this argument.) Yet, according to the sheriff's department detective who headed the investigation of this case, Driver D admitted on the stand that he was the driver but that the accident scene was so smoky he was not aware that he had struck a human being. The jury found him not guilty of leaving the scene, and shortly afterwards, the prosecution moved to dismiss the negligent homicide charge, since a trial on that count would involve the same issues of fact. The court dismissed that charge in July.

Driver D holds a valid, restricted driver's license with a chauffeur's endorsement. His only citation since the trial so far was for a speeding violation in 1973.

DRIVER E

At noontime on an April day in 1972, Driver E, an 18-year-old male high school student, was driving his car along a stretch of open two-lane highway. With him was a companion, several years younger than he, whom he was bringing to school. Driver E was travelling very fast; eyewitnesses estimated his speed at 80 to 90 miles an hour.

Driver E drifted too far to the left and nearly sideswiped a car coming the other way; he swung right to get out of its way. On the right-hand shoulder of the road a van had stopped to pick up hitchhikers. Driver E glanced off the side of the van and lost control of his car; it went into a spin, crossed the road, and plowed into a tree, rear end first. Driver E was critically injured; his companion died at the scene.

State police summoned to the scene investigated the crash. While Driver E was hospitalized, a warrant was issued for his arrest, charging negligent homicide. The allegation of negligence was based on his excessive speed.

In July, following his release from the hospital, Driver E was arrested and a month later, after preliminary examination, he was bound over for trial and released on \$1,000 personal bond. His mother co-signed as surety on the bond. No pretrial restrictions were placed upon his driving.

The state police accident report contained statements by Driver E and by witnesses; according to the report, Driver E told the officers who interviewed him that he was a "careful driver" and that the city police in his home town could vouch for that. The driving record compiled by the Department of State showed, however, that he had compiled a substantial record of bad driving in a nearby city.

In 1970, less than a year after reaching age 16 and receiving his license, Driver E had been the driver in a fatal single-vehicle accident. He had received no citations but the Department of State

DRIVER E (Con't)

had revoked his license for a year. During the six months preceding the 1972 crash, Driver E had received three citations: drag racing, failing to signal or observe, and speeding. He had also been in another single-vehicle crash, but no injuries or citations resulted from that one.

In July 1972, between the fatal crash and the scheduled trial date, the Department of State ordered another license revocation because Driver E was deemed unable to operate a vehicle safely. The revocation was continued in September and again in April 1973, and an appeal from that revocation was refused in May. Driver E was also placed under the terms of the financial-responsibility act through April 1974.

Arraignment on the negligent homicide charge took place in circuit court in October 1972. Prior to the trial, state police attempted to find and subpoena the eyewitnesses to Driver E's speed. Four of the witnesses, however, had left the state and were unavailable to testify; as a result, the prosecutor's office was unable to prove negligent homicide. Driver E pleaded no contest to the reduced charge of reckless driving, a misdemeanor. In September 1973 he was sentenced to two years' probation plus payment of costs. Six violation points were assessed against him on his traffic record.

Driver E, upon recommendation of the county probation officer, was discharged from probation in December 1974, nine months early. (State traffic records do not reveal when his driver's license was restored.)

Within two weeks of his discharge, Driver E was in a two-car crash. In that instance, police cited him for disobeying a traffic signal. In 1975 he received one citation for failure to signal and another for speeding. He currently holds an unrestricted operator's license with chauffeur's and motorcycle endorsements.

DRIVER F

In the early evening hours of a June day in 1972, Driver F, a 31-year-old male employed as an engineer, was driving toward his home while extremely intoxicated. Witnesses who had observed Driver F's driving behavior for at least 20 miles testified that Driver F was swerving and weaving all over the highway, abruptly changing speeds from dangerously slow to dangerously fast, and forcing other traffic out of his way. At times, witnesses spotted him drinking out of a can (police later found an open beer can in his car).

Driver F left the freeway and continued along a two-lane highway. He encountered three boys on bicycles, travelling the same way as he. When the boy riding farthest to the left heard the sound of Driver F's car approaching, he tried to take evasive action. He pedalled toward the opposite side of the road, but before he could reach safety, Driver F struck him from behind and killed him. Driver F continued without stopping.

A companion of the dead boy provided the only eyewitness testimony, but his story proved to be shaky. Parts of his testimony were inconsistent; he could not say for certain where on the road the impact occurred or whether Driver F was in the wrong lane. Another witness observed Driver F's erratic driving immediately before the crash and saw the crash scene immediately after, but she did not see the crash itself.

Local police, who were among those warned after the crash to watch for the hit-and-run car, apprehended Driver F at home. At the time, he was, according to the arresting officers, extremely intoxicated, emotionally shaken, and almost incoherent. In a statement which state police included in their accident report, he claimed he was travelling five miles an hour when he struck the bicycle and that the boy darted in front of him.

DRIVER F (Con't)

Driver F was turned over by the local police to the state police. The prosecutor's office was advised of the crash and warrants for manslaughter and leaving the scene of an accident were issued. Driver F entered not guilty pleas to both counts. The district court set him free on \$2,500 bond, and two months later, following his preliminary examination, Driver F was bound over for trial.

In September 1972 the Department of State ordered Driver F's license revoked for one year on account of his inability to operate a vehicle safely. Driver F challenged the revocation in circuit court, but the court upheld it. At the time, Driver F's traffic record for the preceding 10 years included two reckless driving convictions (1963 and 1970), two convictions for leaving the scene of a property-damage accident (1964 and 1970), and a conviction for driving while under the influence of liquor (1966).

An information charging Driver F with manslaughter and with leaving the scene was issued in October. Driver F moved to quash it, claiming that the testimony against him was too remote in time and place to establish the reckless mental state necessary for a conviction. (Driver F did not challenge the leaving-the-scene charge.) The circuit court denied his motion. Driver F requested a rehearing on the same issue and was turned down by the same court. He then took steps to appeal the rulings. After the Michigan Court of Appeals decided in October 1973 not to hear Driver F's appeal, his case was readied for trial.

In February 1974, however, the prosecution agreed to drop the manslaughter charge and accept pleas of no contest to the charges of negligent homicide and leaving the scene. Upon recommendation of the probation department, Driver F received a sentence of two years' probation. The terms of the probation required Driver F to avoid drinking and frequenting taverns, and to continue the Alcoholic Anonymous sessions he began after the accident.

DRIVER F (Con't)

Driver F was discharged from probation in April 1975, eleven months early. He returned to the road and has not been convicted for any traffic infractions since his release from probation. As of Spring 1977, the only subsequent entry on his traffic record is a two-vehicle crash in 1976 which resulted in no injuries or citations.

DRIVER G

Driver G, a 21-year-old male, was driving with his brother-in-law through a residential area of his home town on a September night in 1972. According to eyewitnesses, as well as the later investigation by police, he was travelling about 35 miles an hour when he approached an intersection controlled by stop signs. Driver G claimed he did not see the sign; without stopping, he entered the intersection, striking broadside a vehicle which had the right of way. The driver of the struck vehicle was thrown from her car and killed. The remaining passengers in the vehicle suffered injuries. Driver G and his brother-in-law were also injured.

The accident report, submitted by city police called to the scene, shows Driver G to have been charged with manslaughter; however, a warrant was issued for his arrest on a negligent homicide charge. The accident report noted that Driver G "had been drinking," but alcohol was not mentioned in the warrant. Following preliminary examination two weeks after the crash, he was bound over for trial and released on his personal bond pending trial.

Three scheduled trial dates were postponed by agreement between the prosecution and Driver G's attorney. In March 1973, Driver G moved to quash the negligent homicide charge, claiming the prosecution never showed probable cause that he disobeyed the stop sign. Shortly after filing that motion, however, Driver G agreed to plead no contest to the lesser charge of "attempted negligent homicide." (Attempted offenses usually carry a maximum penalty of half that of completed offenses.)

Prior to the fatal accident, Driver G had been involved in two other crashes. In the first, in January 1970, there was one injury, and Driver G received a citation for violating the Basic Speed Law. He failed to answer the citation and consequently received an automatic license suspension. Driver G received four other speeding tickets in the two years preceding the fatal collision.

DRIVER G (Con't)

In November 1972, while trial on the negligent homicide charge was pending, the Department of State revoked Driver G's license on the grounds that he was unable to operate a vehicle safely. Driver G appealed the ruling to the license appeals board, which took no immediate action.

Driver G was sentenced in April 1973. His sentence was three months' confinement in the county jail, two year's probation, payment of costs, and no drinking for one year following release from jail. In May the court commuted the balance of Driver G's jail term to four weekends' confinement but added a provision prohibiting him from driving for a year.

Following Driver G's plea and sentencing, the license appeals board decided to uphold the November 1972 administrative revocation. In June 1974 the court-ordered revocation period ended and ten months later, in April 1975, all remaining probation terms were lifted. While he was still on probation, Driver G was ticketed for speeding.

At this writing, Driver G currently holds a valid, restricted operator's license with a motorcycle endorsement.

DRIVER H

On a February evening in 1972, Driver H, a divorced 22-year-old man, and his friend Mr. B were leaving a bar where they had been drinking heavily. Because Mr. B was, in Driver H's opinion, too drunk to drive his own car home, Driver H offered to drive him back. Mr. B agreed.

While attempting to pass another car on a wet, two-lane road, Driver H drove through a pool of water and lost control of the vehicle. The car spun out, swerved off the left-hand edge of the road, and struck three large trees. The impact sheared the vehicle in half.

