



# SAFETY Network

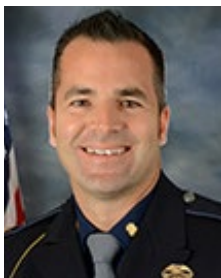
February 2019

Michigan.gov/ohsp

## Gaspar named Director of Michigan State Police

Col. Joseph Gaspar was named by Governor Gretchen Whitmer as the 19th Director of the Michigan State Police (MSP). Colonel Gaspar assumed his duties on January 1, 2019. As Director he will also serve as

State Director of Emergency Management and as Michigan's Homeland Security Director.



When naming Colonel Gaspar to the top spot, Whitmer cited both his extensive

experience and ability to bring a fresh perspective to the position. "He is dedicated to protecting our citizens and will be instrumental in ushering in a new generation of leadership at the Michigan State Police," Governor Whitmer said.

Colonel Gaspar was raised in Newaygo, Michigan where he graduated from Newaygo High School. He earned a bachelor's degree in criminal justice from Northern Michigan University.

Colonel Gaspar joined the MSP in August 1998, and upon recruit school graduation he was assigned to the Negaunee Post in Michigan's Upper Peninsula (U.P.). During his first five years in the department, he spent time working as a uniform trooper at the post and on undercover details with the U.P. Substance Enforcement Team.

In 2004, Colonel Gaspar was promoted to sergeant with the Executive Protection Section, where he served on Governor Jennifer Granholm's security detail for two years before taking a transfer to the Grand Haven Post as a detective sergeant. In early 2010, Colonel Gaspar was promoted to lieutenant with the Southwest Enforcement Team in Battle Creek, before

being promoted again later that year to first lieutenant in charge of the Executive Protection Section.

In 2013, Colonel Gaspar was promoted to captain and put in charge of the newly created State Executive Security Division. In 2015, Colonel Gaspar's division became part of the Special Operations Division (SOD). As commander of the SOD, Colonel Gaspar was responsible for the department's specialty teams including the Emergency Support Team, Canine Unit, Aviation Unit, Bomb Squad, Marine Services Unit, Traffic Reconstruction Unit, Executive Protection Unit, and the State Security Operations Section.

In 2016, Colonel Gaspar was elected to serve as the Vice President of the Midwest Region for the National Governors Security Association. He also represents the MSP on the Michigan Aeronautics Commission.

## Michigan's Move Over Law expanded

Starting February 13, Michigan's Move Over law expanded to require drivers to slow down and move over when passing emergency, maintenance, and utility vehicles on the road.

Drivers now have to slow to 10 mph below the posted speed limit as well as

yield their lane, if possible, when passing police or emergency vehicles, roadside tow trucks, garbage trucks, maintenance, and utility vehicles that have amber lights flashing. Failure to do so could result in a civil offense subject to a \$400 fine.

For more, go [here](#).



It's the Move Over law.

# SAFETY Network

## Scooter use in Michigan

It's a bird! It's a plane! No, it's a Bird. And a Lime? If you've been in Detroit, Lansing, Ann Arbor, or Grand Rapids, you've probably seen motorized scooters in use. Both the Lime and Bird companies have supplied electric scooters to Michigan cities but what rules do you need to follow when operating one? According to MCL 257.658, 257.660, and 257.662:

- Cannot be used on streets where the posted speed limit is above 45 mph.
- Can only carry one person at a time.
- Cannot exceed 25 mph.
- When in the roadway, they must be ridden on the right side as practicable and not ride more than two abreast.
- When on the sidewalk, which is legal, must yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing pedestrians.
- Operators under 19 years old must wear a crash helmet.
- Operators under 12 years old cannot ride on public streets.
- Must have a brake.

- Must have front and rear lights when operating between a half-hour after sunset and a half-hour before sunrise.

Local governments have the ability to further regulate the operation of scooters and may have specific parking rules, so always check the local laws before using.

From - <https://detroitgreenways.org/michigan-laws-on-motorized-scooters/>



## Holiday traffic fatalities are down

Preliminary reports from the MSP Criminal Justice Information Center (CJIC) show that while there was a slight increase in traffic fatalities for the 2018 Christmas holiday, when combined with the New Year's holiday, total holiday traffic fatalities are down from the last five years.

CJIC's preliminary report lists 12 traffic fatalities during the four-day Christmas period. That's up one from last year's total of 11. But for the four-day New Year's holiday, there were three traffic fatalities, down from the 2017 total of 12.

