



Between the Lines

American Prosecutors Research Institute

The Research and Development
Division of NDAA

UPCOMING EVENTS

Institute of Police Technology and Management (IPTM) Trainings:

April 23 to 27, 2007
Special Problems in Traffic
Crash Reconstruction
Jacksonville, Florida (at IPTM)

June 26 to 28, 2007
Alcohol and Drug Symposium
Naples, Florida

Check the Institute of Police
Technology and Management
Web site for more info on
these trainings: www.iptm.org.

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Improperly Licensed Drivers: A Cause for Concern

By Rick Knight

Assistant Jackson County Prosecutor, Kansas City, MO

We all know we should fear the impaired driver, but what about the improperly licensed driver? Yes, definitely, according to an investigative report by *The Kansas City Star* (Oct. 15, 2006).

The findings had to sound an alarm for the general public in the *Star's* in-depth feature on improperly licensed drivers—motorists whose licenses were suspended, revoked or even non-existent. To prosecutors handling these cases, it was a sad truth. After analyzing 110 crashes (January 2005–August 2006), it was determined that 24 of the drivers' licenses were either suspended or revoked. Overall, 116 people were killed. Of that total, 49 were wholly innocent victims. "The risk to innocent motorists is second only to the threat of being hit by a drunken driver," says Robert Scopatz, Data Nexus Inc. researcher, who helped produce a 2003 national report on this issue. "It's definitely not on people's radar, and it should be," Scopatz added.

The *Star's* report put this issue on the radar for drivers in the Kansas City metropolitan area. Three drivers whose actions typify the problem were profiled in the *Star* article:

- Michael Vinzant wiped out a car backing out of a driveway, killing both women inside. He was driving on a revoked license.
- Jeffrey Scarlett crashed head-on into a sport utility vehicle driven by a woman who was seven months pregnant with twins. The woman lived; Scarlett died. Scarlett had 17 prior convictions for driving on a revoked license which was, of course, revoked at the time of the crash.
- Antawn McCant allegedly ran a stop sign and slammed into a car, killing the woman inside. He was fleeing police in a stolen vehicle. He was driving on a revoked license.

A true cause for concern, as evidenced by these case studies. Unfortunately, suspended, revoked or unlicensed drivers too often become immune to the illegality of their driving. They know serious punishment is unlikely. Their recidivism often goes unnoticed in a multi-county system that processes thousands of cases. For example, Scarlett had been caught driving 22 times without a license and convicted 17

times. Police are supposed to check the driver's history and send cases to the appropriate courts. The volume of cases often dictates that this does not happen. Scarlett was the product of an overworked and inattentive system.

"Only once was Scarlett charged in state court, and that was the ninth time he was caught driving with a revoked or suspended license," the *Star* noted. His other infractions were heard in various cities' municipal courts in the metro Kansas City area. If his history had been checked, his cases would have been sent to the state level for felony prosecution.

Scarlett's final violation is vividly described in the *Star*. Driving illegally once again on June 16, 2005—his license still revoked, speeding and with cocaine in his system—Scarlett crossed a double-yellow line to pass a vehicle in eastbound 87th Street. When the other driver honked, the 39-year-old Scarlett made an obscene gesture. An instant later, Scarlett's car struck Anita Gicino's westbound SUV. She was seven months pregnant with twins, who survived unhurt. Her comments to the police are words prosecutors hear all too often: "He was coming so fast...I didn't even have time to move out of the way." She suffered minor injuries but significant financial hardships due to the crash.

How does this happen? Prosecutors who handle these cases often lack the time to thoroughly review a defendant's driving record. Ticketed drivers often fail to make their court appearances, yet continue to drive. Those who do appear most often get probation. They then violate *that* probation and are sentenced to—you guessed it—more probation.

Across the country, jail space is at a premium and judges hesitate to order jail time with such limited space. In addition, defense attorneys argue that driving without a valid license is not a violent crime and their clients must drive to work to feed their families and pay child support. As a system, we fail to make the connection between continued unlicensed driving and vehicular assaults and homicides.

"Driving while revoked isn't a crime against property. It isn't a crime against a person," said Kansas City Police Sergeant Mark Terman, who supervises a vehicular crimes squad. "It's essentially a crime against a statute, and that's why it doesn't get any attention."

“A major public safety issue” is what Jackson County Prosecutor Mike Sanders called the problem. Yet he also acknowledges that, given the jail overcrowding in Jackson County, “The threat of real jail time doesn’t exist.”

So how does the system fail the very public it wants to protect? What can be done to ensure the public is not at risk? Addressing the problem requires effort by the community, prosecutors, law enforcement and the legislature.

The *Star* article posed the question: “How many breaks does an improperly licensed (dangerous) driver deserve?”

How can we better recognize the habitual improperly licensed driver? What can prosecutors and law enforcement officers do to red flag serious violators, like Scarlett, before they amass these unbelievable numbers of violations?

Changes in both procedures and attitude are underway across the nation. Police agencies are now working to alert officers to habitual violators with the use of computers located inside police vehicles that can access driving records simultaneously

with a traffic stop. They are also developing new ways to target these drivers in their regional database, similar to technology they use to identify repeat impaired drivers. Also, the Kansas City Police Department is considering a public safety campaign as a mechanism of change, said Police Chief Jim Corwin.

Another potential solution is for prosecutors to make a more concerted effort to routinely study defendants’ state driving records before entering court to handle these cases. Further food for thought: Impounding offenders’ vehicles is already lawful in 11 states; and taking away license plates of habitual offenders is under consideration in at least three states.

The key ingredient to change was summed up well by Robert Scopatz: “Any solution needs to start with a change in public attitude.”

Prosecutors have to lead that charge—by reminding defense attorneys and judges that while driving to work and feeding a family may be important, the safety of our responsible drivers and the public at large must be our top priority.

Use of Statistical Information

Prosecutors are often asked to participate in local, state and national forums, panel discussions, training seminars and school education programs to discuss the issues of traffic safety and impaired driving. Many times, these requests for prosecutor input are in response to a traffic tragedy, for example, a car crash involving a high school student who was driving while intoxicated and killed his front seat passenger, his best friend. Because audience members are often shocked and overwhelmed by the tragedies that occur on their own roadways, statistical information can be incredibly useful in describing and emphasizing the dangers and risks that they may never have contemplated. Once the information is offered, digested and discussed, it may become the ground work used to facilitate legislative changes and the implementation of new safety programs and initiatives.

The National Highway Traffic Safety Administration (NHTSA), National Center for Statistical Analysis (NCSA) and Mothers Against Drunk Driving (MADD) all provide current statistical data on issues ranging from: driver alcohol

involvement in fatal crashes by age group and vehicle type, drivers involved in fatal crashes by age group, traffic fatalities by age group and blood alcohol concentration, motorcycle and helmet use statistics, school-transportation-related crashes, seat belt use and speeding, to name a few. Many state highway safety offices also provide additional state statistics, which may be broken down by city, town and village.

The above-referenced organizations may be accessed through their Web sites:

NHTSA: www.nhtsa.gov

NCSA: www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa

MADD: www.madd.org

There are several links associated with each Web site that can provide additional information, resources, model community based programs and educational tools for use in these very important discussions.

The monograph “Children and Cars: A Potentially Lethal Combination” is now available at the National Highway Traffic Safety Administration’s Web site at <http://www.nhtsa.dot.gov/people/injury/enforce/ChildrenAndCars/pages/Unattended.htm>

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National District Attorneys Association
American Prosecutors Research Institute
National Traffic Law Center
99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314
www.ndaa.org

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