

# Full Justice for Victims of Drunk Driving

By George Moore

- May 8, 2010

Car accidents caused by drunk drivers are not just accidents. They are reckless and selfish acts. Many times they are intentional acts. Someone who gets drunk and careens down a highway does not care about you or your family. When a legally intoxicated individual gets behind the wheel of a motor vehicle, this is no different than shooting a gun into a crowded mall. He may not hit anyone, but he has taken a chance on randomly killing another human being. This man has played Russian roulette with the lives of innocent citizens. He may destroy a family by killing or maiming the mother or the breadwinner. He may cause untold suffering to a totally innocent family. A car accident is hard enough on a family, let alone a senseless and preventable [drunk driving accident](#). Families are devastated when a loved one is severely injured or no longer living because a nightclub wanted to make a few extra bucks, or because a drug addict high on meth thought nothing of careening down the highway. This conduct puts our lives and our children's lives in danger.

The web site of Mothers Against Drunk Driving has startling statistics on drunk drivers. A first-time drunk driving offender on average has driven drunk 87 times prior to being arrested. On average, someone is killed by a drunk driver every 40 minutes in the United States. In 2007, an estimated 12,998 people died in drunk driving related crashes. There were 13,491 drunk driving related fatalities in 2006. About three in every ten Americans will be involved in an alcohol-related crash at some time in their lives.

Despite criminal penalties for drunk driving, over 40% of all traffic fatalities are alcohol-related. **In 2006 alone, 475 Alabama deaths stemmed from sharing the road with an intoxicated driver.**

Our criminal law system is supposed to protect the public from drunk drivers. Putting the drunk driver in jail is little comfort to the victim of a car accident or the family whose loved one was killed. Full justice cannot be had unless those responsible are made to pay for the financial and emotional devastation they caused.

The actual criminal penalty normally imposed for a first time conviction of DUI is a fine of a few hundred dollars, suspension of the driving license and probation. This penalty is not enough and has not stopped this deadly practice. How does a slap-on-the-wrist plea deal in the criminal proceeding discourage the drunk driver from drinking and driving again? It doesn't. 50 to 75 percent of drunk drivers whose licenses are suspended continue to drive, according to Mothers Against Drunk Driving.

In real life, we see the district attorneys handling hundreds of cases at a time. Their case load is overwhelming. Our system encourages plea deals and these are used time and again in DUI cases, so that the drunken driver receives the minimum punishment. Even seeing the drunk driver

go to jail does little to help the victim of a car accident or the family whose loved one was killed recover from such a devastating loss. Full justice comes only when those responsible are made to pay for the financial and emotional devastation they caused.

But what does this mean for victims? Most often they are left to grieve their loss and try to repair their lives by themselves. What can these victims do to help themselves and to discourage drunk drivers from becoming repeat offenders? Remember full justice comes only when those responsible are made to pay for the financial and emotional devastation they caused. To gain full justice we have a simple answer: Punitive Damages.

In civil cases brought against drunk drivers, victims are empowered with civil rights to stand up against drunk drivers and fight back. In Alabama and many other states, victims who are injured by drunk drivers are entitled to a special damage award that most victims of negligence-type cases are not. This is called Punitive Damages. Juries may financially punish drunk drivers, in addition to awarding compensation for medical bills, lost wages, and pain and suffering. In legal terms a drunk driver may be ordered to pay punitive damages when, with reckless indifference to the consequences, he is shown to either consciously or intentionally do some wrongful act that caused the injury. This will give a measure of full justice when those responsible are made to pay for the financial and emotional devastation they caused. Punitive damages are designed to discourage reckless disregard for our safety.