Sheriff's deputies called to the scene found Mr. B killed and Driver H injured. Laboratory tests showed that both men had blood-alcohol levels well above the legal definition of "under the influence of liquor." Mr. B's BAL was 0.21%, while Driver H (who consented to a blood test) registered 0.14%. The front part of the destroyed car contained further evidence of drinking: three empty beer bottles and half a bottle of wine.

Driver H was arrested on a charge of manslaughter. He pled not guilty and was released after he posted a \$5,000 personal bond. Because he waived the "12-day rule" which guarantees prompt preliminary examinations, that phase of the proceedings was delayed until late April. Following the examination, the district judge bound him over for trial.

In May the Department of State ordered a re-examination for Driver H but took no other action at that time. The only conviction then appearing on his traffic record was for reckless driving in 1967.

Before the case was tried, Driver H pled guilty in June 1972 to a charge of "attempted felonious driving." Michigan law defines "felonious driving" as reckless or grossly negligent driving that results in serious injury to another. The maximum penalty is two years' imprisonment. Following Driver H's guilty plea, the case was remanded to the district court for sentencing.

DRIVER H (Con't)

In July, the district judge, sentenced him to two years' probation. He also sentenced Driver H to thirty days' confinement to the county jail but suspended the term. In addition, he ordered Driver H's license restricted to travel to and from work, fined him \$500 costs, and placed him under the financial-responsibility act.

Driver H's state traffic record incorrectly notes the disposition of this case as a conviction for felonious driving. It also shows that Driver H appealed his license restrictions to the license appeals board in September 1972 and again in January 1973. In February, the board shortened the term of Driver H's driving restrictions to a six-month period ending in July 1973. In 1975, after having complied with his obligations under the financial-responsibility act, he was released from its terms. Driver H at this writing holds a valid, restricted operator's license.

DRIVER J

Driver J, a 39-year-old man employed as a factory worker, was drinking with a friend after working the second shift on an evening in March 1972. The two men stayed at a bar until it closed, whereupon they went to the home of Ms. D, a mutual friend. According to testimony which Driver J later offered in court, he had several more drinks at the house, slept there for a while, and had two more drinks after he woke up.

In the morning, Ms. D asked Driver J to go to the store and buy some food for breakfast. Because Driver J was unfamiliar with the area, Ms. D sent her teen-age son to accompany him. While driving towards town at a very high rate of speed, Driver J lost control of his vehicle which ran off the left-hand side of the road. It first struck a road sign and spun around; it next ran over a small tree and mail box, and then ran into a large tree (police estimated the car's speed at impact at 70 miles an hour), completely uprooting it. Finally the car rolled over and came to rest upside down. The collision killed Ms. D's son. Driver J was injured, though not critically.

Sheriff's deputies, called to the scene, took Driver J to a hospital, where both police officers and hospital personnel noted that he was "very intoxicated." With Driver J's consent, police administered a blood test, but the results were not recorded. A manslaughter warrant was issued that day, along with citations for violating the Basic Speed Law and for failing to comply with the financial-responsibility act. He has come under the latter as the result of a 1970 drinking-driving conviction. Driver J waived preliminary examination and the district judge bound him over for trial on the manslaughter charge. Before being freed pending trial on \$5,000 personal bond, Driver J spent three days in jail.

In May 1972, the Department of State ordered Driver J's license revoked. At the time he was still under financial-responsibility terms on account of his 1970 alcohol conviction but had only one other citation--speeding--since then.

DRIVER J (Con't)

In late June, Driver J entered a guilty plea to the reduced charge of negligent homicide; the prosecution, in return, dismissed the manslaughter charge and the two traffic citations. In July the circuit court sentenced Driver J to 90 days in jail, two years' probation, payment of \$400 costs, and a two-year license revocation. The sentencing judge, noting Driver J's alcohol problem, commented:

"I do understand and appreciate your drinking problem. I'm satisfied that this is an illness and something that must be treated. And, therefore, any program for your rehabilitation must of necessity involve extensive alcoholic treatment of yourself."

The probation order contained the following additional terms: attending Alcoholics Anonymous or undergo similar alcohol treatment; maintaining a steady job and meeting his child-support obligations; and refraining from drinking and frequenting taverns.

In October 1973, with nine months of the probation term remaining, the court ordered him discharged from probation. His financial-responsibility obligations were lifted in November 1973. Driver J's operator's license was not restored until September 1975 when a new, unrestricted license was issued to him. Driver J's driving record has since shown no accidents or violations.

DRIVER K

During the late afternoon hours of a February day in 1972, Driver K, a 17-year-old male, and a companion of his, were riding on a wet three-lane road. Driver K lost control of his vehicle, which crossed the center lane, entered the path of oncoming traffic, and struck another vehicle head-on. Driver K's companion was killed; the drivers of both vehicles were injured.

City police arrived at the scene. That day Driver K was arrested on a negligent homicide warrant which charged him with "driving without due care and circumspection." He had not been drinking at the time of the collision and there was no evidence that he was travelling at an unsafe speed.

The district court bound Driver K over for trial, releasing him in the meantime on \$1,000 personal-recognizance bond. In April, further proceedings in the case were postponed for a ten-week period due to the hospitalization of a witness.

The district court meanwhile requested Driver K's traffic record from the Department of State. That record showed that in less than two years on the road, Driver K had been involved in three crashes, and that he had received three citations: disobeying a traffic signal (September 1970); drag racing (May 1971); and speeding (May 1971). While Driver K's negligent homicide prosecution was pending, license revocation proceedings were initiated. Driver K was summoned to a re-examination of his driving, but he failed to appear. In May, his license was revoked because of his inability to operate a vehicle safely as well as his absence at the scheduled re-examination. A month later, after completing the required tests, Driver K regained his license.

A policeman assigned to the case was of the opinion that "there was no way to prove negligent homicide" and the prosecution evidently reached the same conclusion. In November, before trial, Driver K pled guilty to reckless driving, a misdemeanor. His sentence was six month's probation plus payment of \$100 costs. The court restricted Driver K's driving to travel to and from work.

DRIVER K (Con't)

The Department of State, upon being notified of the conviction, assessed six violation points against Driver K's traffic record and in December summoned him to another re-examination. In January 1973, after finding Driver K's driving record "unsatisfactory," the Department of State ordered another revocation. On appeal, the license appeals board commuted the penalty to three months' suspension.

In March 1973, a little over a year after the fatal accident and four months after he pled guilty to reckless driving, Driver K was involved in a two-vehicle crash from which one injury resulted. No citations were issued to Driver K even though his license was supposed to have been suspended at the time of the collision.

In July 1973, Driver K's license was restored. His record for 1974 shows two speeding violations. In March 1975 Driver K was found guilty of driving while under the influence of liquor; while that matter was pending, he was in another accident, although no injuries or citations resulted from that crash. Immediately following his drinking-driving conviction, Driver K was placed under financial-responsibility terms. He was released from them in April 1976.

Driver K, now age 23, holds a restricted driver's license issued to him in 1976.

DRIVER L

Driver L, a 37-year-old female, was travelling westbound on a wet five-lane highway on a February evening in 1972. According to an eyewitness, she drove erratically into the center (left-turn) lane and appeared to be travelling faster than other traffic. Driver L attempted a left turn into her driveway but did so without determining whether she had adequate clearance to do so. Before she reached the driveway, an eastbound vehicle struck the rear end of her car. The eastbound car went out of control, entered the opposite lanes and struck a third vehicle head-on. The driver of the third vehicle died in the crash, and the occupants of the eastbound car suffered injuries. Driver L was unhurt.

City police were called to the accident scene. The police report that appears in the Michigan Fatal File is incomplete and sketchy. Six days after the collision, police obtained a warrant for Driver L's arrest, charging negligent homicide based on her "careless and needless inattention." Neither speed nor drinking were mentioned. For reasons not apparent from the court records, Driver L's preliminary examination was delayed some two months. Two sessions--one in April and another in May--were needed to complete the examination. There, the prosecution argued that Driver L should have foreseen the likely consequences of making a turn without proper clearance.

In May the district judge ordered Driver L tried on the negligent homicide charge, but commented that the case was a "close" one. Personal bond of \$2,500 was set. An information formally charging negligent homicide followed Driver L's being bound over for trial, and she was arraigned on it. In May, she stood mute, at arraignment, and a not guilty plea was entered for her.

A pretrial conference took place in early June. A record of that conference reveals that the prosecution apparently declined to accept a plea to a lesser charge. On the scheduled trial date later that month, Driver L offered to plead guilty as charged, but the judge refused to accept the plea. He took the matter "under advisement" and

DRIVER L (Con't)

ordered a 60-day postponement of the proceedings. In August, the judge decided not to accept Driver L's proffered plea; the next day, the prosecution moved to dismiss the case altogether, claiming they could not prove negligent homicide. The judge thereupon ordered the prosecution dismissed.

The records in the Department of State also show that Driver L suffered no administrative sanctions arising from the fatal crash. The recorded entry for that crash fails to mention any fatalities.

Before the negligent homicide charge against her was dismissed, Driver L received a citation, not related to the fatal accident, for making a prohibited turn in May 1972. She received two other citations that year, one for speeding (October) and one for tailgating (November). She was cited for careless driving in December 1974. In January 1976, Driver L was involved in a crash, from which neither injuries nor violations resulted.

Driver L currently holds a valid operator's license.

DRIVER M

Driver M, a 24-year-old male, was driving after drinking on a late December night in 1972. Travelling westbound on a county highway at a high rate of speed, Driver M lost control of his vehicle, which crossed the center line and struck from behind two pedestrians walking westbound along the side of the road. One of the pedestrians died; the other, his wife, was critically injured and eventually lost a leg.

