

A 36-Year History of Fatal Road Rage in Marion County, Oregon: 1963–1998

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ABSTRACT: This paper documents the 36-year history, with five examples, of fatal road rage in Marion County, Oregon. Relevant details (all that were available) from each case are presented. Alcohol intoxication was present in four of our five cases. We include two deaths by gunshot at close range, two deaths as a result of a motor vehicle traffic accident, and one natural death.

All subjects were males. Three were Caucasian and two were Hispanic. The three subjects in Cases 1, 2 and 3 were complete strangers to the occupants of the other involved vehicles. The subjects in Cases 4 and 5 (along with the occupants of their own vehicles) were acquaintances of the occupants of the involved vehicle.

There appears to be no previous forensic, medical or psychiatric literature on road rage as such. We present an initial psychiatric evaluation of the perpetrators of this type of fatal assault. There are no specific statutes in Oregon, at the state or county levels, regarding road rage. However, the city of Gresham, Oregon, recently enacted an ordinance regarding road rage.

We stress the need for further study of this phenomenon, especially through the use of the psychological-psychiatric autopsy.

KEYWORDS: forensic science, forensic pathology, forensic psychiatry, death, motor vehicle accident, road rage, Marion County, Oregon

This report appears to be the first documented account of fatal road rage in the forensic, medical or psychiatric literature. Road rage is a relatively new term used to describe the situation where one driver locks onto another driver and exhibits both hostile and aggressive intent and behavior to the second driver. Somewhat related is joy-riding, which is the use of one or more vehicles by individuals who drive recklessly in pursuit of fun.

The authors herein present the only five definite (or likely) instances of fatal road rage that were recorded in the files of the Marion County Medical Examiner (MCME) during the first 36 years of its existence. Our first case occurred in 1981, 18½ years after the inception (on January 1, 1963) of the MCME program.

There is considerable literature on the general subject of risky driving associated with sensation seeking. This material has been summarized in a recent review article by Jonah (1), as follows. “The vast majority of the 40 studies reviewed showed positive relationships between sensation seeking and risky driving, with cor-

relations in the 0.30 to 0.40 range, depending on the gender and the measure of risky driving and sensation seeking employed.” Sensation seeking is more frequent in males than females. For “both males and females sensation seeking increases with age until about the age of 16 years and then declines with age.” Of 18 studies that looked at sensation seeking and drinking driving behavior, positive relationships were found in 13.

Jonah (1) further noted that “controlling for age, distance traveled and driving experience,” the reported usual speed on highways for both men and women “increased as a function of sensation seeking scores.” “High sensation seekers may not perceive certain driving behaviors as being risky because they feel that they can speed, follow closely or drive after drinking and still drive safely as a result of their perceived superior driving skills.”

Risky driving has also been associated with substance use and abuse. Voas et al. (2) found, in a 1996 national survey, that “while the overall percentage of drinking drivers on the road on weekend evenings has declined steadily since 1973, . . . , it is important to remember that there was no reduction in the percentage of the highest risk drinking drivers” (i.e., those with blood alcohols of 0.10 gm% or greater).

Laapotti and Keskinen (3) studied differences in fatal loss-of-control accidents between young male and young female drivers. Their data comprised all fatal car accidents of young (18- to 21-years-old) drivers in Finland during 1978 to 1991. They reported that speeding “and driving under the influence of alcohol have often been reported to be the risk factors in single-vehicle accidents. . . .” “This study concludes that risky driving habits play a bigger role in male drivers’ loss-of-control accidents than in male drivers’ no-loss-of-control accidents or in any kind of female drivers’ accidents.

Methods

All data for this investigation were obtained from individual case files from the MCME program. One of us (PJB), on two separate occasions, reviewed all 7946 individual case files of the MCME program for these 36 years. These reviews included the careful reading of the medical examiner reports, police agency reports, district attorney files, as well as (where applicable) all autopsy reports, toxicological findings, other laboratory reports and newspaper clippings of these deaths and their investigations.

Blood alcohol and other laboratory determinations were completed by the State Medical Examiner Toxicology Laboratory. In cases where crimes were committed, as determined by the district attorney and the grand jury, additional information about the drivers was discovered and these data have been utilized in this paper.

In the State of Oregon, driving while intoxicated is statutorily

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defined as the blood alcohol = 0.08 gm% or higher (4). Driving while intoxicated is a singular event not requiring the participation of other parties. Both joy-riding and road rage end with either being broken off, or with an incident that leads to morbidity and/or mortality to one or more of the participants.

Summary of Cases

Case 1 (August 16, 1981)

This 19-year-old Caucasian male (WRG) died from a gunshot wound to his head (.22 caliber pistol). His blood alcohol = 0.08 gm%. The subject and a male passenger had stopped at a gas station for fuel. As they drove out onto the street, another car (driven by ORL) suddenly came up behind them, causing WRG's car to almost hit an abutment. WRG honked his car horn and began yelling obscenities at ORL. Shortly afterward, both cars stopped for a red traffic light. ORL opened his door, quickly walked over to WRG's car and slammed WRG's door shut as WRG had started to open his door. ORL then returned to his own car and drove off.

