

SAFETY Network

July 2020

Michigan.gov/ohsp



Bicyclist-safety campaign begins

A new bicyclist-safety advertising campaign has begun, designed to reduce bicyclist-involved traffic deaths and serious injuries. [A video was filmed](#) June 24 in Pontiac and Birmingham, featuring Steve Lavrenz, Professor of Civil Engineering at Wayne State University; K'Loni Thorpe (pictured above), of the Detroit Health Department; and John Waterman and Marie Pacini, of Programs to Educate All Cyclists.

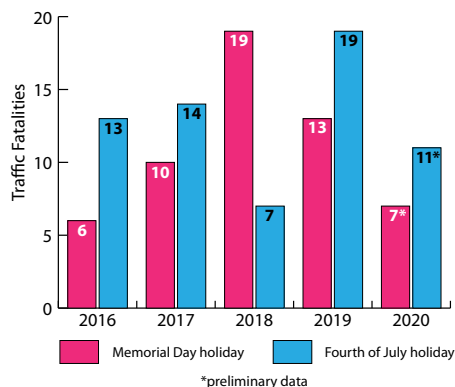
The campaign will run throughout the state and be focused in counties with the highest numbers of bicyclist deaths and serious injuries (Wayne, Oakland, Macomb, Kent, Ingham, Washtenaw, Ottawa, Kalamazoo, Muskegon, and St. Clair). The campaign reminds both motorists and bicyclists to share the road while emphasizing the 3-foot passing rule, that bikers should ride with traffic, and that it's everybody's responsibility to keep each other safe.

Summer holiday traffic fatalities down in 2020

Both the Memorial Day and Fourth of July holiday periods saw fewer fatalities from traffic crashes in 2020 than in 2019. According to preliminary information from the Michigan State Police Criminal Justice Information Center, there were 7 traffic fatalities over the Memorial Day holiday period in 2020, down from 13 in 2019. And there were 11 during the Fourth of July holiday period, down from 19 in 2019.

Of the Memorial Day holiday fatalities, preliminary data shows two involved alcohol and two were motorcyclists. Since 1972, the holiday has averaged 17 fatalities with a high of 34 (1976) and a low of 6 (2016).

Of the Fourth of July holiday fatalities, preliminary data shows three involved alcohol and four were motorcyclists. Since 1972, the holiday has averaged 18 fatalities with a high of 48 (1972) and a low of 1 (2009).



Ron Wiles reappointed to GTSAC

Grand Blanc Township Chief of Police Ron Wiles has been reappointed by Gov. Gretchen Whitmer to the Governor's Traffic Safety Advisory Commission (GTSAC). Wiles, 1 of 11 commissioners, will now serve until May 27, 2023. It is the GTSAC's responsibility to identify traffic safety challenges and develop, promote, and implement strategies to address those challenges. The commission shall develop comprehensive solutions to traffic safety challenges through partnerships with all levels of government and the private sector, while maximizing and coordinating the use of existing financial resources.



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Safe Routes rates Michigan highly

Safe Routes Partnerships released state report cards for 2020, grading each state on how supportive they are of walking, biking, and physical activity for kids and adults. Michigan remains in the top 10 nationally with a score of 120/200, down from a score of 127 in 2018.



The report cards primarily look at state policy, focusing on four key

areas: complete streets and active transportation policy and planning; federal and state active transportation funding; Safe Routes to School funding and supportive practices; and active neighborhoods and schools.

Michigan scored well in federal and state active transportation funding, and

Safe Routes to School funding and supportive practices. Overall, Michigan tied with the District of Columbia for the 10th highest score. California received the highest score (163) followed by Massachusetts, Minnesota, Florida, and Washington in the top five.

According to Safe Routes Partnership, Americans aren't getting enough physical activity. Studies have shown physical activity can reduce the risk of stroke, high blood pressure, diabetes, and depression. More walking, biking, and physical activity can also provide an increased sense of community and less social isolation, high cognitive functioning, and less air pollution.

Michigan's complete report card can be found [here](#).



Howell honored by ThinkFirst

Sam Howell was named VIP of the Year by the ThinkFirst National Injury Prevention Foundation. In 2005, Howell suffered severe injuries when he reached for his cell phone while driving, left the road, and crashed into a tree. During his recovery, Howell started doing ThinkFirst presentations and has spent the last 11 years traveling the state to share his story and talk about the dangers of distracted driving. He speaks at middle and high schools, colleges, corporations, and has twice presented at the Michigan Traffic Safety Summit. Since the crash, Howell has earned an Associate of Science degree with honors from Delta College, and a Bachelor of Science in Human Health from Oakland University.

The ThinkFirst National Injury Prevention Foundation educates children, teens, and young adults on how to reduce their risk for brain and spinal cord injuries. According to ThinkFirst, 1.7 million people in the U.S. sustain a brain injury every year. Those injuries can be prevented by driving safely, buckling up, wearing protective sports gear, avoiding violence and falls, and not diving into shallow pools.

In 2018, the Howell family participated in an OHSP-produced video highlighting the dangers of distracted driving. That video can be found [here](#).

MICHIGAN TRAFFIC SAFETY SUMMIT

The 2021 Michigan Traffic Safety Summit will be held March 9-10 at the Kellogg Center in East Lansing. Registration will open in January. Speaker and topic submissions are now being accepted through September 13. Go to Michigan.gov/OHSPTrafficSummit for a submission form and the latest details.



The OHSP has a limited number of its "Preventing Injuries" booklets available. The 24-page booklet can be ordered by contacting the OHSP at 517-284-3332 or MSP-OHSP@Michigan.gov.