Following the accident, Driver M failed to stop at the scene. Instead, he drove to a nearby house and asked to use the telephone. The residents said they had no telephone but that their neighbors did. Instead of using the neighbors' telephone, Driver M proceeded instead to a party store where he called his father and told him of the accident. He did not report the accident to the police.

State Police, informed of the crash by Driver M's father, shortly afterwards found Driver M not far from the crash scene. They placed him under arrest for manslaughter and questioned him. With his consent, they administered a breathalyzer test, which showed an alcohol concentration of 0.11%, thus placing him in the legal category of "under the influence" of alcohol.

A warrant charging manslaughter was issued shortly thereafter, and the first preliminary examination session was held in the district court in February. The judge then bound him over for trial, releasing him on \$5,000 personal bond in the meantime.

Once criminal proceedings began, the prosecution dismissed several pending traffic matters involving Driver M. In March, following bind-over, an information formally charging manslaughter was issued and Driver M was arraigned in circuit court. He stood mute and the court entered a not guilty plea for him. The record of a pretrial conference held two weeks after the arraignment and plea showed that plea negotiations were being deferred while Driver M moved to quash the charges against him.

DRIVER M (Con't)

In his motion to quash, filed in March, Driver M argued that the prosecution had failed to prove the elements of manslaughter. The circuit judge agreed with Driver M, but rather than dismissing the case he remanded it to the district court for further examination. The district judge, following a session held in April, decided to bind Driver M over on a lesser charge of negligent homicide.

Arraigned on the new charge in May, Driver M again stood mute. He filed another motion to quash, and the circuit court again remanded the case. The district court clerk reported that the case was disposed of when the district judge ordered the prosecution dismissed altogether in July. Driver M's arrest and fingerprint records were thereafter expunged by the Department of State Police.

While criminal proceedings were underway, the Department of State indefinitely suspended Driver M's license on account of his inability to operate a vehicle safely as well as his failure to appear at a scheduled re-examination in February 1973. As of December 1972, Driver M's driving record showed two speeding violations (January 1971 and December 1972), an automatic suspension levied in March 1972 for failing to answer the first speeding citation, and a June 1972 citation for driving while under the automatic suspension. Driver M had previously been re-examined in September 1972, but no action was taken.

In June and November 1973 the Department of State continued the indefinite suspension of Driver M's license following his failures to appear at scheduled re-examinations. In December 1974 he was placed under the terms of the financial-responsibility act.

State traffic records show that Driver M's license expired in 1973 and has not been renewed.

DRIVER N

Driver N, a 56-year-old male employed as a painter, was driving in city traffic during the rush hour on a March morning in 1972. He was heavily intoxicated at the time even though--as he later claimed in court--he had slept for several hours before driving. Driver N was headed eastbound into bright sunshine when he approached an intersection controlled by a traffic light. Failing to see the signal, he proceeded into the intersection and fatally struck an elderly pedestrian crossing the street.

City police investigated the accident and tested Driver N for alcohol. His recorded blood alcohol level was 0.20%. The same day, the police obtained a warrant for his arrest, charging him with manslaughter. Driver N waived preliminary examination and in April the municipal court bound him over for trial. He was released on \$3,000 personal bond. An information formally charging manslaughter was issued later that month and Driver N was arraigned on it.

At the arraignment Driver N attempted to plead guilty to the lesser charge of negligent homicide, a disposition to which the assistant prosecutor and arresting officer had both already agreed. Driver N, however, insisted on his factual innocence, contending he was not intoxicated and that he did not drive through a red signal. This disturbed the judge, who refused to accept Driver N's proffered guilty plea; he took the matter under advisement and adjourned the proceedings.

In June 1972, Driver N renewed his guilty plea which this time was accepted by the judge. He had before him Driver N's traffic record, which he termed "miserable." That record showed a 1966 conviction for driving while under the influence of alcohol, plus four speeding citations during the seven years preceding the fatal crash.

The judge, in deciding to sentence Driver N to two years' probation, remarked: "Now, let me tell you something. You're very fortunate. You're not a criminal. This is the reason I'm not sending you to jail." He declined to classify and treat Driver N as a

DRIVER N (Con't)

criminal because the driver did not intend to kill the pedestrian.

The terms of Driver N's probation included a license suspension and prohibition of the use of intoxicants for the two-year probation period, plus payment of \$200 costs.

In May, prior to his plea and sentence, the Department of State ordered Driver N's license revoked on the grounds that he was unable to operate a vehicle safely. Arguing that a car was necessary to his occupation, Driver N appealed the revocation but the appeals board upheld the Department's revocation through June 1973. (The court-ordered ban against his driving, also in force, was due to expire in June 1974.)

In January 1974, eighteen months after sentencing, the court granted a probation department petition for Driver N's early discharge. Driver N was at the time in poor health and under a doctor's care, and his attitude while on probation had been termed "good."

Whether Driver N's suspension lasted through July 1973 or through January 1974, his traffic record showed no further entries until August 1974, when he was involved in a two-car collision. He received no traffic citations after the fatal crash. Driver N currently holds a valid, restricted (corrective lens) license.

DRIVER P

Driver P a 30-year-old divorced male, was driving after he left a bar on a November evening in 1972. He was travelling westbound at a high rate of speed. As he tried to overtake other westbound traffic, Driver P crossed the double solid line, entered the eastbound lane, and struck a teen-age pedestrian standing in the eastbound lane. She was killed by the impact.

After the collision, Driver P fled the scene, abandoned his car, and disposed of the keys. Local police, however, searched for Driver P and found him shortly after the hit-and-run accident. Some two weeks later, an arrest warrant charging him with manslaughter was issued. Following preliminary examination in January 1973, the municipal court bound him over for trial.

Bond was set at \$10,000. This relatively large sum was prompted by Driver P's criminal history: at the time of the accident, Driver P was on parole, having served a five-year prison term for armed robbery. He had been imprisoned and paroled earlier for armed assault. Because he was a parolee with two felony convictions, he feared being returned to prison as a result of the fatal accident.

During the time Driver P spent outside of prison, he had compiled an extensive traffic record. Prior to his first confinement in 1962, he had been convicted twice of reckless driving, and prior to that, he had been placed under financial-responsibility terms. Driver P had spent part of 1965 out of prison and had received no traffic citations during this period. Between his 1971 parole and the fatal crash, Driver P had committed six moving violations (three for speeding, two for disobeying stop signs, and one for failing to yield the right of way) and he had been in three other crashes. As a result of one of those crashes, a two-vehicle collision in which three persons were injured, he had been cited for failing to yield.

DRIVER P (Con't)

In July 1972, four months before his car struck and killed the young girl, the Department of State had revoked Driver P's license for one month, but a single-vehicle accident occurring during that period is noted on his traffic record. Driver P was in another single-vehicle crash following the fatal accident.

In February 1973, Driver P pled guilty to the new charge of leaving the scene of a fatal accident. Prior to sentencing, Driver P was arrested for a felony in another county, and was lodged in jail awaiting disposition of that matter.

The abstract of his conviction for leaving the scene of a fatal accident, which appears in the court files, shows that Driver P was sentenced to one to five years imprisonment.

The Department of State revoked Driver P's license in August 1973, six months after he pled guilty to leaving the scene, on account of his having had "three or more negligent accidents within two years."

Since late 1973, Driver P has been confined to state prisons for a number of felony convictions, including one which resulted in a sentence of from 25 to 40 years' confinement. His operator's license has expired.

APPENDIX B
 INITIAL CHARGES, FINAL CJS DISPOSITIONS, AND FINAL ADMINISTRATIVE
 DISPOSITIONS FOR THE CHARGED DRIVER SET

This Appendix sets out the recorded initial charges, if any, and the final dispositions--CJS and administrative--involving the 288 charged drivers. To maintain the anonymity of these drivers they are identified by case number only. Symbols and abbreviations used here are explained in the notes on pages B-14 and B-15. Cases marked with an asterisk are explained further in the notes on pages B-15 and B-16.

<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
I DRIVERS CHARGED WITH FELONIES (167)			
A. DRIVERS CHARGED WITH MANSLAUGHTER (69):			
001	AR	NRE (AR, DR, DSP, CC)	Revocation
002	AR, DSP	Negligent Homicide (AR, DSP)	-no record, out of state-
003	AR, DSP	Negligent Homicide (DR, DSP)	Suspension
004	DSP	Negligent Homicide (CC)	Revocation
005	AR, DSP	Reckless Driving (AR, DR)	Revocation
006	AR	Improper Lane Use (DR)	NRE
007*	AR	Dismissed following mistrial (AR, DSP)	County Driver Safety School
008	AR, DSP	Negligent Homicide (DR, DSP)	Reexamination
009	AR, DSP	Not Guilty (CC)	Suspension
010	AR, DSP	Negligent Homicide (DSP)	Suspension
011	AR	Negligent Homicide (DR)	Reexamination
012	AR, DSP	Negligent Homicide (AR)	Revocation
013	AR, DSP	Negligent Homicide (DSP)	Revocation
014*	AR	Negligent Homicide (AR, DR)	Revocation
015	AR	NRE (AR, DR, DSP, CC)	County Driver Safety School
016	DSP	Negligent Homicide (CC)	Revocation
017	AR	Dismissed (CC)	Reexamination
018	AR, DSP	NRE (AR, DSP, CC)	-no record, out of state-
019	DSP	Negligent Homicide (DR)	Revocation
020	AR	Negligent Homicide (CC)	Revocation
021	DSP	Manslaughter (DSP)	Suspension

