



SCHOOL of
GRADUATE STUDIES
EAST TENNESSEE STATE UNIVERSITY

East Tennessee State University
**Digital Commons @ East
Tennessee State University**

Electronic Theses and Dissertations

Student Works

5-2002

Role of Police, Prosecutors and Defense Attorneys in Traffic Accident Investigation and Adjudication in Chattanooga, Tennessee.

Karen L. Beisel

East Tennessee State University

Follow this and additional works at: <https://dc.etsu.edu/etd>



Part of the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Beisel, Karen L., "Role of Police, Prosecutors and Defense Attorneys in Traffic Accident Investigation and Adjudication in Chattanooga, Tennessee." (2002). *Electronic Theses and Dissertations*. Paper 650. <https://dc.etsu.edu/etd/650>

This Thesis - Open Access is brought to you for free and open access by the Student Works at Digital Commons @ East Tennessee State University. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of Digital Commons @ East Tennessee State University. For more information, please contact digilib@etsu.edu.

Role of Police, Prosecutors and Defense Attorneys
in Traffic Accident Investigation and Adjudication
in Chattanooga, Tennessee.

A thesis
presented to
the faculty of the Department of Criminal Justice/Criminology
East Tennessee State University

In partial fulfillment
of the requirements for the degree
Masters of Arts in Criminal Justice/Criminology

By
Karen L. Beisel
May 2002

Dr. John T. Whitehead, Chair
Dr. Larry S. Miller
Dr. David W. Holleran III

Keywords: Traffic, Accident, Investigation, Reconstruction,
Prosecutors, Defense Attorneys

ABSTRACT

Role of Police, Prosecutors and Defense Attorneys
in Traffic Accident Investigation and Adjudication
in Chattanooga, Tennessee.

by

Karen L. Beisel

This study provides, via personal interviews, a qualitative examination of police, district attorneys, public defenders, and private attorneys who were involved in traffic accident investigation and criminal court adjudication in Chattanooga, Tennessee. These data were compiled to develop a profile of the actors and their involvement in the process of a criminal charge stemming from a traffic accident. The literature suggests that the actors work as a team to process a case from investigation to adjudication; however, the actors in Chattanooga, Tennessee were fragmented in their handling of a case. This study collectively examines police and attorneys in relation to traffic issues.

DEDICATION

First, and foremost, I dedicate this work to my loving parents, Kinney and Shirley, my brother, Kenneth, and one of the best friends a person could ever be blessed with, my friend Cristina Vann. Thank you all so much for the love, support, and encouragement you've given me these last few years. I would have never have made it through without you. So many times when I wanted to give up, you wouldn't let me. You never stopped believing in me, even when I didn't believe in myself. I'll always love you for that.

I would also like to dedicate this to my friends who I affectionately refer to as "The Posse," Lenora McClendon, LaShaunda Odom, and Alonda Holland. Better known as Baybay, Cutie, and Tuga. Thanks for your laughs, your smiles, and your friendship. I know I've been an absolute bear these last few months. I appreciate you putting up with my lousy moods and my grumbling and eating my cooking. If that's not a true test of friendship, I don't know what is. Thank you. I'm glad I have you in my life.

Last, and most importantly, this is dedicated to my Lord and Savior Jesus Christ. So many times these past years there has only been one set of footprints in the sand. Thank you. Please give me the strength and courage to live my life for you.

ACKNOWLEDGMENTS

Extra Special Thanks To: The members of my committee, Dr. John T. Whitehead, Chair, Dr. Larry S. Miller, and Dr. David W. Holleran III; Dr. Wesley Brown, Dean of Graduate Studies; and Dr. Paul Stanton, President. Thank you for your time, patience, and understanding.

Special Thanks To: The Chattanooga, Tennessee Police Department's Traffic Division; The DUI/Traffic Division of the Chattanooga/Hamilton County District Attorney's office; The Chattanooga/Hamilton County Public Defender's office; A. Christian Lanier III; and Neal L. Thompson. Thank you for your time and assistance in completion of the field study portion of my thesis. Also, special thanks to Dr. Larry Royer and Dr. Riaz Sheikh for allowing me time off work whenever I needed in order to complete this task.

Thanks To: The library staffs of University of Tennessee-Knoxville, University of Tennessee-Chattanooga, University of Kentucky-Richmond, Vanderbilt University, Middle Tennessee State University, Chattanooga State, University of Georgia-Athens, Virginia Tech University, Radford University, Southwest Virginia Community College, King College, Bluefield College, and East Tennessee State University; The East Tennessee State University Housing Office for a job so that I could complete my coursework; The East Tennessee State University Public Safety Office and Johnson City Geographic Information Systems Office for assistance on previous work for my thesis.

CONTENTS

	Page
ABSTRACT	2
DEDICATION	3
ACKNOWLEDGMENTS	4
Chapter	
1. INTRODUCTION.....	7
Scenario	7
Introduction	8
Purpose of The Study.....	8
Definition of Terms.....	9
Limitations.....	9
2. LITERATURE REVIEW.....	10
Police and Investigation	10
Attorneys, Processing and Adjudication	15
3. METHODS	19
Sample Selection	19
Study Development	20
Interview Process	21
4. RESULTS	24
Police	24
Attorneys	29
Prosecutor.....	29
Public Defender.....	32
Private Defense Attorneys.....	34
Summary	37

Chapter	Page
5. CONCLUSIONS & IMPLICATIONS.....	41
Police	41
Attorneys	42
Prosecutor.....	42
Public Defender and Private Defense Attorneys	43
Implications	44
BIBLIOGRAPHY	46
APPENDICES	51
Appendix A: Additional Readings.....	52
Appendix B: Informed Consent.....	55
Appendix C: Traffic Officer Interview Schedule.....	58
Appendix D: Prosecutor Interview Schedule.....	61
Appendix E: Public Defender Interview Schedule.....	64
Appendix F: Defense Attorney Interview Schedule....	67
VITA	70

CHAPTER 1

INTRODUCTION

Scenario

A 9-1-1 call came in at 11:00 p.m. for a RTA (road traffic accident) on an interstate running through the city limits. Upon arriving at the scene, a city officer observed the wreckage. A teenage white male was lying in the fast lane of the opposite flowing traffic with glass scattered around him. A Jeep was stopped in front of the boy with the hazard signals flashing. A man was kneeling next to the boy talking on a cellular phone. A red sports car was turned sideways in the second and third lanes of flowing traffic. There was damage to the right rear, left front, and the windshield was broken out. A tractor-trailer was jack-knifed off the right side of the road. The trailer was extended into the first lane. There was damage to the left front panel of the tractor. The driver was not in the truck. There was damage to the right front of the trailer where a minivan had hit it. The left front quadrant of the minivan was crushed under the trailer. The driver was not visible because of the damage. The front passenger was an adult woman who appeared to have head injuries. There was a shattered circle in the windshield on the passenger side. A small child was also in the front with head injuries. Another child was in a child seat in the back with no apparent injuries. A man on a cellular phone was standing next to the minivan talking to the woman. The traffic accident investigation takes this scene to conclusion in court.

Introduction

Everyday millions of Americans drive to numerous destinations. Whether they're going down the street to run an errand or across the country for vacation, they drive. Through all this driving, the threat of death isn't the most pressing thing on their minds. However, in the year 1999, 41,717 people lost their lives in traffic accidents ("Fatality Analysis Reporting System (FARS) Web-Based Encyclopedia", May 28, 2001). Traffic accidents are the fifth leading cause of death in America behind only heart disease, cancer, stroke, and chronic lower respiratory diseases ("Deaths: Preliminary Data for 1999", 2001). Traffic accidents are the number one cause of death for people aged 1-34 ("Fatality Facts: General (as of October 2000)", June 3, 2001). Heart disease, cancer, and strokes have proven links to nutrition ("How healthy is your diet?", 2001). With each of these, the patient and physicians would devise a plan for treatment. They would discuss the role of each, and what effect each has on the others.

A traffic accident is much the same. Each actor has a role to play in traffic accident investigation and adjudication, from the police officer to the prosecutor and the defense attorney. They all have definitive actions they must complete in order for an accident to complete the process to adjudication. Because each traffic accident is as unique as the individuals involved in the accident, this study will focus on the common actors usually involved in an accident.

Purpose Of The Study

This study will examine the roles of the police, prosecutor, public defender, and private defense attorneys in the process of traffic accident investigation and adjudication. The researcher interviewed members of each profession to develop a profile of each

and to facilitate an understanding of their role in the process. The perspectives of the actors were examined as well as their perceptions of their role in the overall process.

Definition of Terms

For the purpose of this study, serious injury will be defined as any injury that incapacitates the victim to the degree in which he/she must be transported to the hospital for further treatment, including surgery or extended hospitalization. Police, officer or traffic accident investigator will refer to an individual whose primary function is to enforce laws, patrol, and investigate. The term Prosecutor and District Attorney may be used interchangeably. This term refers to an individual who operates as the state's agent to present, charge, and adjudicate crimes through the court system. A Public Defender is also a state agent, but his/her responsibility is to defend individuals, typically indigent, who have been charged with a crime in the court system. A Private Defense Attorney is an officer of the court who defends an individual against charges brought by the state. Unlike, the Public Defender, the Private Defense Attorney isn't an agent of the state, rather he/she is paid a fee for his/her services.

Limitations

Because this study examines people and their self-reported perceptions, the accounts of the roles of the actors in traffic accident investigation and adjudication process may not be completely objective. Furthermore, because this is just one study of one medium-sized city in the Southeast, the results are most generalizable to medium-sized cities in the Southeast. Because of the low response rate (See Chapter 4), even generalizing to such cities should be done very cautiously.

CHAPTER 2

LITERATURE REVIEW

Automobiles were introduced to the American culture over one hundred years ago, and shortly thereafter so was the first road traffic accident (RTA). However, the first official police records of traffic accidents did not begin until 1926 (Lavender, 2000). In the last 75 years, studies and literature regarding traffic accidents have been limited, at best.

