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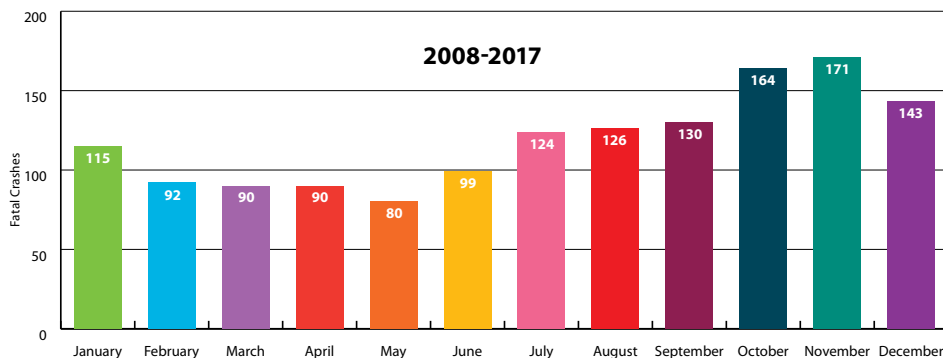
November is the worst month for pedestrian deaths

Pedestrian deaths are highest in November, according to the Michigan State Police (MSP) Criminal Justice Information Center. In 2017, 17 pedestrians were killed in traffic crashes, the most of any month. November had the most pedestrian deaths in 2013 and 2016, and second most in 2015 as well. Over the last 10 years, 171 pedestrians have been killed in traffic crashes in November.

For tips on staying safe, go here.

2008-2017

Month	Fatal Crashes
January	115
February	92
March	90
April	90
May	80
June	99
July	124
August	126
September	130
October	164
November	171
December	143

More than 250 Michigan schools walk to class

International *Walk to School Day* was October 10 and 257 Michigan schools participated. Walking to school encourages physical activity, healthy habits, and heightens awareness of traffic safety. The event started in 1997.

In Michigan in 2017, 158 pedestrians were killed, with 12 of those being under the age of 15. Nationwide, there has been a 46 percent increase in pedestrian deaths since 2009.

Walk to School Day encourages children to learn important safety tips such as walking facing traffic when not on a sidewalk, crossing at designated crosswalks, being visible, and limiting distractions.

Average reporting days brochure released

On average, crash reports in Michigan in 2017 took 12.86 days to be available in the MSP Traffic Crash Reporting System (TCRS) database. The Calumet Police Department has the lowest average reporting days at just 1.78. No other agency is under two days.
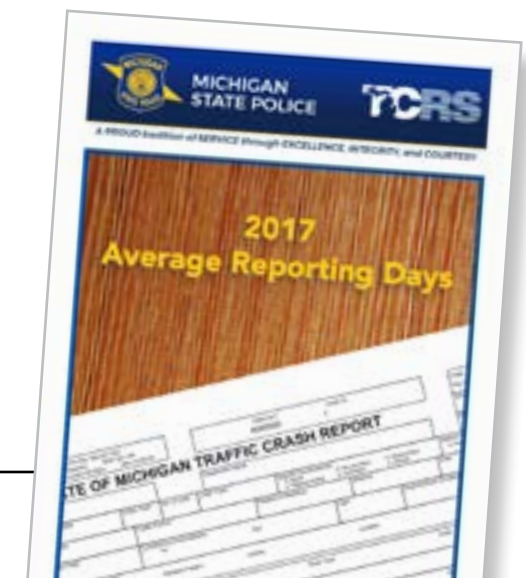
Timeliness is important as crash data drives decisions made by law enforcement and traffic safety partners to reduce traffic fatalities, injuries, and crashes. In addition, the National Highway Traffic Safety Administration (NHTSA) requires each state to maintain complete traffic records and is evaluated on six core model performance measures. Timeliness is one of the core performance measures Michigan is evaluated on during the Traffic Records Assessment. For these reasons, it is imperative that Michigan continue to show improvement in crash reporting timeliness.

Information on each law enforcement agency's average can be found in the MSP, Traffic Crash Reporting Unit (TCRU) 2017 Average Reporting Days brochure. The brochure is updated periodically and can be found at www.michigan.gov/crash.

Publishing the brochure helps educate law enforcement agencies on their crash reporting timeliness. Average reporting days is defined as the span of time between the crash date to the time the crash is available in the MSP TCRS database.