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Supreme Court decision gives officers flexibility in blood draws regarding Fourth Amendment rights

By: Kenneth Stecker and Kinga Canike

Drunk driving, as the United States Supreme Court has repeatedly made clear, poses a significant threat to public safety.¹ Highway safety is a vital public interest.² The court has noted that the frequency of preventable collisions is “tragic” and “astounding.”³ Behind the court’s language lie chilling figures. From 1982 to 2016, alcohol-related crashes claimed roughly 10,000 to 20,000 lives in the U.S. every single year.⁴ That is more than one fatality per hour in the better years.⁵

To punish and deter individuals who drive drunk, Michigan has enacted laws that impose penalties on drivers with blood alcohol content (BAC) over a set amount.⁶ In these cases, proof of the driver’s BAC is a crucial piece of evidence, but one that is continuously disappearing as the alcohol in the driver’s bloodstream dissipates.

Officers who seek to enforce drunk driving laws therefore face a dilemma. Blood draws, which provide proof of BAC, are searches subject to the Fourth Amendment warrant requirement. However, BAC evidence may vanish in the time it takes law enforcement to secure a search warrant.⁷

In *Mitchell v. Wisconsin*, the court addressed this dilemma. The suspect was arrested for operating a vehicle while intoxicated after a preliminary breath test registered a BAC that was triple Wisconsin’s legal limit for driving.⁸

The arresting officer drove Mitchell to a police station for a more reliable evidentiary breath test.⁹ By the time Mitchell

reached the station, he was too lethargic for a breath test, so the officer drove him to a nearby hospital for a blood test.¹⁰

Mitchell was unconscious by the time he arrived at the hospital, but his blood was drawn anyway under a state law that presumes that a person incapable of withdrawing implied consent to BAC testing has not done so.¹¹ The blood analysis showed Mitchell’s BAC to be above the legal limit, and he was charged with violating two drunk-driving laws.¹² Mitchell moved to suppress the results of the blood test on the ground that it violated his Fourth Amendment right against “unreasonable searches” because it was conducted without a warrant.¹³ The trial court denied the motion, and Mitchell was convicted.¹⁴

The court ruled:

“When police have probable cause to believe a person has committed a drunk-driving offense the driver’s unconsciousness or stupor requires him to be taken to the hospital or similar facility before police have a reasonable opportunity to administer a standard evidentiary breath test, they may almost always order a warrantless blood test to measure the driver’s BAC without offending the Fourth Amendment.”¹⁵

So, what should law enforcement make of the Mitchell decision? After the suspected drunk driver, who is unconscious or in a stupor condition, has been brought to the hospital, law enforcement may request hospital personnel to do a blood test without a search warrant. The Mitchell decision

directs law enforcement to only do a warrantless blood draw if there is no other way to get a reliable test and only if hospital personnel administer the blood draw.

If practical, law enforcement should obtain a search warrant if they have time and it will not interfere with their other duties. On the other hand, law enforcement does not need a search warrant if there is no time to secure one and it would interfere with other duties.

In conclusion, the Mitchell case is significant because when a driver is unconscious, a reliable breath test is not possible and only a blood draw is possible. Getting an accurate BAC is extremely important to prove a person has driven intoxicated and greatly facilitates the enforcement of drunk driving laws that seek to avoid tens of thousands of preventable deaths each year.

For more information on this article and PAAM training programs, please contact Kenneth Stecker or Kinga Canike, Traffic Safety Resource Prosecutors, at 517-334-6060 or email at steckerk@michigan.gov or canikek@michigan.gov.

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

¹ *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2166 (2016) (“Drunk drivers take a grisly toll on the Nation’s roads, claiming thousands of lives, injuring many more victims, and inflicting billions of dollars in property damage every year.”).

² *Id.*

³ *Mitchell v. Wisconsin*, 139 S. Ct. 2525 (2019).

⁴ *Id.*

⁵ *Id.*

⁶ *MCL 257.625, et. al.*

⁷ *Schmerber v. California*, 384 U.S. 757, 767 (1966).

⁸ *Mitchell v. Wisconsin*, *supra*.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*





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STAFF PROFILE

Ron Puruleski

GRANT MONITORING AND COMPLIANCE AUDITOR

Ron has been with the OHSP since May 2019 and with the State of Michigan for four years. Ron is the grant monitoring and compliance auditor for OHSP. He is married to Karmen and they have two dogs—Jordan, a greyhound, and Remmy, a pomeranian.

What do you like most about your job?
Being informed of and having to stay up-to-date with federal requirements that are always changing.

What are you most proud of at work?
Designing the new audit process from the ground up.

What are your interests or hobbies?
My motorcycle is my main hobby right now. I also enjoy computers and renovation projects.

What personal achievement are you most proud of?
I recently obtained my Certified Fraud Examiners certification, and I was recently admitted into graduate school at University of Michigan—Flint for my Masters in Science of Accounting degree.

What's your favorite vacation spot?
Has to be Hawaii, but a more local spot is Frankfort or Copper Harbor.

What's something people don't know about you?
I'm a certified advanced open water scuba diver and I have built custom computers. My wife and I just completed a new PC build July 5th.



In June, the Athens Township Fire Department donated \$10,000 worth of crash-extrication gear to Chief Joe Perry (left) and the Michigamme Township Fire Department. Michigamme Township is about 40 miles west of Marquette and the nearest trauma hospital. When responding to local motor vehicle crashes, the township's fire department will no longer have to wait up to an hour for the county extrication unit to arrive on scene.



Matthew M. Saxton has been named the new executive director of the Michigan Sheriff's Association. Saxton, a retired sheriff, previously served as a commissioner for the GTSAC.