Traffic accidents are a critical issue for everyone involved. They are the fifth leading cause of death, in general, as well as the leading cause of death for police officers ("Traffic Accidents Are The Number One Killer Of Law Enforcement Officers", 1999). More recently, ambulances have been found to be involved in a disproportionately high incidence of accidents when responding to emergencies (Davis, 2002). In addition, a new phenomenon called "road rage" has overtaken the drivers on the highways, leading to assaults and deaths ("PDs train their sights on road rage", 2001). Recent studies have shown that "road rage" is now more feared than drunk drivers (Connell & Joint, 1997; Joint, 1997; Mizell, 1997). With these new traffic-related problems, as well as the traditional traffic issues, the understanding and study of traffic accident investigation and adjudication are more important than ever.

Police and Investigation

Because the police are the first to respond to these situations, they should possess the most knowledge about traffic accidents. However, most law enforcement and criminal justice textbooks do not extensively discuss traffic accident

investigation. If the literature does mention traffic accident investigation, it is very briefly summarized. An excellent example of this is Rowland's (1994) The Law Enforcement Handbook. Rowland gives a detailed outline for his explanation of traffic accident investigation. He does not expound on the issues, merely lists them as possibilities (Rowland, 1994). Many criminal justice and law enforcement textbooks explain traffic accidents in a short sentence or two under a general traffic enforcement heading. Either way, the authors suggest that traffic is the least liked and often most ignored aspect of policing (Hess & Wroblewski, 1993).

There are two exceptions to this trend, however. The first is The Traffic-Accident Investigation Manual. As of 1986, the ninth edition of this text was published. The first edition was published in 1940 and was one of the first texts to provide more than a "scant outline" about traffic accident investigation. Currently The Traffic-Accident Investigation Manual consists of two volumes. The first is mainly concerned with the information-gathering and recording of traffic accidents. The second volume is about reconstruction of traffic accidents, specifically the mathematical equations and formulas necessary to complete reconstruction (Baker & Fricke, 1986). Because The Traffic-Accident Investigation Manual is a continuous work that is updated with new editions, there are not chapters but segments. Segments that were in previous editions have the same numbers as in the previous editions. New segments have different numbers. This type of numbering allows the accident investigation professional who is familiar with previous editions of The Traffic Accident Investigation Manual to reference the specific section needed.

The manual also discusses some of the newer technologies available to traffic accident investigation professionals, such as photogrammetry. The Chattanooga Traffic division recently acquired the photogrammetry equipment to aid them in their ability to

quickly complete an accident scene workup (Cook, 2000).

Photogrammetry is the use of photography to help aid investigators in developing maps, and is one of the first tools to be used to begin reconstruction of an accident (Baker & Fricke, 1986). One set of measurements is taken and photographed. All other photographs are taken in relation to the beginning photographs that had the measurements. This information is fed into a traffic reconstruction computer program that allows the investigator to examine the accident through this detailed information (Cook, 2000).

The Traffic-Accident Investigation Manual is an excellent source book for the experienced traffic accident investigation professional. However, for the beginner this text can be overwhelming. A more suitable text is Donald J. Van Kirk's Vehicular Accident Investigation and Reconstruction (Van Kirk, 2001). Van Kirk covers much of the same information as Baker and Fricke; however, he expounds on those subjects and introduces several other pertinent topics. Aside from being more up-to-date, the information in Vehicular Accident Investigation and Reconstruction is more concise and thorough. Van Kirk examines each topic with a student-mentor type explanation, allowing the reader to develop an understanding and appreciation for not only the steps involved in each process but also the reasoning behind those steps. Through this learning environment, the investigator gains the knowledge of how to conduct a proper investigation and sometimes more importantly the knowledge of why to investigate. To further the reader's understanding, Van Kirk includes commentary and real-life incidents to assist in explaining topics.

Van Kirk not only explains the information more thoroughly than Baker and Fricke, he also includes more topics that are important to a traffic accident investigator. Vehicular Accident Investigation and Reconstruction also includes topics on courtroom

presentations, litigation, education, and ethics. Van Kirk discusses each of these topics in the same student-mentor method that he presents the investigation process. The courtroom presentation and litigation chapters emphasize the importance of the teamwork that must be practiced by the investigator and the attorneys in order to be successful in court (Van Kirk, 2001). Furthermore, Van Kirk includes a chapter on ethics.

Even though there isn't a large amount of literature on traffic accident investigation, there are volumes of literature on police and policing. Of particular importance and relativity, is the stress and hazards of the life of a police officer. From the beat cop to the chief, there are certain stressors related to each job that can affect that person's ability to do that job. The traffic officer/accident investigator is no different.

Countless studies, books, and articles have been published discussing the dangers of police work and the effect it has on the officers involved (Hess & Wroblewski, 1993; Kappeler, 1993; Kates, 1999; "Police Stress", 2002; Tye, 1998). Today an armed thug may not necessarily be the most deadly thing an officer will face, instead it could be the stress the officer feels having to deal with this and numerous other situations. Police have a 2.34 times greater risk of heart disease than an average individual (Tye, 1998). A police officer deals with things that the average citizen may never see, such as serious and fatal accidents. Even though they are trained to handle such things, an officer is not a robot and at some point will have to deal with their own emotions ("Police Stress", Feb. 17, 2002).

Not only does an officer have to face the traditional stressors of the job, but he/she must also deal with organizational stress (Finn, 1997). This can be as simple as inadequate pay or as complex as civil liability lawsuits. A police officer is a small part of a bigger system. Budget cuts and staffing problems can

create stress for the officer because such problems create more work for fewer people. This type of administrative decision-making leaves the officer with little or no control over his/her environment, which can cause stress. Organizational stress also comes in the form of policies and procedures (Finn, 1997).

Policies and procedures of police departments provide the structure and order for officers. This term may spell out when breaks are to be taken, but it may also include procedures for high-speed chases. The policies and procedures will likely include sections on the use of force, such as the New York Police Department's policy on shooting a fleeing felon if he/she doesn't pose an immediate threat. In Kate's (1999) book CopShock: Surviving Posttraumatic Stress Disorder (PTSD), an officer recounts her story of being severely beaten by a subject who then calmly walks away just as the officer is able to pull her service weapon. Due to the department's policy on fleeing felons, she was not permitted to shoot the suspect despite the fact that he had assaulted her. The helplessness of this situation caused the officer to suffer from PTSD.

Policies and procedures of the department can not only affect the officers but ultimately may affect the community in which the officers serve. High-speed pursuits, in particular, can result in the death of innocent people. Some deaths may be preventable if the department's pursuit policy was altered. An excellent example of this is the case involving the United States Border Patrol, in which a teenager was killed when the Border Patrol pursued a suspect through a school zone (Page, 2002). Invariably, lawsuits will arise from policies or procedures that are inadequate or negligent in nature. The liability issues from such cases can also create stress for the officer. Victor E. Kappeler (1993) discusses several topics of potential civil liability due to procedural decision-making in his book Critical Issues In Police Civil

Liability, including potential negligence at traffic accident scenes.

A traffic accident, in and of itself, is a stressful situation particularly when a serious injury or fatality is involved. For officers it is even more stressful. Not only must the officer deal with his/her emotions of seeing a traumatic scene, but he/she has a duty to complete three very important and distinctly separate responsibilities. First, the officer has a responsibility to maintain order and function as a traffic controller. He/She must divert traffic around the scene without causing additional accidents or chaos. While doing so, he/she will also have to act as a first responder for emergency medical needs as well as the request for additional assistance, if needed. Finally, the officer is an investigator who must secure the scene and process the information and evidence (Kappeler, 1993). The investigation can prove to be stressful as well. The officer must question people who have been involved in a traumatic event. This process can be frustrating at times due to the myriad descriptions given by witnesses to the officer. After questioning the witnesses, the officer may feel as if he/she is no closer to any answer than when he began (Badger, 1994). That makes the officer's job of recreating the scene more difficult because physical evidence may be limited (Badger, 2001a). With limited physical evidence or erroneous facts, the reconstruction process can be tainted (Badger, 2001b). How the officer handles these difficulties will have an effect on the rest of the process.

Attorneys, Processing and Adjudication

When first introduced to the criminal justice system, a student is taught that the system is an adversarial process in

which the prosecutor is battling the defense attorney in court (Samaha, 1991). If a student continues to law school, he/she is taught how to write motions and other procedural lessons (Heumann, 1981). The Constitution includes the amendments guaranteeing fair and speedy trials and other basic rights involving court procedures. However, the practice of law is not as adversarial as suggested.

The practice of law is more representative of a court team. The prosecutor, defense attorney, and judge work together to speed cases through the adjudication process (Feeley, 2000). Many suggest that this practice is due to the number of cases that must be handled; however, Heumann's (1981) study fails to find support for this claim. Heumann (1981) studied the process of new attorneys adapting to the practice of criminal law and the reality of their position. He examined the ways they were trained to practice law as a part of a team, instead of the adversarial combat they learned in law school. Heumann (1981) observed the tactics that seasoned attorneys used on new attorneys in order to have them conform to the practice of moving cases through court expeditiously. Baker's (1999) book, D.A.: Prosecutors in Their Own Words, presents similar stories about new attorneys being oriented into the actual practice of law in day-to-day circumstances. Separate studies by Baker (1999), Heumann (1981), and Blumberg (1993) discuss the characteristics and the importance of the court team in the criminal justice process. An excellent example of this is how they work together in the plea bargaining process.

Plea bargaining is the primary way a case is quickly adjudicated and an essential component of the administration of justice (Ferdico, 1996). However, prosecutors prefer to term it plea agreements (Baker, 1999). Roberts and Stratton (2000) suggest that this practice is hindering the purpose of the criminal justice system, which is to find the truth. No matter what the view, plea

bargaining is an important tool in the criminal justice system and is an excellent example of how the prosecutor and defense attorney work together (Feeley, 2000).