MICHIGAN STATE POLICE   TCRS

2017 Average Reporting Days

STATE OF MICHIGAN TRAFFIC CRASH REPORT

MICHIGAN

OHSP

Office of Highway Safety Planning

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Van Port Fleet named new director at MDOT

The Michigan Department of Transportation (MDOT) has a new director. Mark Van Port Fleet replaced Kirk Steudle on November 1. Steudle announced his retirement in September. Van Port Fleet was the senior chief deputy director before being named to the top spot by Governor Rick Snyder.

Van Port Fleet plans to focus on building stronger relationships with industry partners and strategic innovation in his new role. Steudle had been with the MDOT for 31 years, including the last 6 as director.

The U.S. Department of Health and Human Services recommends that children and adolescents get one hour or more of physical activity each day. Research suggests that physically active kids are more likely to become healthy, physically active adults, underscoring the importance of developing the habit of regular physical activity early.

2018 Transportation Safety Award Recipients

Transportation Improvement Association Annual Meeting

Ruth Johnson, Secretary of State

Col. Kriste Kibbey Etue, MSP

Kirk T. Steudle, MDOT

Chippewa Valley Schools

Ford Motor Company

Ford Driving Skills for Life

General Motors Company

The Kiefer Foundation

City of Novi

Oakland County Sheriff's Office

Road Commission for Oakland County

Operation Ghost Rider—MSP, Macomb County Sheriff's Office, Oakland County Sheriff's Office, Auburn Hills Police Department, Clinton Township Police Department, Shelby Township Police Department, Sterling Heights Police Department, Utica Police Department

Lawrence Hummel reappointed to GTSAC

Lawrence Hummel was reappointed to the Governor's Traffic Safety Advisory Commission by Governor Rick Snyder.

Housed within the Office of Highway Safety Planning (OHSP), a division of Michigan Department of State Police, the 11-member commission identifies traffic safety challenges and works to develop, promote, and implement strategies to support traffic safety programs.

"Lawrence has brought great perspective and ideas to this commission, and I am confident he will continue to do so in the years to come," said Snyder.

Hummel is the county highway engineer manager for the Van Buren County Road Commission. He will serve a three-year term expiring May 27, 2021.

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OHSP DUI Enforcement Training Program Manager Mike Harris recently celebrated 40 years of service with the state of Michigan. Harris was with the MSP for 25 years and has been with the OHSP since 2005. He also spent time in the Department of the Attorney General.

Larson named SRP Deputy of the Year

Eaton County Sheriff's Deputy Jacob Larson was named the 2018 Secondary Road Patrol (SRP) Deputy of the Year. Dep. Larson was honored at a banquet on October 14. The award is given annually to the SRP officer who exhibits outstanding work in the four service areas of the SRP 416 program: patrolling and monitoring traffic violations, enforcing the law, investigating motor vehicle crashes, and providing emergency assistance. Officers should also show initiative, effectively communicate with the public, and display a positive image of the sheriff's office both on- and off-duty.

Dep. Larson averaged 130 traffic stops from January through May of 2018. He also averaged 22 arrests per month over that time and uses traffic stops as both an opportunity for education and intelligence gathering.

Dep. Larson is the 10th recipient of the SRP Deputy of the Year Award.

OHSP Director Michael L. Prince (R) presents Dep. Jacob Larson with the award for SRP Deputy of the Year

Resolution introduced supporting National Secure Your Load Day

Representatives Dave Reichert (R-WA) and Bill Pascrell, Jr. (D-NJ), co-chairs of the Congressional Law Enforcement Caucus, recently introduced House Resolution 1107 supporting the designation of National Secure Your Load Day on June 6.

"Each year, thousands of drivers are injured as a result of unsecure loads and road debris on our nation's highways," Rep. Reichert said. "This resolution honors the lives of those who have been impacted, including the daughter of my constituent, Robin Abel. After her daughter was catastrophically injured by an unsecured load, Robin dedicated her time and energy to raising awareness about these avoidable tragedies. As co-chair of the Congressional Law Enforcement Caucus, I am proud to introduce this resolution to highlight the need to make our roads safer by securing loads and preventing road debris."

According to a NHTSA study, in 2016 more than 90,266 incidents were caused by unsecured loads, resulting in approximately 19,663 injuries and 683 deaths. Additionally, in 2018, 48 states participated in Secure Your Load Day.

Michigan started recognizing Secure Your Load Day in 2017.

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Why you want a Drug Recognition Expert Officer on your next drugged driving case

By Ken Stecker and Kinga Canike

The purpose of this article is to familiarize judges, prosecutors, and law enforcement officers with the role Drug Recognition Expert (DRE) officers play in drugged driving cases.