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
022	AR, DSP	Negligent Homicide (CC)	Revocation
023	AR, DSP	Negligent Homicide (DR)	Revocation
024*	AR		
025	AR, DSP	Negligent Homicide (AR, DR, DSP)	Revocation
026**	AR, DSP	Negligent Homicide and Leaving the Scene (CC)	Revocation
027	AR	Negligent Homicide (AR)	NRE
028*	AR, DSP	Negligent Homicide (CC)	Revocation
029	AR, DSP	Dismissed (DSP)	Reexamination
030*	AR	Negligent Homicide (AR)	-not determinable from driver record-
031+	AR	Attempted Negligent Homicide (CC)	Revocation
032*	AR	Negligent Homicide (DSP)	-no record available-
033+	AR	Negligent Homicide (CC)	Revocation
034**	AR	Felonious Driving (DR); Attempted Felonious Driving (CC)	Revocation
035	DSP	Negligent Homicide (DSP)	Revocation
036	AR, DSP	Negligent Homicide (AR, DSP)	Suspension
037*	AR, DSP		
038	AR, DSP	Reckless Driving (AR, DR, DSP)	Revocation
039	AR	Careless Driving (CC)	Suspension
040+	AR	Negligent Homicide (AR, CC)	NRE
041+	AR, DSP	Negligent Homicide (DSP, CC)	Revocation
042**	AR	Dismissed (CC)	Suspension
043	AR, DSP	Negligent Homicide (DSP)	-no record, out of state-
044**	AR, DSP	Leaving the Scene (CC)	Reexamination
045	AR, DSP	Dismissed (CC)	Suspension
046	AR, DSP	Not Guilty (CC)	County Driver Safety School
047	AR	Reckless Driving (DR)	Revocation
048	AR	-juvenile, records sealed-	Reexamination
049	DSP	Negligent Homicide (CC)	Revocation
050+	AR	Negligent Homicide (CC)	NRE
051	AR	Driving Under the Influence of Liquor (DR)	Revocation

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
052	AR	Driving While Impaired (DR)	Revocation
053	AR	Negligent Homicide (DR, DSP)	Reexamination
054	AR	Driving Under the Influence of Liquor (DR)	County Driver Safety School
055	AR	Driving While Impaired (DR)	Reexamination
056	AR	NRE (AR, DR, DSP, CC)	Revocation
057	AR	NRE (AR, DR, DSP, CC)	Reexamination
058	AR, DSP	Manslaughter (DR, DSP)	Revocation
059	AR	NRE (AR, DR, DSP, CC)	Revocation
060	AR	NRE (AR, DR, DSP, CC)	NRE
061	AR	NRE (AR, DR, DSP, CC)	Revocation
062	AR	Negligent Homicide (DR, DSP)	Revocation
063	AR	Reckless Driving (DR)	Revocation
064	AR	Negligent Homicide (DR)	Reexamination
065	AR	NRE (AR, DR, DSP, CC)	NRE
066	AR	Negligent Homicide (DR, DSP)	Reexamination
067	AR, DSP	Manslaughter (DR, DSP)	Revocation
068	AR	Negligent Homicide (DR) and Reckless Driving (DR, DSP)	Suspension
069*	INF	Manslaughter (DR)	Revocation

B. DRIVERS CHARGED WITH NEGLIGENT HOMICIDE (94):

070	AR	NRE (AR, DR, DSP, CC)	Reexamination
071	AR, DSP	Careless Driving (AR, DR, DSP)	Reexamination
072	DSP	Careless Driving (CC)	Revocation
073	AR, DSP	Careless Driving (AR, DSP)	Revocation
074	AR	Negligent Homicide (CC)	Suspension
075	AR, DSP	Negligent Homicide (AR)	NRE
076	AR	Reckless Driving (AR)	-no record available-
077	DSP	Driving While Impaired (DR)	Revocation
078	AR, DSP	Reckless Driving (DSP)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
079	AR, DSP	Negligent Homicide (AR)	NRE
080	AR	NRE (AR, DSP, CC)	-no record available-
081	AR	NRE (AR, DR, DSP, CC)	Reexamination
082*	AR	Reckless Driving (DR)	Reexamination
083	AR	Negligent Homicide (DR, DSP)	Reexamination
084	AR	Negligent Homicide (CC)	Revocation
085	AR, DSP	Negligent Homicide (CC)	Revocation
086	AR, DSP	Negligent Homicide (AR, DR)	Suspension
087	AR	Negligent Homicide (CC)	Reexamination
088	AR	Negligent Homicide (AR, DSP)	NRE
089	AR	Negligent Homicide (CC)	Reexamination
090	AR	Not Guilty (CC)	Reexamination
091	AR, DSP	Not Guilty (AR); Dismissed (DSP)	Suspension
092	AR, DSP	Negligent Homicide (DR, DSP)	Reexamination
093	AR	NRE (AR, DR, DSP, CC)	Suspension
094	AR, DSP	Negligent Homicide (DSP)	Revocation
095	AR	Not Guilty (CC)	Reexamination
096*	AR	NRE (AR, DSP, CC)	-no record available-
097	DSP	Negligent Homicide (DSP)	Driving Restrictions Imposed
098	AR, DSP	Reckless Driving (AR, DR)	Suspension
099	AR, DSP	Not Guilty (AR, DSP)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
100	AR	Negligent Homicide (CC)	Revocation
101	AR, DSP	Negligent Homicide (AR, DSP)	Suspension
102 **	AR, DSP	Dismissed (CC)	Reexamination
103	AR	Not Guilty (CC)	Reexamination
104+	AR, DSP	Reckless Driving (AR, CC); Careless Driving (DSP)	Revocation
105	AR	Not Guilty (AR)	Reexamination
106*	AR, DSP	Leaving the Scene (DSP)	NRE
107	AR, DSP	Disobey Traffic Signal (CC)	NRE
108	DSP	Reckless Driving (DR, DSP)	Revocation
109	DSP	Negligent Homicide (DSP)	NRE
110*	AR	Negligent Homicide (AR, DR)	NRE
111	AR, DSP	Negligent Homicide (AR, DR, DSP)	County Driver Safety School
112	AR, DSP	Improper Passing (DR)	Reexamination
113	DSP	Disobey Traffic Signal (DR)	Revocation
114	AR, DSP	Driving Left of Center (AR)	NRE
115	AR	NRE (AR, DR, DSP, CC)	Suspension
116	AR	Not Guilty (AR)	Reexamination
117	AR, DSP	Negligent Homicide (AR, DR, DSP)	NRE
118	AR	Not Guilty (CC)	Suspension
119	AR, DSP	Reckless Driving (CC)	-no record, out of state-
120	AR	Negligent Homicide (DR)	NRE
121	AR, DSP	Reckless Driving (DR)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
122	AR	Dismissed (AR)	Suspension
123	AR, DSP	Reckless Driving (AR)	-no record available-
124	AR	NRE (AR, DR, DSP, CC)	Revocation
125	AR	NRE (AR, DR, DSP, CC)	Revocation
126*	AR, DSP	Negligent Homicide (AR, DSP) and Leaving the Scene (AR)	-no record available-
127+	AR	Reckless Driving (AR, DR, DSP)	Reexamination
128	AR, DSP	Not Guilty (AR, DSP)	Revocation
129	AR	NRE (AR, DR, DSP, CC)	Reexamination
130	AR, DSP	Negligent Homicide (DSP)	Suspension
131	AR	Charge Reduced to Careless Driving; Driver Failed to Appear (CC)	Revocation
132	AR, DSP	Dismissed (DSP)	Revocation
133	AR, DSP	Negligent Homicide (DSP)	Revocation
134	AR, DSP	Dismissed (AR)	Reexamination
135	AR	Reckless Driving (CC)	County Driver Safety School
136	AR	Negligent Homicide (DR)	Revocation
137*	AR, DSP	Driving Under the Influence of Liquor (DR)	Revocation
138	AR	Prohibited Turn (CC)	Reexamination
139	AR, DSP	Moving Traffic Violation (sic) (DSP)	Suspension
140	AR, DSP	Careless Driving (AR)	-no record, out of state-
141*	AR, DSP	Not Guilty (AR, DSP)	Revocation
142	AR, DSP	Negligent Homicide (AR, DR, DSP)	Suspension
143	AR, DSP	Not Guilty (AR, DSP)	Revocation

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
144+	AR	Dismissed Following Mistrial (CC)	Reexamination
145	AR, DSP	Sentenced Under Youthful Trainee Act (DSP)	Revocation
146	AR	NRE (AR, DR, DSP, CC)	Revocation
147	AR	Failure to Yield (AR, DR)	Suspension
148	DSP	Careless Driving (CC)	Reexamination
149	DSP	Negligent Homicide (DSP)	Revocation
150	AR	Dismissed (CC)	Reexamination
151	AR	Failure to Yield (AR, DR)	Reexamination
152	DSP	Reckless Driving (DR)	Reexamination
153+	AR	Dismissed (CC)	Reexamination
154	AR	Dismissed (CC)	Reexamination
155	AR	Dismissed (CC)	NRE
156	DSP	Negligent Homicide (DR, DSP)	Reexamination
157	INF	Negligent Homicide (DR)	Revocation
158	INF	Negligent Homicide (DR)	NRE
159	INF	Negligent Homicide (DR)	Revocation
160	INF	Negligent Homicide (DR)	Reexamination
161	INF	Negligent Homicide (DR, DSP)	NRE
162	INF	Negligent Homicide (DR)	Revocation
163	INF	Negligent Homicide (DR)	Revocation
C. DRIVERS CHARGED WITH FELONIOUS DRIVING (4):			
164*	AR	Dismissed (CC)	Revocation
165	AR	Attempted Felonious Driving (AR)	-no record, out of state-

