

# SAFETY Network

July 2017

Michigan.gov/ohsp

## Michigan completes the "Get Your Click On" challenge

Michigan's *Click It Or Ticket* "Get Your Click On" challenge may be over, but efforts to increase seat belt use in Michigan will continue throughout the summer. Law enforcement officers issued 5,604 seat belt citations during the increased enforcement period between May 22 and June 4. That's down from the 8,030 citations issued during last year's campaign over the same period.

Results of an observation survey conducted by Michigan State University researchers following the enforcement period put the state's seat belt use rate at 94 percent, down slightly from 94.5 percent in 2016. A second observation survey will take place in September. Last year Michigan tied with Hawaii for the fifth highest belt use rate in the country.

"Thank you to the drivers, passengers, and law enforcement officers across the state who are working together to encourage others to buckle up on every trip," said

Michael L. Prince, director of the Michigan Office of Highway Safety Planning (OHSP).

Michigan had the top seat belt use rate in the nation at 98 percent in 2009. Tapping into state pride, the "Get Your Click On" challenge was extended to Indiana and Ohio to see which state could make the most improvement in use rates. Midwestern states had an average seat belt use rate of 90.9 percent in 2016, higher than the national rate of 90.1 percent in 2016.

According to the National Highway Traffic Safety Administration (NHTSA), 9,874 unbuckled passenger vehicle occupants were killed in crashes in the United States in 2015—188 in Michigan. Seat belts have saved 344,448 lives since 1975 when the NHTSA first began recording this data. If everyone had been wearing a seat belt since 1975, an additional 381,787 lives could have been saved.

## Research says states should consider risk of marijuana-impaired driving

New research from the Highway Data Loss Institute (HLDI) reinforces the need for states to consider the risk of marijuana-impaired driving as they move toward liberalizing marijuana laws.

HLDI insurance claims data links legalizing recreational marijuana to an increase in motor vehicle crashes. Specifically, the first three states to legalize recreational

marijuana had a combined effect of 3 percent more collision claims than their neighboring states after introducing retail sales.

To confront this complex and evolving highway safety issue, the Governors Highway Safety Association (GHSA) and the Foundation for Advancing Alcohol Responsibility recently released a

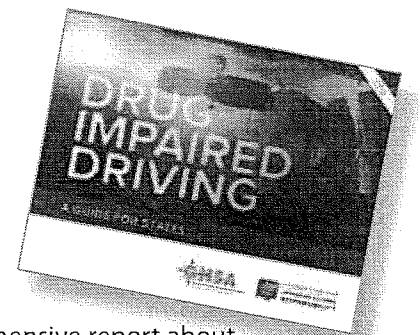
## Seeking Traffic Safety Summit presentations for 2018

The OHSP is seeking general session and workshop topics and speakers for the 23rd Annual Michigan Traffic Safety Summit, March 20-22, 2018, at the Kellogg Hotel and Conference Center in East Lansing.

Presentation proposals will be reviewed by the OHSP based on the following criteria: application to a broad range of traffic safety professionals, relevance to the event, and not presented at a recent summit.

Forms are available on the OHSP website at [michigan.gov/documents/msp/Summit\\_2018\\_Topic\\_Submission\\_Form\\_571188\\_7.pdf](http://michigan.gov/documents/msp/Summit_2018_Topic_Submission_Form_571188_7.pdf)

The completed form can be submitted to the OHSP by fax 517-284-3338, email [MSP-OHSP-Summit@michigan.gov](mailto:MSP-OHSP-Summit@michigan.gov), or mail: P.O. Box 30634, Lansing, Michigan 48913, by September 15, 2017.



comprehensive report about drug use on the nation's roadways. *Drug Impaired Driving: A Guide for States* equips policymakers with the latest research, data,

**Research** Continued on page 6 >

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## Michigan law enforcement officials win national awards

The Escanaba Department of Public Safety, Grosse Ile Township Police Department, and Kent County Sheriff's Office Secondary Road Patrol (SRP)/Traffic Safety Unit recently received the Salute to Law Enforcement Officers Award from the National Association of Women Highway Safety Leaders (NAWHSL).

The OHSP presented the honors, on behalf of the association, during ceremonies at each community.

