**Stop them before they kill**

(This article ran in the Philadelphia Inquirer)

Like a game of Russian roulette,Robert Landistime after time positioned himself behind the steering wheel of his car despite the fact that he was inebriated; and time after time, he was arrested. Yet, being arrested did not deter him from his one man crime wave that spanned over three decades. That unfortunately was not stopped until he took a life. Now, government officials are pushing to increase the penalties for repeat drunk drivers who kill. Although this approach will help after the fact, can we not come up with solutions before there is a death? A couple of years ago, there was a Vineland, New Jersey man who was arrested multiple times within a few weeks. One of his DUI incidents involved striking a school bus, full of children. It was so bad that the courts and cops were at a loss on how to stop him as the pending cases could not be adjudicated quickly enough to get him off the road. The only real difference between these cases is the unfortunate outcome in Mr. Landis’s last go around. We must understand that it is the behavior that needs to be controlled and not just legislating on results as people who drink and drive do not think that they are the one who will take a life. And when they do, it is too late to undo the damage.

Are we that handcuffed that a person bent on breaking the law on a continuing basis and placing the lives of others at risk (and eventually taking a life) cannot be stopped? As most of us know, intoxicated driving exacts a great toll on our country. Nationally, there are approximately 17,000 fatalities a year as a result of drunk or drugged driving. Here in Pennsylvania the toll from this scourge approximates 500 people per year; and this does not include those merely injured. And it is not as if our law enforcement officials are not trying to deal with this problem. Law enforcement in Pennsylvania arrests about 50,000 people a year for DUI, with nearly a third of those arrests involving repeat offenders.

So, if arresting will not solve the problem and increasing the penalties will only address the issue after a death has occurred, what will? Fortunately, we can look to the civil code and institute forfeiture actions against those who use their car in such a manner and remove the car from their possession - as it was used as an instrumentality of a crime, to wit, DUI.

Civil forfeiture is not new; many jurisdictions use it for a myriad of crimes and Pennsylvania is no different. This concept just needs to be expanded across the Commonwealth to include those who drive their car while intoxicated. What makes civil forfeiture such an attractive option is that it is not tied to the criminal justice system. We need not wait for that process to play out. Upon arrest, the vehicle is kept in police custody and a parallel (but separate action) is initiated in civil court to give the government the right to keep the car permanently. So Mr. Landis would not have been able to kill as he would have had no car to drive – no car, no DUI, no death.

We can think of our current policy towards drunk driving in this regard. If all those people arrested for DUI had misused a firearm instead of their car, would we give them their guns back? So why are we giving them their cars back?

Our criminal code is designed to control aberrant behavior. Conduct that falls below these standards will be punished. However, when the criminal code is ineffective in controlling people’s behavior, we need to look elsewhere to protect ourselves against those hell-bent on causing mayhem. Using the civil code and forfeiture actions is another tool in this battle. The more options we have in confronting a problem, the more successful we will be in prevailing over it and removing the issue from our way of life.

Just about everyone has heard the saying fool me once, shame on you; fool me twice, shame on me. But eight times?

Enough is enough – we must stop the madness before another life is lost.

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