The total of 15 traffic fatalities over the two holiday periods is the lowest combined total since 2013 when a total of six traffic fatalities were recorded.

"While we certainly like to see overall traffic fatalities in the state trending down, the fact is even the loss of one life is too much," said Office of Highway Safety Planning (OHSP) Director Michael Prince. "Drive sober, buckle up, slow down in winter weather, and put your phone down. Do everything you can to keep yourself, your passengers and other roadway users as safe as possible."



## Winter driving season continues

With the winter driving season in full effect across the state, nearly 400 banners were sent to locations in the U.P. and Northern Lower Peninsula reminding motorists to drive slow on ice and snow. During the winter of 2016-17, there were 62 traffic fatalities due to winter weather driving. Other winter

driving tips include: making sure tires are properly inflated, avoid using cruise control on slippery surfaces, using seat belts every time, and making sure phones are charged. For more tips and photos from the OHSP, check out [#DriveSlowonIceandSnow](#) on Twitter.



# SAFETY Network

## 62 Michigan high schools to participate in S4SD

Students at 62 Michigan high schools will soon benefit from efforts to make teenagers better, safer drivers by participating in *Strive For a Safer Drive (S4SD)*, a public-private partnership between Ford Driving Skills for Life and the OHSP. The peer-led traffic safety campaign seeks to reduce traffic crashes which are the leading cause of death for teens.

“Inexperience and risk-taking behavior are factors that increase the crash risk for young drivers,” said Michael L. Prince, OHSP director. “This campaign aims to increase safety and raise awareness about teen driving in a way that teens can relate to and better understand.”

As part of the S4SD program, schools receive \$1,000 for students to create a teen-led traffic safety campaign to educate their fellow classmates about distracted driving, seat belt use, speeding, underage drinking/impaired driving or winter driving.

Schools will submit a video or PowerPoint outlining campaign activities. The top five campaigns will be selected and those winning schools will win a cash prize ranging from \$500-\$1,500. Following their activities, schools will have the opportunity to send students to a free hands-on driving clinic with professional driving instructors sponsored by Ford Driving Skills for Life in the spring.

“Programs like *Strive For a Safer Drive* and *Driving Skills for Life* have been shown to be successful in helping young, novice drivers make smart decisions behind the wheel,” said Jim Graham, global manager, Ford Driving Skills for Life. “Through hands-on learning, we hope to improve teen driver safety and decrease the risk that teen drivers pose to themselves and others.”

For more information about S4SD, please visit [Michigan.gov/s4sd](http://Michigan.gov/s4sd).

### THE S4SD HIGH SCHOOLS FOR THE 2018-2019 SCHOOL YEAR ARE:

Allegan County:	Otsego
Barry County:	Lakewood
Bay County:	Garber
Berrien County:	Benton Harbor
Branch County:	Coldwater
Calhoun County:	Athens Jr./Sr. High School and Harper Creek
Cass County:	Cassopolis Ross Beatty
Chippewa County:	Rudyard
Clare-Gladwin counties	Clare-Gladwin Regional Education Service District (RESD)
Eaton County:	Grand Ledge and Potterville
Genesee County:	Atherton Jr./Sr. High School and Carman-Ainsworth
Grand Traverse County:	Traverse City West Senior High School
Hillsdale County:	Jonesville and Reading
Ionia County:	Ionia
Lenawee County:	JC/LISD Academy
Livingston County:	Brighton and Hartland
Macomb County:	Chippewa Valley, Dakota, Dakota Ninth Grade Center, DiAnne M. Pellerin Center, Fraser, Lake Shore, and Paul K. Cousino

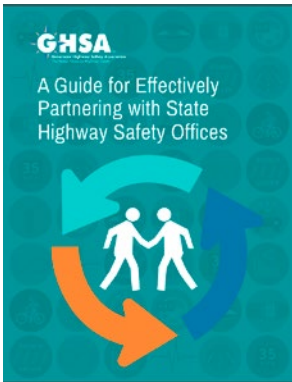
Marquette County:	Ishpeming
Mason County:	West Shore ESD Career and Technical Education Center
Midland County:	Midland
Monroe County:	Bedford Senior High School, Dundee, Ida, and Monroe
Muskegon County:	Muskegon Area Career Tech Center
Newaygo County:	Newaygo
Oakland County:	Berkley, Holly, Lake Orion, Lakeland, Lamphere, Rochester Adams, and University High School-Ferndale
Ontonagon County:	Ontonagon
Presque Isle County:	Onaway and Posen Consolidated
Sanilac County:	Croswell-Lexington
St. Clair County:	Anchor Bay
Tuscola County:	Vassar
Washtenaw County:	Dexter and Skyline
Wayne County:	Ben Carson, Ecorse, Edsel Ford, Fordson, Golightly Career & Technical Center, Grosse Ile, John Glenn, Oscar A. Carlson, Plymouth, and Woodhaven



