



SAFETY Network

March 2015

Michigan.gov/ohsp

OHSP preps major push to boost belt use this summer

Starting with the annual Click It or Ticket May seat belt mobilization, the Office of Highway Safety Planning (OHSP) will soon launch an all-out effort to increase seat belt use, which has steadily fallen since reaching a record-high 98 percent in 2009. In 2014, belt use was slightly higher than 93 percent.

Among the major changes soon to be introduced:

- Dramatically increased law enforcement participation in the May seat belt mobilization, covering the state's 83 counties and continuing through the summer.
- New messaging for the seat belt enforcement push.

- Special seat belt community outreach kits for the state's law enforcement community.
- A celebration of the 15-year anniversary of Michigan's primary seat belt law.
- New partnerships to promote seat belt use, including the Michigan Department of Natural Resources.

To support seat belt enforcement and more traditional outreach activities, OHSP will turn to social media for a summer-long traffic safety social media campaign #MISummerofSafety. The social media effort will promote safe driving, specifically seat belt use, from Memorial Day through Labor Day weekend.

Watch for traffic safety messages throughout the summer on OHSP's

Facebook page and Twitter feed including seat belts, impaired driving, motorcycle safety, and other traffic safety themes. Traffic safety partners are encouraged to share the messages on their social media channels and use the hashtag #MISummerofSafety for other safety-related messages.

Two seat belt direct observation surveys are planned for the summer, one following the end of the May seat belt mobilization and a second after the Labor Day drunk driving and seat belt crackdown.



Ken Stecker Receives National Traffic Safety Public Service Award



Ken Stecker, a traffic safety resource prosecutor (TSRP) with the Prosecuting Attorney's Association of Michigan, was honored in March by the U.S. Department

of Transportation's National Highway Traffic Safety Administration (NHTSA) with a Public Service Award at the Annual Lifesavers Conference in Chicago.

The agency's top public service award recognizes the tireless efforts people make to advance highway safety throughout the

country and exemplary efforts in the area of traffic fatality and injury reduction.

Stecker has assisted the state's prosecutors and law enforcement community with training and as an expert resource since 2008 when he began working as a TSRP following a nearly 20-year career as a prosecuting attorney. As an expert resource, he has assisted prosecutors across the state with complex impaired driving cases. His technical assistance has been key in prosecutors securing convictions.

Due to his efforts Michigan is unique in the country by extending training to pros-

ecutors in the Drug Recognition Expert (DRE) training program. A DRE is trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. He also is a recognized expert resource on Michigan's medical marijuana law for both law enforcement and prosecutors.

He has provided training to all of Michigan's 83 prosecuting attorney offices and hundreds of law enforcement agencies.

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April is National Distracted Driving Awareness Month

In recognition of April's National Distracted Driving Awareness Month, the National Highway Traffic Safety Administration (NHTSA) has planned a number of activities, including the second national enforcement campaign: U Drive. U Text. U Pay.

NHTSA has also developed a robust social media strategy designed to raise public awareness about the consequences of texting and driving. The focus is on the idea that "If you're texting, you're not driving."

The message is meant to engage the target audience of men and women 18-34 (slightly skewed toward women) with creative and persuasive messaging on NHTSA social media channels and their media partners. Paid advertising will run April 6-15, 2015.

- As of January 2015, 44 States, DC, Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. All but five have primary enforcement.

- Distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety.
- Because text messaging requires visual, manual, and cognitive attention from the driver, it is by far one of the most alarming distractions.
- According to a study by the Virginia Tech Transportation Institute (VTTI), sending or receiving a text takes a driver's eyes off the road for an average of 4.6 seconds, the equivalent of driving blind at 55-mph for the length of an entire football field.
- According to another NHTSA study (the 2012 National Occupant Protection Use Survey on Driver Electronics Use), at any given daylight moment in 2012, an estimated 660,000 drivers were using hand-held cell phones.

The Office of Highway Safety Planning has posters and flyers on the state's driver texting ban available at no charge as well as a DVD with a pre-packaged distracted driving presentation geared toward high school students. To request items, email trafficsafety@michigan.gov or call (517) 636-4256.



Drunk driving declines, while drug use behind the wheel rises

The nation's decades-long campaign to combat drunk driving continues to make roads safer, but use of marijuana and prescription drugs is increasingly prominent on the highways, creating new safety questions, according to a pair of groundbreaking studies released recently by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA).

One study, the latest version of NHTSA's Roadside Survey of Alcohol and Drug Use by Drivers, found that the number of drivers with alcohol in their system has declined by nearly one-third since 2007, and by more than three-quarters since the first Roadside Survey in 1973. But that

same survey found a large increase in the number of drivers using marijuana or other illegal drugs. In the 2014 survey, nearly one in four drivers tested positive for at least one drug that could affect safety.