Like other professions, particularly those that involve aiding others, attorneys have certain stressors that are a part of the job. Compensation is a primary stress to attorneys, whether it is the district attorney and the public defender having to face the dilemma of not enough funding to complete their job, or the private attorney working long hours to have a profit after overhead costs. Law is a business that must be profitable in order to continue to function (Carter, 2002). Public defenders and prosecutors also have the stress of large caseloads and low numbers of staff to handle these caseloads. This often leaves the attorneys feeling as if they are unable to properly represent their clients (Gibeaut, 2001b). District attorneys and public defenders also have the stress of legislative and political pressures versus their ability to humanize their clients and their experiences. Often the decision the prosecutor or the public defender makes will have a profound effect on someone's life and the lives of their family (Conner, Zion, & Mishler, 2001). The district attorney, in particular, determines who is charged for crimes and what crimes are charged. This process used to be more difficult when he/she was dealing with fatalities caused by drunk drivers because of the difficulties of showing culpability and intent under traditional homicide charges. However, due to pressure placed on legislatures, the creation of vehicular homicide statutes has made it simpler (Dietrich, 1997). Still the district attorney sometimes has to face the decision of who will die or not in cases that involve the death penalty. That is an enormous responsibility and source of stress (Gibeaut, 2001a). The practice of law evolves everyday as new legislation is passed or a new court ruling is made; therefore, an

attorney must maintain a constant desire to learn so he/she can compete.

Despite the examined literature's variety and vitality, the fact remains that the literature is limited in the area of traffic accident investigation and adjudication. This shows the need to provide more studies to examine the issues. Even though the literature is limited, what does exist is very concise and informative for the traffic accident investigation professional. With new laws and new technology everyday, the traffic accident investigation professional must continue to search for more information and learn as much as possible to remain up-to-date.

CHAPTER 3

METHODS

This study focuses on the role of the police, prosecutor, public defender, and private defense attorneys in the process of traffic accident investigation and adjudication. The researcher will examine each of the roles of the main actors to develop a deeper understanding of their importance in the process of accident adjudication as well as their perceptions of their role. In-depth interviews were conducted with several accident investigators, prosecutors, public defenders, and defense attorneys to achieve this. Interview surveys were developed for each major character to examine his/her specific role in the process, how he/she goes about doing his/her job, the perception of his/her role in the process and any special expertise the job requires.

Sample Selection

The researcher examined the city of Chattanooga, Tennessee. Chattanooga is the fourth largest city in the state ("About Chattanooga", July 8, 2001). It has a population of approximately 153,000, and is the county seat for Hamilton County ("Chattanooga", July 8, 2001). The Chattanooga police department has a traffic division consisting of 10 investigators and two sergeants and a lieutenant. In 2000, the Traffic Division investigated 36 fatal collisions, of which there were 12 fatalities related to alcohol and drugs ("Statistical Information, Initiatives, and Annual Report: 2000 Chief's Annual Report To The City Council", June 30, 2001).

Because of the size of Chattanooga in relation to Hamilton County, most government offices are Chattanooga-Hamilton County combined. The District Attorney's office has 20 attorneys, all of whom have some experience in handling traffic-related cases. The Public Defender's office has 13 attorneys, all of whom have some experience in handling traffic-related cases. Furthermore, there are several defense attorney firms in the Chattanooga area that specialize in traffic related litigation. It was intended that interviews would be conducted with four to five individuals within each agency in order to develop the in-depth analysis the researcher was searching for. As will be explained below, however, the original plan of study was disrupted to some extent. Suggestions for possible avoidance of these problems will be presented in the final chapter.

Study Development

In late spring and early summer of 2001, the researcher contacted the District Attorney's DUI/Traffic Division supervisor, the Public Defender, the lieutenant of the Traffic Division of the Chattanooga Police Department, and the senior partner of a large attorney's firm that specialized in traffic litigation. The researcher gave a detailed description of the study that she was attempting and requested their participation in the study. Each enthusiastically agreed to participate and stated that the researcher would be able to speak to five or six individuals in their respective offices. After the phone conversations, the researcher sent letters further explaining the study and requesting confirmation of the agreement of participation. All agencies responded that they would participate.

With confirmation, the researcher began designing the specific interview schedules for each different actor. Due to the focus of the study and based on the researcher's readings and previous personal experience, the schedules were designed in such a way to elicit open dialogue while preventing lengthy responses. Open-ended questions were used so that the respondent could freely share life experiences and relate on-the-job stories. However, the questions were structured in such a way to induce the interviewee to consider specific time frames or top selections as suggested by the researcher's chair of her committee. This allowed for open discussion while maintaining a centripetal focus. The chair suggested to the researcher to also include some Likert scale questions for statistical and comparison reasons. These questions in particular focused on the view of the actor on the role of the other actors in the process. Each interview survey was specifically developed for each actor's role. The surveys are in Appendix C-F.

Interview Process

In late fall, the researcher began contacting the agencies to begin the interview process. All had forgotten their agreement to participate, as well as the letter describing the study. Again, however, they all agreed to participate. The researcher began setting up interview times. Appointments were set with each agency, but very few were kept.

The lieutenant at the Traffic Division was contacted to set up appointments with him and his officers to conduct interviews. He informed the researcher that they'd had several promotions and people leaving, and at that time they were not fully staffed. The researcher requested to interview those who were present and

willing to participate. He stated that he didn't have sufficient personnel to bring his officers out of the field to participate in the interviews. Hence, the Lieutenant suggested that the surveys be left at the department, and he would have his sergeant give them to the officers to complete. The researcher explained to the lieutenant the importance of the interview process in her study. He stated that this was the only way he would allow their participation. The researcher conceded.

When the District Attorney's DUI/Traffic Division supervisor was contacted, he notified the researcher that even though there were 15-20 attorneys in the office, he was the only one who handled traffic related cases. Undaunted, the researcher attempted to set up a time to interview the Assistant District Attorney. It was not possible for the attorney to set aside enough time to do the entire interview in one sitting. Therefore, several short meetings were used to glean the information, and those occasionally took place in the hallways as the District Attorney ran from one courtroom to the next.

The Public Defender's office was equally as difficult regarding data collection. When contacted, they also notified the researcher that only two or three attorneys dealt with traffic-related cases. One attorney was willing to participate. The researcher inquired as to why the others were not willing to participate. She was told that they just didn't have the time. The researcher asked would they participate if they didn't have to do an interview, but just fill out the survey. Again, she was told that no one else would participate. So only one Public Defender was interviewed.

The researcher scheduled an appointment with the private attorney's firm that had agreed to participate. Upon arriving at the office, the researcher was informed that the senior partner was out of the office. The researcher tried to reschedule but was

unable to do so. The researcher left a copy of the survey and stated that she would call the following day to reschedule a time. That night the senior partner called and stated that he didn't have time to deal with this "bullshit" and that he wouldn't permit the attorneys in his office to waste their time dealing with it either. He stated that they had more important things to do. The researcher began the search to find any private defense attorneys who had some experience with traffic related cases that would be willing to participate. She went through the yellow pages calling firms. The researcher contacted 22 attorneys total. All refused to participate. When complaining to a colleague, the researcher was told that his wife worked for an attorney's firm. The researcher contacted the firm, and two of the attorneys agreed. The third member of the firm only deals with probate and estate matters. The next day the interviews were completed.

After all the interviews were collected, the researcher sent thank you letters to all participants. The task of compiling the data then began.

CHAPTER 4

RESULTS

This study focuses on the role of the police, prosecutor, public defender and private defense attorneys in the process of traffic accident investigation and adjudication. The researcher will examine each of the roles of the main characters to develop a profile of each actor and to facilitate an understanding of their role in the process of accident investigation and adjudication as well as their perceptions of their role.

As described earlier, the researcher planned to interview four to five members of each organization. The researcher requested assistance from the Chattanooga, Tennessee Police Department's Traffic Division, the Chattanooga/Hamilton County District Attorney's Office, the Chattanooga/Hamilton County Public Defender's Office and local private attorneys who handled a large volume of traffic related cases. Volunteers were asked a variety of questions regarding their background, experiences on the job, and views of their role--as well as others' roles--in the process. These interviews were used to develop a composite description of the role of each character in the processing of a traffic accident, from inception to adjudication.

Police

The Chattanooga, Tennessee Police Department has a Traffic Division devoted to the investigation of all accidents inside the city limits. When fully staffed, the unit consists of 10 investigators, two sergeants, and a lieutenant. The Traffic Division could be viewed as a "stepping stone" for investigators to

get into what is perceived as the more prestigious investigative units, such as homicide, robbery. and vice. This results in high turnover rates for the investigators.

Three of the investigators and one of the sergeants agreed to participate in the study. They shared a common background in that none of them had worked anywhere other than Chattanooga as an investigator, or otherwise. The traffic officers had been with the Chattanooga Police Department between 6 and 16 years. Other than the sergeant--who had two years as an investigator in another division--all of the investigators had earned their years of experience as investigators in the Traffic Division. Their experience ranged from six months to 10 years. However, when the sergeant's experience of 10 years was excluded, the experience level was six months to two years. This also helps demonstrate the rate of turnover.

The officers were asked about their specific on-the-job experiences for the year 2000, such as the number of cases worked and what kind of cases. The year 2000 was selected because it was the most recent year of available information; moreover, Chattanooga had numerous construction projects being completed in 2000, and it was a year which, in the beginning, was on target to break 1989's record for the number of accidents involving fatalities for one year: 38 such accidents ("CPD-Traffic Division: Traffic Fatalities By Year", April 15, 2001). By the end of the year, there were 36 fatalities and 12 were alcohol or drug related ("The Police Information Office-Statistical Information, Initiatives, and Annual Report: 2000 Chief's Annual Report To The City Council", June 30, 2001). The investigator who had only been with the division for six months was unable to answer the questions regarding the accidents in the year 2000. The sergeant worked 15 cases that year all of which involved a serious injury or fatality and five were in a construction zone. The other two investigators

averaged over 70 cases in 2000, with an average of 10 or more involving serious injury or fatality. However, they each only worked one accident in a construction zone that involved a serious injury or fatality.

