

Policy Proposal

Strengthening Accountability and Deterrence in Preventable Fatal Traffic Violence

Submitted for Consideration in California

With Public Safety Implications for Communities Including San Francisco

Executive Summary

Traffic violence has emerged as a major public safety crisis. Preventable crashes caused by reckless or grossly negligent driving are resulting in increasing fatalities and catastrophic injuries. Current legal, prosecutorial, and sentencing frameworks often fail to adequately reflect the severity and irreversibility of loss of human life, undermining deterrence and public confidence in the justice system.

Human life is the only irreplaceable asset within society. When preventable reckless driving results in death, it must be treated as a serious criminal act rather than a routine traffic violation or unavoidable accident. This proposal recommends targeted legislative, prosecutorial, and transparency reforms designed to strengthen accountability, improve consistency, and enhance deterrence while preserving constitutional protections and judicial discretion.

Problem Statement

Despite roadway safety initiatives, communities are experiencing:

- Increasing fatalities linked to reckless and high-risk driving behavior
- Inconsistent prosecution and sentencing outcomes in fatal traffic cases
- Legal classifications that do not reflect the severity of preventable loss of life
- Limited transparency regarding charging decisions and sentencing outcomes
- Reduced public trust in the justice system's ability to deter dangerous driving

Existing statutory frameworks require prosecutors to prove gross negligence thresholds that are difficult to establish, while sentencing statutes often allow significant discretion that can produce inconsistent accountability in cases involving catastrophic harm.

Policy Objectives

1. Recognize disregard for human life as a central standard in catastrophic reckless driving cases
 2. Strengthen deterrence through consistent and proportional accountability
 3. Improve transparency and public confidence in prosecution and sentencing outcomes
 4. Ensure high-quality prosecution of complex fatal crash cases
 5. Preserve fairness and constitutional due process protections
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Proposed Reforms

1. Creation of an Aggravated Vehicular Homicide Statute

Purpose

Establish a higher-level felony classification for cases involving clear disregard for human life.

Recommended qualifying factors may include:

- Extreme excessive speeding
- Multiple fatalities or catastrophic injury to multiple victims
- Driving while impaired combined with reckless conduct
- Participation in street racing or exhibition driving
- Prior documented reckless driving offenses
- Evidence of deliberate risk-taking behavior

Intended Impact

- Align sentencing with severity of harm
 - Provide prosecutors with clearer charging options
 - Strengthen deterrence through predictable consequences
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2. Specialized Fatal Traffic Prosecution Units

Policy Recommendation

Require district attorney offices in major jurisdictions to establish specialized prosecution teams for fatal collision cases.

Standards

- Assignment of experienced felony trial prosecutors
- Mandatory forensic crash investigation training
- Integration with reconstruction experts and digital evidence specialists
- Supervisory review of charging and plea decisions in multi-fatality cases

Intended Impact

- Improve trial readiness
 - Increase evidentiary quality
 - Promote consistency across cases
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3. Sentencing Transparency and Reporting Requirements

Proposal

Require annual public reporting of fatal traffic prosecution outcomes including:

- Charges filed
- Plea agreement details
- Sentencing outcomes
- Case disposition timelines

Intended Impact

- Increase public trust
 - Provide policymakers with data for evidence-based reform
 - Identify systemic inconsistencies
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4. Victim Participation and Notification Expansion

Policy Recommendation

Strengthen victim and family participation rights in:

- Plea negotiations
- Sentencing hearings
- Prosecutorial decision-making review processes

Intended Impact

- Improve procedural fairness

- Enhance transparency
 - Support trauma-informed justice practices
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5. Judicial Sentencing Justification Requirement

Proposal

Require written judicial explanation when probation or reduced custody sentences are imposed in fatal reckless driving cases.

Intended Impact

- Promote consistency in sentencing
 - Improve appellate and policy review
 - Increase accountability and transparency
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6. Anti-Asset Shielding Protections in Wrongful Death Cases

Recommendation

Strengthen statutory authority allowing courts to:

- Review suspicious asset transfers following fatal crash incidents
 - Expand enforcement of fraudulent transfer penalties
 - Protect victims' civil recovery rights
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Evidence Supporting Reform

Public safety and criminal justice research demonstrates:

- Certainty and consistency of punishment strongly influence deterrence
- Specialized prosecution units improve complex felony trial outcomes
- Transparent sentencing data improves institutional accountability
- Victim participation improves public confidence in legal systems

Traffic fatalities increasingly reflect preventable high-risk behavioral choices rather than unavoidable accidents, requiring modernized legal and policy responses.

Implementation Considerations

Legislative Action

- Amend state vehicular homicide statutes
- Establish sentencing and reporting requirements
- Fund specialized prosecution training

Prosecutorial Policy Development

- Establish fatal crash review protocols
- Implement senior prosecutor assignment guidelines

Judicial Education

- Provide training on evolving traffic violence research
 - Encourage consistent sentencing standards
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Anticipated Public Safety Benefits

- Reduced reckless driving behavior through improved deterrence
 - Increased consistency in fatal crash prosecution
 - Enhanced trust between communities and justice institutions
 - Stronger victim rights protections
 - Improved data availability for policy evaluation
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Conclusion

Preventable traffic fatalities represent a significant and growing threat to public safety. The justice system must fully recognize disregard for human life as a central factor in prosecuting catastrophic reckless driving. Strengthening statutory tools, prosecutorial capacity, sentencing transparency, and victim participation will better align accountability with the severity of harm and reinforce the societal commitment to protecting human life.