



SAFETY Network

November 2016

Michigan.gov/ohsp

New partnership aims to end nation's traffic fatalities within 30 years

The National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration, and Federal Motor Carrier Safety Administration are joining forces with the National Safety Council to launch the Road to Zero Coalition. The goal is to end fatalities on the nation's roads within 30 years.

The decision comes after 2015 marked the largest increase in traffic deaths nationwide since 1966. Preliminary estimates for the first half of 2016 show an alarming uptick in fatalities—an increase of about 10.4 percent as compared to fatalities in the first half of 2015.

The Road to Zero Coalition will promote proven lifesaving strategies, such as improving seat belt use, installing rumble strips, truck safety, behavior change campaigns, and data-driven enforcement. Additionally, the coalition will lead development of a scenario-based vision on how to achieve zero traffic deaths based on evidence-based strategies and a systematic approach to eliminating risks.

With the rapid introduction of automated vehicles and advanced technologies, officials believe the vision of zero road deaths and serious injuries can be achieved in the next three decades.

41 percent of Michigan young adult drivers text and email while driving

**ONE TEXT OR CALL COULD
WRECK
IT ALL**

Although Michigan law prohibits drivers from reading, manually typing, or sending a text message while driving, 41 percent of young adult drivers admitted to sending texts and emails on a regular basis while driving, according to a recent statewide telephone survey conducted for the Office

of Highway Safety Planning (OHSP). More than 26 percent indicated they did so daily.

The 400-sample survey of 20- to 30-year-olds was directed by Glengariff Group, Inc. Respondents were asked about driving habits, Michigan's texting law, and cell phone use while driving.

"While drivers are aware of the hazards associated with texting and driving, they have an overwhelming desire to remain connected with others no matter what the risk," said Michael L. Prince, OHSP director. "There is an intense need to stay in touch with friends and family around the clock and those emotions are a key factor as

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Recent report spotlights older teen driver behavior



A recent report from the Governors Highway Safety Association (GHSA) shows that while much progress has been made in reducing teen driver-involved traffic crashes and deaths over the past decade, teen drivers are still 1.6 times more likely to be involved in a fatal crash than their adult counterparts. Teen-involved crash deaths spiked 10 percent nationally in 2015.

According to the research, the improvement in fatal crash rates among 18- to 20-year-old drivers was considerably less than for their 15- to 17-year-old counterparts. The study also found that older teen drivers are involved in more fatal crashes than younger teens.

The report, *Mission Not Accomplished: Teen Safe Driving, the Next Chapter*, calls on State Highway Safety Offices and teen driving advocates to carefully monitor what is happening with teen-involved

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Safety coalition reminder: Buying alcohol for underaged friends illegal

A consortium of state, county, and local officials recently kicked off a targeted campaign to curb underage drinking and drunken driving.

The statewide "21 to Buy, Not Supply" college campus campaign is a year-long marketing effort that seeks to raise awareness about the legal and far-reaching consequences of providing alcohol to minors while curbing the access to alcohol for those who are not of legal age.

The target audience is young adults who turn 21 and suddenly have access to increased privileges and responsibilities. Younger friends may turn to them for alcohol, especially on college campuses where there are tailgates and house parties.

The coalition's message: don't do it.

In Michigan, the penalty for providing alcohol to a minor can be \$1,000 in fines, up to 90 days in jail, and legal fees of \$5,000 or more. The broader consequences could include lost wages, forfeited scholarships, and even expulsion from college.

On Michigan roads, the rate of alcohol-related traffic crashes is greater for drivers ages 16-20 than for drivers age 21 and older.

MSP Director Col. Kriste Kibbey Etue urges young adults to avoid jeopardizing their future by supplying alcohol to minors.

"Many young people are unaware of the laws and penalties for supplying alcohol to underage peers," Etue said. "Because it is important to the Michigan State Police to reduce underage drinking, drunk driving, and alcohol-related traffic crashes, our troopers will take enforcement action for this and other alcohol offenses."

According to the 2014 National Survey on Drug Use and Health, more than one third of young adults ages 18-25 are binge alcohol users and about one in 10 are heavy alcohol users.

Coalition members include the Michigan Department of State, Michigan Department of Licensing and Regulatory Affairs, MSP, Michigan Liquor Control Commission, OHSP, Alliance Coalition for Healthy Communities, Oakland County Health Division, and Royal Oak Community Coalition.