When asked to describe what some of their most satisfying aspects of their job were, the officers responses were varied but tied to several central themes. One of the most important aspects for the officers was their opportunity to assist the victims of the motor-vehicle crash. This was a finding that was expected because most literature describes police work as a helping profession. The officers also enjoyed getting to work together as a team, and solving investigations with the arrest of violators. An unexpected finding was that one of the officers enjoyed traffic enforcement because enforcement helps increase overall safety for motorists. As stated earlier in the examination of the literature, traffic enforcement is one of the least liked parts of the jobs. However, it is part of the role of the traffic officer. The last, but certainly not least positive aspect, was the relief of making it home at night to their families.

Policing is a highly stressful career. The reality is that each day that they go to work could be their last. When asked about their stressors, the officers seem to unknowingly have two categories of sources of stress: those directly related to the scene and other sources that have more to do with their environment. This finding iterates Finn's (1997) findings concerning officers' stress and organizational pressures.

Having to talk to the next of kin was the overwhelming choice for the most stressful part of an officer's job. This was another finding that was expected. The officers also felt a great deal of stress when handling accidents that involved the death of a small child or infant because the child was not properly restrained. Since accidents can occur at any time of the day or night, the long

hours and having to be called out in the middle of the night is also a source of stress for traffic investigators. The investigators also have to deal with the stress of trying to get information from the people involved in the accident in order to process the scene. According to Badger (1994), this situation creates the feeling of helplessness for the officer because he/she is trying to help, but he/she can't if he/she doesn't get answers from the people he is trying to interview.

Two environmental sources create stress for the Traffic Division, the Police Administration and the Court system. The Administration creates stress by inducing budget cuts and not supplying sufficient personnel to handle the workload. Parenthetically, Finn's (1997) article discusses several changes management could implement to decrease this pressure. Budget cuts create an environment where an officer must continuously produce more results in less time with fewer resources to do so. If that weren't enough, the officers then must deal with the court system. They describe the court system as a system that they feel is too lenient and alienates them by laying blame on the officers if the case is not sufficient for the prosecutor to quickly adjudicate it.

As an officer hurries to an accident scene, many thoughts will go through his/her mind as he/she approaches. Some things help them prepare for that arrival, including the knowledge that they constantly go through training to sharpen their abilities for the investigation. One officer stated that praying before getting to the scene helps calm his nerves. Most important is the security of knowing that every police vehicle- whether it's a motorcycle, a car, or a sports utility vehicle- is fully equipped with the equipment needed to conduct an accident investigation. This kit includes everything from measuring devices such as rulers, rola-tape, and lasers to computers and photography equipment.

After arriving on the scene, the investigator has several things that must be completed in order to process the scene and preserve the evidence. First and foremost, the officer must determine what is the scene and secure it so that the possibility of contamination can be eliminated or at least significantly reduced. The investigator then sets about the task of processing the scene. Photographs must be taken throughout the entire process to give an accurate portrayal of the scene and evidence locations. All pieces of evidence should be properly bagged, marked, and recorded. Documentation should be completed. This would include measurements of distances, directions of travel, skid or tire marks, and overall scene measurements. Interviews of victims, witnesses, and offenders should be conducted. If a driver is suspected of being under the influence of drugs or alcohol, additional steps must be taken. An investigator will need to conduct field sobriety tests, conduct or arrange breath and blood tests, ensure the safety, and arrest the offenders. Technology has made traffic investigation easier to complete, according to the officers.

After the on-scene investigation is completed, the officers still have much more to do. They complete follow-up interviews, write reports, and complete scale drawings of the scenes. This information is needed for their appearance in court. Before their court date, officers will gather and review the photos, witness tapes, written statements, initial notes and diagrams, final reports and diagrams, and scale drawings to refresh their memories about the case. This information must also go to court with them. The officers varied greatly in their responses concerning plea-bargaining for non-fatal traffic accidents. There was an inverse relationship between the numbers of years in the traffic division and agreement with this practice. This is demonstrated in Figure 4-1. The sergeant who had 10 years of experience with the traffic

division strongly disagreed with plea bargaining; however, the investigator with only six months experience strongly agreed with plea bargaining for non-fatal traffic accidents. It would be interesting to see if the second investigator's views changed with increased experience.

Attorneys

Prosecutor

The Chattanooga/Hamilton County District Attorney's office has 20 attorneys, including a DUI/Traffic division. All of the attorneys have had some experience with traffic related cases at some point in their careers; however, there is only one attorney who handles the DUI/traffic cases. He has been with the Chattanooga/Hamilton County District Attorney's office for two years. He has never been with another District Attorney's office; however, he has been an attorney for 18 years. Formerly, he was an attorney in Athens, Tennessee. Compared to Chattanooga, he described Athens as being a smaller community where the courts were less crowded.

In the year 2000, the District Attorney's office handled 1,500 traffic-related cases. Two hundred of those involved serious injury or fatalities, and 15 of those occurred in a construction zone.

The prosecutor has two main sources of stress. The obvious one is the enormous caseload for one person, and the desperate need for more prosecutors in the office to assist in this amount of work. The other stressor is the Legislature and their inability or lack of interest in increasing the penalties for dangerous offenders. For example, vehicular homicide is not punished as a violent crime. In the words of the Assistant District Attorney, "The penalties stink! The legislature has no clue what we have to deal with."

Not everything about the job of prosecutor is negative. There are satisfying aspects to the job, including the opportunity to remove dangerous drivers from the roadways. Also, the opportunity to be a part of the trials is enjoyable. Furthermore, good co-workers make the job more pleasant.

When the police arrest someone for a traffic related incident, the District Attorney's office becomes involved. However, not all instances of charges are brought to the court. The prosecutor must decide which cases he will pursue. There are three main factors that influence the prosecutor in his decision to prosecute a serious injury/fatality case. The first factor is how the victim feels and what his/her needs may be. This would also include the victim's family if the victim had died. There is also a community need for punishment of violators, not only as an example but also for order. Finally, the prosecutor strives for consistent prosecutorial decision making for each type of crime.

After the prosecutor determines the case will go forward, he must prepare for court. To prepare he will try to go to the scene if possible. The prosecutor will discuss the case with the officers and review the file. He will review law for precedents and proper charges. Then he lays out his plan for the trial, including his witnesses. The police will provide much of his factual recollection of the scene, although the prosecutor can use additional experts such as toxicologists, reconstructionists, and passenger placement engineers. Some of these experts will use traffic animation software for court presentations; however, currently in Tennessee courts, it is not accepted. Experts do not come without a cost, however. Prosecuting a serious injury/fatality traffic case averages 10,000 dollars without experts, 25,000 dollars with expert testimony. DUI cases require the additional steps of proving DUI activity, ensuring bifurcation at trial prep--because jurors are

not allowed to know previous violations, and dealing with the victim's and community anger.

Plea-bargaining is a tool available to the prosecutor to expedite cases through adjudication and to secure a conviction via a lesser charge. The Assistant District Attorney strongly agrees that plea-bargaining is a useful tool in dealing with non-fatal traffic accidents (see Figure 4-2). He thinks the only thing that determines a serious injury/fatality traffic case to be good for plea-bargaining is if the defense is seeking to plea bargain. However, he feels there are some specific scenarios where plea-bargaining would not be acceptable. One example is if the community needs to have a trial to change dangerous patterns of behavior. The prosecutor would also feel pressured not to plea bargain if the victim's family insisted on a trial. Finally, he would refuse a plea for a defendant who was not willing to accept appropriate punishment for the crime. This was a some what surprising finding. The district attorney was willing to stand up for principles of general decency and not focus so much on the number of "wins" accumulated.

Even though the police provide the prosecutor with a large amount of their information for trial, he does have some problems with how the police handle traffic-related cases involving serious injuries or fatalities. The prosecutor doesn't feel that the police give him notice at a prompt time. Furthermore, he has a problem with scheduling them for witnesses. He also doesn't feel they deal with mental health issues well. With the police providing the substantial portion of a district attorney's case, it was surprising to find a tumultuous relationship between the district attorney's office and the police department.

Public Defender

The Chattanooga/Hamilton County Public Defender's office consists of 15 to 20 attorneys and 5 to 10 auxiliary staff, who handle investigations and sentencing. Much like the District Attorney's office, the Public Defender's office has a limited number of staff handling traffic-related cases. Only one of the Assistant Public Defenders would consent to participating in the study. She has been with the Chattanooga/Hamilton County Public Defender's office for 12 years. She has been an attorney for 15 years, but she has not worked anywhere other than the Public Defender's office. In the year 2000, she handled approximately 30 traffic-related cases. Three involved serious injuries or fatalities. None of the serious injury/fatality occurred in a construction zone.

Much like the police, the Public Defender enjoyed helping those involved in traffic accidents. This was an expected finding because it would be difficult to cite money as a prevailing factor in her career choice, being a public servant. Two of her most satisfying aspects of the job involved assisting the defendant, who feels overwhelmed by the resources of the state, and protecting the defendant's rights. This also gives the Public Defender the opportunity to personalize the defendant and his/her experience. Another satisfaction is the Public Defender's chance to put the state to the test of burden of proof. She stated, "There is always another side to the story, and I enjoy getting to demonstrate that in court."

The things that are satisfying are also the very things that cause the job to be stressful. The Public Defender is often dealing with individuals who can't afford to have a spouse or family member go to jail. This has to be contrasted with the feelings of the victim's family who want the defendant to go to jail. Another challenge is the non-educated client, who completely depends on the

Public Defender for all his/her decision-making. There is also the stark reality that the Public Defender is in a position of being the only thing between her client and prison.

When preparing a case, a Public Defender goes through much the same process as the District Attorney, but from the opposite point-of-view. Two of her main resources for information for serious injury/fatality cases are the National Highway Safety Board and the textbook by R.W. Rivers (1980), Traffic Accident Investigation. The Public Defender sometimes uses accident reconstructionist experts to examine and present information in court. If a client is charged with DUI, it is very important that additional information is obtained. First, a Public Defender should make sure that alcohol was the proximate cause of the accident and not another possibility. She will also closely exam the blood and breath tests. Furthermore, interviews will need to be conducted with witnesses who last observed the driver before the accident.

