

Case 2

In July 2000, Kenneth Powell was awakened by a call from police in the middle of the night to pick up a friend, Michael Pringle, who had been arrested for drunk driving. Powell signed a release form stating that he would be responsible to take Pringle home. Instead of doing so, however, Powell returned Pringle to his car, which had been left at the arrest site. (Powell had been given directions to its location by a police officer.) Pringle resumed driving when he reached his car. Upon being released from arrest the police had returned his car keys to him. An hour later, he crossed the center line and collided with an on-coming car, killing himself and the other driver, John Elliott, and critically injuring Elliott's girlfriend.

Powell was charged with manslaughter and vehicular homicide, the first time in history someone with no direct involvement in a Driving While Intoxicated (DWI) crash was charged with a crime. Prosecutors said it was Powell's responsibility to keep his drunk friend off the road, and pointed to the release he had signed agreeing to take Pringle home. Defense attorneys argued that it was irresponsible of police to return his keys to Pringle, and then give Powell directions to Pringle's car; instead, they said, the police should have held Pringle until he was sober. Powell's lawyers contended that convicting Powell would allow prosecution of anyone who fails to stop a drunk driver.

In August of 2002, Powell was acquitted of manslaughter, but the judge declared a mistrial on lesser charges about which the jurors couldn't agree. Elliott's girlfriend and her family, as well as Elliott's family, have now brought charges against Powell for letting Pringle drive while intoxicated. Since these events, the New Jersey State legislature has passed a law requiring police to impound the vehicles of intoxicated motorists. The legislature has not, however, passed any legislation expanding or precluding criminal liability for the friends of drunk drivers.