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
166	AR	NRE (AR, DR, DSP, CC)	Suspension
167	AR	Negligent Homicide (DR, DSP)	Reexamination
II. DRIVERS CHARGED WITH MISDEMEANORS; FELONY CHARGES POSSIBLE (48):			
168	Care (AR)	Violation Basic Speed Law (DR)	County Driver Safety School
169	Care (AR)	NRE (AR, DR, DSP)	Revocation
170*	VBSL (AR)	Violation Basic Speed Law (DR)	Revocation
171*	DUIL (AR)	NRE (AR, DR, DSP)	Suspension
172?	DTCD (AR)	NRE (AR, DSP)	-no record available-
173	VBSL (AR)	NRE (AR, DSP)	-no record available-
174?	VBSL (AR)	Careless Driving (DR)	Revocation
175	DTCD (AR)	NRE (AR, DSP)	-no record available-
176?	Left (AR)	NRE (AR, DR, DSP)	Revocation
177?	Care (AR)	NRE (AR, DR, DSP)	Suspension
178?	Fail (AR)	NRE (AR, DR, DSP)	County Driver Safety School
179	DWI (AR)	NRE (AR, DR, DSP)	Reexamination
180?	Unspec (AR)	NRE (AR, DR, DSP)	Revocation
181?	VBSL (AR)	NRE (AR, DSP)	-no record, out of state-
182?	Left (AR)	NRE (AR, DR, DSP)	Suspension
183	VBSL (AR)	NRE (AR, DR, DSP)	NRE
184?	Fail (AR)	NRE (AR, DR, DSP)	Reexamination
185*?	Unspec (AR)	Driving Under the Influence of Liquor and Leaving the Scene (DR)	Revocation
186?	Fail (AR)	Failure to Yield (DR)	Revocation

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
187	Fail (AR)	NRE (AR, DR, DSP)	Reexamination
188?	Fail (AR)	NRE (AR, DR, DSP)	Reexamination
189?	Fail (AR)	Improper Turn (DR)	Reexamination
190*?	Left (AR)	NRE (AR, DR, DSP)	Revocation
191*	DUIL (AR, DSP)	Driving While Impaired (DR)	NRE
192?	Fail (AR)	Failure to Yield (DR)	Revocation
193?	Reck (AR)	NRE (AR, DR, DSP)	Suspension
194	Fail (AR)	Failure to Yield (DR)	Reexamination
195	Left and Equip (AR)	NRE (AR, DSP)	-no record, out of state-
196	Fail (AR)	Failure to Yield (AR, DSP)	Reexamination
197?	Reck (AR)	NRE (AR, DSP)	-no record, out of state-
198*?	VBSL (AR)	NRE (AR, DR, DSP)	Revocation
199?	DSS (AR)	NRE (AR, DR, DSP)	Revocation
200?	Speed (AR)	NRE (AR, DR, DSP)	Suspension
201?	Left (AR)	Driving Left of Center (DR)	Suspension
202*	DUIL (AR)	Driving Under the Influence of Liquor and Driving with Suspended License (DR)	Revocation
203	DUIL (AR)	NRE (AR, DR, DSP)	Suspension
204?	DSS (AR)	NRE (AR, DSP)	-no record available-
205	Im. Turn (AR)	Improper Turn (DR)	Driver voluntarily surrendered license
206	DUIL (AR)	Driving Under the Influence of Liquor (DR)	Revocation
207 ?	Fail (AR)	Failure to Yield (DR)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
208?	VBSL (AR)	Violation Basic Speed Law (DR)	Revocation
209?	Unspec (AR)	NRE (AR, DR, DSP)	NRE
210*?	Left (AR)	Leaving the Scene (DR, DSP)	Revocation
211?	DTCB (AR)	NRE (AR, DR, DSP)	Reexamination
212?	Fail (AR)	NRE (AR, DSP)	-no record available-
213?	LCWSO (AR)	NRE (AR, DR, DSP)	Suspension
214?	Left (AR)	Reckless Driving (DR)	Reexamination
215?	DTCB (AR)	Reckless Driving (DR)	Reexamination
III. DRIVERS CHARGED WITH MISDEMEANORS ONLY (73):			
216	Reck (AR)	Failure to Yield (DR)	NRE
217	Im. Start (AR)	NRE (AR, DR, DSP)	NRE
218	RSOS (AR)	NRE (AR, DR, DSP)	NRE
219	Fail (AR)	Failure to Yield (DR)	Reexamination
220	Left and Care (AR)	Driving Left of Center and Careless Driving (AR, DR)	Revocation
221	DUIL (AR)	Driving Under the Influence of Liquor (DR)	Suspension
222	Fail (AR)	NRE (AR, DSP)	-no record, out of state-
223	Care (AR)	Careless Driving (AR, DR)	Suspension
224	Fail (AR)	Failure to Yield (DR)	NRE
225	Left (AR)	Driving Left of Center (AR, DR)	Revocation
226	Im. Park (AR)	NRE (AR, DR, DSP)	Reexamination
227	Fail (AR)	Failure to Yield (DR)	Reexamination
228	Care (AR)	Careless Driving (DR)	Reexamination
229	Care (AR)	Careless Driving (DR)	Reexamination
230	Fail (AR)	NRE (AR, DSP)	-no record available-

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
231	Reck (AR,DSP)	Reckless Driving (DR)	Revocation
232	VBSL (AR)	Violation Basic Speed Law (DR)	Revocation
233	Care, Lic., and Ins.(AR)	Driving with Suspended License (DR)	Revocation
234	Care, Reg., and Ins. (AR)	NRE (AR, DR, DSP)	Revocation
235	VBSL (AR)	NRE (AR, DR, DSP)	Reexamination
236	Left (AR)	Dismissed (AR)	-no record, out of state-
237	Left (AR)	Driving Left of Center (DR)	Revocation
238	Care (AR)	Careless Driving (DR)	Suspension
239	Fail (AR)	Dismissed (AR)	Reexamination
240	Fail (AR)	Failure to Yield (AR)	Reexamination
241	Reck (AR)	Reckless Driving (DR)	Suspension
242	DSS (AR)	Disobey Stop Sign (DR)	Suspension
243	VBSL (AR)	NRE (AR, DR, DSP)	Revocation
244	Equip (AR)	Defective Brakes (AR)	Reexamination
245	Left (AR)	NRE (AR, DR, DSP)	Reexamination
246	VBSL (AR)	NRE (AR, DSP)	-no record available-
247	Reck (AR)	Reckless Driving (DR, DSP)	Revocation
248	Reck (AR)	Reckless Driving (AR, DR)	Reexamination
249	VBSL (AR)	NRE (AR, DR, DSP)	Suspension
250	Fail (AR)	Failure to Yield (DR)	Revocation
251	Care (AR)	NRE (AR, DR, DSP)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
252	Care (AR)	Careless Driving (DR)	County Driver Safety School
253	Reck (AR)	Reckless Driving (AR, DR)	Reexamination
254	Fail and Lic. (AR)	Failure to Yield and Violation of License Restrictions (no glasses) (AR, DR)	Revocation
255	Fail (AR)	NRE (AR,DR,DSP)	Reexamination
256	DUIL (AR)	Driving Under the Influence of Liquor (DR)	Revocation
257	Left (AR)	NRE (AR, DSP)	-no record available-
258*	Care (AR)	NRE (AR, DR, DSP)	Reexamination
259	DUIL and LIC (AR)	Driving Under the Influence of Liquor and Driving with Expired License (DR)	Revocation
260	Speed, Lic., and Reg. (AR)	NRE (AR, DSP)	-no record available-
261	VBSL (AR)	Careless Driving (DR)	Revocation
262	Left (AR)	NRE (AR, DR, DSP)	Suspension
263	Reck (AR)	Reckless Driving (DR)	Revocation
264	Care (AR)	NRE (AR, DR, DSP)	County Driver Safety School
265	DSS (AR)	Disobey Stop Sign (DR)	Suspension
266	Care (AR)	NRE (AR, DR, DSP)	Suspension
267	Reck and Lic. (AR, DSP)	Reckless Driving and Driving with Suspended License (DR, DSP)	Revocation
268	Im. Pass (AR)	Improper Passing (DR)	Revocation
269	Care (AR)	Careless Driving (DR)	NRE
270	Im. Turn (AR)	Dismissed (AR)	-no record, out of state-
271	Fail (AR)	Failure to Yield (DR)	Revocation
272	Care (AR)	Violation Basic Speed Law (DR)	NRE
273	Fail (AR)	NRE (AR, DR, DSP)	Reexamination

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<u>CASE NUMBER</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
274	Unspec (AR)	NRE (AR, DR, DSP)	Revocation
275?	Speed (AR)	NRE (AR, DR, DSP)	Revocation
276?	VBSL (AR)	Violation Basic Speed Law (AR, DR)	NRE
277?	Fail (AR)	NRE (AR, DR, DSP)	Revocation
278?	DTCD (AR)	NRE (AR, DR, DSP)	Revocation
279?	DTCD (AR)	NRE (AR, DR, DSP)	NRE
280?	Reck (AR)	Reckless Driving (DR)	County Driver Safety School
281?	VBSL (AR)	NRE (AR, DSP)	-no record, out of state-
282?	DTCD (AR)	Disobey Traffic Signal (DR)	Reexamination
283?	DSS (AR)	Disobey Stop Sign (DR)	License Restrictions Imposed
284?	Im. Pass (AR)	NRE (AR, DR, DSP)	Revocation
285?	Fail (AR)	NRE (AR, DSP)	-no record, out of state-
286?	Left (AR)	Driving Left of Center and Violation Basic Speed Law (DR)	Revocation
287?	Left (AR)	NRE (AR, DR, DSP)	Reexamination
288?	Left (AR)	NRE (AR, DR, DSP)	Reexamination

EXPLANATION OF SYMBOLS AND ABBREVIATIONS:

- +--Driver was selected for in-depth field study reported in Section 5.0.
- ?--The initial charge in this case did not appear in the "Charge" box on the police accident report, but was inferred from all information on the report.
- AR--The police accident report was a source of this information.
- Care--The initial charge was careless driving.
- CC--A direct court contact was a source of this information.
- DR--The DOS driver record was a source of this information
- DSP--The DSP criminal history file was a source of this information.
- DSS--The initial charge was disobeying a stop sign.
- DTC--The initial charge was disobeying a traffic-control device.
- DUIL--The initial charge was driving under the influence of liquor.
- DWI--The initial charge was driving while impaired.
- Equip--The initial charge was an equipment violation, such as defective brakes or tires.
- Fail--The initial charge was failure to yield the right of way.
- Im. Park--The initial charge was improper parking.
- Im. Pass--The initial charge was improper passing.
- Im. Start--The initial charge was improper starting.
- Im. Turn--The initial charge was making an improper turn.
- INF--The initial charge was inferred from the presence of a conviction of that offense appearing on the driver's record.
- Ins--The initial charge was violation of insurance laws.
- LCWSO--The initial charge was leaving the curb without safe observation.
- Left--The initial charge was driving left of center, or driving the wrong way on a divided highway.

