

## **The National Traffic Law Center: Who We Are and What We Do**

Many of you are familiar with the National Traffic Law Center, if only because of our quarterly newsletter *Between the Lines*. Others may be new to the field and unaware of our organization. This issue of *Between the Lines* will provide an up-to-date overview of who we are and what we can do for you.

### **Brief History**

In an effort to reduce traffic injuries and fatalities on our nation's roads, the United States Department of Transportation, in June 1991, convened Traffic Safety Summit II. Prosecutors, judges, defense attorneys, law enforcement officials, highway safety experts and drug and alcohol abuse specialists from across the country generated 188 recommendations on all aspects of the prosecution and adjudication of traffic offenses. One of the top priorities was the creation of an information clearinghouse.

In response, in August 1992, the National Highway Traffic Safety Administration (NHTSA) began funding the National Traffic Law Center (NTLC), under a cooperative agreement with the American Prosecutor Research Institute (APRI) in Alexandria, Virginia. The staff at NTLC includes experienced former prosecutors who provide a wide range of services to prosecutors and law enforcement officers.

### **Services**

#### **Clearinghouse**

The National Traffic Law Center is a clearinghouse for resources, such as case law, model legislation, research studies, training materials, trial documents and a professional reference directory. The information covers a wide range of topics, including: breathalyzers; crash reconstruction; Horizontal Gaze Nystagmus; Standardized Field Sobriety Tests; and toxicology.

#### **Research**

Our ability to provide legal research on new topics is of particular importance to prosecutors and law enforcement. We routinely receive calls from around the country, sometimes under the pressure of time (Prosecutor calling: "I'm in trials, on lunch break, and due back in court in 25 minutes. Can you help me with this issue that just came up?"). It is our responsibility and commitment to provide as much assistance as possible in the allotted time frame, while acknowledging that the technical age of the Internet, LEXIS, faxes and e-mails makes this an easier task for all of us.

#### **Technical Assistance**

NTLC staff assists prosecutors in all areas of trial preparation, including methods to counter specific defenses. One common request is for information about expert witnesses, whether needed by the prosecutor or being offered by the defense. As an example, a prosecutor in Kansas recently contacted NTLC seeking information on out-of-state defense witnesses (one from Florida, the other from Wisconsin) who would be testifying about the Intoxilizer 5000 and crash reconstruction. We provided the caller with copies of prior transcripts, publications, and background information on these individuals that we had received from other prosecutors and law enforcement agencies who had previously dealt with them. If we had not had information available, we would have performed an Internet and LEXIS search and contacted other prosecutors who might be familiar with the individuals, and forwarded the results to the prosecutor.

#### **Trainings**

NTLC works closely with NHTSA to develop and deliver prosecutor training programs. Current courses include *Prosecution of Driving While Under the Influence*; *Prosecuting the Drugged Driver*; *Lethal Weapon: DUI Homicide*; and, most recently, *Protecting Lives, Saving Futures*. Each course incorporates

substantive legal presentations by faculty, along with skill-building sessions where students participate in a mock trial. Participants are critiqued and videotaped to assist in improving their trial skills. These courses are held annually at the National District Attorneys Association's National Advocacy Center, on the campus of the University of South Carolina at Columbia. They are also available for local jurisdictions to present on their own at minimal cost.

### Speakers

The legal staff of NTLC is available to make presentations on specific subjects in conjunction with local, state, and national conferences and seminars, with expenses paid by the host organization. As an example, the Director was invited to speak at the *7th Annual Drugs, Alcohol, and Impaired Driving Seminar* sponsored by the International Association of Chiefs of Police in Long Beach, California on June 22-25, 2001. He presented *Prosecuting the DRE/DUI Case*. Approximately 500 law enforcement officers from around the country attended this conference.

### Publications

Finally, the Center produces a variety of publications and written materials, from this one-page quarterly newsletter to state law summary charts (e.g., PBT Laws; Admissibility of Chemical Test Refusals) to comprehensive manuals, including *Prior Convictions in DUI Prosecutions*, which is in excess of 1,000 pages and updated annually. Our website, [www.ndaa-apri.org](http://www.ndaa-apri.org) includes some of these materials.

For additional information about our services and publications, contact the National Traffic Law Center, 99 Canal Center Plaza, Suite 510, Alexandria, Virginia, 22314, (phone) 703-549-4253, (fax) 703-836-3195, or e-mail at [trafficlaw@ndaa-apri.org](mailto:trafficlaw@ndaa-apri.org).

### APRI Tribute

In light of the tragedies of September 11, 2001, APRI and the National Traffic Law Center would like to take this opportunity to recognize the selfless dedication of law enforcement officers, firefighters, EMTs, and dispatchers. These men and women all too often perform their jobs with little credit or gratitude from the rest of us.

We must neither undervalue nor take for granted their courage in the most extreme circumstances. As first responders to all types of emergencies, these individuals witness pain and suffering on an almost daily basis. Yet, they continue in their endeavors, even risking and forfeiting their lives in an effort to save others, often total strangers.

September 11th will continue to mean many things to many people. Chief among them will be a reminder that emergency personnel are first and foremost human beings like the rest of us, but with a courage unknown to most of us.

To all who have chosen this line of work, we thank you.

### Arresting Developments

**Tempe, Arizona** — The Arizona Bar Association has initiated an ethics investigation into two attorneys involved in the hit-and-run death of an 18-year-old Arizona State University college student. Police say Attorney Mark Aaron Torre was the driver and Attorney Paul Lalabandian was a passenger in a Ford Mustang that was traveling approximately 55 mph in a 35 mph zone when it slammed into Jessica Woodin, killing her instantly. Torre and Lalabandian fled the scene. The blood-spattered car was abandoned about two miles away. Torre turned himself in two days after the fatal incident. Lalabandian came forward for fingerprinting and measurements only after a court ordered him to do so. The criminal investigation is continuing.

**Marshall, Missouri** — John Kendrix, 44, of Moultrie, GA pleaded not guilty to five counts of second-degree involuntary manslaughter in connection with a fiery crash. Kendrix's tractor-trailer rig crossed the I-70 median near Sweet Springs, MO and slammed into a pickup truck, killing all five occupants, two adults and three children. Initial reports from the hospital that Kendrix's blood sample results showed marijuana, amphetamine and barbiturates

were not corroborated by the crime lab, according to the Missouri Highway Patrol. The investigation into the cause of the crash is ongoing.

**Norwich, New York** — Former Colgate University junior Robert Koester, 21, pleaded guilty to four counts of second-degree vehicular manslaughter and one count each of second-degree vehicular assault and third-degree assault in connection with a drunk-driving crash that occurred late last year. Koester was driving a Jeep full of his friends when he slammed into a tree on campus shortly after leaving a Delta Kappa Epsilon fraternity party. Three 18-year-olds and one 20-year-old friend were killed. Koester and two others were injured. Blood samples taken shortly after the crash showed readings of .17 and .13 percent BAC. Sentencing is set for November 14, 2001. It is expected that he will receive one and a third to four years in prison.