CRIMINAL LAW AND PUBLIC POLICY

Should a corporation be held liable for murder? In 1980, the Ford Motor Company was prosecuted for reckless homicide stemming from the 1978 death of three Indiana teenagers. The three were burned to death when their 1972 Ford Pinto was hit from behind by a van. Prosecutors charged that Ford was aware that the Pinto's gasoline tanks were in danger of catching fire when impacted by a rear-end collision. Ford was alleged to have decided that fixing the problem or recalling the Pinto would deeply cut into profits and that it would be less expensive to pay any damage awards that might result from civil suits filed by consumers. By 1977, the Pinto no longer was able to meet tough federal safety standards, and in late 1978, Ford recalled 1.5 million 1971–1976 Pinto sedans. Unfortunately, this recall was not issued in time to save the lives of the three teenagers.

In 1999, a Florida jury found airline maintenance company SabreTech guilty of contributing to the 1996 crash of ValuJet Flight 593, an accident that resulted in the death of 110 passengers. The company allegedly had been responsible for placing prohibited hazardous materials on the ValuJet aircraft that exploded during flight. SabreTech was convicted on eight counts of mishandling hazardous materials and one count of failing to properly train employees.

In 2003, Motiva Enterprises pled "no contest," or **nolo contendere** (a guilty plea for purposes of a particular prosecution), to one felony count of criminally negligent homicide and six misdemeanor counts of assault in the third degree. This plea arose out of a July 2001 explosion and fire at a company factory that resulted in the death of one employee and injury to six others. Prosecutors alleged that Motiva, a joint venture between Saudi Aramco and Royal Dutch Shell, ignored warnings and continued to operate the plant in order to maximize profits. The company's conviction resulted in a fine of $11,500 on the homicide charge and $5,750 for each of the assault charges for a total of $46,000, the maximum then permitted under Delaware law.

In 2005, Far West Water & Sewer Inc. was convicted of the murder of two workers who died from exposure to toxic chemicals while working on an underground sewer tank. The company was fined $1.7 million and required to pay restitution to the families of the dead workers.

In 2015, General Motors reached a deferred prosecution agreement with the Department of Justice and agreed to pay a $900 million penalty. General Motors admitted to knowing about a defective ignition switch, which reportedly was responsible for the death of 124 individuals. General Motors stated that it knew as early as 2004 that many of its vehicles contained defective ignition switches and that it was aware by 2012 that the defective switches could cause airbags to fail.

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