

MINNEAPOLIS

# In crashes that kill pedestrians, the majority of drivers don't face charges

Between 2010 and 2014, there were 3,069 crashes with pedestrians in the Twin Cities and its suburbs. 95 were killed. 28 drivers were charged. But many of the deaths weren't even judged worth a traffic ticket.

By Eric Roper (<http://www.startribune.com/eric-roper/62906482/>) Star Tribune |

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Carol Wiggins crossed Territorial Road every day at the crosswalk on her way home from work in Watertown. But the driver of the car that hit her one evening said he didn't see her until it was too late.

Wiggins never recovered from the traumatic brain injury from the 2011 crash, dying weeks later in a Minneapolis hospital. The driver never faced any charges — not even a traffic citation.

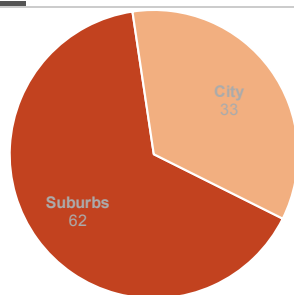
"It doesn't help with trying to get any kind of closure," her daughter, Monica Fortwengler, said. "You always have that little bit of, 'Why was my mom's life not deemed worthy of even a flippin' traffic ticket?'"

The decision not to cite the driver who struck Wiggins isn't unusual. The majority of drivers who killed pedestrians between 2010 and 2014 were not charged, according to Star Tribune analysis of metro area crash data. Those who were charged often faced misdemeanors — from speeding to careless driving — with minimal penalties, unless the driver knowingly fled or was intoxicated at the time of the crash.

## Suburbs have fewer pedestrian crashes than cities, but higher share result in deaths

Data is from 2010 through 2014. The City includes Minneapolis and St. Paul. The Suburbs includes all other areas in the 7-county metro area.

Total Pedestrian Fatalities      Total Pedestrian Crashes



Source: Minnesota Department of Public Safety, Star Tribune analysis // By CJ Sinner, [Get the data](#)

The majority of the deaths occurred in the suburbs, typically on high-speed roads where crosswalks or sidewalks are sparse. Nearly twice as many pedestrians died in suburban crashes than did in Minneapolis and St. Paul between 2010 and 2014, the latest data available, despite the fact that cars hit pedestrians in the suburbs far less frequently.

One was teenager Gina Morri, who was leading a group of gymnasts on a warm-up jog in Little Canada when a dump truck hit her at a frontage road intersection. The driver said he had seen the group, but not Morri crossing up ahead. He was never charged.

Her mother, Linda Morri, said the family was "in disbelief that nothing at all happened."

State law says drivers with room to stop must yield to a pedestrian attempting to properly cross an intersection — painted crosswalk or not. Drivers must also "exercise due care" to avoid hitting pedestrians crossing elsewhere. But prosecutors say they need firm proof a driver was at fault and that a pedestrian was in the right place before pursuing even misdemeanor charges like careless driving or failure to yield.



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AARON LAVINSKY, STAR TRIBUNE

Memorials along roads remember some of the 95 pedestrians killed between 2010 and 2014 in the metro area.



Prosecutors decided not to charge the driver who killed Wiggins because he wasn't intoxicated, speeding or using a cellphone, Carver County Attorney Mark Metz said. "It was dark out. He didn't see her," Metz said.

## Pedestrian crashes are more likely to be severe or fatal if they happen in the suburbs

Twice as many pedestrian crashes happen in Minneapolis and St. Paul compared to the all surrounding suburbs in the 7-county metro, but incidents in the suburbs tended to be more severe, according to data collected between 2010 and 2014.

Minor Injury	
City	59%
Suburbs	44%
Moderate Injury	
City	29%
Suburbs	36%
Severe Injury	
City	9%
Suburbs	14%
Fatal	
City	2%
Suburbs	6%

Source: Minnesota Department of Public Safety, Star Tribune analysis // By CJ Sinner [Get the data](#)

### 'Difficult to prove'

Ninety-five pedestrians died after being struck by drivers in 3,069 crashes in the seven-county metro area over the five-year span.

In those cases, 28 drivers were charged and convicted of a crime, most often a misdemeanor ranging from speeding to careless driving. Five drivers in hit-and-run crashes have yet to be found.

Many of those convicted received sentences that included community service, fines or probation. Fourteen were sentenced to the workhouse, jail or prison. The nine drivers who were sentenced to more than three months incarceration were convicted in cases that involved drunken driving, fleeing the scene or, in one case, having a serious medical condition considered unsafe for driving.

The Star Tribune used death certificates, police reports, news accounts and court records to piece together each death and its aftermath.

The decision to charge a driver often comes down to proving negligence, prosecutors said. It often begins with examining the pedestrian's actions and whether they were crossing the road in a legal crosswalk and obeying the traffic light.

"These cases can be very difficult to prove beyond a reasonable doubt," Minneapolis City Attorney Susan Segal said, noting that only a small fraction of cases are forwarded to her office for review, due in part to lack of evidence.

## Few drivers face penalties in deadly crashes

A total of 92 drivers were responsible for 95 pedestrian fatalities in the 7-county metro area between 2010 and 2014. Most did not face any charges.

	No charges	Fine, community service, or probation	90 days or less in facility	90+ days in facility
Drivers	64	14	5	9

Source: Minnesota Department of Public Safety, Star Tribune analysis // By CJ Sinner [Get the data](#)

Charles Roger Lord died after being struck by a van while checking out a Nice Ride bike on a north Minneapolis sidewalk in 2014. The van "reportedly driving at a high rate of speed" jumped the curb, hit him and dragged his body across a vacant lot before crashing into a building, according to a police report.