# SAFETY Network

## GHSA Produces Guide to Partnering with Highway Safety Offices

By Michael Prince, Director, OHSP



Whether it is through a grant, commission, network, action team, committee, conference, or one of thousands of individual contacts throughout the year, partnerships are the cornerstone of highway traffic safety in Michigan. Without the many practitioners and stakeholders that we interact with throughout the year, projects don't move forward, campaigns are dormant, conferences are empty, training opportunities are missed, children ride unbuckled, impaired drivers go undetected or untreated, and lives are lost or altered forever. To help state highway safety offices foster improved relationships with our partners, the Governor's Highway Safety Association (GHSA) has updated its publication *A Guide for Effectively Partnering with State Highway Safety Offices*. The guide is filled with valuable information about state highway safety offices, how our programs are administered, as well as examples of both funded and non-funded partnerships. You can download the publication to your smartphone or tablet, or print the PDF version from GHSA's website at [www.ghsa.org/resources/partnering18](http://www.ghsa.org/resources/partnering18).

## What's Ahead

- MARCH 2019**
- 12 **Pedestrian and Bicycle Safety Action Team meeting.** Horatio Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.
  - 13 **Commercial Motor Vehicle Safety Action Team meeting.** Michigan Center for Truck Safety, 1131 Centennial Way, Lansing, 9 a.m.
- APRIL 2019**
- 4 **Motorcycle Safety Action Team meeting.** Horatio Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.
  - 10 **Impaired Driving Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 10 a.m.
  - 16 **Distracted Driving Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1 p.m.
  - 16 **Traffic Records and Information Systems Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1:30 p.m.

**Become a Motorcycle RiderCoach**

- Be a Part of the Team!**  
More than 200 current RiderCoaches in Michigan.
- Help People Learn to Ride!**  
600,000 CY-endorsed riders in Michigan.
- Qualities of a RiderCoach**
  - Confident
  - Enthusiastic
  - Patient
  - Enjoys learning
  - Professional
- Ready to Get Started?**  
Apply for a job by locating a training sponsor at [michigan.gov/motorcycling](http://michigan.gov/motorcycling)
- Train the Trainer**  
RiderCoach Prep sessions cost only \$75.
- Work Local!**  
31 training sponsors to employ you across the state.
- Get Paid!**  
Average pay = \$30/hr., flexible schedules.
- Make a Difference**  
More than 9,000 students trained each year.

**Toward Zero Deaths**

February 12, 2019

**90**

Traffic Deaths in Michigan this Year

# SAFETY Network

## What the Michigan Recreational Marijuana Law Means for Prosecutors/Law Enforcement in OWI Cases

Prosecutors and law enforcement handling impaired driving cases should be familiar with the Michigan Supreme Court ruling of *People v. Koon*, 494 Mich 1; 832 NW2d 724 (2013).

In *People v. Koon*, the Court ruled that, "The immunity from prosecution provided under the Michigan Medical Marijuana Act (MMMA) to a registered patient who drives with indications of marijuana in his or her system but is not otherwise under the influence of marijuana inescapably conflicts with MCL 257.625(8), which prohibits a person from driving with any amount of marijuana in his or her system. Under the MMMA, all other acts and parts of acts inconsistent with the MMMA do not apply to the medical use of marijuana. Consequently, MCL 257.625(8) does not apply to the medical use of marijuana."

On November 6, 2018, Michigan voters chose to become a recreational marijuana state by adopting the Michigan Regulation and Taxation of Marijuana Act (MRTMA).

The act is similar to the MMMA language took effect December 2018:

Section 4.1 This act does not authorize: (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marijuana;

Section 4.1 5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

In light of the language in the MRTMA, it is important for law enforcement to know what to look for when someone is under the influence of ONLY marijuana. Listed below is what officers should be looking for during a roadside investigation to establish probable cause of impairment due to marijuana.