Following ORL's car, WRG and his passenger continued to yell and threaten (by gesticulations) ORL. WRG then drove alongside and maneuvered his car so as to block ORL's car from moving forward. WRG and his passenger then emerged from their car, ran over to ORL's car and they repeatedly struck it with their fists, causing damage to the vehicle. WRG called ORL (a Cuban) a "spik."

ORL rolled down his window and was struck in his face by WRG's fist. ORL then pulled out a gun and fired it twice, hoping to scare WRG away. One of the bullets hit WRG, who fell to the street. The car driven by ORL left the scene, but was later found by the investigating police officers. There were several witnesses to the death scene. The police were called and the remaining persons from both vehicles were taken to the police department for questioning.

ORL was jailed and charged with murder. He claimed self-defense because WRG had struck him in the face. He also claimed lack of criminal intent, since he had shot the gun to scare WRG away and had not intended to shoot him. At a subsequent trial, the jury found ORL to be not guilty of the charge of murder.

Case 2 (February 6, 1991)

This 31-year-old Caucasian male died at 7:05 p.m. from a gunshot (9 mm pistol) wound to his chest. His blood alcohol = 0.06 gm% and his blood was qualitatively positive for cocaine. This subject (MKS) had started a hassle with the driver (BHT) of another car, while each was proceeding along a two-lane highway. BHT tried to pass MKS's car, at which time MKS sped up and would not allow him to do so. BHT finally passed MKS's car by suddenly speeding up to more than 70 mph (113 km/h). MKS then passed BHT and proceeded to force BHT's car off the road on two occasions. Shortly thereafter MKS suddenly slammed on his brakes and turned slightly off the roadway, causing BHT to slam on his brakes, stopping just two feet back from MKS's vehicle.

MKS ran back to BHT's car and, as BHT was rolling down his window, punched BHT twice in the face. At the same time MKS was trying to open the driver's door. During this sudden and unexpected hostile action, BHT reached over to his glovebox, withdrew a loaded revolver and warned MKS to cease hitting him and to back off. Instead, MKS intensified his verbal and physical assault of BHT. At this point, fearing for his life and safety, BHT shot his assailant in the chest and killed him.

Police were called to the scene (by BHT, with a cellular phone)

and the remaining occupants of both vehicles were taken by the police for questioning. A grand jury, after listening to witnesses, returned an indictment of murder against BHT. At the trial, a jury found BHT to be not guilty of the charge of murder and he was released.

Case 3 (November 9, 1991)

This 62-year-old Caucasian male died from a heart attack while driving his car from Portland to his home in the Salem area. His blood alcohol was negative. He (LFM) had driven his wife to the Portland airport and had dropped her off for an out-of-state flight. On his return trip home, he became involved in a hassle with the driver of another vehicle (SAH). The conflict had begun when SAH began following (to within 2 ft (0.6 m) from the rear of) LFM's vehicle, while both were driving approximately 75 mph (121 km/h) along the I-5 Freeway.

SAH then started to pass LFM's vehicle on the left, swerving his car toward LFM's car. SAH then suddenly accelerated to about 90 mph (145 km/h), forcing a third vehicle to take evasive action and sending that car into the northbound lanes of the Freeway. (Later police investigation of this incident led to a citation against SAH for reckless driving.)

SAH continued southbound on the Freeway and was pursued by LFM and a third vehicle (the driver of which proved to be the principal witness in this case). Then LFM's vehicle was observed to lose speed and to veer from the far left lane, across the middle lane and the right lane. The car then ran off the roadway and into some bushes, without hitting anything. LFM was unconscious at his steering wheel. He was given CPR at the scene by a motorist and, shortly thereafter, EMT medics, who finally pronounced him dead at the scene.

LFM's wife later provided considerable, pertinent information about him. He suffered from extensive coronary disease, had undergone by-pass surgery and was taking medicines for this condition. She told investigators that he had always had a "hair trigger" temperament regarding the capacity to control his temper; that he would frequently explode into anger and would "lose his cool" over even relatively minor situations. Because of this well-documented medical condition and his wife's objections, an autopsy was not performed.

No criminal charges were filed, because there is no criminal statute in the ORS which covers the actions in this case.

Cases 4 and 5 (June 29, 1993)

A 16-year-old Hispanic male (blood alcohol = 0.07 gm%) and his 20-year-old brother (blood alcohol = 0.04 gm%) were killed in a single vehicle motor vehicle traffic accident at 9 p.m. The driver of the car in which they were riding and the driver of a second car had been engaged in erratic driving behaviors, as their vehicles proceeded northbound on the I-5 Freeway between Salem and Woodburn, Oregon. There were five persons in each vehicle.