The Escanaba Department of Public Safety was recognized for being a key partner in the Upper Peninsula car seat program and providing education, training, and low-cost car seats to families.

Since 2008, the department has trained several members as certified child passenger safety (CPS) technicians and joined the Kids Always Ride Safe program to provide low-cost car seats and training to families.

More than 135 car seats have been distributed and approximately 150 seat checks have been completed by the agency in the past two years, providing half of all CPS services to the county.

The agency also supports traffic safety initiatives including overseeing seat belt and drunk driving traffic enforcement grants for Delta County, providing underage drinking and distracted driving education to Delta County schools, hosting

underage drinking enforcement training, and hosting bicycle training and registration events.

The Grosse Ile Township Police Department was honored for being a leader in the OHSP's underage drinking enforcement program since its inception in the late 1990s.

Grosse Ile is the lead law enforcement agency for the Downriver Party Patrol Task Force. Local police agencies that also participate include Brownstown Township, Flat Rock, Gibraltar, Riverview, Rockwood, Southgate, Taylor, Trenton, Woodhaven, and Wyandotte.

In addition to enforcement, the task force has sustained a strong education and community involvement component during the last decade. Police officers attend school assemblies to help students and adults better understand the dangers associated with underage drinking.

The program established a successful tip line to call in parties where there might be underage drinkers. The patrol has also saved lives as officers have found minors either unconscious or suffering from alcohol poisoning and sought medical treatment for them.

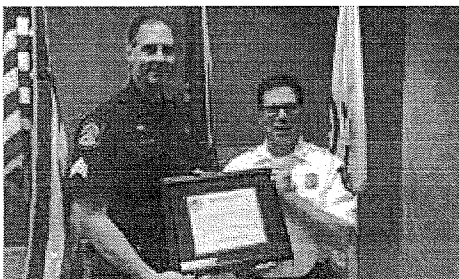
Kent County's continued strong commitment and dedication to traffic safety was also recognized.

In 2016, the Kent County SRP/Traffic Safety Unit investigated 35 fatal traffic crashes, including alcohol-related crashes. Deputies funded under the SRP program are responsible for traffic enforcement, traffic crash prevention and investigation, criminal law enforcement, and emergency assistance to stranded motorists on secondary roadways.

The department has focused on drugged driving enforcement through its three Drug Recognition Expert (DRE) deputies.

Kent County Sheriff Lawrence A. Stelma said deputies in the Traffic Safety Unit also have the equipment and training to precisely measure and map crash scenes. This data is a vital investigative tool for criminal prosecution. The unit has also established an online school bus red light violation reporting system that is used by bus drivers. Reports are investigated by a deputy with proper enforcement action taken.

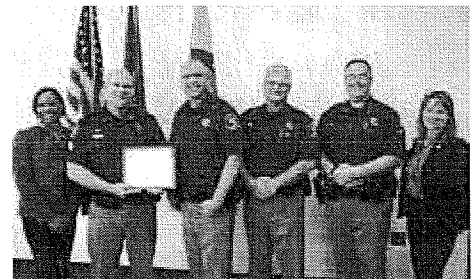
The NAWHSL disseminates information and educational programs to promote safe traffic behavior and advocates for effective public programs to reduce motor vehicle related crashes, crash severity, and the resulting deaths and injuries.



Sgt. Ken Pelland (left) and Joseph Porcarelli, chief of the Grosse Ile Township Police Department.



Lt. John Gudwer, administrative assistant Jennifer Spriks, and Director Rob LaMarche from the Escanaba Department of Public Safety with the NAWHSL award.



The OHSP presents the NAWHSL award to the Kent County Sheriff's Office. From left: Alicia Sledge, OHSP, Sgt. Corey Luce, Dep. Tim Van Houten, Dep. Gale Hawley, Lt. Tim Kraai, and Julie Roth, OHSP.

# SAFETY Network

## Why You Need A DRE Officer In Your Next Drugged Driving Trial

By Kenneth Stecker and Kinga Gorzelewski

The purpose of this article is to familiarize judges, prosecutors, and law enforcement officers with why a DRE is so important in a drugged driving case.

Michigan Compiled Law 257.625 reads in pertinent part, as follows:

Sec. 625.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

Based on this statute, the prosecution must prove that the person was "operating while intoxicated," that is he/she is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

To be "under the influence" within the meaning of Criminal Jury Instruction 2d 15.3 means as follows:

"That because of drinking alcohol, the defendant's ability to operate a motor vehicle in a normal manner was substantially lessened."