The number of weekend nighttime drivers with evidence of drugs in their system climbed from 16.3 percent in 2007 to 20 percent in 2014. The number of drivers with marijuana in their system grew by nearly 50 percent.

A second survey, the largest of its kind ever conducted, assessed whether marijuana use by drivers is associated with greater risk of crashes. The survey found that marijuana users are more likely to be involved in crashes, but that the increased

risk may be due in part because marijuana users are more likely to be in groups at higher risk of crashes. In particular, marijuana users are more likely to be young men, a group already at high risk.

This was the most precisely controlled study of its kind yet conducted, but it measured the risk associated with marijuana at the levels found among drivers in a large community. Other studies using driving simulators and test tracks have found that marijuana at sufficient dosage levels will affect driver risk.

NHTSA plans a series of additional studies to understand the risk of drugged driving.



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Occupant Kinematics for the Traffic Crash Reconstructionist offered in August

by Institute of Police Technology and Management (IPTM)

August 10-14, 8:00 a.m.-5:00 p.m., Auburn Hills Police Department, 1899 N. Squirrel Road, Auburn Hills

Class size is limited. Tuition is free and includes lunch.

This course will teach participants how to recognize and interpret traffic crash evidence as it relates to occupant seating positions. Learn how to determine the occupant movement from the crash damage and the subsequent injuries that resulted. The course will illustrate the basics of occupant movement and how to ascertain the direction of movement during a collision. Learn how to determine occupant seating positions and seat belt usage as well as examine the significance of airbag and other restraint deployments.

We'll show you how to read the medical records that can be obtained with a warrant as well as autopsy reports of the injuries sustained by the vehicle's

occupants to understand how they relate to the investigation. When correlated with the vehicle damage, these reports can provide further evidence of occupant positions and movement. Actual crashes will be used as case studies to allow you to put the theories into practice. This course is designed for traffic crash investigators who have a good working knowledge of the techniques and applications of formulas taught in basic crash investigations courses.

Topics include:

- Calculations of principle direction of force.
- Occupant movement.
- Types of injury-contact and non-contact.
- Injury forces.
- Vehicle interior examination.

- Injury terminology.
- Occupant protection systems.
- Reading medical and autopsy records.
- Calculations of delta V.

Prerequisite: You must have completed, at a minimum, IPTM's Traffic Crash Reconstruction course or its equivalent.

Note: bring a scientific calculator and traffic template to class.

Funding for this training is being provided by the Michigan Office of Highway Safety Planning.

To register or for questions contact: Eileen Weisse-McIsaac, Deputy Executive Director Government and Public Affairs, Traffic Improvement Association of Michigan, (248) 334-4971 or emcisaac@tiami.us.

What's Ahead

MARCH

17-4/7 Drive Sober or Get Pulled Over.

Statewide drunk driving crackdown

24-26 Michigan Traffic Safety Summit,

Kellogg Hotel and Conference Center, East Lansing

APRIL

National Distracted Driving Awareness Month

1 Traffic Incident Management Action Team meeting,

Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9:30 a.m.

14 Occupant Protection Action Team meeting,

Michigan State Police Headquarters, 333 S. Grand Ave., Lansing, 10 a.m.

16 Traffic Records and Information Systems Action Team meeting,

Michigan State Police Headquarters, 333 S. Grand Ave., Lansing, 10 a.m.

21 Traffic Safety Engineering Action Team meeting,

Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale; **Impaired Driving Action Team meeting,** 10 a.m., Michigan State Police Headquarters, 333 S. Grand Avenue, Lansing, 9 a.m.

28 Distracted Driving Action Team meeting,

Michigan State Police Headquarters, 333 S. Grand Avenue, Lansing, 1 p.m.

MAY

Motorcycle Safety Month Bicycle Safety Month

5 Drivers Age 24 and Younger Action Team meeting,

Michigan State Police Headquarters, 333 S. Grand Ave., Lansing, 10 a.m.

7 Senior Mobility and Safety Action Team meeting,

Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 1:30 p.m.

13 Commercial Motor Vehicle Safety Action Team meeting,

Michigan Center for Truck Safety, 1131 Centennial Way, Lansing, 9 a.m.

18-31 Click It or Ticket statewide seat belt mobilization

19 Pedestrian and Bicycle Safety Action Team meeting,

Michigan State Police Headquarters, 333 S. Grand Ave., Lansing, 9 a.m.

21 Motorcycle Safety Action Team meeting,

Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.

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Four Significant 2014 United States Supreme Court Cases That Impact Traffic Safety in Michigan

By Kenneth Stecker and Kinga Gorzelewski

The 2014 calendar brought four significant United States Supreme Court cases that impact traffic safety in Michigan.

Below is an overview for law enforcement and prosecutors.