The Public Defender is an important part of the plea-bargaining process. She agrees that plea-bargaining is a useful tool in dealing with non-fatal traffic accidents (see Figure 4-2). The District Attorney and the Public Defender work together in plea-bargaining. This was discussed earlier in the literature review concerning the studies, by Heumann, Baker, and Blumberg (See Chapter 2). The Public Defender would accept a plea bargain under three conditions. The first condition would be a willing defendant who accepts responsibility for his/her act and has a previous record. The other two factors are the willingness of the victim's family and some concern on the part of the District Attorney that a jury would find that it was just an accident, i.e. no alcohol was present.

The Public Defender would not accept a plea bargain for three specific scenarios. The first scenario would be for a non-alcohol vehicular homicide. Another example would be a defendant who has

committed a vehicular assault and was reckless or criminally negligent but thinks it was just an accident. She also would refuse to accept a plea for a case that involves jail time for a defendant who has never been in trouble before.

The Public Defender doesn't depend on the police for assistance in her cases. She finds the police provide very little resources to her. According to the Public Defender, the police don't bother to get witness names unless they help the state. Furthermore, they don't seem to be knowledgeable or experienced enough to do an adequate investigation.

Private Defense Attorneys

Like the Public Defender's office, defense attorneys have the job of taking on the state and their burden of proof. However, private attorneys have to also worry about the "bottom line." There are several firms in the Chattanooga area that specialize in traffic-related cases. The researcher selected a full-service firm that handles a variety of cases at several different levels of the court system. Together the two attorneys have almost 50 years of experience. Both have been working in Chattanooga for the last 20 years as private attorneys. One of the attorneys spent his first year working in Memphis as a private attorney. The only difference he noticed between Memphis and Chattanooga was the population size. Memphis has a population of 650,100 compared to Chattanooga's population of 153,000 ("Metro Profile", February 17, 2002).

In the year 2000, they handled 26 traffic-related cases, with over half being civil cases. Five cases involved serious injuries or fatalities, none of which were in a construction zone. One of the attorneys handled seven or eight serious injury/fatality DUI cases. Both prefer to handle criminal cases, even though civil cases pay much more. One of the attorneys particularly enjoys

handling cases in the Federal Court system because it is much better organized and structured.

As private attorneys, they have the satisfaction of being their own bosses and having a little freedom in their daily schedules to allow for family time. The other advantage is the financial freedom to enjoy expensive hobbies and provide for their family. One attorney enjoys helping people and being allowed the opportunity to represent the underdog.

Just as being their own bosses provides freedom, it also provides the stress of having to worry about the overhead costs. The researcher expected this to be a source of stress. Sometimes this can lead to the need to have a high volume of cases, which in turn creates more deadlines and paperwork. These factors cause stress for private attorneys.

When preparing for a criminal case involving serious injuries or fatalities, the private attorney has many steps to complete. First, he/she interviews his client. Also, the private attorney obtains discovery from the District Attorney. All medical records or autopsy reports must be gathered. The attorney will need to confer with the police officers, witnesses, and medical examiners. It's also very important that he/she inspect and photograph the scene. If it is appropriate, an accident reconstructionist will be obtained. When drugs or alcohol are in question, an attorney will need to obtain DUI test results and possibly hire a medical doctor to dispute borderline cases. Final preparations will include making questions for the witnesses, as well as preparing jury instructions and motions.

Like the District Attorney and Public Defender, one of the attorneys prefers a jury trial. This allows the chance to play on the emotions of jurors. The other attorney feels that it depends upon your case facts as to which would be more beneficial to your client.

Again, plea-bargaining can be helpful to the private attorney as it is to the Public Defender and District Attorney. The private attorney finds that a case can be a good candidate for plea-bargaining for several reasons. One reason that both agree on is if the blood test are borderline or admissible. Another time would be if the deceased contributed to the collision in some way. A plea bargain might also be plausible depending on the strength of the state's case. If the client doesn't have any prior criminal history, his/her case might be good for a plea. Both strongly agree that a plea bargain is a useful tool for non-fatal traffic accidents (see Figure 4-2).

A plea bargain isn't always the best conclusion for a case. Sometimes a plea bargain shouldn't be accepted such as when a client claims innocence and there isn't any proof of a crime. If the deceased contributed to the accident by driving in a reckless manner or was engaged in "road rage", then a plea should not be accepted. As discussed earlier in the literature review, "road rage" is becoming a more prevalent problem on the highways. A plea bargain also wouldn't be accepted if it was believed to be possible to get better results from a jury trial.

Private attorneys found the police to be not at all helpful or of very little help to the development of their case. The attorneys had problems with the police having a tendency to exaggerate the evidence to support the conclusion of guilt. This could include failing to report details of what people say happened to just not using commonsense. All of the defense attorneys had a negative view of the police's helpfulness in their case development as demonstrated in Figure 4-3.

Summary

This chapter has discussed the findings of the interview surveys conducted. Responses were examined to develop the profile of each of the main actors in the traffic accident investigation and adjudication process. The next chapter will summarize the conclusions of this research and discuss implications for future research.

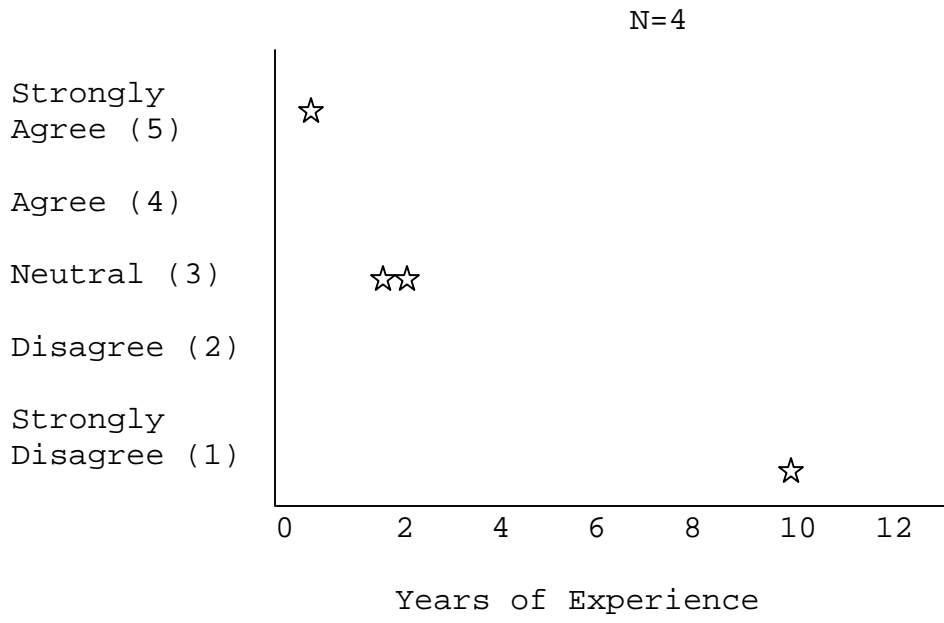


Figure 4-1: Police View of the Use of Plea Bargaining For Non-Fatal Accidents.

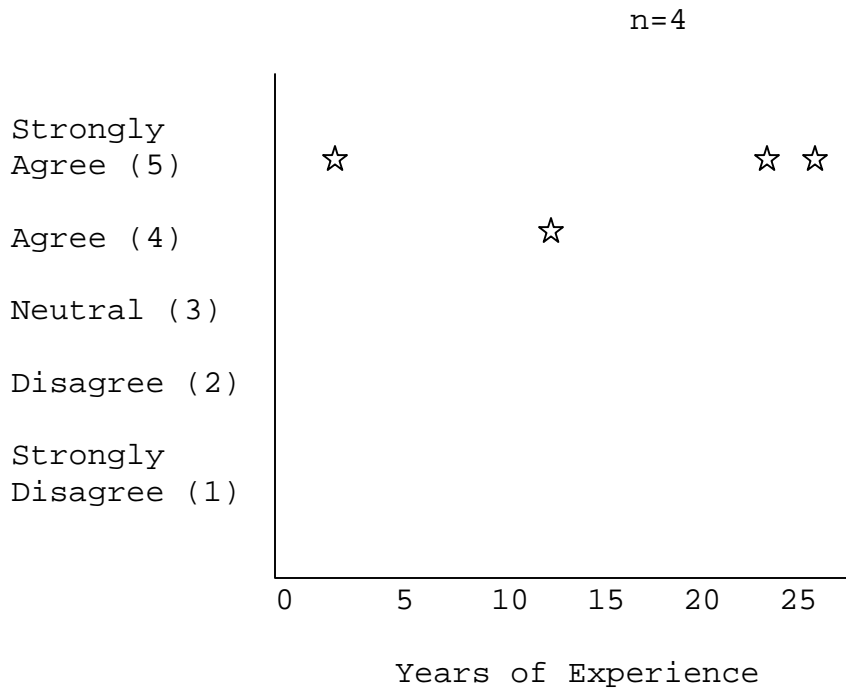


Figure 4-2: Attorneys View of the Use of Plea Bargaining For Non-Fatal Accidents.

n=3

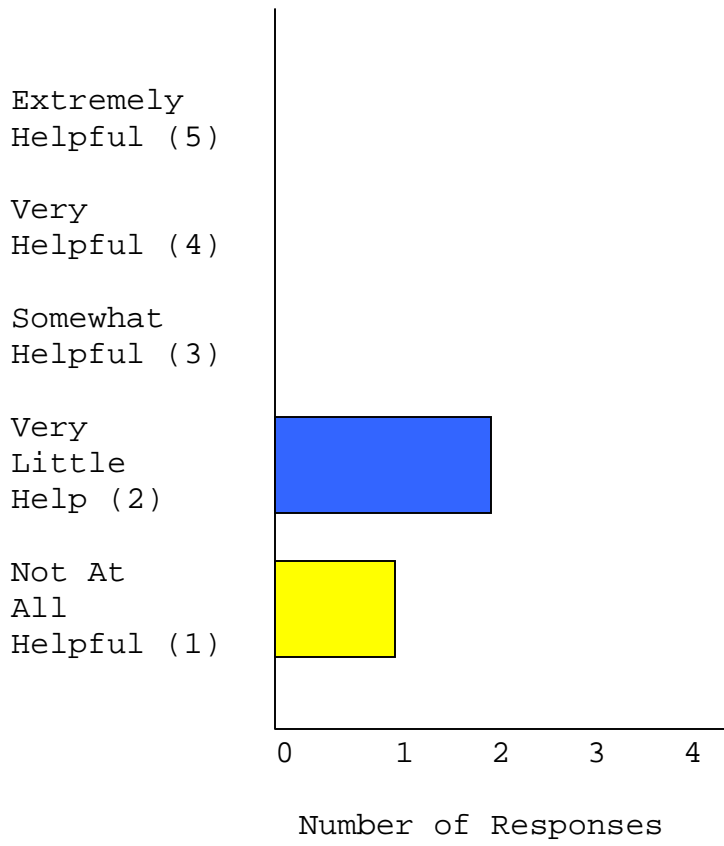


Figure 4-3: Defense Attorneys View of Helpfulness of Police.