Michigan Compiled Law 257.625 reads in part as follows:

Sec. 625.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

Thus, the prosecution must prove that the person was "operating while intoxicated," that is he/she was under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

To be "under the influence" of alcoholic liquor for example within the meaning of Criminal Jury Instruction 2d 15.3 means as follows:

"That because of drinking alcohol, the defendant's ability to operate a motor vehicle in a normal manner was substantially lessened.

To be under the influence, a person does not have to be what is called 'dead drunk' that is, falling down or hardly able to stand up. On the other hand, just because a person has drunk alcohol or smells of alcohol does not prove, by itself, that the person is under the influence of alcohol. The test is whether, because of drinking alcohol, the defendant's mental or physical condition was significantly affected and the defendant was no longer able to operate a vehicle in a normal manner."

Recently, the Michigan Supreme Court in People v. Koon, 494 Mich 1; 832 NW2d 724 (2013), stated in a footnote as follows:

"Significantly, 'under the influence' is a term of art used in other provisions of the Michigan Vehicle Code. See, e.g., MCL 257.625(1)(a)(stating that a person is 'operating while intoxicated' if he or she is 'under the influence of . . . a controlled substance . . .'). See also People v Lambert, 395 Mich 296, 305; 235 NW2d 338 (1975) (concluding that an acceptable jury instruction for 'driving under the influence of intoxicating liquor' included requiring proof that the person's ability to drive was 'substantially and materially affected'); Black's Law Dictionary (9th ed), p 1665 (defining 'under the influence' as 'deprived of clearness of mind and self-control because of drugs or alcohol')."

In an effort to deal with the growing problem of driving "under the influence" of drugs, the OHSP implemented a program to train qualified law enforcement officers to become DREs.

In 2009, the OHSP requested an assessment of Michigan's Standardized Field Sobriety Testing Program through the NHTSA. One of the recommendations from that assessment was that Michigan become a Drug Evaluation and Classification Program (DECP) state.

In October 2010, the International Association of Chiefs of Police granted Michigan approval as the 47th DECP state. As a DECP state, Michigan was allowed to conduct its own DRE school.

A DRE is a law enforcement officer who is trained to recognize impairment in drivers who are under the influence of drugs other than, or in addition to, alcohol. Currently, there are 138 DRE law enforcement officers in the State of Michigan.

Although DREs may initiate their own arrests for operating under the influence of drugs, most of the time DREs are called upon by the arresting officer. He or she may request the expertise and assistance of a DRE officer after making an arrest for "drugged driving."

A DRE should be requested to conduct an evaluation for drug impairment when a person's signs and symptoms are not consistent with his/her blood-alcohol concentration (BAC). Simply stated, the arrestee may appear more intoxicated than the alcohol level alone would suggest. Law enforcement agencies may seek a drug-influence evaluation by a DRE whenever an individual is arrested for OWI and produces a BAC below .08 percent. In addition, an evaluation may occur whenever the arrestee's degree and/or type of intoxication are not consistent with his/her BAC.

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A DRE is trained to determine the following:

- Whether an individual's impairment is not consistent with the BAC;

- Whether an individual is suffering from a medical condition that requires immediate attention or is under the influence of drugs; and

- Whether an individual is under the influence of a specific category or categories of drugs.

In order to make these findings, DREs use a 12-step standardized and systematic process. It is standardized because all DREs, regardless of agency, use the same procedure in the same order on all suspects. It is systematic in that it logically proceeds from a BAC, through an assessment of both clinical and psycho-physical signs of impairment, to toxicological analysis for the presence of drugs.

Based on the totality of the evaluation, the DRE forms an opinion as to whether or not the subject is impaired. If the DRE determines that the subject is impaired, the DRE will indicate what category or categories of drugs may have contributed to the subject's impairment. The DRE bases these conclusions on training and experience and the DRE Drug Symptomatology Matrix, which is broken down into seven drug categories.

The DRE process is not a test; rather, it is a method for collecting evidence. Nevertheless, there have been challenges to the admissibility of DRE testimony and evidence.

In Michigan, courts employ the Daubert standard for determining the admissibility of scientific evidence.

The Daubert standard derives from the United States Supreme Court decision of Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). Pursuant to Daubert, courts serve as a "gatekeeper" for all scientific evidence, regardless of newness or novelty. Scientific evidence is admissible if the court determines that the underlying "reasoning or methodology" is "scientifically valid."