NAVARETTE V. CALIFORNIA, NO. 12-9490, DECIDED APRIL 22, 2014:

The Mendocino County 911 dispatchers received a call from the Humboldt dispatcher. The Humboldt County dispatcher relayed a tip from a 911 caller, which the Mendocino County team recorded as follows: "Showing southbound Highway 1 at mile marker 88, Silver Ford 150 pickup. Plate of 8-David 94925. Ran the reporting party off the roadway and was last seen approximately five [minutes] ago."

The Mendocino County team then broadcast that information to California Highway Patrol officers at 3:47 p.m. An officer heading northbound toward the reported vehicle responded to the broadcast. At 4 p.m. the officer passed the truck near mile marker 69. After making a U-turn, he pulled the truck over at about 4:05 p.m.

A second officer, who had separately responded to the broadcast, also arrived on the scene. As the two officers approached the truck, they smelled marijuana. A search of the truck bed revealed 30 pounds of marijuana. The officers arrested the driver Lorenzo Prado Navarette and his passenger José Prado Navarette.

The Supreme Court ruled that the traffic stop complied with the Fourth Amendment because, under the totality of the circumstances, the officer had reasonable suspicion that the truck's driver was intoxicated.

According to the Court, "Not only was the tip here reliable, but it also created reasonable suspicion of drunk driving. Running another car off the road suggests the sort of impairment that characterizes drunk driving."

PLUMHOFF V. RICKARD, NO. 12-1117, DECIDED MAY 25, 2014:

At midnight on July 18, 2004, West Memphis Police Officer Forthman pulled over Donald Rickard's vehicle because of an inoperable headlight. After Officer Forthman noticed damage on the vehicle and asked Rickard to step out of the car, he sped away. Officer Forthman called for backup and pursued Rickard from West Memphis, Arkansas, to Memphis, Tennessee.

The police officers were ordered to continue the pursuit across the border and ultimately surrounded Rickard in a parking lot in Tennessee. When Rickard again attempted to flee, the police fired shots into the vehicle, ultimately killing both Rickard and Kelley Allen.

Rickard and Allen's families sued. The families argued that the police used excessive force when pursuing and ultimately killing Rickard and Allen and that using that force violated the Fourth Amendment.

The Supreme Court held that the evidence showed that Rickard was still attempting to flee when the officers opened fire and that the officers reasonably could have believed that if the chase resumed Rickard would once again pose a deadly threat to others on the road.

Furthermore, the total number of shots fired also did not qualify as excessive force. If the officers were justified in opening fire to end a threat to public safety, they were similarly justified in continuing to fire until the threat to public safety had ended.

RILEY V. CALIFORNIA, NO. 13-132, DECIDED JUNE 25, 2014:

The Court held that a police officer may not search the digital information on a cell phone pursuant to an arrest without a warrant.

The Court's decision was in two combined cases, Riley v California and United

States v Wurie. In each case the defendants' cell phones were searched incident to an arrest, yielding evidence used against the defendant. In neither case was there a warrant.

The Court, recognizing that warrantless searches of objects in an arrestee's possession have been justified incident to arrest, refused to extend that justification to cell phone searches. The Court particularly stressed that cell phones are different from other objects.

The Court also noted that they contain far more information of a personal nature than the traditional justifications for searches incident to arrest – to see if the person has any weapons, and to prevent the destruction of evidence – don't apply to cell phones. Whether or not the contents of the cell phone are password protected is irrelevant.

In order to prevent remote tampering, the Court suggested that police officers could remove the batteries from a phone or put the phones in a "Faraday bag" (a lightweight aluminum bag that makes it more difficult for a distant signal to reach the phone). The Court also said that the search of a cell phone by warrant would be permissible – but of course that would require probable cause to believe evidence would be found on the cell phone something that could be established in many cases but certainly not all.

PAAM Continued on page 5 >



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Billboards encouraging motorcycle riders to seek their license endorsement will be seen in metro Detroit and west Michigan in April, the start of motorcycle riding season.

Motorcycle training program to receive a boost this year

HIGH-VISIBILITY VESTS TO IMPROVE RIDER VISIBILITY

To help reduce motorcyclist deaths, the Office of Highway Safety Planning (OHSP) has for several years been promoting training, being properly endorsed, and wearing high-visibility clothing or gear. This year the three-pronged safety effort comes together with a first-time promotion for motorcycle riders who take and successfully pass a state-approved public RiderCourse. These emphasis areas represent the most promising means to reduce motorcyclist deaths and injuries.

A motorcycle is a low-profile vehicle in the traffic mix, making riders more

difficult for passenger vehicle drivers to detect. A 2013 observation survey of riders in Michigan found that only about 5 percent wore any kind of high-visibility clothing or gear. Scientific studies have shown that a bright yellow-green color is the most noticeable to the human eye and has been used in safety clothing for construction workers, law enforcement, and emergency medical services personnel for many years.

