



SAFETY --- Network

November 2006

www.michigan.gov/ohsp

VOL. 14, NO. 1



Pictured are (l. to r.) Terry Jungel, executive director of the Michigan Sheriffs' Association; Tom Hendrickson, executive director of the Michigan Association of Chiefs of Police; Sergeant William Trout of the Marysville Police Department; Kevin Nickel, Law Enforcement Liaison for the Northeast Region; Michigan State Police Director Peter C. Munoz; and Michael L. Prince, division director of the Office of Highway Safety Planning.

Alma Police Department garners top OHSP Challenge award

The Alma Police Department was the big winner at the 2006 Law Enforcement Recognition Ceremony, garnering the top grant prize award of \$35,000 in front of a crowd of 350 at the Holiday Inn South in Lansing.

Six \$10,000 regional grant awards were given to the University of Michigan Department of Public Safety, Marysville, Augusta, and Walker police departments and the Gladstone and Richmond Michigan State Police posts.

Agencies were eligible for the regional grant awards by participating in three safety belt and drunk driving mobilizations in FY06, and reporting their statistics from the enforcement periods by a certain deadline. All in all, 226 agencies were eligible for the grant awards.

The funding can be used for overtime enforcement or traffic safety-related equipment.

According to statistics reported to OHSP, 395 agencies participated in the statewide enforcement efforts, which garnered 18,025 safety belt citations, 4,255 drunk driving arrests, and 14,035 felony and misdemeanor arrests.

UMTRI receives grant to establish University Transportation Center

"Safety and mobility across the lifespan," is the theme for a University Transportation Center (UTC) being established by the University of Michigan Transportation Research Institute (UMTRI).

The \$6 million federal grant through the U.S. Department of Transportation will allow the UM UTC to conduct research, provide education – including developing a certificate program in transportation safety and mobility – and disseminate research results. The center will support a research program encompassing basic and applied projects to improve safety and mobility for young people and older adults.

Continued on page 2

2005 Michigan Traffic Crash Facts now available

Data on all 2005 crashes in Michigan is now available at www.michigantrafficcrashfacts.org.

Information is available in a variety of ways, including alcohol-involvement, age, sex, county, and hazardous action.

New features for the 2005 version include a query tool to obtain data that can be used to create customized tables at the crash, vehicle, or person levels for calendar year 2005 and a section with specific information about Upper Peninsula crashes.

Wayne County's Last Call Unit receives national award

The Wayne County Sheriff's Office Last Call Unit was honored at the Governor's Highway Safety Association's annual awards banquet in September.

The Unit received the Peter K. O'Rourke Special Achievement Award, which recognizes notable achievements in the field of highway safety by individuals, coalitions, organizations, nonprofit groups, businesses, government agencies, universities, or programs.

The Last Call Unit was established because the Wayne County Sheriff's staff found that there were more than 7,000 failure-to-appear warrants stemming from alcohol-related driving offenses. Many of these warrants were for third and fourth offenses, which are considered felonies, as well as some for vehicular manslaughter. After being arrested, spending the night in jail, and posting bond, many offenders did not show up for court. Because the sheriff has county-wide authority, Wayne County Sheriff Warren Evans decided his agency would tackle this issue.



Pictured are (l. to r.) Jennifer Berry, Miss America 2006; Michael L. Prince, division director of the Michigan Office of Highway Safety Planning; Commander Kevin Losen, Wayne County Sheriff's Department; and Troy E. Costales, Oregon's Transportation Safety Division Administrator and GHSA Member Services Chair, Awards Selection Committee Chair.

The Last Call Unit conducted one to two-week sweeps of each district court jurisdiction, rounding up as many people as they could. Arrests were almost always uneventful, occurring at the individual's home or place of

employment.

Not only has the unit maintained an arrest rate nearly triple what was predicted, it has worked through enough old warrants to start taking new ones immediately after a person fails to appear for court.

OHSP develops new life-size poster to promote booster seats

The Michigan Office of Highway Safety Planning (OHSP) has developed a new, life-size poster to promote the use of booster seats in vehicles until children reach 4'9".