Although Michigan higher courts have not addressed the issue of DRE testimony and evidence under the Daubert standard, other Daubert states that considered the admissibility of DRE testimony have ruled it admissible under Daubert. These include Nevada, Oregon, Iowa, Hawaii, New Mexico, and Nebraska.

A prosecutor arguing a Daubert motion should emphasize that the DRE protocol is not new, but rather a list of procedures that have been used by medical science and the law enforcement community for many years.

In addition to DRE-trained officers, prosecutors in Michigan can also attend the two-week school to gain a better understanding of drugs and impairment. To date, there are 37 DRE-trained prosecutors in Michigan. Many times these prosecutors are handling some of the most egregious drugged driving cases in the state. Their specialized training in drugged driving equips them with the skills necessary to prosecute these challenging cases.

In 2013, a DRE-trained prosecutor in St. Clair County handled the drugged driving case involving Lisa Bergman, who killed two teens after her truck crossed the center line and crashed head-on into their truck. At the time, Bergman was under the influence of drugs, including the prescription medication carisprodol or Soma. The DRE-trained prosecutor successfully presented evidence at trial of seven prior incidents in which Bergman had been investigated for driving under the influence of prescription medication and other drugs. A jury convicted Bergman of two counts each of second-degree murder, operating while intoxicated causing death, and operating a motor vehicle causing death while license suspended.

The DRE Program in Michigan is one of the most effective tools in the battle against impaired driving, especially where drugs are involved. Impaired drivers are killing and seriously injuring innocent drivers on our highways. While DREs cannot prevent this from happening, they can help minimize it.

To learn more about Michigan's DRE Program, please contact Mike Harris, the DRE Coordinator and Law Enforcement Liaison for the OHSP at 517-420-7889.

For more information on this article and PAAM training programs, contact Traffic Safety Resource Prosecutors Ken Stecker at 517-334-6060, x827 or at steckerk@michigan. gov or Kinga Canike at 517-334-6060, x816 or at canikek@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.

Toward Zero Deaths

November 20, 2018

870

Traffic Deaths in Michigan this Year

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STAFF PROFILE

Charlotte Kilvington

Analysis and Evaluation in the Planning and Administration Section

Charlotte has been with the OHSP for 9 years and has 23 years with the MSP. She is married to another MSP department member and has two adult biological children and four adult stepchildren.

What do you like most about your job?
Working with all of our traffic safety partners.

What are you most proud of at work?
Getting the Highway Safety Plan submitted on time every year and completing the MSP Leadership Academy.

What are your interests or hobbies?
Genealogy, movies, equestrian events, church activities, comic conventions, spending time with family.

What personal achievement are you most proud of?
Raising my children to be caring and compassionate adults.

What is your favorite vacation spot?
Caribbean cruise.

New research shows states with legal marijuana see increase in crashes

New research from the Insurance Institute for Highway Safety (IIHS) and the Highway Loss Data Institute finds the number of motor vehicle crashes reported to insurers and police has increased in the first states to legalize recreational marijuana sales when compared with neighboring states that have not legalized marijuana.

This new research adds to the body of knowledge on the impact of marijuana legalization on traffic safety, which the Governors Highway Safety Association (GHSA) aggregated into a newly-released succinct guide summarizing the most pertinent marijuana driving studies to date regarding:

- Marijuana use by drivers overall;
- Marijuana presence in arrested and crash-involved drivers;
- Marijuana presence in drivers involved in fatal crashes;
- Impact on crash rates; and
- Public perceptions of marijuana use and driving.

The guide notes that in Colorado and Washington, fatal crashes involving marijuana have increased in both states since legalization.

The GHSA guide was authored by Dr. Jim Hedlund, a former senior official with the NHTSA, Dr. Hedlund has written three drugged driving reports for the GHSA. His most recent study focused on the traffic safety issues for states dealing with increased marijuana and opioid usage.

Marijuana goggles now available

The OHSP now has goggles available to sign out that show the vision impairment effects of marijuana. Law enforcement officers or traffic safety professionals requesting goggles will get two pairs and an instruction guide. Requests can made through Cindy Stoneham (StonehamC@Michigan.gov) at the highway safety resource materials unit or Jon Ross (RossJ7@Michigan.gov) at the OHSP.

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.

Online registration will open in late 2018.

KELLOGG HOTEL & CONFERENCE CENTER, EAST LANSING

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A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY

Traffic crash reporting for automated vehicles

To comply with new federal reporting guidelines, the MSP TCRU has added three new fields to the UD-10 Traffic Crash Report. These fields will be used to capture the level of autonomy for the motor vehicles involved in the traffic crash.