EXPLANATION OF SYMBOLS AND ABBREVIATIONS - Continued

Lic--The initial charge was driving with a revoked or suspended license, having no license, or violating license restrictions.

NRE--From all available records, no record entry appears concerning CJS or administrative action.

Reck--The initial charge was reckless driving.

Reg--The initial charge was a violation of registration laws.

RSOS--The initial charge was riding a snowmobile on the shoulder of a road.

Unspec--The initial charge was some unspecified hazardous violation.

VBSL--The initial charge was violation of the Basic Speed Law.

EXPLANATION OF CASES MARKED WITH AN ASTERISK:

Case No. 007. DSP criminal history files show an initial charge of negligent homicide.

Case No. 014. Revocation followed mandatory license suspension.

Case No. 024. Driver died prior to trial.

Case No. 026. Driver also charged with leaving the scene.

Case No. 028. Driver also charged with DUIL and with being drunk and disorderly.

Case No. 030. Driver also charged with DUIL (third offense) and with driving with a suspended license.

Case No. 032. DSP criminal history files show an initial charge of negligent homicide.

Case No. 034. DSP criminal history files show an initial charge of negligent homicide.

Case No. 037. Driver died prior to trial.

Case No. 042. Driver also charged with leaving the scene.

Case No. 044. Driver also charged with leaving the scene.

Case No. 069. Driver also charged with leaving the scene.

EXPLANATION OF CASES MARKED WITH AN ASTERISK - Continued

- Case No. 082. DSP criminal history files show that the negligent homicide charge was dismissed.
- Case No. 096: Driver also charged with DUIL.
- Case No. 102. Driver also charged with leaving the scene. The two charges were separated; driver was tried first on the leaving the scene charge and was found not guilty; the negligent homicide charge was then dismissed.
- Case No. 106. Driver also charged with leaving the scene.
- Case No. 110. Driver also charged with driving without a license.
- Case No. 126. Driver also charged with leaving the scene. DSP criminal history files show a charge of "Negligent Manslaughter" which was taken to mean negligent homicide.
- Case No. 137. Driver also charged with driving with suspended license. DSP criminal history files also note that the negligent homicide charge was dismissed.
- Case No. 141. An earlier charge of leaving the scene was dismissed.
- Case No. 164. Prior to dismissal, driver fled.
- Case No. 170. Driver also charged with driving with an expired license.
- Case No. 171. License suspension was added to an existing suspension.
- Case No. 185. Driver also charged with leaving the scene.
- Case No. 190. Driver also charged with leaving the scene.
- Case No. 191. Driver also charged with leaving the scene.
- Case No. 198. Driver also charged with leaving the scene.
- Case No. 202. License revocation was added to existing revocation.
- Case No. 210: DSP criminal history files show arrest on an unknown charge.
- Case No. 258. Driver also charged with being a minor transporting liquor.

APPENDIX C
 INITIAL CHARGES, FINAL CJS DISPOSITIONS, AND
 FINAL ADMINISTRATIVE DISPOSITIONS FOR
 DRIVERS IN THE REFERENCE SET

This Appendix sets out the recorded initial charges, if any, and the final dispositions--CJS and administrative--involving the 253 drivers in the reference set. To maintain the anonymity of these drivers they are identified by case number only.

In most cases the "source of charging data" and "final CJS disposition" columns contain no entries; this probably indicates that no CJS action was taken against the respective drivers, not that charging and CJS disposition data were missing. Symbols and abbreviations used here are explained in the notes on pages C-7 and C-8. Cases marked with an asterisk are explained further in the notes on page C-8.

<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
I. DRIVERS CHARGED WITH FELONIES (3):			
DRIVERS CHARGED WITH MANSLAUGHTER (1):			
001	DSP	NRE (AR, DR, DSP, CC)	Revocation
DRIVERS CHARGED WITH NEGLIGENT HOMICIDE (2):			
002	DSP	Careless Driving (CC)	Suspension
003	DSP	Neg. Homicide (CC)	Revocation
II. DRIVERS NOT CHARGED WITH FELONIES, FELONY CHARGES POSSIBLE (57):			
004			-no record available-
005			Revocation
006			Suspension
007			Reexamination
008			Revocation
009			NRE
010			Reexamination
011	INF	Faulure to signal or observe (DR)	NRE
012			Reexamination
013			Reexamination
014			-no record available-
015			Revocation
016			Suspension
017			-no record available-
018			-no record available-
019			-no record available-
020			NRE
021			NRE

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<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
022			Revocation
023			Reexamination
024			Reexamination
025			-no record available-
026			Reexamination
027			Reexamination
028			-no record available-
029*			-no record, out of state
030			-no record, out of state
031			Reexamination
032			Reexamination
033			Reexamination
034			Revocation
035			NRE
036			-no record available-
037			Reexamination
038			Reexamination
039			-no record available-
040			Reexamination
041			-no record available-
042			Reexamination
043			Reexamination
044			Reexamination
045*			Reexamination
046			-no record available-
047			NRE
048			Instructions given
049			Reexamination
050			Reexamination
051			Reexamination
052			Reexamination
053			-no record available-
054			License Restrictions Imposed
055			-no record available-
056			Suspension
057			Revocation
058			NRE

<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
059			Reexamination
060			Reexamination
III. DRIVERS NOT CHARGED; CLOSED CASES (193):			
061			Reexamination
062			-no record available-
063			Reexamination
064			Reexamination
065			NRE
066			NRE
067			Reexamination
068			Reexamination
069			Reexamination
070			Reexamination
071			Reexamination
072			-no record available-
073			Reexamination
074			Reexamination
075			County Driver Safety School
076			Suspension
077			Reexamination
078			Reexamination
079			Suspension
080			Reexamination
081			-no record available-
082			NRE
083			Reexamination
084			Reexamination
085			Reexamination
086			NRE
087			-no record, out of state-
088			NRE
089			NRE
090			Reexamination
091			Reexamination
092			NRE
093*			NRE
094*			NRE
095			County Driver Safety School
096			-no record available-
097			Suspension
098			Reexamination

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<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
099			Reexamination
100			Reexamination
101			Reexamination
102			Reexamination
103			Instructions given
104			Reexamination
105			Reexamination
106			Reexamination
107			Reexamination
108			Reexamination
109			-no record available-
110			Suspension
111			NRE
112			Reexamination
113			Reexamination
114			Reexamination
115			Reexamination
116			Reexamination
117			NRE
118			Reexamination
119			NRE
120			Reexamination
121			Revocation
122			Reexamination
123			Reexamination
124			Reexamination
125			Reexamination
126			Reexamination
127			-no record available-
128			Reexamination
129			Reexamination
130			Reexamination
131			NRE
132			Reexamination
133			Reexamination
134			NRE
135			Reexamination
136			Reexamination
137			NRE
138			Suspension
139			Reexamination

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<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
140			NRE
141			-no record available-
142			NRE
143			Reexamination
144			NRE
145			Reexamination
146			NRE
147			Reexamination
148			-no record, out of state-
149			NRE
150			-no record available-
151			NRE
152			NRE
153			Reexamination
154			Reexamination
155	INF	Driving with expired license (DR)	Reexamination
156			NRE
157			Reexamination
158			Revocation
159			Reexamination
160			-no record available-
161			NRE
162			NRE
163			Reexamination
164			-no record, out of state-
165			-no record, out of state-
166			-no record, out of state-
167			Reexamination
168			-no record available-
169			Reexamination
170			Reexamination
171			Reexamination
172			Reexamination
173			Reexamination
174			Revocation
175			NRE
176			Reexamination
177			-no record available-
178			Reexamination
179			Reexamination
180			NRE

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<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
181			NRE
182			Reexamination
183			NRE
184			Suspension
185			Reexamination
186			Reexamination
187			Reexamination
188			Reexamination
189			Reexamination
190			Suspension
191			NRE
192			Reexamination
193			Reexamination
194			NRE
195			Reexamination
196			-no record available-
197			Reexamination
198			Reexamination
199			NRE
200			-no record available-
201			Reexamination
202			-no record available-
203			Revocation
204			Reexamination
205			-no record available-
206			NRE
207			Suspension
208			Suspension
209			Reexamination
210			Suspension
211			NRE
212			NRE
213			NRE
214			-no record, out of state-
215			Revocation
216			Reexamination
217			Reexamination
218			-no record available-
219			NRE
220			NRE

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<u>CASE NO.</u>	<u>SOURCE OF CHARGING DATA</u>	<u>FINAL CJS DISPOSITION AND SOURCE OF DATA</u>	<u>FINAL ADMINISTRATIVE DISPOSITION</u>
221			-no record available-
222			Reexamination
223			Reexamination
224			Reexamination
225			Reexamination
226			NRE
227			-no record available
228			Reexamination
229			Reexamination
230			Reexamination
231			Reexamination
232			Reexamination
233			Reexamination
234			-no record, out of state-
235			Reexamination
236			NRE
237			Reexamination
238			NRE
239			Reexamination
240			Reexamination
241			Reexamination
242			Reexamination
243			Suspension
244			-no record available-
245			Reexamination
246			Reexamination
247			-no record available-
248			Reexamination
249			Reexamination
250			Reexamination
251			NRE
252			Reexamination
253			NRE

Explanation of symbols and abbreviations:

AR-- The police accident report was a source of this information.