### GENERAL INDICATORS

- Bloodshot, watery eyes

- Relaxed inhibitions
- Body tremors
- Eyelid tremors
- Impaired perception time/distance
- Increased appetite
- Possible paranoia
- Possible panic attacks
- Divided attention impairment
- Odor of marijuana (not always)
- Debris in mouth and/or on tongue

**Standardized Field Sobriety Test (SFST) Indicators:** Impairment will usually be evident on the Walk and Turn (WAT) and/or One-Leg Stand (OLS). Marijuana alone will usually not cause any Horizontal Gaze Nystagmus (HGN), but a subject may have difficulty holding his or her head still due to divided attention issues. Vertical Gaze Nystagmus (VGN) will not be present.

**WAT:** There are eight clues on this test that were studied and validated for the .08 percent breath alcohol concentration (BAC). However, they are extremely useful for disclosing drug impairment as well. The eight clues are easy to remember through the following acronym:

**"BS SO WHAT":** In the following order, subjects sometimes lose their Balance during instructions. Sometimes they Start walking too soon. Sometimes they Stop while walking. Sometimes they step Offline. Sometimes they take the Wrong number of steps. Sometimes they miss touching Heel to toe by more than half an inch. Sometimes they raise their Arms more than six inches from their sides for balance. Sometimes they Turn improperly. In addition, general, non-studied indicators of impairment frequently manifest themselves as well including but not limited to the following: failing to count each

step out loud, failing to watch feet while walking, and body tremors.

**OLS:** This test contains four studied, validated clues for alcohol, but may also be useful in establishing impairment due to marijuana. An easy way to remember the clues is with the following acronym:

**"DASH":** Sometimes subjects put their foot Down while balancing. Sometimes they raise their Arms over six inches from their body for balance. Sometimes they Sway while balancing. Sometimes they Hop. General indicators of impairment frequently occur as well with the OLS including but not limited to the following: not looking at the raised foot while balancing, jumbled count or no count, body tremors, and an unusually fast or slow count.

As with the WAT, officers need to make sure they are always in "substantial compliance" with the standards set forth by the National Highway Traffic Safety Administration (NHTSA) when administering the SFSTs. A test that falls short of being administered in "substantial compliance" may not be admitted at trial as evidence of impairment.

Please take the time to review your SFSTs and be as sharp as you can on them. If you commit these tests to your memory banks, they will be there when you really need them. Also, officers are encouraged

*Marijuana Continued on page 6 >*





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**Marihuana** *Continued from page 5 >*

to incorporate the Modified Romberg Balance Test and the Lack of Convergence (LOC) test into all OWI investigations. Both tests are very useful for helping establish probable cause to arrest in OWI cases.

Lastly, in a marihuana-impairment driving case, it is imperative that blood results come back with THC in the subject's blood. *People v. Feezel*, 486 Mich 184; 783 NW2d 67 (2010).

## THE ACT ALLOWS THE FOLLOWING:

1. Allows a person, 21 years of age or older to possess, use or consume, internally possess, purchase, transport, or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate. Section 5.1(a).
2. Allows a person 21 and older to possess, store, and process not more than 10 ounces of marihuana produced by marihuana plants cultivated on the premises and cultivate not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once. Section 5.1(b).
3. Allows a person to assist another person who is 21 years of age or older. Section 5.1(c).
4. Allows a person to give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public. Section 5.1(d).
5. Operate, navigate, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road vehicle, or motorboat while under the influence of marihuana;
6. Transfer of marihuana or marihuana accessories to a person under the age of 21;
7. Any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
8. Separation of plant resin by butane extraction or another method that utilizes a substance with a flash-point below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
9. Consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
10. Cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
11. Consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
12. Possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
13. Possessing more than 2.5 ounces of marihuana within a person's place

of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area. Sections 4.1(a) – 4.1(i).

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*For more information on these cases, statutes and PAAM training programs, contact your Traffic Safety Resource Prosecutors, Kenneth Stecker and Kinga Canike, at 517-334-6060 or email at [steckerk@michigan.gov](mailto:steckerk@michigan.gov) and [canike@michigan.gov](mailto:canike@michigan.gov). Please consult your local 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 changes.*

## WHAT IS PROHIBITED:

5. Operate, navigate, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road vehicle, or motorboat while under the influence of marihuana;
6. Transfer of marihuana or marihuana accessories to a person under the age of 21;
7. Any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
8. Separation of plant resin by butane extraction or another method that utilizes a substance with a flash-point below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
9. Consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
10. Cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
11. Consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
12. Possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
13. Possessing more than 2.5 ounces of marihuana within a person's place



# SAFETY Network

## STAFF PROFILE

### Christy Sanborn

Impaired Driving Program Manager



Christy has been with the OHSP for nearly four years. Before that, she worked for the Livingston County Community Corrections. Christy and her husband have been married for 15 years and have two boys who are in the fourth and sixth grades.