CHAPTER 5

CONCLUSION AND IMPLICATIONS

This study focused on the role of the police, prosecutor, public defender, and private defense attorneys in the process of traffic accident investigation and adjudication. The researcher examined each of the roles of the main characters to develop a profile of each actor and to facilitate the researcher's understanding of their role in the process of accident investigation and adjudication as well as the actor's perceptions of their role.

By conducting a qualitative examination, the researcher was given the opportunity to learn the point-of-view of the people who are directly involved in the process of traffic accident investigation and litigation. This allowed the researcher to develop a better understanding of the process and the importance of each character in the final adjudication of a case. This chapter will first summarize the role of the major actors in the traffic accident investigation process. Then the chapter will close with a discussion of the implications for future research.

Police

The police are the first of the criminal justice system's actors to interact in the process of traffic accident adjudication. They serve the purpose of information-gatherers and analyzers. The researcher believed this would be their most important role. It is the police investigator's responsibility to accurately process the scene of an accident for evidence and information. The officer must then analyze this information and evidence to make a decision as to

its meaning. Corsianos (2001) points out the importance of the officer to objectively conduct his investigation and avoid subjectivity entering into the results. Because the police are the first line, it is very important that they have the most up-to-date technology and information for this processing. Continuous training is necessary to ensure that they are able to deal with the technology.

The police provide the information and evidence they have gathered and analyzed to the District Attorney for the case to move to the next step. It is very important that the police develop a good working relationship with the District Attorney to allow free and open discussion about cases. This would enable better prosecution of cases and allow the police to feel that they aren't wasting their time investigating, only for the offender to be released or given a lenient sentence. This was found to be an important stressor to the officers and is demonstrated in Figure 4-1.

Attorneys

Prosecutor

The District Attorney is the next level in the process of the case adjudication. His/Her role is to act as the decision-maker and disseminator. The District Attorney determines if there is a crime and if there is enough evidence to prosecute that crime. As discussed in the literature review, this can create a great deal of stress for the district attorney, particularly when it deals with the death penalty option. If there is evidence of a crime, then the District Attorney releases the information he/she has through discovery to the defendant's attorney. The District Attorney also

has the decision of plea bargaining as the representative of the state.

The District Attorney has a paradoxical role, in that he/she has to be able to work well with the police as well as the defendant's attorney, whether it be the Public Defender or a private defense attorney. A District Attorney's case depends on the information that he/she acquires from the police; therefore, he/she must be respectful of his/her position as information-gatherers and analyzers. However, he/she must also work with the Public Defender or private attorney to quickly adjudicate the case in the best possible interest of the state with considerations for the defendant, making him/her a negotiator as well. It was surprising to see that the District Attorney was also, in a way, a defender. It's his/her job to defend the state against crimes against its citizens.

Public Defender and Private Defense Attorneys

The Public Defender and private defense attorneys serve as the negotiators and, aptly, defenders in the final step of adjudication. It is the responsibility of defense attorneys, be they public or private, to negotiate the best deal for their client while protecting their Constitutional and civil rights. Defense attorneys must; therefore, have an open relationship with the District Attorney's office to better their negotiating powers, while being cognizant of the District Attorney's responsibility as an agent of the state who must fulfill the state's punishment powers.

When all of the characters complete their responsibilities, there should be open discussion throughout the process. However, when one relationship isn't working as it should, that in turn changes the rest of the relationships. This ends in the slowing down of case adjudication and creating frustration for each

character. The lack of communication is evident in this study. Instead of the police and prosecutor being on the same team, or the example of the court team, Chattanooga's process is haphazard or fragmented. Each actor seems focused only on his/her own role and fails to see the others as important characters, or even participating characters. This leaves each actor with undue stress and an overload in work.

Implications

Future studies are still needed to provide a better understanding of traffic accidents. Even studies today show a lack of supportive literature to draw conclusions (Davis, 2002). If researchers were planning to conduct future studies such as this, it would be advisable to work in a city or town where previous connections and relations were established before undertaking the task. Such relations would be helpful in gaining the necessary cooperation to have an adequate sample size. Furthermore, researchers might want to focus on one particular actor and do a more in-depth investigation. A good example would be if one were to focus on the police, then ride-a-long observation would be advisable.

Case studies could also be a viable option to study traffic accidents. A recent traffic accident in Northern Georgia that killed four people, injured 39, and involved 120 vehicles was a reminder to the people in the Chattanooga, Tennessee area of a previous incident that is now case law (Cook & Martin, 2002). Because of fog in 1990 where a 99 vehicle collision occurred on Interstate 75 near Calhoun, Tennessee caused the death of 12, there are now fog warning lights, gates, and weather stations to prevent another such incident in that area (Clayton & Higgins, 2002). These

preventative measures are the result of laws that have been conceived based on knowledge discovered by the investigation and adjudication of a traffic accident. This demonstrates the importance of future research on this topic.

REFERENCES

- About Chattanooga. (2001, April 15). [On-line]. Available:
<http://www.chattanooga.gov/about.htm>.
- Badger, J. (2001a, October). Errors In Accident Reconstruction. *Law And Order Magazine*, 28-30.
- Badger, J. E. (1994, December). How Credible Are Eyewitnesses? *Law And Order Magazine*. Available:
www.harristechnical.com/witness.htm.
- Badger, J. E. (2001b, March). Traffic: Eyewitness Testimony Vs. Physical Evidence. *Law And Order Magazine*, 16-18.
- Baker, J. S., & Fricke, L. B. (1986). *The Traffic Accident Investigation Manual*. Evanston, IL: Northwestern University Traffic Institute.
- Baker, M. (1999). *D.A.: Prosecutors In Their Own Words*. New York: Simon & Schuster.
- Blumberg, A. S. (1993). The Practice Of Law As A Confidence Game: Organization Co-Optation Of A Profession. In G. Cole (Ed.), *Criminal Justice: Law & Politics, Sixth Edition* (pp.214-228). Belmont, CA: Wadsworth Publishing Company.
- Carter, T. (2002, January). Law At The Crossroads. *ABA Journal*, 29-34.
- Chattanooga. (2001, April 15). [On-line]. Available:
<http://www.encyclopedia.com/articles/02594.html>.
- Clayton, R. & Higgins, R. (2002, March 15). '90 Wreck Still Vivid Memory. *Chattanooga Times Free Press*, pp. A8.
- Connell, D. & Joint, M. (1997). Driver Aggression. *AAA Foundation for Traffic Safety-Resources* [On-line]. Available:
www.aaafoundation.org/resources/index.cfm?button=agdrtext.

- Conner, C., Zion, J., Mishler, M. (2001). Pen-Pal Roundtable: Humanistic Lawyering: Three Attorneys Discuss The Meaning And Possibility Thereof. *Contemporary Justice Review*, 4(1), 101-115.
- Cook, D. (2000, December 4). Photogrammetry New Traffic Investigation Tool. *Chattanooga Times/Chattanooga Free Press*, p. B1.
- Cook, D. & Martin, S. (2002, March 15). Fog, Speed Blamed In Fatal Pileup. *Chattanooga Times Free Press*. pp. A1 & A8.
- Corsianos, M. (2001). Conceptualizing "Justice" In Detectives' Decision Making. *International Journal Of The Sociology Of Law*, 29, 113-125.
- CPD-Traffic Division: Traffic Fatalities By Year. (2001, April 15). [On-line]. Available: www.chattanooga.gov/police/Commands/Uniform/SpecialOperations/TrafficDiv.htm.
- Davis, R. (2002, March 21). Speeding To The Rescue Can Have Deadly Results: Ambulances Rack Up Disproportionate Crashes, Leading Some To Doubt Value Of "Running Hot". *USA Today*, pp. A1-2.
- Deaths: Preliminary Data For 1999. (2001, June 26) *National Vital Statistics Reports*, 49(3) [On-line]. Available: www.cdc.gov/nchs/about/major/dvs/mortdata.htm
- Dietrich, J. (1997). Problems And Possibilities In Prosecuting Vehicular Fatalities. *American Prosecutors Research Institute: National Traffic Law Center* [On-line]. Available: www.ndaa.org/apri/NTLC/LegalIssuesResources/ProblemsPossibilities.html.
- Fatality Analysis Reporting System (FARS) Web-Based Encyclopedia. (2001, May 28). [On-line]. Available: <http://www.fars.nhtsa.dot.gov/>

- Fatality Facts: General (as of October 2000). (2001, June 26). [On-line]. Available: <http://www.hwysafety.org/safetyfacts/fatalityfacts/general.htm>.
- Feeley, M. M. (2000). Plea Bargaining And The Structure Of The Criminal Process. In G. Cole (Ed.), *Criminal Justice: Law & Politics, Eighth Edition* (pp. 196-209). Belmont, CA: Wadsworth Publishing Company.
- Ferdico, J. N. (1996). *Criminal Procedure For The Criminal Justice Professional, Sixth Edition*. New York: West Publishing Company.
- Finn, P. (1997). Reducing Stress: An Organization-Centered Approach. *Law Enforcement Bulletin* [On-line]. Available: www.fbi.gov/publications/leb/1997/aug975.htm.
- Gibeaut, J. (2001a, May). Deadly Charges. *ABA Journal*, 38-45.
- Gibeaut, J. (2001b, December). Defense Warnings. *ABA Journal*, 34-41.
- Hess, K. M. & Wroblewski, H. M. (1993). *Police Operations*. New York: West Publishing Company.
- Heumann, M. (1981). *Plea Bargaining: The Experiences Of Prosecutors, Judges, And Defense Attorneys*. Chicago: The University of Chicago Press.
- How Healthy Is Your Diet? (2001, June). *The Beacon*, 5.1, pp. 4-5.
- Joint, M. (1997). Road Rage. *AAA Foundation for Traffic Safety-Resources* [On-line]. Available: www.aaafoundation.org/resources/index.cfm?button=agdrtext.
- Kappeler, V. E. (1993). *Critical Issues In Police Civil Liability*. Prospect Heights, IL: Waveland Press, Inc.
- Kates, A. R. (1999). *CopShock: Surviving Posttraumatic Stress Disorder (PTSD)*. Tuscon, AZ: Holbrook Street Press.