The five-foot tall poster is being sent to a variety of agencies including health departments, hospitals, and schools. It was created with the assistance of the Michigan Department of Community Health's Injury Prevention Section and the Marquette County Sheriff's Office and Health Department.

Copies of the posters are available at no charge by calling (517) 336-6130 or by visiting the Michigan Office of Highway Safety Planning's website at www.michigan.gov/ohsp (Click on Traffic Safety Materials).

You can download and submit an order form to receive additional copies. Posters are limited to two per order.



UMTRI receives grant to establish UTC

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Expected accomplishments over the three-year grant period include providing matching support for fifteen or more research projects that attract an equal number of students into the transportation field.

David W. Eby, head of UMTRI's Social and Behavioral Analysis Division, will serve as UTC director. UMTRI director Peter Sweatman will chair a UTC advisory board of executive stakeholders from the auto industry, other businesses, government agencies, and community groups. Michael L. Prince, division director of the Michigan Office of Highway Safety Planning, will serve on this board.

UPS employee honored as part of 10th Drive Safely Work Week

Making the commitment to encourage safe driving behaviors among its employees, members of the Michigan Network of Employers for Traffic Safety (NETS) celebrated the 10th annual Drive Safely Work Week campaign Oct. 2–6 by recognizing the first female UPS employee in the Michigan District to be inducted into the Circle of Honor.

Paulette Archambeau, a package car driver from Houghton, earned the distinction by maintaining a 25-year safe-driving record. The Michigan District also inducted 10 other drivers on Sept. 30, bringing the district's total active Circle of Honor members to 100.

The Circle of Honor program recognizes UPS drivers who have had no avoidable crashes for at least 25 years. UPS recognizes its Circle of Honor drivers during National Drive Safely Work Week.

The Michigan Center for Truck

Safety, a non-profit organization dedicated to increasing truck safety through education, and the Michigan Teamster's Joint Council #43, a new NETS member, showed their support for Drive Safely Work Week by promoting the campaign to members. This campaign's theme was "Safe Driving is YOUR Responsibility."

In addition, Wayne State University (WSU) hosted its own week-long campaign, Drive Safely to Wayne State, Oct. 9–11. The campaign's purpose was to encourage safer commutes to and on campus and to raise awareness of issues such as aggressive and distracted driving, drinking and driving, and safety belt and child safety seat use. A kickoff event featured numerous traffic safety displays including a driving simulator, and a special presentation by AAA Michigan to WSU's Tapan Datta



Sue Schmidtkofer, UPS Michigan District human resources manager, and Paulette Archambeau, Circle of Honor inductee.

for ten years of service to traffic safety.

Traffic crashes are the leading cause of on-the-job fatalities. According to the Occupational Safety and Health Administration, one in four work-related deaths is due to a traffic-related trauma. Over the past ten years, the average cost of a crash to employers has risen significantly, from about \$9,600 in 1996 to \$16,500 today.

New video teaches stages of car seat safety

Most parents know that their children need to be in a child safety seat, but are fuzzy on the specifics. With so many issues to keep in mind, such as the size of the seat, where it should be placed in the car, and when to move on to a different type of seat, the answers aren't always clear.

Now, parents can watch a nine-minute video developed by the Michigan Office of Highway Safety Planning with help from the Michigan Department of Community Health, Marquette County Sheriff's Office, and Marquette County Health Department.

The video, "Child Passenger Safety: A Parent's Guide to Child Safety Seats," gives an overview of the law and recommendations for

keeping children as safe as possible when they're riding in a vehicle. The narrator explains the stages of child passenger safety—rear-facing, forward-facing, and booster—and provides resources where parents can go for more information

DVDs are being sent this fall to SAFE KIDS chapters, WIC offices, hospitals, and other key child passenger safety partners.

These locations are encouraged to show the video to their patients or clients with small children.

Copies will also be available in the OHSP video loan library. A complete listing of videos available for loan can be found at www.michigan.gov/ohsp, click on Traffic Safety Materials.

WHAT'S AHEAD

December

- National Drunk & Drugged Driving Prevention Month (3D Month)

February

- 11–17 National Child Passenger Safety Week

March

- 13–15 12th Annual Michigan Traffic Safety Summit www.michigan.gov/ohsp



Genesee County's Prosecuting Attorney David Leyton speaks about a new alcohol-related crash investigative team.