To be under the influence, a person does not have to be what is called "dead drunk," that is, falling down or hardly able to stand up. On the other hand, just because a person has drunk alcohol or smells of alcohol does not prove, by itself, that the person is under the influence of alcohol. The test is whether, because of drinking alcohol, the defendant's mental or physical condition was significantly affected and the

defendant was no longer able to operate a vehicle in a normal manner."

Recently, the Michigan Supreme Court in *People v. Koon*, 494 Mich 1; 832 NW2d 724 (2013), stated the following in a footnote:

"Significantly, 'under the influence' is a term of art used in other provisions of the Michigan Vehicle Code. See, e.g., MCL 257.625(1)(a) (stating that a person is 'operating while intoxicated' if he or she is 'under the influence of... a controlled substance...'). See also *People v Lambert*, 395 Mich 296, 305; 235 NW2d 338 (1975) (concluding that an acceptable jury instruction for 'driving under the influence of intoxicating liquor' included requiring proof that the person's ability to drive was 'substantially and materially affected'); Black's Law Dictionary (9th ed), p 1665 (defining 'under the influence' as 'deprived of clearness of mind and self-control because of drugs or alcohol')."

To address the serious problem of drugged driving, there are 113-DRE trained law enforcement officers in Michigan. They are taught to recognize impairment in drivers who are the under the influence of drugs other than, or in addition, to, alcohol.

Although DREs may initiate their own arrests for operating under the influence of drug(s), the usual case is for a different officer, the arresting officer, to request the expertise and assistance of the DRE officer after making an arrest for drugged driving.

A DRE should be requested to conduct an evaluation for drug influence when the arrestee's signs and symptoms are not consistent with their blood-alcohol concentration (BAC). Simply stated, the arrestee may appear more intoxicated than the alcohol level alone would suggest. Law enforcement agencies may seek a drug-influence evaluation whenever an individual is arrested for operating while intoxicated and produces a BAC below .08% or whenever the arrestee's degree

and/or type of intoxication is not consistent with their BAC.

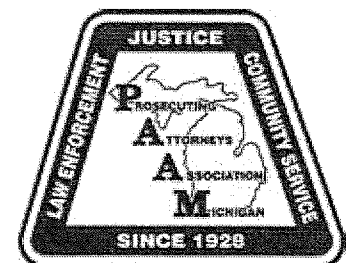
A DRE is trained to determine whether:

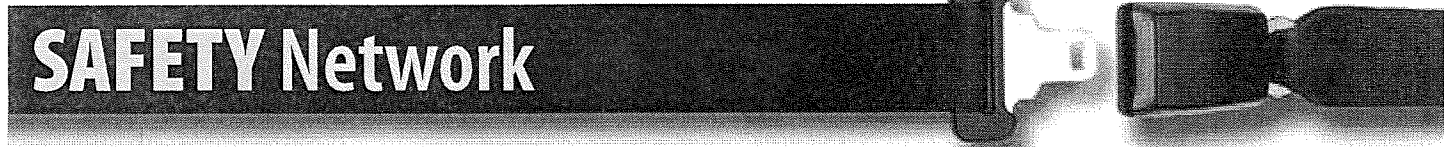
- The arrestee's impairment is not consistent with the BAC;
- The arrestee is suffering from a medical condition that requires immediate attention or is under the influence of drugs; and
- The individual is under the influence of a specific category (or categories) of drugs.

To reach these determinations, DREs use a 12-step standardized and systematic process. It is standardized because all DREs, regardless of agency, use the same procedure in the same order on all suspects. It is systematic in that it logically proceeds from a BAC, through an assessment of both clinical and psycho-physical signs of impairment, to toxicological analysis for the presence of drugs.

Based on the totality of the evaluation, the DRE forms an opinion as to whether or not the subject is impaired. If the DRE determines that the subject is impaired, the DRE will indicate what category or categories of drugs may have contributed to the subject's impairment. The DRE bases these conclusions on his or her training and experience and the DRE Drug

PAAM Continued on page 4 >





## Rail Safety Week to raise awareness



The U.S. Department of Transportation and other organizations are working with Operation Lifesaver to observe the first national U.S. Rail Safety Week (RSW) from September 24-30, 2017.

