

Catch and Release of Repeat Impaired Drivers in Pennsylvania Needs to End

The June 16 edition of the [Patriot News included a story of a repeat impaired driver who slammed head-on into a family](#) on Front Street in Harrisburg. All family members suffered broken bones. Their three-year-old child had both legs broken.

What is most disturbing is that the impaired driver had been stopped for his third DUI about a year earlier, but no intervention occurred. Unfortunately, this is far from an isolated incident.

In many jurisdictions repeat impaired drivers are treated like first time offenders until sentencing. After their stop, DUI suspects are transported for a blood test and charges aren't filed until the results are returned weeks or months later. Once an offender is charged and served, their case works through the courts and they often remain out in the community for months without any special bail conditions or supervision---frequently driving impaired again.

Public court records show that is exactly what happened in this case. The offender was stopped for his third offense on June 24, 2017. Charges were not filed until July 12. A summons, the actual document that gave the offender notice of the charge was not issued until July 25 and was not accepted by the offender until August 15th. The case as of the date of his fourth offense mentioned above had still not been concluded.

The offender had seven substance abuse related offenses in the last nine years. Even so he was free to drive with no intervention requiring sobriety or drug and alcohol counseling.

Past action is the best predictor of future behavior. In 2008, York County reviewed the handling of DUI cases and found approximately 25% of repeat offenders would be caught for a new DUI while awaiting plea or trial on a previous DUI.

In response, York County launched the nationally recognized **Target 25 Program**. It requires law enforcement to look at prior records during a DUI stop. If the suspect is a repeat offender he or she is arrested and evaluated for bail conditions, which require monitored sobriety and counseling. Lancaster, Berks, Butler, and Washington Counties have implemented similar programs in recent years.

After implementing this program, victims' claims in the county dropped by 50%. Other jurisdictions across the country that have implemented these procedures, **frequently referred to as 24/7 programs** have seen similar results.

These programs should be state wide. If you are going to be killed by a stranger in the USA, it will likely be by a drunk driver. This young family like all of us was defenseless against this repeat Impaired driver.

Through a cooperative agreement between the American Bar Association and the National Highway Traffic Safety Administration I work as a Regional Judicial Outreach Liaison. These organizations stand ready willing and able to help any jurisdiction with advice and resources on how to make their motorists and pedestrians safer.

Judge John S. Kennedy (retired)
York PA