Lavender, B. (2000, October 1). The Police Detective Side-The Secrets of Road Traffic Accident Investigation. [On-line]. Available: www.driving.co.uk.

Metro Profile. (2002, February 17). [On-line]. Available: www.memphischamber.com/economy/met.html.

Mizell, L. (1997). Aggressive Driving. AAA *Foundation for Traffic Safety-Resources* [On-line]. Available: www.aaafoundation.org/resources/index.cfm?button=agdrtext.

Page, P. (2002, January 7). Three Settle With U.S. Over Border Patrol Clash; Accident Left One Dead; Family Seeks \$10 million. *The National Law Journal* v.24,i18, p. A5.

PDs Train Their Sights On Road Rage. (2001, July/August). *Law Enforcement News*, XXVII, 559, 560, p. 13.

The Police Information Office-Statistical Information, Initiatives, And Annual Report: 2000 Chief's Annual Report To The City Council. (2001, June 30). [On-line]. Available: www.chattanooga.gov/police/Admin/Yearlyreport.htm.

Police Stress. (2002, February 17). [On-line]. Available: www.theroad.com.bk/policestressinf.html.

Rivers, R.W. (1980). *Traffic Accident Investigators' Handbook*. Springfield, IL: Thomas Publishing.

Roberts, P. C., & Stratton, L. M. (2000). *The Tyranny Of Good Intentions: How Prosecutors And Bureaucrats Are Trampling The Constitution In The Name Of Justice*. Roseville, CA: Forum/Prima Publishing.

Rowland, D. & Bailey, J. (1994). *The Law Enforcement Handbook*. New York: Barnes & Noble Books.

Samaha, J. (1991). *Criminal Justice, Second Edition*. New York: West Publishing Company.

- Statistical Information, Initiatives, And Annual Report: 2000
Chief's Annual Report To The City Council. (2001, June 30).
[On-line]. Available: [http://www.chattanooga.gov/police/
Admin/Yearlyreport.htm](http://www.chattanooga.gov/police/Admin/Yearlyreport.htm).
- Traffic Accidents Are The Number One Killer Of Law Enforcement
Officers. (2002, January 17). [On-line]. Available:
www.apbweb.com/articles-f/htm.
- Tye, Larry. (1998). Law Officers Face Much Higher Risk Of Heart
Attacks And Stroke. [On-line]. Available: [www.apbweb.com/
articles-b.htm](http://www.apbweb.com/articles-b.htm).
- Van Kirk, D. J. (2001). *Vehicular Accident Investigation And
Reconstruction*. Washington, D.C.: CRC Press LLC.

APPENDICES

APPENDIX A

Additional Readings

Appendix A

Additional Readings

- Advanced Traffic Accident Investigation. (2001, April 15).
Pegasus Online Campus [On-line]. Available:
www.police.trainingontheweb.com/courses/psp0019.html,cops2be.com/classnotes.
- Alcohol's Tragic Toll On Our Roads. (2001, February 4).
Parade Magazine, p. 10.
- The Basics: Are Your State's Traffic-Safety Laws Strict Enough? (2001, April 15). [On-line]. Available:
moneycentral.msn.com/articles/insure/basics/7592.asp?special=msn.
- Bennett, R. K. (2001, July). How "Good" Drivers Get Killed.
Reader's Digest, pp. 74-79.
- Cell Phones In Cars - More Accidents On Highways? (2001, June 30).
[On-line]. Available: www.voiceoftheinjured.com/a-aa-cell-phones-accidents-injuries.html.
- The DUI Cocktail. (2001, June 30). [On-line]. Available: www.cck-esq.com/dui/cocktail.htm.
- DUI Court Challenges. (2001, June 26). [On-line]. Available:
www.aca-usa.org/challenges.htm.
- Drinking & Driving - Alcohol: Problems And Solutions Site.
(2001, April 15). [On-line]. Available:
www2.potsdam.edu/alcohol-info/DrinkDrive/DrinkingDriving.html.
- Fact Sheet On Persistent Drinking Drivers. (2001, April 15). [On-line]. Available: www.ncadd.com/tsra/abstracts/022.html.
- Insurance Institute For Highway Safety: Highway Loss Data Institute. (2001, June 30). [On-line]. Available:
www.hwysafety.org.

The Real Truth About Highway Fatality Statistics. (2001, June 30). [On-line]. Available: www.motorists.org/MI/stats.html.

Saferstein, R. (1990). *Criminalistics: An Introduction To Forensic Science, Fourth Edition*. Englewood Cliffs, NJ: Regents/Prentice Hall.

Sentencing And Dispositions Of Youth DUI And Other Alcohol Offenses: A Guide For Judges And Prosecutors. (2001, June 30). [On-line]. Available: www.nhtsa.dot.gov/people/injury/alcohol/youthdui.

Statistics. (2001, June 26). [On-line]. Available: library.thinkquest.org/3363/stats.html.

Swanson, C. R., Chamelin, N. C., & Territo, L. (1992). *Criminal Investigation, Fifth Edition*. New York: McGraw-Hill, Inc.

Top Ten U.S. Population Causes Of Death Fact Sheet. (2001, April 15). [On-line]. Available: www.youfirst.com/topten.htm.

Traffic Calming And Americans Against Traffic Calming. (2001, April 15). [On-line]. Available: www.io.com/~bumper/ada.htm.

Victim Impact Panels: Currently The Nation's Most Effective Tool In Stopping DWI/DUI. (2001, June 30). [On-line]. Available: www.pssst.com/vipa/.

Williams, Allan F. (2000, December). Teenage Passengers In Motor Vehicle Crashes: A Summary Of Current Research. *Insurance Institute For Highway Safety* [On-line]. Available: www.highwaysafety.org.

Working Partners - DUI/DWI Laws. (2001, April 15). [On-line]. Available: www.dol.gov/dol/asp/public/programs/drugs/party/duidwi.htm.

APPENDIX B

Informed Consent Form

This Informed Consent will explain about being a research subject in a field study. It is important that you read this material carefully and then decide if you wish to be a volunteer.

The purposes of this research study are as follows: 1) to assist the researcher in developing a better understanding of the role of each party in traffic accident investigation and litigation, 2) will provide an in depth view of the duties of those involved in the process of traffic accident investigation and litigation, and finally 3) to increase the knowledge and literature concerning the topic of traffic accident investigation and litigation.

Completion of each interview is expected to last between one and two hours, depending on the subjects experience level with traffic accident investigation or litigation.

The principal investigator will conduct interviews with each of the subjects. The survey consists of mostly open-ended questions. This will give the subject the opportunity to answer with their own words to describe their own experiences relating to traffic accident investigation and litigation. Some questions will actually be statements, and the subject will be asked to give their opinion based on the Likert scale of "Strongly Disagree, Disagree, Neutral, Agree, or Strongly Agree."

The possible risks and/or discomforts of your involvement include: 1) sacrificing time to complete the interview, 2) will be asked to disclose a limited amount of personal information, 3) will be asked to recall large amounts of information, and/or 4) will be asked to recall details about what may have been traumatic events.

There will be no direct benefit to the participants of the study. The possible benefits of your participation to society will be a society's better understanding of the role each character in traffic accident investigation and litigation, and to provide more knowledge about traffic accidents.

If you have any questions, problems or research-related medical problems at any time, you may call Karen L. Beisel at (423) 510-8430, or Dr. John Whitehead at (423) 439-5346. You may call the Chairman of the Institutional Review Board at (423) 439-6134 for any questions you may have about your rights as a research subject.

Every attempt will be made to see that my study results are kept confidential. A copy of the records from this study will be stored in a locked fire safe in my personal residence for at least 10 years after the end of this research. The results of this study may

be published and/or presented at meetings without naming me as a subject. Although your rights and privacy will be maintained, the Secretary of the Department of Health and Human Services, the East Tennessee State University/V.A. Medical Center Institutional Review Board, the Food and Drug Administration, and the ETSU Department of Criminal Justice/Criminology have access to the study records. My records will be kept completely confidential according to current legal requirements. They will not be revealed unless required by law, or as noted above.

East Tennessee State University (ETSU) will pay the cost of emergency first aid for any injury, which may happen as a result of your being in this study. They will not pay for any other medical treatment. Claims against ETSU or any of its agents or employees may be submitted to the Tennessee Claims Commission. These claims will be settled to the extent allowable as provided under TCA Section 9-8-307. For more information about claims call the Chairman of the Institutional Review Board of ETSU at (423) 439-6134.

The nature demands, risks, and benefits of the project have been explained to me as well as are known and available. I understand what my participation involves. Furthermore, I understand that I am free to ask questions and withdraw from the project at any time, without penalty. I have read, or have had read to me, and fully understand the consent form. I sign it freely and voluntarily. A signed copy has been given to me.

Your study record will be maintained in strictest confidence according to current legal requirements and will not be revealed unless required by law or as noted above.