Requests for Traffic Records proposals

The Traffic Records Coordinating Committee is accepting traffic records project proposals. Funding is available to support projects that will enhance Michigan's traffic records data systems and processes. Projects should be geared toward improving the timeliness, accuracy, completeness, uniformity, integration, or accessibility of traffic records data systems.

The data systems include crash, citation, vehicle/driver, EMS and trauma data, and roadway.

For a copy of the Request for Traffic Records Project Proposal form, contact Jessica Riley, OHSP's Traffic Records Program Coordinator, at rileyj9@michigan.gov or 517-284-3112.

Surman joins TIA staff



Tony Surman recently joined the Traffic Improvement Association of Michigan as a program coordinator.

He will assist with implementing and managing the *Strive for a Safer Drive (S4SD)* program.

Through establishing high school peer-to-peer programs, Surman will educate students about distracted driving, seat belts, impaired driving, speeding, and winter driving. Tony will manage all S4SD granted-related activities and coordinate with various federal, state, and local agencies.

Tony has worked as an emergency room medic for more than 18 years. He and his wife Erica, a pediatric trauma program manager, have three children.

Drive Sober or Get Pulled Over campaign

Motorists will be encouraged to designate a sober driver this holiday season as part of our *Drive Sober or Get Pulled Over* campaign, December 15-January 1.



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The impact of the Standardized Field Sobriety Test law on police officers and prosecutors

By Kenneth Stecker and Kinga Gorzelewski

The Standardized Field Sobriety Tests (SFSTs) are a battery of three tests performed during a traffic stop to determine if a driver is impaired.

The three tests that make up the SFSTs are the Horizontal Gaze Nystagmus (HGN), the Walk and Turn, and the One-Leg Stand tests. Developed in the 1970s, these tests are scientifically validated and admissible as evidence of impairment in Michigan courts.

According to researchers, officers trained to conduct SFSTs correctly identified alcohol-impaired drivers more than 90 percent of the time using the results of SFSTs. Burns and Anderson 1995; Stuster and Burns 1998.

In 1981 the NHTSA promulgated a federal standard for field sobriety testing procedures. States are not required to adhere to this federal standard.

Admissibility of the HGN test may be treated differently due to its "scientific nature." For this reason, HGN results are vulnerable to challenge and may likely be excluded by a court if the test was not administered in strict compliance with established protocols.

The Michigan Court of Appeals has held that, before an officer is allowed to testify about HGN, it must be shown that he or she was qualified to perform the test (i.e. properly trained) and that the officer properly administered the test. *People v. Berger*, 217 Mich App 213 (1996).

On September 22, 2016, a new law took effect that may impact SFST testimony in Michigan.

Pursuant to this act, a witness is allowed to testify to SFST results and how they relate to impairment if the witness is qualified by knowledge, skill, experience, training, or education.

The law also specifically states that the HGN is admissible under this provision by

an officer trained in how to perform the test.

Furthermore, Public Act 242 will not preclude the admissibility of a non-standardized field sobriety test if it complies with the Michigan Rules of Evidence.

Under Public Act 242, "Standardized Field Sobriety Test" means one of the standardized tests validated by the NHTSA. A field sobriety test is considered a SFST under this section if it is administered in **substantial compliance** with the standards prescribed by the NHTSA.

In essence, the act states that the police officer has to administer the tests in substantial compliance with the NHTSA's standards.

Webster Dictionary defines "substantial" as follows: "Of or having substance, real actual, strong, solid, firm, of considerable worth or value; important."

Webster's Dictionary defines "compliance" as follows: "A complying, or giving in to a request, wish, or demand; acting in accordance with a request, or a command, rule or instruction."

The preface to the NHTSA's Student Manual states as follows:

"The procedures outlined in this manual describe how the Standardized Field Sobriety Tests (SFSTs) are to be administered under ideal conditions. We recognize that the SFSTs will not always be administered under ideal conditions in the field, because such conditions will not always exist. Even when administered under less than ideal conditions, they will generally serve as valid and useful indicators of impairment. Slight variations from the ideal, i.e. the inability to find a perfectly smooth surface at roadside, may have some affect

on the evidentiary weight given to the results. However, this does not necessarily make the SFSTs invalid."

It is important to note that SFSTs are designed as divided attention or psychophysical tests which involve requiring the subject to concentrate on both mental and physical tasks at the same time.

These tests are important evidence of impairment in Operating While Intoxicated (OWI) trials. They are designed to mimic the different abilities and tasks involved in operating a motor vehicle. These would include information processing, short-term memory, judgment and decision making, balance, quick steady reactions, clear vision, small muscle control, and limb coordination.