CC-- A direct court contact was a source of this information.

DR-- The DOS driver record was a source of this information

DSP-- The DSP criminal history file was a source of this information.

INF-- The initial charge was inferred from the presence of a conviction of that offense on the driver's record.

NRE-- From all available records, no record entry appears concerning CJS or administrative action.

Explanation of Cases Marked with an Asterisk:

Case No. 027--Entry on police accident report notes that a charge was pending in this case.

Case No. 043--The DSP criminal history file for this driver was not available.

Case No. 092--An entry on the DOS driving record reads "Evaluated" but no administrative action against the driver is indicated on the record.

Case No. 093--An entry on the DOS driving record reads "Evaluated" but no administrative action against the driver is indicated on the record.

Case No. 229--The DSP criminal history file for this driver was not available.

APPENDIX D
ASSESSMENT OF DRIVER FAULT FOR
FIFTY-FIVE CHARGED DRIVERS

This Appendix sets out the assessments of legal fault that were made in 55 cases involving charged drivers. These specific cases were selected by means of a one-in-five sampling process from the charged driver set.

<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
006	At fault	Manslaughter	Speed too fast (100 m.p.h.)
012	At fault	Neg. Homicide	Disobey stop sign
017	At fault	Manslaughter	Disobey stop sign; defective brakes (known to driver)
019	At fault	Manslaughter	DUIL; driving left of center
020	At fault	Neg. Homicide	Violation basic speed law
029	At fault	Manslaughter*	DUIL (.25%)
042	At fault	Manslaughter*	DUIL; driving left of center
045	At fault	Manslaughter	Driving left of center; DUIL (possible)
047	At fault	Neg. Homicide	Improper passing or violation basic speed law
052	At fault	Manslaughter	DUIL (.25%); failure to yield (to pedestrian)
057	At fault	Neg. Homicide	Speed too fast
072	At fault	Neg. Homicide	Improper passing
076	At fault	Neg. Homicide	Speed too fast
079	At fault	Manslaughter	DUIL; driving left of center
080	At fault	Neg. Homicide	Speed too fast
083	At fault	Neg. Homicide	Disobey stop sign
092	At fault	Manslaughter	Speed too fast; DUIL (possible)
096	At fault	Neg. Homicide*	Violation basic speed law; DUIL (possible)
100	At fault	Neg. Homicide	Speed too fast; DWI (possible)
108	At fault	Manslaughter	DUIL (.26%); improper lane use

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<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
113	At fault	Neg. Homicide	Disobey traffic signal
122	At fault	Neg. Homicide	Failure to yield
126	At fault	Neg. Homicide*	Careless driving
131	At fault	Manslaughter	DUIL; violation basic speed law
133	At fault	Neg. Homicide	Failure to yield
136	At fault	Manslaughter	Speed too fast (60 m.p.h. in residential area zoned 25 m.p.h.)
138	At fault	Neg. Homicide	Failure to yield
142	At fault	Neg. Homicide	Disobey stop sign
153	At fault	Neg. Homicide	Failure to yield
156	At fault	Manslaughter	DUIL (.14%)*; failure to yield; speed too fast
158	At fault	Manslaughter	DUIL (.19%); driving left of center; speed too fast (possible)
160	At fault	Neg. Homicide	Disobey traffic signal
161	At fault	Neg. Homicide	Driving left of center
163	At fault	Manslaughter	DUIL (.24%); violation basic speed law; improper passing (possible)
165	At fault	Neg. Homicide	Failure to yield
172	At fault	Neg. Homicide	Disobey traffic signal
174	At fault	Neg. Homicide	DWI (.12%)*; driving left of center
176	At fault	Manslaughter	Speed too fast; driving left of center (divided highway)
180	(Not determinable)*		
183	At fault	Neg. Homicide	Violation basic speed law
185	At fault	Manslaughter*	DUIL (.20%)
190	At fault	Neg. Homicide*	Driving left of center
192	At fault	Neg. Homicide	Failure to yield
205	At fault	Neg. Homicide	Failure to yield
210	At fault	Neg. Homicide*	Driving left of center
219	At fault	Neg. Homicide	Failure to yield
221	At fault	Manslaughter	DUIL; driving left of center

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<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
224	At fault	Neg. Homicide	Failure to yield
239	At fault	Neg. Homicide	Failure to yield
255	At fault	Neg. Homicide	Failure to yield
257	At fault	Neg. Homicide	Driving left of center
258	At fault	Neg. Homicide	Speed too fast
259	At fault	Manslaughter	DUIL (.13%)*; speed too fast
274	At fault	Neg. Homicide	Speed too fast
283	At fault	Neg. Homicide	Disobey stop sign

*Notes:

- Case No. 029: Auto-pedestrian fatality. Police accident report contains little information bearing on driver fault; probable cause determination supporting manslaughter charge based on driver's drinking condition.
- Case No. 042: Driver also fled scene.
- Case No. 096: Auto-pedestrian fatality. Accident report notes pedestrian crossed where prohibited, and his negligence is relevant to determination of driver's own level of negligence.
- Case No. 126: Auto-pedestrian fatality in which driver fled scene. Probable cause determination supporting negligent homicide charge based on point of impact (shoulder of road).
- Case No. 156: Prior to March 30, 1972, the blood alcohol levels for DWI and DUIL were .10% and .15% respectively.
- Case No. 174: See note to Case No. 156.
- Case No. 180: Driver's vehicle, a tractor-trailer rig, broke down on roadway and was struck by automobile. Accident report contains insufficient information to determine whether probable cause existed to charge driver with negligent homicide.
- Case No. 185: Auto-pedestrian fatality in which driver fled scene. Probable cause determination supporting manslaughter charge based on driver's drinking condition.
- Case No. 190: Driver also fled scene.
- Case No. 210: Driver also fled scene.
- Case No. 259: See note to Case No. 156.



APPENDIX E
ASSESSMENT OF DRIVER FAULT FOR
FORTY-NINE DRIVERS IN THE REFERENCE SET

This Appendix sets out the assessments of legal fault that were made in 49 cases involving drivers in reference set. These specific cases were selected by means of a one-in-five sampling process from the set of drivers in reference set.

<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
001	At fault	Neg. Homicide	Speed too fast
007	At fault	Neg. Homicide	Speed too fast
012	Not at fault	None	None
024	(Not Determinable)*		
025	At fault	Neg. Homicide	Improper passing
037	Not at fault	None	Pedestrian: failure to yield
041	Not at fault	None	None
045	Not at fault	None	Other driver: violation basic speed law
063	At fault	Neg. Homicide	Violation basic speed law
066	Not at fault	None	Other driver: driving left of center
071	Not at fault	None	Pedestrian: failure to yield
075	Not at fault	None	None
083	Not at fault	None	Other driver: speed too fast
087	Not at fault	None	Other driver: failure to yield
092	Not at fault	None	None*
100	At fault	Neg. Homicide	Speed too fast; DWI
104	Not at fault	None	Other driver: driving left of center
109	Not at fault	None	Other driver: failure to yield
114	Not at fault	None	Other driver: failure to yield
119	Not at fault	None	Other driver: driving left of center
123	Not at fault	None	Other driver: improper passing
128	Not at fault	None	Other driver: failure to yield (after stop)

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<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
132	Not at fault	None	Other driver: failure to yield
139	Not at fault	None	Cyclist: failure to yield
144	Not at fault	None	Other driver: improper lane use
147	Not at fault	None	None
151	Not at fault	None	Other driver: violation basic speed law
156	Not at fault	None	Other driver: failure to yield
159	Not at fault	None	Other driver: speed too fast
162	Not at fault	None	Other driver: speed too fast
165	Not at fault	None	Other driver: failure to yield
169	Not at fault	None	Other driver: DUIL; reckless driving
174	(Not Determinable)*		
179	Not at fault	None	Pedestrian: failure to yield
182	At fault	Neg. Homicide	Violation basic speed law; defective tires and steering; DWI (possible)
187	Not at fault	None	Other driver: failure to yield
197	Not at fault	None	Other driver: speed too fast
203	At fault	Neg. Homicide	Violation basic speed law
207	Not at fault	None	Other driver: disobey traffic signal
208	Not at fault	None	Other driver: disobey traffic signal
209	Not at fault	None	Other driver: failure to yield
213	Not at fault	None	Other driver: DWI; speed too fast
216	Not at fault	None	Other driver: driving left of center
221	Not at fault	None	Pedestrian: failure to yield
225	Not at fault	None	Other driver: failure to yield
232	Not at fault	None	Other driver: violation basic speed law
238	Not at fault	None	Pedestrians (riding toy auto) failure to yield