#### What are your interests or hobbies?

*I love to watch sports, read books, and crochet. Most Saturdays in the fall you will find me at a football field watching our two boys play.*

#### What personal achievement are you most proud of?

*Completing my studies and receiving a Master's of Business Administration from Cleary University this past summer and just after that participating in my first ever 5k.*

#### What is your favorite vacation spot?

*New Orleans. We vacationed there as a family four years ago and then my husband and I visited there with friends. I love the history, culture, and the food! Looking forward to visiting again.*

## Non-OHSP funding opportunities available

The OHSP is often contacted by partner agencies and local advocates with funding requests for traffic safety projects. Although OHSP may be unable to provide funding support for all of these requests, we have developed a webpage listing other non-OHSP funding opportunities in which partners can explore.

From the Harley-Davidson Foundation to the LMB, there are several non-OHSP funding opportunities available. More information can [be found here](#). Right now there are opportunities available with: PeopleForBikes, the MDOT, Southeast Michigan Council of Governments, the LMB, the Tri-County Bicycle Association, Safe Routes to School Michigan, and the Harley-Davidson Foundation.



OHSP Director Michael Prince congratulates Grants Technician Susan Bishop on ten years with the department.

## 24TH ANNUAL MICHIGAN TRAFFIC SAFETY SUMMIT



### SAVE THE DATE MARCH 19 & 20, 2019

Spend two days learning about the four E's of traffic safety—Enforcement, Education, Emergency Medical Services, and Engineering—from state and national experts.

**Registration now open.**

**KELLOGG HOTEL & CONFERENCE CENTER, EAST LANSING, MICHIGAN**



# SAFETY Network

## OHSP welcomes Jessica Butterfield



Jessica Butterfield is the new occupant protection program coordinator with the OHSP program management team. Prior to joining OHSP, Butterfield served as project director for the Michigan Department of Health and Human Services (MDHHS) Car Seat Training Program and the Michigan Preschool Car Seat Program. She also previously worked as a safety defects specialist for the NHTSA. Butterfield has over 15 years' experience as a Child Passenger Safety Technician Instructor.

She holds a master's degree in occupational therapy from Eastern Michigan University and a bachelor's degree in speech language sciences from Michigan State University. Butterfield will be responsible for the car seat and seat belt initiatives for the office. She currently resides in Plymouth with her husband Ric and dog Millie.

## Former project director for MCTS dies



Al Newell, a retired lieutenant with the MSP and former project director with the Michigan Center for Truck Safety (MCTS), died on December 8, 2018.

Newell was 62 years old and had been battling cancer. He was a sergeant in the United States Marine Corps (1975-1979), served in the National Guard (1980-1983) and was an active marine reserve (1989-1992). Newell was with the MCTS for three years.



*OSHP Director Michael Prince and the entire staff at the OHSP would like to thank Dianne Perukel for more than 19 years of service with the department and offer congratulations on her new position with the MDHHS. Good luck Dianne!*



### PARTNER PROFILE

## League of Michigan Bicyclists



The League of Michigan Bicyclists (LMB) promotes bicycling and the safety of all bicyclists on Michigan roadways. The LMB led the charge to enact the 3-Footer law, which requires motorists traveling in the same direction as a bicyclist to give at least three feet of room when passing. Since FY2017, the LMB has been awarded federal grant funding from the OHSP to promote bicyclist and pedestrian safety in Michigan. Grant objectives include a bicycle safety law roll-call and public education videos, law enforcement training on bicyclist and pedestrian

safety laws, an online quiz, and pedestrian and bicycle laws public education awareness course to driver education instructors.

Each year, in honor of Lucinda Means, the organization's first paid executive director, the LMB holds the Lucinda Means Bicycle Advocacy Day at the State Capitol to communicate bicyclist priorities to lawmakers.

John Lindenmayer is the current executive director. More information on the LMB can be found at [www.lmb.org](http://www.lmb.org).



# SAFETY Network



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