

Lessons Learned From a Drunk Driving Accident

Safety Board Urges Refresher Training for Police to Recognize Excessive Alcohol Use and Impairment

An off-duty police officer, trained to catch drunk drivers, speeders, and those who don't wear seat belts, violated all three prohibitions himself during a fatal accident in Linden, New Jersey.

The National Transportation Safety Board's (NTSB's) investigation of the Linden accident indicated that this driver probably had a serious drinking problem that was either unrecognized or ignored by colleagues, prompting the NTSB to urge law enforcement organizations to conduct refresher training in recognizing signs of excessive alcohol use and impairment.

"This was a tragic accident, a sad warning, and a wake-up call, since it involved a police officer whose job includes making our highways safer," Acting NTSB Chairman Mark V. Rosenker said. "Thankfully, it is not indicative of the hundreds of thousands of law enforcement officials who put their lives on the line every day and do an exemplary job of keeping us safer," Rosenker added.

The accident occurred on May 1, 2003, at about 2 a.m. when an off-duty police officer driving a Mercedes on U.S. Route 1 lost control of his vehicle, mounted and crossed a 6-inch-high raised curb, and entered the northbound lanes, where he collided with a Ford Taurus. All five Taurus occupants and the Mercedes driver were killed in the crash. The Mercedes driver was not wearing his seatbelt.

The investigation determined that the evening of the accident, the Mercedes driver had stopped at a local bar, attended a softball game where beer was available, and then returned to the local bar. Investigators who talked to the driver's friends and colleagues said that no one at the bar or the softball game recalled seeing him drink alcohol. However, toxicology tests on the Mercedes driver reported a blood alcohol concentration of .326 percent, more than four times the legal limit.

The NTSB also came to the following troubling conclusions:

- The off-duty police officer (the driver of the Mercedes) associated and worked with other police officers who should have been able to recognize signs of excessive alcohol use and impairment.
- The off-duty police officer's ability to function after consuming amounts of alcohol that would have incapacitated a non-tolerant individual indicates that he

had probably developed a tolerance to alcohol. He talked with friends and drove his vehicle for 3.35 miles before the accident.

- Despite the off-duty police officer's apparent alcohol tolerance, he exhibited alcohol-impaired performance in allowing his vehicle to drift over and strike the curb, steering abruptly after hitting the curb, and crossing the three lanes of traffic and the median.
- Although the off-duty police officer had no record of impaired driving penalties or violations, it is very likely that a driver with such a high blood alcohol concentration had previously driven impaired.
- Had the off-duty police officer been restrained, the seat belt, in conjunction with the air bag and the survivable space in the Mercedes, would have reduced his risk of ejection and fatal injury.
- New Jersey lacks a comprehensive approach to preventing hardcore drinking driving, including legislation that defines a high blood alcohol concentration (0.15 or greater) as an aggravated DWI offense.
- Drivers are not complying with the posted speed limit of 40 mph on U.S. Route 1 in the vicinity of the accident, and the apparent lack of traffic law enforcement in this area may contribute to the higher travel speeds.

A synopsis of the NTSB's report, including a complete list of conclusions and recommendations, is available on the Highway Publications page on the NTSB's Web site, www.nts.gov.