SIGNATURE OF VOLUNTEER

DATE

SIGNATURE OF INVESTIGATOR

DATE

APPENDIX C

Traffic Officer Interview Schedule

Traffic Officer Interview Schedule

This study will focus on accidents that occurred in the year 2000 and involved fatalities or serious injuries. For this study, serious injury will be defined as any injury which incapacitates the victim to the degree in which they must be transported to the hospital for further treatment, including surgery or extended hospitalization.

1. How long have you been an officer? ____
2. How long have you been an investigator? ____
3. How long have you been in the traffic division? ____
4. Have you ever been a traffic investigator anywhere else?

5. If so, where was the last placed you worked before coming to Chattanooga? _____
6. How did that differ from working in Chattanooga? i.e. population, hierarchy, community.
7. How many cases did you work last year? ____
8. How many involved serious injuries or fatalities? ____
9. How many serious injury/fatality cases occurred in construction zones? ____
10. What are the 3 most satisfying aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
11. What are the 3 most stressful aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
12. How do you prepare for arrival on the scene of an accident with serious injuries/fatalities?
13. What are the 3 most important steps you take to complete an investigation involving a serious injury/fatality? Briefly explain each.
 - 1.
 - 2.
 - 3.
14. Are serious injury/fatality DUI accidents handled differently than other serious injury/fatality accidents?
15. Explain 3 additional steps you take with DUI cases.
 - 1.
 - 2.
 - 3.

16. What equipment, if any, do you use when conducting a traffic investigation?

17. Technology has made traffic investigation easier to complete.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	2	3	4	5

18. What are the 3 most important steps you take to preserve evidence in accidents involving serious injuries or fatalities? Briefly explain each.

- 1.
- 2.
- 3.

19. How do you prepare for court?

20. a. Do you use traffic animation software for court presentations? ____

b. What brand of software? _____

c. Do you use consultants? _____

21. Plea bargaining is a useful tool for dealing with non-fatal traffic accidents.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	2	3	4	5

APPENDIX D

Prosecutor Interview Schedule

Prosecutor Interview Schedule

This study will focus on accidents that occurred in the year 2000 and involved fatalities or serious injuries. For this study, serious injury will be defined as any injury which incapacitates the victim to the degree in which they must be transported to the hospital for further treatment, including surgery or extended hospitalization.

1. How long have you been an attorney? _____
2. How long have you been with the District Attorney's office?

3. Have you ever been with another District Attorney's office?

4. If so, where was the last place you worked before coming to Chattanooga? _____
5. How did that differ from working in Chattanooga? i.e. population, community
6. How many traffic cases did you work last year? _____
7. How many involved serious injury or fatalities? _____
8. How many serious injury/fatality cases occurred in construction zones? _____
9. What are the 3 most satisfying aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
10. What are the 3 most stressful aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
11. What are the 3 main factors that influence your decision to prosecute a serious injury/fatality case?
 - 1.
 - 2.
 - 3.
12. What steps do you take to prepare for a court case involving a serious injury/fatality?
13. Do you use experts aside from the police officers for testimony? _____
14. If so, what kind of experts?
15. a. Do you use traffic animation software for court presentations? _____
 - b. What brand of software? _____
 - c. Do you use consultants? _____

16. Are judges and juries receptive to traffic animation software? _____
17. Do you prefer a jury or a bench trial? _____ Why?
18. What is the average cost of prosecuting a serious injury/fatality traffic case? _____
19. Are serious injury/fatality DUI accidents handled differently than other serious injury/fatality accidents?

20. Explain 3 additional steps you must take with serious injury/fatality DUI cases.
- 1.
 - 2.
 - 3.
21. What 3 main factors do you think determine a serious injury/fatality traffic case to be good for plea bargaining? Briefly explain each.
- 1.
 - 2.
 - 3.
22. Plea bargaining is a useful tool for dealing with non-fatal accidents.
- | | | | | |
|-------------------|----------|---------|-------|----------------|
| Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
| 1 | 2 | 3 | 4 | 5 |
23. Give 3 specific scenarios when you would not offer a plea bargain in a case involving serious injuries or fatalities.
- 1.
 - 2.
 - 3.
24. What are 3 problems you have with how police handle traffic-related cases involving serious injuries or fatalities?
- 1.
 - 2.
 - 3.

APPENDIX E

Public Defender Interview Schedule

Public Defender Interview Schedule

This study will focus on accidents that occurred in the year 2000 and involved fatalities or serious injuries. For this study, serious injury will be defined as any injury which incapacitates the victim to the degree in which they must be transported to the hospital for further treatment, including surgery or extended hospitalization.

1. How long have you been an attorney? _____
2. How long have you been with the Public Defender's office?

3. Have you ever been with another Public Defender's office?

4. If so, where was the last place you worked before coming to Chattanooga? _____
5. How did that differ from working Chattanooga? i.e. population, community
6. How many traffic cases did you work last year? _____
7. How many involved serious injury or fatalities? _____
8. How many serious injury/fatality cases occurred in construction zones? _____
9. What are the 3 most satisfying aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
10. What are the 3 most stressful aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
11. What steps do you take in preparing a serious injury/fatality traffic case for court?
12. What are your 3 main resources for preparing a serious injury/fatality traffic case?
 - 1.
 - 2.
 - 3.
13. Do you use expert witnesses? _____
14. If so, what kind of expert witnesses?
15. Do you use private investigators, or do you have your own?

16. Do insurance investigators play a part in your cases? _____
17. Do you prefer a jury or a bench trial? _____ Why?

18. What is the average cost of defending a serious injury/fatality traffic case? _____
19. Are serious injury/fatality DUI accidents handled differently than other serious injury/fatality accidents?

20. Explain 3 additional steps you must take with serious injury/fatality DUI cases.
- 1.
 - 2.
 - 3.
21. a. Do you use traffic animation software for court presentations? _____
 b. What brand of software? _____
 c. Do you use consultants? _____
22. Are judges and juries receptive to traffic animation software? _____
23. What 3 main factors do you think determine a serious injury/fatality case to be good for plea bargaining? Briefly explain each.
- 1.
 - 2.
 - 3.
24. Plea bargaining is a useful tool for dealing with non-fatal traffic accidents.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	2	3	4	5

25. Give 3 specific scenarios when you would not accept a plea bargain in a case involving serious injuries or fatalities?
- 1.
 - 2.
 - 3.

26. How resourceful are the police in your case?

Not At All	Very Little	Somewhat	Very Helpful	Extremely Helpful
1	2	3	4	5

27. What are 3 problems you have with how police handle traffic-related cases involving serious injuries or fatalities?
- 1.
 - 2.
 - 3.

APPENDIX F

Defense Attorney Interview Schedule

Defense Attorney Interview Schedule

This study will focus on accidents that occurred in the year 2000 and involved fatalities or serious injuries. For this study, serious injury will be defined as any injury which incapacitates the victim to the degree in which they must be transported to the hospital for further treatment, including surgery or extended hospitalization.

1. How long have you been an attorney? ____
2. How long have you been an attorney in Chattanooga? _____
3. Where was the last place you were an attorney? _____
4. How did that differ from working Chattanooga? i.e. population, community
5. How many traffic accident cases did you handle last year?

6. What type of cases were they, civil or criminal? _____
7. How many involved serious injuries or fatalities? ____
8. How many serious injury/fatality cases occurred in construction zones? _____
9. Which do you prefer, civil or criminal? ____ Why?
10. What are the 3 most satisfying aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
11. What are the 3 most stressful aspects of your job? Briefly explain each.
 - 1.
 - 2.
 - 3.
12. How many serious injury/fatality DUI cases did you handle last year? ____
13. Did you handle any vehicular homicide defenses last year?

14. What steps do you take in preparing a criminal case for court involving serious injuries or fatalities?
15. What are your 3 main resources for preparing a case involving serious injuries or fatalities?
 - 1.
 - 2.
 - 3.
16. Do you use expert witnesses? ____
17. If so, what kind of expert witnesses?
18. Do insurance investigators play a part in your cases? _____
19. Do you prefer to have a jury or bench trial? ____ Why?

20. What is the average cost of defending a serious injury/fatality traffic case? _____
21. Are serious injury/fatality DUI accidents handled differently than other serious injury/fatality accidents?

22. Explain 3 additional steps you must take with serious injury/fatality DUI cases.
- 1.
 - 2.
 - 3.
23. a. Do you use traffic animation software for court presentations? _____
- b. What brand of software? _____
- c. How much does it cost? _____
- d. Do you use consultants? _____
24. Are judges and juries receptive to traffic animation software? _____
25. What 3 main factors do you think determine a case involving serious injuries or fatalities to be good for plea bargaining? Briefly explain each.
- 1.
 - 2.
 - 3.
26. Give 3 scenarios when you would not accept a plea bargain in a case involving serious injuries or fatalities.
- 1.
 - 2.
 - 3.
27. Plea bargaining is a useful tool for dealing with non-fatal traffic accidents.

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	2	3	4	5

28. How resourceful are the police in your case?

Not At All	Very Helpful	Somewhat	Very Helpful	Extremely Helpful
1	2	3	4	5

29. What are 3 problems you have with how police handle traffic-related cases involving serious injuries or fatalities?
- 1.
 - 2.
 - 3.

VITA

KAREN L. BEISEL

Personal Data: Date of Birth: April 27, 1973
 Place of Birth: West Memphis, Arkansas
 Marital Status: Single

Education: Public Schools, Tazewell, Virginia
 East Tennessee State University, Johnson
 City, Tennessee: Broadcast News,
 Criminal Justice/Criminology,
 B.A., 1995.
 East Tennessee State University, Johnson
 City, Tennessee: Criminal Justice/
 Criminology, M.A., 2002

Professional Private Investigator, Tazewell,
Experience: Virginia, 1998-1999.

 Food Inspector, United States Department
 Of Agriculture, Food Safety Inspection
 Service, 1999-Present.

Honors and 1994-1995 Who's Who Among Students in
Awards: American Colleges and Universities.
 East Tennessee State University, Unsung
 Hero Award.