

# Leaving children in hot cars becomes life and death issue

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Wednesday, May 26, 2004

In the time it takes to purchase a gallon of milk and lottery tickets, a hot car could turn into a death trap for a small child.

A child or an infant has died that way every summer for the past five years in New Jersey. Last summer, Derrick Strothers' two sons died of heat exhaustion in his car after he forgot to drop them off for day care and went to work.

Yesterday, the Essex County father pleaded guilty to two counts of involuntary manslaughter in federal court for the death of his sons last August. Under the plea arrangement, he faces up to a year in prison.

The plea comes after last week's death of a 7-month-old Lakewood boy who was left in a sweltering car when his father forgot to drop the child off at the baby sitter's house. The father, Aryeh Katzman, a 25-year-old rabbinical student, has been charged with second-degree child endangerment and faces up to 10 years in prison.

The legal consequences of leaving a child in a car vary widely across the country, according to Janette Fennell, president of Kids and Cars, a Kansas organization that lobbies for laws to prevent car-related child deaths.

"Every jurisdiction is different," Fennell said. "It's rare that there are any charges in these cases, and if they're charged it's even more rare they're convicted, particularly in the case where a parent really did forget -- they literally thought they took the baby to day care."

In New Jersey, five children have died in overheated cars since 1998, and several other children have been hospitalized under similar conditions. In most cases, the adults responsible were charged with child endangerment or more serious charges.

Fennell said many people think it's safe to leave their children in a car while they shop, or they fail to check their cars to make sure they're empty on a hot day.

Experts say that within the first 10 minutes, the temperature in an enclosed vehicle will rise an average of 19 degrees. Even when the outside air temperature is only 70 degrees, the interior of a car can reach 120 degrees, and a baby cannot handle the heat.

"They have a very immature respiratory system," Fennell said. "They don't have the ability to repel heat. Their organs shut down fast. It's a recipe for disaster."

Andy Williams, a spokesman for the NJ Division of Youth and Family Services, said people leave their children locked in cars at malls all the time.

"There is no safe length of time to leave a child alone in a car," Williams said. On Tuesday, Human Services Commissioner James Davy plans to kick off the department's annual "Not even for a minute" campaign, featuring posters with a child in a car seat.

It was a case seven years ago in Lakewood, the same Ocean County town where the infant died last week, that set off the statewide government media campaign warning parents not to leave their children alone in the car.

In that case, 4-month-old Donya Chaya Pinter died after her mother, Malke Pinter, left her in the back seat of the car for at least three hours after thinking she had dropped her off at the sitter's. Pinter was charged with reckless manslaughter, but the charges were dropped when a grand jury decided not to indict her.

Legal experts say it is often difficult to prove murder charges in parent-child-related deaths. The prosecution needs to show there was some form of intent or reckless behavior rising to the level of criminality.

"It's hard to conceive of a parent killing their child intentionally or knowingly," said Norman Hobbie, a civil and criminal defense attorney based in Eatontown and a former assistant prosecutor in Union County.

There is also an emotional element in such cases that could affect the outcome.

"Whenever evaluating a case like this, you've got to have some tremendous amount of empathy for the family," Hobbie said. "Not only is there a death involved, but also a parent has lost a child."

When evaluating a car death case, prosecutors are supposed to look at the totality of the circumstances and the history of the defendant as to whether there was prior child abuse, Hobbie said.

When drugs or alcohol are involved, the charges are more serious. Christine Hayes was sentenced to seven years in prison on a reckless manslaughter charge in 2001 after her child died in a car while she smoked marijuana.

In last week's Lakewood case, prosecutors have not decided whether manslaughter charges are warranted against Katzman.

Katzman told authorities he had dropped off several children at various baby sitters on the morning of May 20 but forgot to drop off his son, Chaim. The baby died in the car while Katzman went to classes.

"Anyone who is in a position of duty of care and places that child in harm's way and the child is harmed is guilty of the crime of second-degree child endangerment," said Supervising Assistant Ocean County Prosecutor Robert Gasser.

In the East Orange case, Strothers, a 39-year-old supervisor at the East Orange Post Office, was originally charged with aggravated manslaughter by the Essex County Prosecutor's Office after he left his sons Derrick Jr., 2, and Dylan, 1, in a sport utility vehicle on a 90-degree day in August and they died.

Strothers' case was transferred to federal jurisdiction, however, when it was determined that the crime scene was on federal property. Under the federal involuntary manslaughter charge, Strothers admitted he acted in a "grossly negligent manner."

Strothers was on his way to drop the kids off at the baby sitter's house when cell phone calls from work distracted him, according to his testimony. He drove straight to his job at the East Orange Post Office and left the sleeping children in the car -- the windows rolled up -- in the parking lot. Three hours later, a co-worker walked into his office to tell him that there were kids his car.

By the time Strothers rushed out to his Pathfinder and raced to the hospital, the kids were dead, he said.

"It's a tragic set of circumstances," Strothers' federal public defender, Chester Keller, said yesterday at a hearing in federal court in Camden. Strothers at times choked up as he replied to U.S. District Court Judge Freda Wolfson's questions about last year's incident.

He declined comment after the hearing, as did his wife, Leigh, and three other family members who watched yesterday's proceedings. Strothers' father clutched a black Bible in the front row and wept.

Strothers, who was released on his own recognizance pending his Sept. 8 sentencing, has been on administrative leave from the post office. Keller said his client, a postal employee for 15 years, hopes to be reinstated.

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