Genesee County piloting Fatal Alcohol Crash Team

The Genesee County Prosecutor's office is leading a first-time effort in Michigan to launch aggressive, in-depth investigations into the county's serious and fatal injury traffic crashes involving alcohol or drugs. Through a stepped up and technical investigative process, the prosecutor's office expects to have rock-solid cases against impaired drivers who either kill or seriously injure others.

The program, modeled after a highly successful concept developed in Indiana, is being funded through a \$150,000 grant from the Michigan Office of Highway Safety Planning. This funding will be used to purchase equipment, provide specialized training, and cover overtime costs for team members when they respond to crash scenes. Funding is expected to continue over a three-year period as the program becomes established and self sufficient.

In this "CSI"-meets-real-life program, specially trained law enforcement officers, crash investigators, and prosecutors will work together to gather evidence so that drivers are charged appropriately and held accountable for their actions.

Dubbed F.A.C.T. for Fatal Alcohol Crash Team, training is already underway for a team that includes assistant prosecuting attorneys and law enforcement officers from Clio, Davison Township, Fenton, Fenton Township, Flint, Flint Township, Genesee Township, Montrose, Mundy Township, Richfield Township, Swartz Creek, the Genesee County Sheriff's Office, and the Michigan State Police.

Special Assistant Prosecuting Attorney John Potbury is leading the effort and has been instrumental in laying the groundwork, developing policies and procedures, and organizing the team.

The team is equipped with digital cameras, video cameras, pagers, laptops, and special crash reconstruction equipment and software. These will be used to collect evidence and enhance collection capabilities for team members.

End-of-summer crackdown nets over 1,800 drunk driving arrests

More than 1,800 motorists failed sobriety tests and found themselves in jail during the *You Drink & Drive. You Lose.* crackdown. Overall, Michigan law enforcement officers arrested 1,826 motorists for drunk driving and another 1,613 for other alcohol-related offenses during the campaign.



More than 500 local police agencies, county sheriff's offices, and Michigan State Police posts focused on drunk driving from Aug. 18 - Sept. 4 as part of the Michigan Office of Highway Safety Planning's statewide campaign.

Pilot projects in Wayne, Oakland, Macomb, and Genesee counties also allowed agencies to utilize overtime funding for warrant sweeps where officers sought out individuals who have failed to appear in court on previous alcohol-related charges. The sweeps resulted in 295 arrests on outstanding warrants.

According to the 288 agencies reporting statistics to OHSP, 63,354 vehicles were stopped. In addition, 907 felony and 4,438 misdemeanor arrests were made. Officers also wrote 17,918 speeding citations and issued 2,699 safety belt citations for motorists over the age of 15 and 161 child restraint citations.

Nominations sought for traffic safety awards

The Governor's Traffic Safety Advisory Commission (GTSAC) annually honors organizations, programs, and individuals for outstanding contributions to traffic safety in Michigan.

Nominations are currently being accepted. Individuals or organizations may be nominated by a person who is familiar with the activities for which the nominee is being considered. A person/organization may only be nominated in one category. No self nominations are accepted; however, a person may nominate a program, organization, or activity they are involved in.

Nominees must be a Michigan resident or an organization located in the state. All entries must be received on or before December 4, 2006.

Entries will be judged by representatives of the GTSAC. The possibility exists that multiple awards may be presented in one area, as well as no awards in another.

The GTSAC will present awards on March 15, 2007, at the 2007 Michigan Traffic Safety Summit, being held March 13-15 at the Kellogg Hotel & Conference Center in East Lansing.

Complete details are at www.michigan.gov/ohsp.



Court decisions have impact on drunk/impaired driving cases

By David Wallace, *Traffic Safety Training Attorney, Prosecuting Attorney's Association of Michigan*

Over the past few months, there have been two important cases decided by the Michigan Supreme Court. One case deals with operating with the presence of any Schedule One Controlled Substance; the other deals with the remedy for an officer not providing an independent test.