The goal of RSW is to raise awareness across the U.S. of the need for rail safety education and empower the public to keep themselves safe near railroad tracks.

The awareness campaign will feature digital ads, new safety materials, and local events throughout the week. Events will include school safety presentations, officer on a train efforts, and community safety blitzes to share lifesaving tips for students, pedestrians, drivers, transit riders, and passenger rail users.

Broad gains have been made in highway-rail crossing safety over Operation Lifesaver's 45-year existence, due to sustained federal and private investment in engineering, enforcement, and education. Crossing collisions have plummeted by 83 percent over the past four decades but preliminary federal statistics for 2016 show there is much more to be done.

While overall crossing collisions were down 2.4 percent compared to 2015, total crossing fatalities rose 13.7 percent resulting in 265 deaths.

The trespass picture is much worse. Every day people are walking, exercising, and taking pictures on or too close to the tracks, all of which is illegal and extremely dangerous. Trespassing incidents were up 14.5 percent last year, resulting in 988 deaths and injuries.

Such tragedies are a somber reminder that about every three hours in the U.S., a person or vehicle is hit by a train. RSW will call attention to the need for renewed dedication to saving lives near tracks and trains.

**PAAM** *Continued from page 3 >*  
Symptomatology Matrix, which is broken down into the following seven drug categories:

- Central nervous system depressants
- Central nervous system stimulants
- Hallucinogens
- Dissociative anesthetics
- Narcotic analgesics
- Inhalants
- Cannabis

While the DREs use the drug matrix, they also rely heavily on their general training and experience. After completing the evaluation, the DRE normally requests a blood sample from the subject for a toxicology lab analysis.

The DRE process is not a test; rather, it is a method for collecting evidence. Nevertheless, there have been challenges to the admissibility of DRE testimony and evidence.

In Michigan, courts employ the Daubert standard for determining the admissibility of scientific evidence.

The Daubert standard derives from U.S. Supreme Court decision of *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Pursuant to Daubert, courts serve as a "gatekeeper" for all scientific evidence, regardless of newness or novelty. Scientific evidence is admissible if the court determines that the underlying "reasoning or methodology" is "scientifically valid."

Although Michigan higher courts have not addressed the issue of DRE testimony and evidence under the Daubert standard, other Daubert states have found DRE testimony admissible under Daubert. Some of these states include Nevada, Oregon, Iowa, Hawaii, New Mexico, and Nebraska.

A prosecutor dealing with a Daubert motion should emphasize that the DRE protocol is not novel or new but rather a list of procedures that have been used by medical science and the law enforcement community for years.

The DRE Program in Michigan is one of the most effective tools in the battle against impaired driving. Impaired drivers kill and injure thousands of people on national roadways every year. While DRE officers cannot prevent this from happen-

ing, they can certainly help minimize it. Our streets, highways, and communities deserve it.

Kenneth Stecker and Kinga Gorzelewski are the Michigan Traffic Safety Resource Prosecutors.

*For more information on this article and PAAM training programs, contact Traffic Safety Resource Prosecutors Kenneth Stecker at [stecker@michigan.gov](mailto:stecker@michigan.gov) or Kinga Gorzelewski at [gorzelewskik@michigan.gov](mailto:gorzelewskik@michigan.gov).*

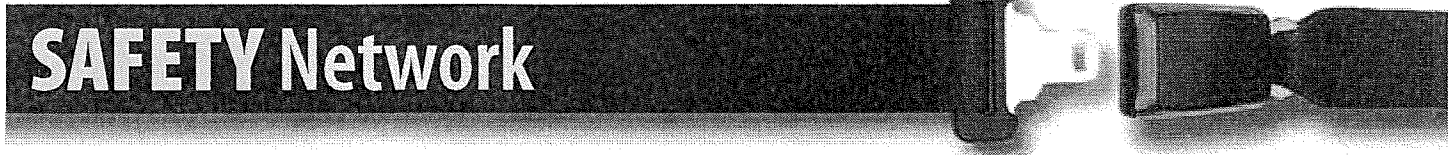
*Please consult your prosecutor before adopting practices suggested by reports in this article. Discuss your practices that relate to this article with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practice.*

Toward Zero Deaths

July 18, 2017

540

Traffic Deaths  
in Michigan this Year



# MADD Michigan opens nominations for the 2017 Lifesavers Awards



Mothers Against Drunk Driving (MADD) Michigan® has opened nominations for the 2017 Lifesavers Award Luncheon.