There was mutual provocation between the occupants of the two cars: shouting and yelling from car to car, driving very close behind one another, and sudden bursts of increased speed to adjacent traffic lanes while aiming at each other's vehicles. This behavior continued for a few miles and was seen by drivers and passengers of other vehicles traveling in the same direction.

Suddenly some full, unopened beer cans were thrown from the second vehicle as it passed the subjects' car. The driver of the subjects' vehicle swerved away from the cans and lost control of the car, which left the roadway and rolled over several times. It finally came to rest upside down in the median strip between the northbound and

southbound lanes of the freeway. Both subjects were dead at the scene and their driver suffered extensive head and body injuries.

Police were called to this scene and investigated the accident, including initial interviews of the surviving occupants of the first car and the occupants of the second car. They also interviewed a number of other persons who had witnessed the erratic driving of these two cars. At a subsequent trial the driver of the second vehicle was convicted of reckless driving and of felony failure to perform the duties of a driver in an injury accident (hit and run).

Discussion

Cases

We present several cases illustrating the phenomenon of road rage (and its cognates) from one relatively small geographic jurisdiction in the State of Oregon. These phenomena are increasingly becoming known to motorists across the United States. We see some form of reckless driving virtually every time we drive. We see, and perhaps have been involved in, mini-episodes of such incidents, precipitated by ourselves or others. Most of these types of interactions terminate without dire consequences.

As phenomena that are so well known to the public, they deserve further study. This is critical. We are limited in our knowledge of the cases presented in this study. Except as presented in Case 3, the limit of our knowledge is particularly acute in the area of personal background of the individuals who start these deadly interactions. This is also true for those persons who are victims, but who may have had multiple choices to end the interaction prior to a deadly outcome.

To the authors, Cases 1 and 2 are what we would label typical cases of road rage, illustrating the chance interaction of strangers who lock onto each other, as if by radar, until there is an end to the deadly interaction. In both cases the victim appeared to be innocent of hostile intent, except that each had a loaded gun in his car and shot his aggressor dead. Each was charged with crimes and each was eventually acquitted.

We would also label Case 3 as a typical case of road rage and it illustrates two important issues. First, in contrast to the first two cases, it appears that both drivers became involved and interacted in a hostile and erratic manner with each other. It was originated by one driver and continued until the original victim had suffered an acute cardiac event, pulled off the roadway and died. Second—this is also important—because we have some background information from the deceased individual's wife. The key phrase is that he had a "hair trigger," in many ways an accident waiting to happen.

Cases 4 and 5 probably represent joy-riding, as well as road rage, in the interaction of the two drivers of vehicles in which the drinking of alcohol was involved. These two passengers died, as happens so frequently in these situations when the driver of the car in which they were riding lost control and crashed.

These cases have familiar themes: deadly weapons, automobiles, guns, alcohol and—in the only background information that we have—a "hair trigger." All are familiar to us. The point here is that we will be better served to study these cases in more detail. It would be instructive to apply the principles of the psychological autopsy (5) to these cases and we strongly advocate this. Pathologists, psychiatrists, psychologists, coroners, and medical examiners should combine their talents as these cases arise in our various jurisdictions.

Legal Issues

All Oregon law is codified in a publication (4) entitled Oregon Revised Statutes (ORS), which is revised every two years follow-

ing the completion of Oregon's biennial legislative sessions. The then-current ORS was used to identify any and all criminal activities in each of our five cases of road-rage deaths. Most of the criminal activities in our cases were in the categories of murder, pointing a firearm at another person, hit and run, and reckless driving. A grand jury was convened in all but one case (Case 3) to determine the specific facts involved and to take the appropriate action.

In general, any criminal offenses committed during such acts are investigated by the appropriate police agencies and are then referred to the county district attorney for disposition. In each of our five road-rage deaths the district attorney determined whether or not any specific crimes had been committed and then took appropriate action: (a) presented the case to the county grand jury for deliberation and action, or (b) closed the investigation without filing charges, because of lack of criminal activity.

On February 2, 1999 the City of Gresham, Oregon enacted a new ordinance relating to aggressive driving and offensive physical contact (commonly termed road rage). This is the first such law, at local or state level, enacted in the State of Oregon, and it may well be the first in the United States.

Conclusions

This is a preliminary report of now-familiar patterns of road rage. We advocate more study of these phenomena, including the addition of psychological autopsies to the traditional work of pathologists, when confronted with such cases. We have no doubt that such intensive studies will lead to further clarification of the particular patterns of road rage. They will also provide a greater understanding of the dynamics of anger-prone individuals and their relationship to the use of alcohol (as well as other noxious drugs) and weapons.

With Gresham, Oregon having recently enacted an ordinance on road rage, it is likely that the State of Oregon Legislature will develop in the near future a similar statute for the entire state. These are critical public health issues and they surely deserve further investigation.

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