In the case dealing with the independent test, the defendant was arrested for drunk driving and took a breath test. The results were .21. He asked to be taken to Indiana for an independent test. That request was denied. He then asked to go to a hospital that was fifteen to twenty minutes away from the jail. That was also denied. The police offered to take him to the local hospital, but he refused that offer. The lower courts held that the police unreasonably denied the defendant his right to an independent test. Pursuant to case law, the charges were dismissed.

The Michigan Supreme Court reversed. Four justices noted that the statute authorizing the independent test did not contain any sanction for the failure to provide an independent test. They held that the prior cases had erred in holding that dismissal is the remedy for a violation. They further held that suppression of the state's chemical test is also not a remedy. Rather, the court may instruct the jury regarding the officer's failure to provide the defendant the opportunity to obtain an independent test. *People v Anstey*, Case no. 128368, decided July 31, 2006.

Be prepared, however, that if an independent test is not provided, the first question on cross-examination will be "Officer, is there a reason you don't uphold the law?" The law still requires that if a request is made for an independent test, that request must be complied

with.

The second case looked at what is considered a Schedule One Controlled Substance when marijuana is involved. The defendants were charged with operating a motor vehicle with a Schedule One Controlled Substance in their bodies. Chemical tests of their blood revealed the presence of 11-carboxy-THC, which is a metabolite of marijuana and shows up in the bloodstream as the marijuana is broken down and processed by the body. The Court of Appeals held that 11-carboxy-THC is not a Schedule One Controlled Substance, but is evidence that a person had consumed marijuana and may be considered by the jury in determining whether a person operated a vehicle with marijuana in their body. The Supreme Court reversed.

Four justices noted that the definition of marijuana in MCL 333.7106(3) includes any "derivative" of the marijuana plant or its seeds or resin. They held that 11-carboxy-THC is derived from marijuana as the substance is processed by the body, and therefore was a Schedule One Controlled Substance. Accordingly, anyone who operates a motor vehicle with 11-carboxy-THC in their body violates MCL 257.625(8). *People v Derror*, MSC No. 129269, decided June 21, 2006.

Initially after this case was published, there was an uproar that the decision was opening the door to abuse and a large number of cases involving people being charged with this offense after having used marijuana six months or a year earlier. Putting aside the issue of how long 11-carboxy-THC lasts in the body, what the opponents forgot is that for any type of test to be done, there will have to be either probable cause for a search warrant or some evidence of intoxication to arrest the person for OWI, and then under the implied consent law to ask for a blood test. This does not open the doors for any type of abuse.



On a couple of other issues: I attended the Drunk Driving Defense Seminar in October. There were no new issues raised during the seminar, just a review of past issues involving the DataMaster and some of the recent case law. Regarding the DataMaster, remember when doing the fifteen-minute observation, use the clock on the DataMaster to ensure that the fifteen minutes matches the report and the breath test printout. This is an easy area to attack when the times are off, and it is an easy area to fix by just using the clock from the DataMaster.

And finally, be ready for a few changes in the regulations on the DataMaster. They have been submitted for review and it is possible that new regulations will be in place by the end of the year. More to follow on that issue in upcoming articles.

For more information on these changes and PAAM training programs contact David Wallace, Traffic Safety Training Attorney, at (517) 334-6060 or e-mail at wallaced@michigan.gov.

Consult your prosecutor before adopting practices suggested by reports in this article. The court decisions in this article are reported to help you keep up with trends in the law. Discuss your practices that relate to these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practices in reliance on a reported court decision or legislative change.

Schafer and Mehalco receive MADD Life Saver awards

Ronald J. Schafer, Ionia County prosecutor, and Nick Mehalco, Jackson County assistant prosecutor, were honored with the 2nd Annual Mothers Against Drunk Driving, Michigan Life Saver Awards for Prosecutors at the Prosecuting Attorneys Association of Michigan annual conference in July.

The award is given to recognize those who exhibit outstanding dedication and excellence in the prosecution of drunk drivers and in providing justice for drunk driving victims. It is sponsored by MADD and the Michigan Office of Highway Safety Planning.