The Lifesavers Award Luncheon highlights individuals who embrace MADD's mission to end drunk driving, help fight drugged driving, support the victims of these violent crimes, and prevent underage drinking. Nomination forms are available online at [www.madd.org/mi](http://www.madd.org/mi) or by contacting [sue.strong@madd.org](mailto:sue.strong@madd.org) at the MADD Michigan State Office.

The ceremony is scheduled for September 29 in Mt. Pleasant.

The nomination category descriptions are as follows:

- **Outstanding Officer:** Officers who made a difference in 2016 in the area(s) of education, prevention, policy, or enforcement which reduced impaired driving deaths and injuries.
- **Outstanding Rookie:** Rookie officers who made a difference in 2016 in the area(s) of education, prevention, policy, or enforcement which reduced impaired driving deaths and injuries. Rookie is defined as an officer with less than one year of service.
- **Outstanding Law Enforcement Agency:** Law enforcement agencies that made a difference in 2016 in the area(s) of education, prevention, policy, or enforcement which reduced impaired driving deaths and injuries.
- **Recognition of Excellence:** Individual or agency working in the area(s) of education, prevention, or innovation to reduce impaired driving in 2016. This might include new or significant approaches to reducing impaired driving or going above and beyond the normal bounds of duty to address impaired driving issues.
- **Deputy Lewis Tyler Longevity Award:** Law Enforcement personnel, retired or retiring individual, who made a difference during the course of their law enforcement career in the area(s) of education, prevention, policy, or enforcement which reduced impaired driving deaths and injuries.
- **David M. Schieber MADD Lifesaver Award:** Prosecutor who in 2016 demonstrated daily extraordinary above and beyond work; dealt with a high profile or complicated case; provided victim services above the bounds of duty; and/or, addressed a new/significant issue regarding impaired driving, which may include a novel case.

Completed nomination forms must be received no later than August 31 to: MADD MI State Office, Attn: Lifesavers Nominations, 1739 W. Big Beaver Road, Troy, MI 48084. Nominations can also be sent by email to [sue.strong@madd.org](mailto:sue.strong@madd.org).

# Michigan receives more than \$900,000 in federal funds to address pedestrian and bicycle safety laws

Michigan has qualified for \$922,000 of federal funding to address pedestrian and bicycle safety programs. The funding criteria allows funding support for law enforcement training, law enforcement traffic mobilizations and campaigns, or public education—all specific to pedestrian and bicycle safety laws. Federal regulations also required awarded programs to provide a 20 percent match of the total funded amount.

The OHSP disseminated a statewide Request for Proposals for project ideas and approved funding requests to support the following projects in Fiscal Year 2017 and FY2018:

- Grand Rapids Pedestrian Safety Program ..... \$242,500
- Muskegon County Bicycle and Pedestrian Safety Initiative ..... \$40,000
- League of Michigan Bicyclists' Bicycle Safety Video, Training, and Online Quiz ..... \$68,000
- Ann Arbor's Changing Driver Behavior Program ..... \$85,000
- Royal Oak's Bicycle Safety Education Campaign ..... \$4,000
- Detroit's Bicycle and Pedestrian Safety Education Campaign ..... \$118,000
- Helen DeVos Children's Hospital's Ride With-Walk Against Campaign ... \$2,000
- University of Michigan's Transportation Research Institute's Safe Shared Mobility via Bicyclist and Motorist Education and Engagement.. ..... \$111,000

The OHSP will continue to plan, seek, and implement eligible pedestrian and bicycle safety programs throughout FY2018.

