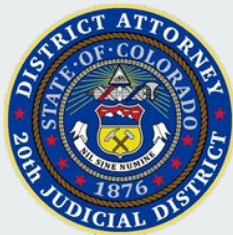




Creating Safe Roads for Everyone

Presentation to the Transportation Legislative Review Committee



Introduction

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Michael White, The White Line

Michael Dougherty, Boulder District Attorney

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Objectives

1. Show that consequences in current statute for drivers who hit and kill vulnerable road users should be updated.
2. Provide a theoretical framework to better understand deficiencies in current statute and explore policy solutions.
3. Share ideas to jump start research on specific changes to statute.



Accident or Crash?

Act of God

An unexpected, severe natural event that is beyond human control and could not have been prevented with reasonable care.

Without Intent & Knowledge

Without intent and knowledge of the risks.



Conscious Choice

Without intent but with knowledge of the risks.

With Intent

Without intent and knowledge of the risks.

Statute Has Normalized Extremely Dangerous Behavior

Statute creates a culture and societal norms that do not value human life



"Topper"
1937



Margaret Mitchell
August 16, 1949



Cari Lightner
May 3, 1980



MADD
Est.: 1980



Purpose of Penalties in the Rule of Law

- Societal Norms
- Deterrence
- Accountability & Justice
- Restitution
- Rehabilitation

Opportunity to Make Our Roads Safer for Everyone





Creating Safe Roads for Everyone



Michael White, Founder



Creating Safe Roads for Everyone



Michael Dougherty, District Attorney



Creating Safe Roads for Everyone



Brad Tucker, Founder



Key Definitions

Drivers found to be negligent can be charged with (among other offenses):

Careless Driving (42-4-1402): Any person who drives...in a careless and imprudent manner, ***without due regard*** for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant circumstances.

No knowledge of the risk or danger

Reckless Driving (42-4-1401): Any person who drives...in such a manner as to indicate either a ***wanton or a willful disregard for the safety of persons or property***

Unreasonable conduct or an extreme departure from ordinary care, in a situation where a high degree of danger is apparent



Current Penalties

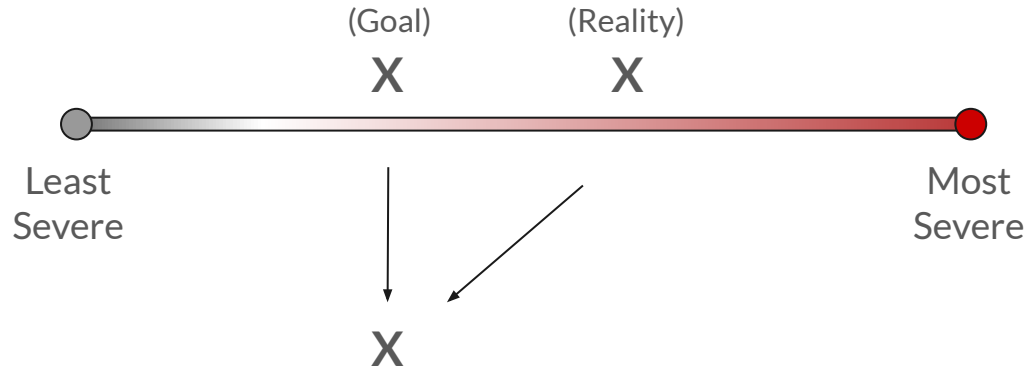
Careless Driving Resulting in Death Class 1 Misdemeanor - Requires <i>Careless</i> Driving	
Jail Time	Min: 10 days Max: 1 years
Fine	Min: \$300 Max: \$1,000
License Suspension	Discretionary
Community Service	Discretionary
Driver Training	Discretionary

Vehicular Homicide in the Second Degree Class 4 Felony - Requires <i>Reckless</i> Driving	
Jail Time	Min: 2 years Max: 6 years
Fine	Min: \$2,000 Max: \$500,000
License Suspension	Discretionary
Community Service	Discretionary
Driver Training	Discretionary

Culpability & Consequence

Culpability

- Conduct
- Outcome



Consequence

- Deterrent
- Social Norms
- Accountability
- Punishment



Scenarios

Conduct & Outcome	Common Charge	Common Consequence
A driver with a clean driving record is daydreaming, runs a stop sign, and kills a child in a crosswalk.	Careless driving resulting in death (misdemeanor)	Two years probation \$1,000 fine 150 hours community service
A driver with a clean driving record is reading a text, traveling 20 mph over the speed limit, runs a stop sign and kills a child in a crosswalk.	Careless driving resulting in death (misdemeanor)	Two years probation \$1,000 fine 150 hours community service



Aligning Culpability and Consequences

Possible Solutions

- Change the definition of reckless driving to include specific behaviors
- Increase penalties
- Increase penalties for repeat offenders
- Impose mandatory minimums for certain categories of penalties

Careless Driving Resulting in Death		
	Current	Future
Jail Time	Min: 10 days Max: 1 years	Min: 10 days Max: 1 years
Fine	Min: \$300 Max: \$1,000	Mandatory Min: \$1,000 Max: \$3,000
Community Service	Discretionary	Mandatory Min: 400 hrs
License Suspension	Discretionary	Mandatory Min: 12 pts
Driver Training	Discretionary	Mandatory



Creating Safe Roads for Everyone



Pete Piccolo, Executive Director

Safe Systems Approach



Principles of the Safe System Approach