The new high-visibility vests are designed for motorcycle riders and combine visibility with function.

Vests will be provided to those who take and pass a public-sponsored RiderCourse which provides classroom and actual motorcycle operator training in a controlled, off-street environment. Successful completion of an approved course allows a person to waive the rider skills test requirement to add a motorcycle endorsement to their driver license.

At the end of the riding season, OHSP anticipates distributing 9,000 motorcycle rider vests to course graduates across the state.

PAAM *Continued from page 4 >*

HEIEN V. NORTH CAROLINA, NO. 13-604, DECIDED DECEMBER 15, 2014:

Following a suspicious vehicle, Sergeant Matt Darisse noticed that only one of the vehicle's brake lights was working and pulled the driver over. While issuing a warning ticket for the broken brake light, Darisse became suspicious of the actions of the two occupants and their answers to his questions. The defendant, Heien, the car's owner, gave Darisse consent to search the vehicle. Darisse found cocaine and arrested Heien for attempted trafficking.

The Supreme Court ruled that "Because Darisse's mistake of law was reasonable,

there was reasonable suspicion justifying the stop under the Fourth Amendment."

The Court noted that a "A police officer's objectively reasonable "mistake of law can . . . give rise to the reasonable suspicion necessary to uphold [a] seizure under the Fourth Amendment." (holding that because "[i]t was . . . objectively reasonable for an officer . . . to think that [the petitioner's] faulty right brake light was a violation of [state] law[,] . . . there was reasonable suspicion justifying [a traffic] stop[.]").

CONCLUSION:

Without a doubt, the Supreme Court cases will affect how police officers handle enforcement of Michigan's highways. It

is important for law enforcement and prosecutors alike to familiarize themselves with these rulings so they are knowledgeable on what to do and not to do while keeping Michigan's roads safe.

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



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See the MSP Traffic Crash Reporting Unit at the Michigan Traffic Safety Summit!

The Traffic Crash Reporting Unit (TCRU) will be presenting two sessions at the upcoming 20th Annual Traffic Safety Summit at the Kellogg Hotel and Conference Center on the campus of Michigan State University. The “UD-10 Lifeline” will be presented on March 25 and the “New UD-10 Crash Report and You” will be presented on March 26.

The “UD-10 Lifeline” will be co-presented by Sydney Smith, Manager of the TCRU, Tracie Leix, Safety Engineer for the Michigan Department of Transportation (MDOT), and Tpr. Scott Carlson, UD-10 Trainer with the TCRU. This data workshop will focus on the location data gathered and recorded on the UD-10 by the police

officer. In this session, we will follow how that location data is processed by the TCRU staff.

Presenters will demonstrate how the TCRU staff can manually map a crash on the statewide framework utilizing the Traffic Crash Mapping System (TCMS). We will continue with how that crash location is analyzed by MDOT engineers to determine if any roadway improvements need to be developed and implemented, or if there are roadway design or signage concerns. The session will conclude with a sneak peek of the Crash Location Improvement Project (CLIP), which is a pilot project that will improve the accuracy of the location data collected by the officers.

Starting January 1, 2016, Michigan will be implementing a revised UD-10 Traffic Crash Report. The “New UD-10 Crash Report and You,” presented by Carlson, will provide a brief overview of why the changes are being made to the current UD-10. This session will highlight the new, modified, and deleted fields on the UD-10 for this revision. In addition, new definitions and instructions for completing the form will also be discussed.

To learn more about the new UD-10 or to schedule a training opportunity for your department, please contact Carlson at Carlsons1@michigan.gov or call (517) 241-1312

Michigan cities to take part in U.S. DOT’s Mayor’s Challenge to improve bike and ped safety

U.S. Department of Transportation (USDOT) Secretary Anthony Foxx is challenging mayors and local elected officials to take significant action to improve safety for bicycle riders and pedestrians of all ages and abilities over the next year. Mayors’ Challenge participants will be invited to attend the Mayors’ Summit for Safer People, Safer Streets in March, and their cities will spend a year helping their communities undertake seven activities to improve safety.

As of late February, Ann Arbor, Flint, Jackson, Traverse City, and Westland had signed up to be part of the national program.

Mayors’ challenge activities are:

- Take a Complete Streets approach.
- Identify and address barriers to make streets safe and convenient for all road users, including people of all ages

and abilities and those using assistive mobility devices.

- Gather and track biking and walking data.
- Use designs that are appropriate to the context of the street and its uses.
- Take advantage of opportunities to create and complete ped-bike networks through maintenance.

- Improve walking and biking safety laws and regulations.
- Educate and enforce proper road use behavior by all.

Participants will discuss how to implement or build upon the challenge’s seven activity areas, learn about USDOT and stakeholder resources they can use during the challenge, and network with their peers.



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