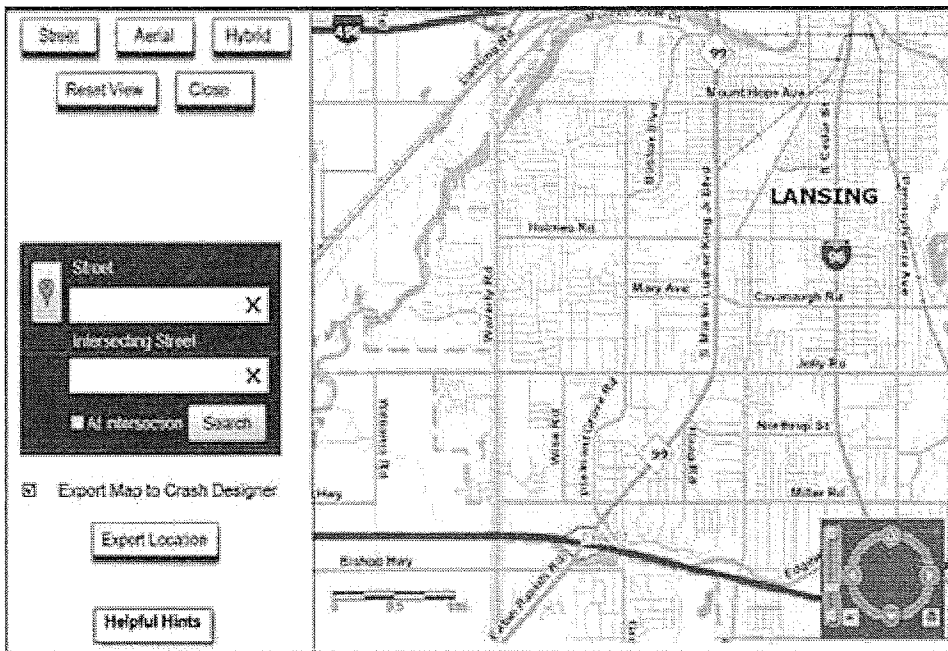
# SAFETY Network

## New UD-10 traffic crash locating tool

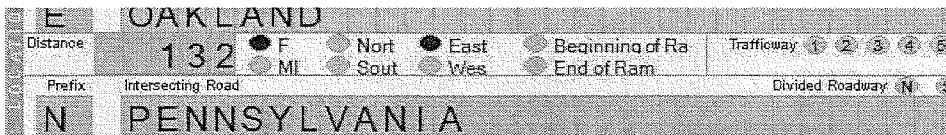
The Michigan State Police Traffic Crash Reporting Unit (TCRU) is excited to announce that a new traffic crash locating tool is being developed by LexisNexis for their eCrash module within iyeTek. This new tool will allow the officer to accurately locate the crash by pinpointing a location on a map; thereby populating the location fields and the diagram on the UD-10.



Selecting this new icon on the task bar will launch the locating tool, as seen below.



From the map, the officer can either enter a street and intersecting street and select search, or you can simply zoom in to the crash location on the map. Once the general location is displayed on the map, drop the red push pin on the map where the crash occurred. Export location will populate the fields of the location block on the UD-10 as seen below. Export map to crash designer will save this map image and will appear as a base layer or road template once the diagram field is opened on the UD-10.



If you have questions or would like free on-site UD-10 training, please contact:  
 Sgt. Scott Carlson  
 UD-10 Trainer  
 TCRU  
 CarlsonS1@michigan.gov  
 517-745-8794

## What's Ahead

### AUGUST 2017

- 2 **Traffic Incident Management Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9:30 a.m.
- 16 **Drivers 24 and Younger Action Team meeting.** Secretary of State Building, State Secondary Complex, 7064 Crowner Drive, Dimondale, 1:30 p.m.

### SEPTEMBER 2017

- 12 **Governor's Traffic Safety Advisory Commission meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.
- 14 **Motorcycle Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.
- 20 **Michigan Truck Safety Commission meeting.** Michigan Center for Truck Safety, 1131 Centennial Way, Lansing, 9 a.m.
- 26 **Pedestrian and Bicycle Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.

*Research Continued from page 1 >*

laws, and programs to help them address this growing problem. The most recent national data found marijuana was present in 12.2 percent of all fatally injured drivers tested for drugs.

The report also highlights a key drug-impaired driving challenge: improving the quality and quantity of data related to drug-impaired driving. The GHSA recommends states increase drug testing, bolster laboratory resources, track DUI and DUID data separately in state records, use surveys to gauge public attitudes, and evaluate the effects of any law or program changes. For a copy of the report, go to <http://www.ghsa.org/resources/drugged-driving-2017>

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