In conclusion, in light of this new law it is more imperative than ever that police officers substantially comply with NHTSA standards in administering the SFSTs. Every piece of an OWI investigation is important to painting the whole picture of impairment—SFSTs included. Let's do them right and give the defense no reason to file motions to keep them out.

For more information on this article and PAAM training programs, contact Kenneth Stecker or Kinga Gorzelewski, Traffic Safety Resource Prosecutors, at 517-334-6060 or e-mail at steckerk@michigan.gov or gorzelewskik@michigan.gov. Please consult your prosecutor before adopting practices suggested by reports in this article. Discuss your practices that relate to this article with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practice.



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traffic safety advocates confront the growing problem of distracted driving.”

Despite the danger, 51 percent admitted texting at night and 22 percent had texted when it was snowing. The survey found that 56 percent were more likely to text on a local road. Nearly one in five Michigan young adult drivers consider themselves addicted to their cell phone.

Among those surveyed, 77 percent said they would be much less likely to text or read texts while driving if a child was in the vehicle; and 53 percent would be less likely to text if points were added to driving records in addition to fines. Under Michigan’s texting ban, violators face a \$100 fine for the first offense and \$200 for subsequent offenses.

The OHSP will use the survey results in developing traffic safety strategies to reduce fatalities and injuries caused by distracted driving.

According to the MSP Criminal Justice Information Center, there were 7,516 crashes in Michigan involving distracted driving during 2015, resulting in 28 fatalities and 3,472 injuries. This was up from 5,353 crashes in 2014, resulting in 14 fatalities and 2,401 injuries. Of the distracted driving crashes in 2015, a cell phone was involved in 753 crashes, with three fatalities and 251 injuries.

Van Buren County Deputy Matthews named SRP Deputy of the Year

Dep. Brian Matthews believes the actions of one can impact the lives of others.

As a full-time deputy in the Van Buren County Sheriff’s Office for the last 10 years, including four with the Secondary Road Patrol (SRP), 416 program, he has dedicated his career to saving lives through the prevention of impaired driving.

These efforts were recognized during the Michigan Sheriff’s Association (MSA) Fall Training Conference when Matthews received the 2016 SRP Deputy of the Year Award. The honor is presented to deputies and sergeants who show initiative, display a positive image of the sheriff’s office, and demonstrate outstanding work performance. The award is sponsored by the OHSP, in partnership with the MSA.

Matthews has undergone extensive impaired driving detection training including more than 120 hours to become a certified Drug Recognition Expert. He applies his expertise and experience when instructing others in Standardized Field Sobriety Tests and Advanced Roadside Impaired Driving Enforcement, greatly enhancing knowledge of correct procedures and courtroom testimony.

He also uses his knowledge to promote impaired driving enforcement and prevention methods to local groups and mental health officials.

Through outstanding work performance and engaging with the community off duty, Matthews is an excellent ambassador for the program.

The Secondary Road Patrol and Traffic Accident Prevention program, created by Public Act 416 of 1978, provides county



Michael L. Prince, OHSP director, congratulates Dep. Brian Matthews

sheriff offices with funding to patrol county and local roads outside the corporate limits of cities and villages. It is managed by the OHSP and has the legislated primary responsibility of traffic enforcement and traffic crash prevention on secondary roads.

Deputies funded under the program are responsible for traffic enforcement, traffic crash prevention and investigation, criminal law enforcement, and emergency assistance on secondary roadways.

What’s Ahead

DECEMBER 2016

- 7 Traffic Incident Management Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9:30 a.m.

JANUARY 2017

- 12 Michigan Truck Safety Commission meeting.** Michigan Center for Truck Safety, 1131 Centennial Way, Lansing, 9 a.m.
- 12 Senior Mobility and Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 1:30 p.m.
- 17 Distracted Driving Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1 p.m.
- 19 Motorcycle Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.
- 19 Traffic Records and Information Systems meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1:30 p.m.
- 24 Pedestrian and Bicycle Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.

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MADD honors law enforcement officers

Through the Lifesavers Law Enforcement Recognition Awards, Mothers Against Drunk Driving (MADD) Michigan recently honored law enforcement officers for their commitment to impaired driving enforcement.