Schafer was honored for the prosecution of a high-profile case in which there were no witnesses and other evidence issues. Despite these obstacles, the case resulted in a conviction of OWI causing death and a maximum sentence for the offender. Schafer's personal and compassionate approach to victims and his office's approach to victims' rights were also touted.

Mehalco was presented the award for his successful prosecution on two aggravated drunk driving cases this past year in Jackson County where he won convictions for second degree murder – the toughest drunken-driving charge possible.



Pictured following the presentation of Michigan Life Saver Awards for Prosecutors are (l. to r.) Homer Smith, executive director of MADD Michigan; Nick Mehalco, Jackson County assistant prosecutor; Ronald J. Schafer, Ionia County prosecutor; and Jason Hamblen, alcohol program coordinator for the Michigan Office of Highway Safety Planning.

New driver education law to improve training in Michigan

More stringent requirements for both students and instructors were the focus of new driver education legislation that went into effect October 1.

The Driver Education Provider and Instructor Act (P.A. 384) increases training for both students and instructors and brings greater consistency and oversight to driver education in the state.

Under Michigan's Graduated Driver License system, teen drivers under age 18 must complete two segments of driver education classroom instruction and meet the requirements for each of the three GDL licensing levels. Driving privileges are increased at each new licensing level as the teen driver gains greater skill and confidence.

Highlights of Act P.A. 384 include:

- Requiring students to pass a knowledge test before completing Segment 2. A knowledge test was previously required for Segment 1 only.
- Prescribing a model curriculum for Segments 1 and 2 to promote uniform instruction across Michigan and ensure consistency with national standards. Previously, Segment 1 had general performance objectives but no prescribed curriculum.
- Reducing the number of hours on a closed-course driving range that can count toward the number of hours required for behind-the-wheel instruction. That gives students more time in a realistic driving situation.

- Creating a uniform, two-year certification cycle for driver education providers and instructors. Currently, public schools obtain a lifetime approval, private providers who teach adults are licensed annually, and private providers teaching teens are licensed annually in addition to going through an approval process. The new process also requires all instructors to submit favorable medical reports in order to maintain certification. That requirement currently does not include public school instructors.
- Establishing a model driver-education preparation program for instructors. The curriculum will be based on nationally recognized standards. The program also includes "hands-on" training opportunities for instructors.
- Establishing professional development criteria for instructors.
- Creating uniform background-check requirements for public and private providers and instructors, as well as more stringent sanctions for violators.

The driver education program served about 112,000 students in 2005. Nearly 1,400 approved instructors taught driver education at 300 public schools. About 1,300 instructors taught at nearly 200 private, noncommercial training schools.

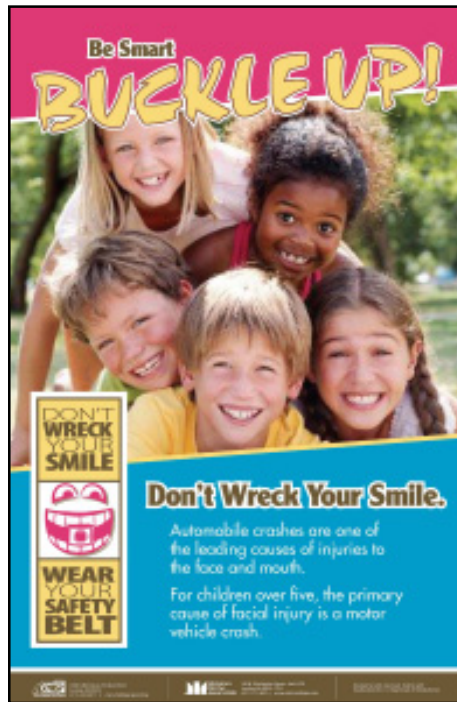
Regional workshops will be held by the Michigan Department of State to discuss new requirements. Visit www.michigan.gov/sos for more information.

Dental association teams up with OHSP to promote safety belt use

In an effort to heighten awareness of and the need to use child safety seats and safety belts, the Michigan Office of Highway Safety Planning (OHSP) has developed an informational poster and bookmark in cooperation with the Michigan Dental Association (MDA).

The posters and bookmarks carrying the message, "Don't Wreck Your Smile. Wear Your Safety Belt," will be distributed to MDA's 4,200 members by the end of the year. These members will be asked to distribute the materials to their patients.

