

## **DUI KILLS**

*“A tree never hits an automobile except in self-defense.”*

- American Proverb

All of us in one way or another have been impacted by the menace of drivers under the influence. Several of my good friends have been killed by intoxicated drivers. Community Alert co-anchor and fellow columnist Ted Adams was involved in a fatal traffic collision on 154 where one of his lifelong friends was killed. Additionally, most of us know someone who has been arrested for DUI.

The criminal process is long and cumbersome not to mention expensive. Mandatory jail time, work furlough, probation, fines, loss of insurance, court fees and costs associated with mandatory attendance in special programs are all part of the DUI conviction process. Civil suits involving estates, injured parties and property damage resulting from a DUI collision can take years to adjudicate. Yet, people knowingly continue to drive intoxicated.

Social gatherings, wine tours and dinner outings with friends are just some of the types of events that get people into trouble. It only takes a second to turn a pleasurable activity into a lifelong nightmare – providing you survive.

Your weight, metabolism and how much you eat all factor into your potential state of intoxication from such events. Thinking you are “OK to drive” is not the same as being able to drive.

DUI is not limited to alcohol; prescription medications, over the counter preparations and illicit drugs are intoxicants that can get you into trouble. No doubt the new marijuana laws will contribute to the number of drivers who become involved in traffic collisions or traffic enforcement stops who learn the hard way they are under the influence. Be forewarned: A medical marijuana card is no longer a “get out of jail free card.”

It is a misnomer that one has to be disheveled, stumbling or falling down drunk to be arrested. In fact, you don’t have to do anything wrong whatsoever to be arrested for DUI. A classic example is a driver who is involved in a traffic collision that is in no way the fault of the driver, nothing but an innocent victim of another’s action, can still be arrested for DUI.

The film Flight is an example of hero turned criminal when investigators discover that the pilot that saved the passengers and crew from an otherwise certain death was in fact drunk at the time.

For those who have had prior arrests for DUI, a subsequent arrest involving an injury, or worse a fatality, can have profound criminal and civil ramifications. Felony charges including vehicle manslaughter and murder are not uncommon under such circumstances.

Civil actions subsequent to a criminal trial can also be life altering. Yet remarkably, multiple arrests for DUI are not uncommon.

Everyone knows not to drive intoxicated. “It can’t happen to me” or “I am just going around the corner” are common thoughts that can lead to tragedy.

Arrogance is also problematic for those who think they possess the “Key to the City” and are immune to arrest. Without a doubt, those days are long gone.

There is not a police officer anywhere in the world that does not have stories to tell of tragedies involving DUI’s. Living with the results of the carnage is part of the job that is not on cop shows or depicted in the movies. These are the events that nightmares are made of.

My first fatal traffic collision was at the Santa Ana and Riverside freeway interchange near the infamous KFI radio tower in 1978. Four people were killed that afternoon including a young child who was ejected from his mother’s yellow VW after it was hit by a station wagon that jumped the center divider. I remember this crash as if it was yesterday.

Police officers, firefighters, paramedics, emergency room physicians, nurses and hospital support staff see the results of DUI every day and all have similar experiences.

According to the US Department of Transportation, Bureau of Transportation Statistics three people are killed every two hours in alcohol-related highway collisions in the United States. Every single one of these collisions was preventable.

About 4 million adults were reported driving “under the influence of alcohol at least once in 2010 yielding an estimated 112 million alcohol-impaired driving episodes.”

Collisions involving alcohol accounted for 13,365 deaths in 2010 with an estimated annual cost of \$37 billion according to the National Highway Transportation Safety Administration’s April 2012 report “Impaired Driving.”

The comprehensive “2012 Annual Report of the California DUI Management Information System” to the state legislature provides an interesting insight to California’s DUI problem. Some of the highlights include:

- Alcohol-involved fatalities decreased by 15.1 percent, the biggest decline since a decreasing trend started 4 years ago.
- Drug-involved crash fatalities declined slightly, by 2.4 percent in 2009, but still reflect an increase of 63 percent in the past decade.
- The median age of a DUI arrestee in 2010 was thirty years. Less than 1 percent of all DUI arrests were juveniles.

- Among convicted DUI offenders arrested in 2009, 73 percent were first offenders and 27 percent were repeat offenders. The proportion of repeat offenders has decreased considerably since 1989, when it stood at 37 percent.
- The median blood alcohol concentration of a convicted DUI offender, as reported by law enforcement on Administrative Per Se forms, was 0.15 percent in 2009, same as in the last 5 years, yet almost double the California illegal per se limit of 0.08 percent.

While it appears that California alcohol related DUI fatalities are down over the last 4 years there has been a 63 percent increase in drug related DUI fatalities.

Also of interest is the level of intoxication that most DUI arrests involve. These are not folks who drank a “couple of glasses of wine at dinner” or “a couple of beers.” These are drivers who know they are intoxicated and present a significant hazard to themselves and others.

Over the entrance of the Santa Barbara County District Attorney’s office is inscribed “Law is the voice of the people. Justice makes it heard.” Unfortunately, for the victims of intoxicated drivers this brings little comfort because our judicial system does not necessarily translate to what some would consider fair. Real closure is often lost within the “Halls of Justice.”

No one likes attorneys until they need one but the defense bar is an important component to the judicial process. These attorneys have a duty to protect the accused from potential injustices, improper procedures and to protect the civil rights of the accused. It is a form of quality control.

Nonetheless, our system of justice is indeed frustrating and frequently seems to not take into account the interest of the victims themselves. Sometimes victims are demonized to the point that they appear guilty of what happened to them at the hands of another. The question of who is watching out for the victim is not unrealistic.

A car traveling at 55 miles an hour is moving at 80.3 feet per second. Good reaction time is considered to be three quarters of a second, or in this example 60.2 feet per second. Reaction time is significantly extended when a driver is intoxicated. All too frequently a collision occurs before a driver even sees a threat much less has time to react.

In other words, your entire life, or that of someone else, can be changed in less than one second. The courts are full of people who did not think it would happen to them. So are the morgues. Is it worth it?