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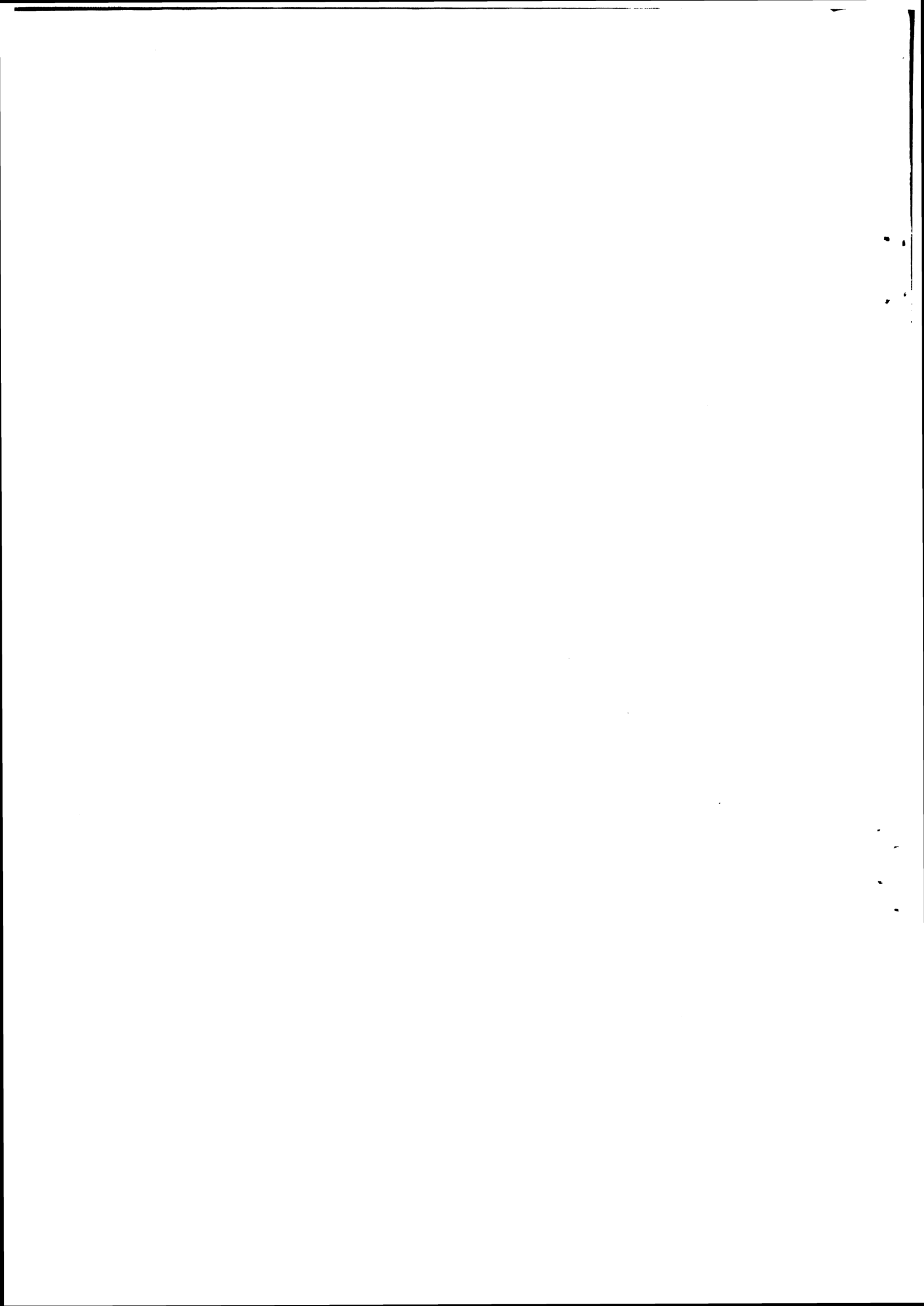
<u>CASE NO.</u>	<u>DETERMINATION OF FAULT</u>	<u>APPROPRIATE CHARGE</u>	<u>HAZARDOUS ACTIONS SUPPORTING APPROPRIATE CHARGE</u>
243	Not at fault	None	Other driver: disobey traffic signal; speed too fast
250	Not at fault	None	Pedestrian: failure to yield

*Notes:

Case No. 024: Accident report contains insufficient information to determine whether probable cause existed to charge driver with negligent homicide.

Case No. 092: Pedestrian wore dark clothing at night and walked in same direction as traffic.

Case No. 174: See note to Case No. 023.



APPENDIX F

SELECTED MICHIGAN LAWS DEALING WITH TRAFFIC-RELATED OFFENSES

This Appendix presents the elements of certain traffic-related offenses, and the maximum penalties--both criminal and administrative--prescribed for violation, set out by Michigan law. The four traffic-related felonies, and those misdemeanors whose elements are not self-explanatory, are dealt with.

The penal and traffic codes of other states may differ in some respects from the provisions presented here; however, Michigan law may be regarded as relatively typical.

I. FELONIES

A. Manslaughter

Elements:

- driving a motor vehicle;
- gross negligence, that is, intentionally engaging in dangerous driving behavior despite knowledge that serious harm would likely result (Note: intoxication does not necessarily indicate gross negligence);
- causation, that is: first, dangerous driving was the "but for" cause of the fatality; and second, the fatality occurred in a manner that could be foreseen as a consequence of the dangerous driving; and
- the death of another person.

Sanctions:

- criminal: up to 15 years' imprisonment and/or a \$7,500 fine.
- administrative: mandatory license suspension*: six violation points+; and probable reexamination by DOS leading to possible additional administrative sanctions.

* The mandatory suspension period set out by law is from 90 days to two years, in the discretion of DOS.

+ Twelve violation points accumulated within a period of two years are grounds for reexamination by DOS leading to possible administrative sanctions.

B. Negligent Homicide

Elements:

- driving a motor vehicle;
- negligence, that is, engaging in driving behavior posing an unreasonable risk of harm to others, whether or not the driver knows such a risk exists;
- causation; and
- the death of another person.

Sanctions:

- criminal: up to 2 years' imprisonment and/or a \$2,000 fine;
- administrative: mandatory license suspension; six violation points; and probable reexamination.

C. Felonious Driving

Elements:

- driving a motor vehicle on a highway;
- the equivalent of gross negligence;
- causation; and
- a crippling injury to, but not the death of, another person.

Sanctions:

- criminal: up to 2 years' imprisonment and/or a \$1,000 fine;
- civil: mandatory license suspension; six violation points; and probable reexamination.

D. Failure to Stop and Identify Oneself Following a Fatal or Personal-Injury Accident (Leaving the Scene)

Elements:

- driving a motor vehicle;
- involvement in a crash involving the death of, or serious injury to, another person;
- knowledge by the driver of his involvement in such a crash; and
- failure by the driver to:
 - stop at the crash scene;

- identify himself and his vehicle; and
- render reasonable assistance in securing medical aid or transportation for injured persons.

Sanctions:

- criminal: up to two years' imprisonment and/or a \$2,000 fine;
- administrative: mandatory license suspension; six violation points; and probable reexamination.

II. Misdemeanors

A. Driving Under the Influence of Intoxicating Liquor or Controlled Substance (DUIL)

Elements:

- driving a motor vehicle in a place open to the public; and
- driving with ability substantially and materially affected by consumption of liquor, drugs, or both (Note: in Michigan, a blood alcohol level (BAL), by weight, 0.10% or greater raises a presumption of being under the influence of liquor; prior to March 1972, the presumptive level was 0.15%.)

Sanctions:

- criminal: for first offense, up to 90 days' imprisonment and/or a \$100 fine; for second offense, up to one year's imprisonment and/or a \$1,000 fine; third and subsequent offenses within a ten-year period are punished as felonies.
- administrative: mandatory license suspension and six violation points. (Note: refusal to submit to a chemical test for alcohol is punishable by a license suspension of from 90 days to two years.)

B. Driving While Impaired Due to Consumption of Intoxicating Liquor or Controlled Substance (DWI).

Elements:

- driving a motor vehicle in a place open to the public;
- driving while ability is visibly impaired, that is, less than that of an ordinary, careful, and prudent driver; and
- the reduced driving ability is visible to an ordinary observant person. (Note: in Michigan, a BAL, by weight, of 0.07% or greater raises a presumption of being impaired; prior to March 1972 the presumptive level was 0.10%.)

Sanctions:

- criminal: for first offense, up to 90 days' imprisonment and/or a \$100 fine; for subsequent offenses, up to one year's imprisonment and/or a \$1,000 fine.
- administrative: mandatory license suspension and four violation points. (Note: refusal to submit to a chemical test for alcohol is punishable by a license suspension of from 90 days to two years.)

C. Reckless Driving

Elements:

- driving a motor vehicle in a place open to the public; and
- gross negligence.

Sanctions:

- criminal: up to 90 days' jail and/or a \$100 fine.
- administrative: six violation points. (Note: three convictions within one year result in mandatory license suspension.)

D. Driving in Negligent Manner (Careless Driving)

Elements:

- driving a motor vehicle in a place open to the public; and
- the equivalent of negligence.

Sanctions:

- criminal: up to 10 days' jail and/or \$100 fine.
- administrative: four violation points.

E. Violation of Basic Speed Law

Elements:

- driving at a speed greater than is reasonable and proper under existing conditions; or
- driving faster than will permit a stop within the assured clear distance ahead; or
- driving slower than is reasonable or proper.

Sanctions:

- criminal: up to 10 days' jail and/or a \$100 fine.
- administrative: two to four violation points.

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