The 2016 MADD Michigan Lifesavers Award recipients included:

OLIVIA CLEVELAND GRATITUDE AWARD

Lt. **Aaron Burgess**, *Sterling Heights Police Department*

OUTSTANDING TROOPER

Tpr. **Travis Peterson**, *MSP Cadillac Post*
 Tpr. **Jason Darling**, *MSP Houghton Lake Post*
 Tpr. **Jim Janes**, *MSP Niles Post*
 Tpr. **Zachary Tebedo**, *MSP Tri-City Post*
 Tpr. **Randall Rovelsky**, *MSP Wakefield Post*

OUTSTANDING DEPUTY

Dep. **Jason Conklin**, *Macomb County Sheriff's Office*
 Dep. **Samuel Sukovich**, *Jackson County Sheriff's Office*
 Dep. **Ryan Dannenberg**, *Kent County Sheriff's Office*
 Dep. **Theodore Harrison**, *Ingham County Sheriff's Office*

OUTSTANDING OFFICER

Ofcr. **Andrew Wood**, *Eastpointe Police Department*
 Ofcr. **Rebecca Kuzdek**, *Fowlerville Police Department*
 Ofcr. **Cary Murch**, *Mt. Pleasant Police Department*
 Ofcr. **Sean Brown**, *Oxford Police Department*
 Ofcr. **Andrew Teichow**, *Port Huron Police Department*
 Ofcr. **Ben Helms**, *St. Johns Police Department*

OUTSTANDING ROOKIE OF THE YEAR

Ofcr. **Benjamin Atkinson**, *Detroit Police Department*
 Ofcr. **Andrew Shelton**, *Pleasant Ridge Police Department*
 Ofcr. **Christopher Bennett**, *Utica Police Department*
 Ofcr. **Ryan Popma**, *Zeeland Police Department*

OUTSTANDING LAW ENFORCEMENT AGENCY

Dearborn Police Department
MSP St. Ignace Post

RECOGNITION OF EXCELLENCE

Ofcr. **Scott Vierk**, *Clawson Police Department*
 Ofcr. **Robert Van Dyke**, *Shelby Township Police Department*
 Ofcr. **John Anthony Janicki**, *MSP St. Ignace Post*

MADD CAREER ACHIEVEMENT (DEPUTY LEW TYLER) AWARD

Ofcr. **Dave Dekorte**, *East Lansing Police Department*

DAVID M. SCHEIBER MADD LIFESAVERS AWARD PROSECUTING ATTORNEYS ASSOCIATION OF MICHIGAN

Victor Fitz, *Cass County Prosecuting Attorney*
Jeffery S. Hall, *Oakland County Prosecutor's Office*



Operation C.A.R.E. focuses on Thanksgiving travel

The MSP is preparing for the annual *Operation C.A.R.E.* (Combined Accident Reduction Effort) Thanksgiving traffic safety initiative.

The goal of *Operation C.A.R.E.* is to prevent traffic crashes and fatalities so every family can enjoy a safe and happy holiday season.

Thanksgiving is the second deadliest holiday in Michigan for traffic fatalities behind Labor Day. In 2015, there were 11 traffic fatalities in 11 crashes during the Thanksgiving holiday. In 2014, there were six traffic fatalities in six crashes, the lowest

number of fatalities over the Thanksgiving holiday period in more than 40 years.

Starting on Wednesday, November 23, and running through Sunday, November 27, troopers across the state will conduct high-visibility enforcement focusing on impaired driving, seat belt use, careless driving, and speeding. The extra patrols are paid for with federal traffic safety funds coordinated by the OHSP.

Operation C.A.R.E. is a nationwide traffic safety initiative. It began in 1977 as a collaborative effort between the MSP and the Indiana State Police.



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Campaign reminds I-94 motorists to *Drive Slow on Ice and Snow*



One of Michigan's most heavily traveled interstates, I-94, will again be the focus of a winter weather safe driving campaign that cautions: drive slow on ice and snow.

Motorists driving between Battle Creek and St. Joseph are sure to see billboards throughout the winter driving season that feature the No. 1 winter safe driving tip: slow down.

"Even a dusting of snow can cause roads to become slippery," said Michael L. Prince, director of the OHSP, which is sponsoring the campaign with federal traffic safety funds. "Driving appropriately for conditions can reduce weather-related crashes

and keep Michigan roadways safer this winter."

Drivers in southern Michigan will see billboards. Banners, posters, and flyers will be available statewide. The campaign will run through February.

The University of Michigan Transportation Research Institute determined that from November 2014-February 2015, there were 2,191 crashes on I-94 when road conditions were considered icy or snowy.

The majority of winter driving crashes can be attributed to drivers going too fast for the roadway conditions. When this happens, drivers can lose control and begin to leave the roadway. Driving slow on snowy and icy roads allows the driver a longer reaction time. It can take up to 10 times longer to stop in snowy or icy weather. Drivers should be prepared to look ahead and begin braking well in advance of an intersection.