According to the MDA, automobile crashes are one of the leading causes of injuries to the



face and mouth. For children over five, the primary reason for facial trauma is motor vehicle crashes.

DOT proposes anti-rollover technology

A new proposal to require auto manufacturers to install electronic stability control (ESC) as a standard feature on all new passenger vehicles has the potential to save more than 10,000 lives every year, according to the National Highway Traffic Safety Administration (NHTSA).

The proposed rule would require all manufacturers to begin equipping passenger vehicles under 10,000 pounds with ESC starting with the 2009 model year and to have the feature available as standard equipment on all vehicles by the 2012 model year (September 2011).

ESC systems use automatic computer-controlled braking of individual wheels to help the driver maintain control in situations where a vehicle without ESC would skid out of control and likely leave the road. Nearly all rollover crashes occur after a vehicle leaves the

road. A 2004 study by NHTSA estimated that ESC reduced fatalities in single-vehicle crashes by 30 percent for passenger cars and 63 percent for SUVs.

The agency estimates that ESC will save between 5,300 and 10,300 lives annually and prevent between 168,000 and 252,000 injuries. ESC will prevent between 4,200 and 5,400 of the more than 10,000 deaths that occur each year as a result of rollover crashes.

According to the NHTSA's proposed regulation, the average cost is estimated to be \$111 per vehicle on vehicles that already include ABS brakes.

Since 2004, NHTSA has urged manufacturers to voluntarily add ESC as standard equipment on vehicles. As a result, almost 29 percent of all 2006 models – 57 percent of SUVs – are already equipped with ESC.

OHSP welcomes new staff members

The Michigan Office of Highway Safety Planning has added some new faces in recent months.

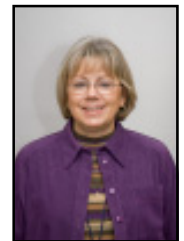
Jon Benallack is now the Communication Section's graphic designer, where he will be responsible for the creation of OHSP flyers, brochures, posters, and reports as well as photography duties. Benallack most recently spent over six years at the Michigan Economic Development Corporation (MEDC) taking photos and designing print materials, displays, and web graphics.



Benallack

Prior to going to work for MEDC, he was a web developer at Strategic Interactive, and spent ten years at Number One Graphics and City Limits Magazine as a designer, illustrator, and photographer.

Deborah Sonnenberg, a 32-year Michigan State Police employee, is now OHSP's executive secretary. As such, she serves as assistant to the division director and secretary for the Governor's Traffic Safety Advisory Commission and Michigan Truck Safety Commission.



Sonnenberg

Sonnenberg has worked in several MSP divisions, including the Criminal Justice Information Center, Human Resources, Special Investigation Division, and 22 years with Motor Carrier Division.

Safety Network is published quarterly by the Michigan Office of Highway Safety Planning

Vol. 14, No. 1

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NHTSA lists 2007 vehicles slated for crash and rollover testing

The National Highway Traffic Safety Administration announced the 2007 model year vehicles that will undergo crash and rollover testing as part of the agency's annual consumer safety ratings program.

A total of 38 passenger cars, 40 sport utility vehicles, three vans, and five pickups will be tested in NHTSA's crash test program. This testing will provide consumers with access to frontal crash ratings for almost 84 percent of all 2007 models offered for sale in the U.S. side crash ratings will be available for nearly 70 percent of the 2007 fleet.

The agency also will test 15 passenger cars, 24 sport utility vehicles, two vans, and four pickups for rollover resistance. Together with vehicles already

rated, rollover ratings will become available as each testing is complete for approximately 85 percent of the 2007 model year passenger vehicle fleet.

In addition to these new vehicles being rated by the agency, NHTSA also has posted the crash test results and rollover ratings on the [safercar.gov](http://www.safercar.gov) web site for various carry-over vehicles—those cars and trucks that have not undergone significant design changes in 2007 from the previous model year.

The ratings for the 2007 models, as well as for previous years, can be found at www.safercar.gov. The information is also available by calling NHTSA's toll-free Vehicle Safety Hotline, (888) 327-4236.

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