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LEILA NAVIDI

Jason Hanson's grandmother Dorothy Hanson was killed in a hit-and-run as she crossed E. Old Shakopee Road in Bloomington. The family is...

The driver fled, but was later arrested. He said he did not know he had hit someone before fleeing and blamed the crash on problems with the van's steering. He was never charged.

"If we can't prove alcohol or drugs, and we can't prove that internal damage to the steering didn't cause the accident, it's really hard to prove grossly negligent," said Hennepin County Attorney Mike Freeman. The police investigation remains open.

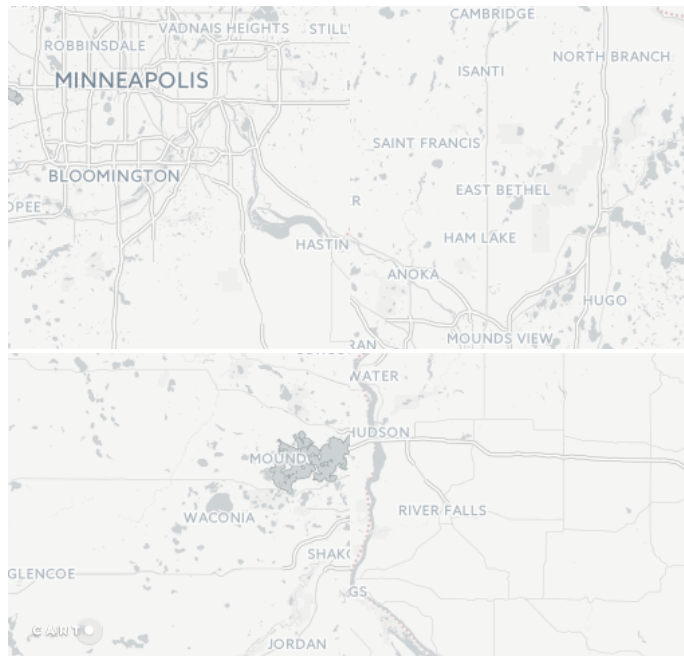
### Tougher laws

Recent state law changes give prosecutors more charging flexibility. Since 2014, drivers are required to stop and investigate after any collision, not just after knowingly causing a major injury. Another new law in 2015 makes it a gross misdemeanor, rather than a misdemeanor, if someone drives recklessly and causes great bodily harm — a charge that hasn't yet been applied.

An initial proposal to apply that change to careless driving, which has a lesser standard, met with resistance at the Legislature.

"Most of the time when people have an accident, it's just ordinary negligence," said Sen. Scott Newman, R-Hutchinson, who deliberated over the bill on the judiciary committee. "And everybody makes mistakes. But we don't want to necessarily criminalize the ordinary negligence, because all of us would be criminals."

Minnesota had fewer pedestrian deaths per capita than any other state in 2014, according to federal data. In 2013, Minnesota had the second-lowest number per capita nationwide.



Map created by C.J. Sinner

Source: Minnesota Department of Public Safety, Star Tribune analysis

There were about 2,100 total pedestrian-involved crashes in Minneapolis and St. Paul between 2010 and 2014, compared with about 969 in the seven-county metro area suburbs. But when cars hit pedestrians in the suburbs, where speed limits are often higher, the victim was more likely to sustain a severe injury or die.

A number of suburban crashes involved people crossing busy roads without painted crosswalks nearby, traversing the side of roads without sidewalks, or crossing wide roads against a red light.

Chuck Marohn, who leads the Brainerd-based smart growth group Strong Towns, attributed the suburban severity to the mixture of commerce and roads designed to move vehicles quickly through an area.



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FEED LOADER

Kaynard Gullekson was killed crossing Brooklyn Boulevard with the light, while in a wheelchair. The man who hit him was given probation and ...

"The problem is when we design environments for fast-moving traffic, and then we put the complexity and the randomness in it," Marohn said. "That's when things go bad."

### Shared fault?

Dorothy Hanson was partly blamed for her own death in a 2010 hit-and-run crash on East Old Shakopee Road in Bloomington.

Hanson, 85, had just delivered a spaghetti dinner to her husband in a nursing home when she crossed the road where she normally did at 10th Avenue S. Mark Lindgren struck her with his truck, Hanson screamed and the vehicle accelerated "drastically," according to witnesses.

Lindgren, who later said he didn't know he had hit someone, came forward through an attorney five days later. An investigation revealed that he had had some alcohol that evening, but his attorney maintained it was not the cause of the crash.

Bloomington police determined Lindgren's vehicle had room to stop, but also concluded that both Hanson and Lindgren were inattentive. Officer Bret Anderberg, who made that conclusion, said Hanson had "misjudged the vehicle speed and her crossing time."

Lindgren was convicted of leaving the scene of a collision and sentenced to 90 days in a workhouse. He could not be reached for comment.

But Hanson's daughter, Sandra Hanson, said she couldn't believe it when the judge attributed some fault to her mother.

"My mother had been killed by this guy. And the judge ... says that my mother was partly at fault," Hanson said. "It seems like a perpetrator-friendly legal environment. I mean, where is the justice in criminal justice?"

Data Editor MaryJo Webster contributed to this report.

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FEED LOADER

Gina Morri was killed by a dump truck at a crosswalk in Little Canada.



([http://stmedia.startribune.com/images/ows\\_1463803](http://stmedia.startribune.com/images/ows_1463803))

FEED LOADER

Dorothy Hanson had just delivered her husband, Bud, a spaghetti dinner in a nursing home when she was struck and killed by a driver.