This is the fifth year for the *Drive Slow on Ice and Snow* campaign that is intended to help reduce weather-related crashes, injuries, and traffic deaths. *Drive Slow on Ice and Snow* materials will be available to order at www.michigan.gov/ohsp.



Kelsey's Law Scholarship winners announced

High school students from all over the state submitted compelling messages last summer for a new public safety campaign aimed at persuading teen drivers to avoid distracted driving. The first "Kelsey's Law Scholarship: Stop Distracted Driving Contest" honored Kelsey Raffaele, who inspired Michigan's teen driving law after she was tragically killed in a 2010 car crash using her cell phone.

College scholarships were awarded to the four Michigan high school students with the most convincing safety messages. The submissions came in video, Tweet, or graphic form.

To view more details about each winner and their submissions, please visit <http://www.michiganautolaw.com/kelseys-law-scholarship/winners/>.

The 2017 contest is open for submissions. The deadline is Aug. 31, 2017. To apply, go to <http://www.michiganautolaw.com/kelseys-law-scholarship/>

Kelsey's Law prohibits cell phone use by teen drivers with a Level 2 graduated license. A teen driver who violates this law by using a cell phone can receive a civil infraction.

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motor vehicle fatalities while expanding their focus to address the heightened crash risk for older teens.

The jump in teen-involved crash deaths is troubling, but this is the first uptick since 2006. The report recommends actions that could be taken to avoid a full reversal of the downward trend seen over the past decade.

To best understand the challenges surrounding teen driving behavior, researchers examined 10 years of data (2005-2014) from NHTSA's Fatality Analysis Reporting System, which contains data on all vehicle crashes in the United States that occur on a public roadway and involve a fatality.

Graduated Driver Licensing (GDL) can reduce teen crash risk by as much as 30 percent. In most states, teens age out of GDL requirements at 18. It is estimated that one in three teens are not licensed by 18.

GHSA's report calls for an expansion of GDL to include all drivers younger than 21, and provides 11 recommendations for states to implement. Suggestions address opportunities for increased training of older teen drivers, high visibility enforcement, continued parental involvement, and safe driving programs at colleges.

The report is available at www.ghsa.org/html/publications/teens/2016teens.html.

MDOT's Randy Van Portfliet announces retirement



Randy Van Portfliet, Michigan Department of Transportation (MDOT) deputy chief engineer, bureau director of Field Services, and Superior Region engineer, recently announced his plans to retire at the end of this year.

Van Portfliet's MDOT career began in 1977 as a bridge designer in Lansing. He then worked at a series of construction assignments in what were then called the Kalamazoo and Grand Rapids districts, and the Lansing central office. Van Portfliet was the first region engineer appointed during the department's reorganization into regions and Transportation Service Centers. He also served as interim executive secretary for the Mackinac Bridge Authority in 1997, as well as serving on many national commissions and coalitions.

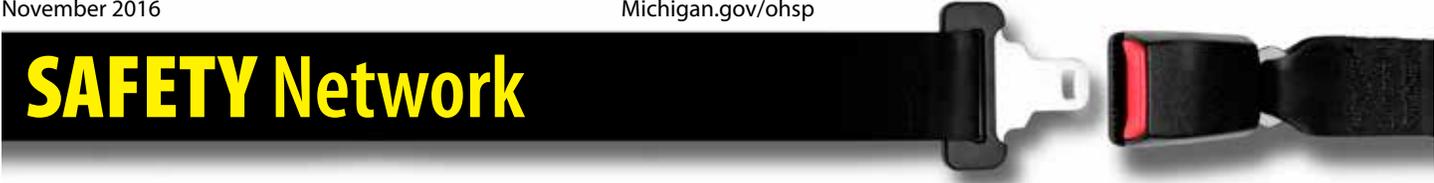
Some of those opportunities have included: the Governor's Traffic Safety Advisory Commission, the American Association of State Highway Transportation Officials (AASHTO) Standing Committee on Research, and the AASHTO Special Committee on Wireless Communication Technology. Van Portfliet has also been MDOT's representative to the Great Lakes Regional Transportation Operations Coalition.

Van Portfliet has served as Superior Region engineer since 1997, and bureau director of Field Services since 2011.

A licensed professional engineer in the state of Michigan, Van Portfliet earned a Bachelor of Science in civil engineering from Michigan State University as well as a master's degree in public administration from Grand Valley State University.



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