The federal reporting guidelines were developed collectively by the NHTSA and the GHSA, who urged the states to adopt these fields into their traffic crash reporting.

MCL 257.665 allows for the operation of automated vehicles on public roadways, so the TCRU developed the following materials to assist the officer in collecting these new fields.

The first field is simply a YES/NO if the vehicle involved in the crash has an Automation System.

The second field asks the highest Automation System Level in Vehicle, with the following choices:

Automation System Level in Vehicle	
0.	No Automation
1.	Driver Assistance
2.	Partial Automation
3.	Conditional Automation
4.	High Automation
5.	Full Automation
6.	Automation Level Unknown
98.	Unknown

The third question asks Which System Level Engaged at Time of Crash, with the following choices:

Automation System Level Engaged at Time of Crash	
0.	No Automation
1.	Driver Assistance
2.	Partial Automation
3.	Conditional Automation
4.	High Automation
5.	Full Automation
6.	Automation Level Unknown
98.	Unknown

While many of the vehicles on the road today are not automated, some levels of automation do exist on newer vehicles. Common level 1 (Driver Assistance) systems include:

- Lane Keeping Assist
- Adaptive Cruise Control
- Park Assist
- Automatic Emergency Braking

West Michigan bicyclist rides from Sturgis to Sault Ste. Marie

On a windy weekend in early September, Kalamazoo's Valerie Litznerski rode her bicycle for 28 hours from Sturgis, MI to Sault Ste. Marie, a total of 350 miles. She did it for two reasons: to set an ultra-cyclist women's record and raise awareness about bicyclist safety.

To qualify for the official record, Litznerski had to obey all traffic laws during the ride. She used a headlight and a rear taillight, as it's the law in Michigan to do so while riding in the dark. Other safety tips for bicyclists include: wear a helmet, use hand signals when turning, and never hitch onto cars. More bicycle safety information can be found here.

Prior to the trip, Litznerski did a Facebook Live event with MSP Capt. Kyle Bowman. The pair discussed safety issues relating to both bicyclists and motorists encountering bicyclists. That video has nearly 8,000 views and helped promote Litznerski's ride.
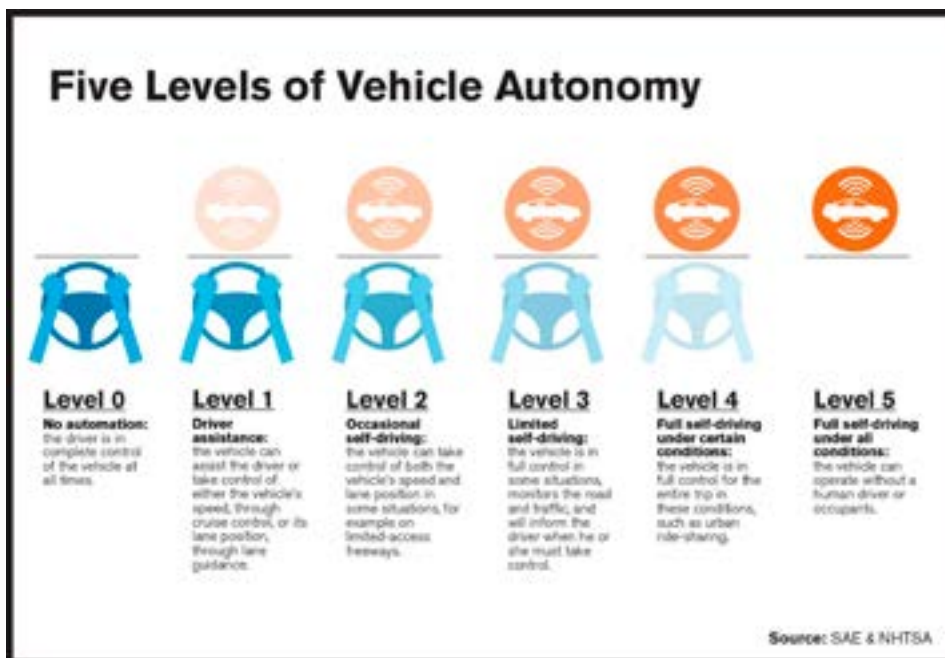
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Automated Continued from page 7 >

AUTOMATED VEHICLE DEFINITIONS:

SAE level	Name	Narrative Definition	Execution of Steering and Acceleration/ Deceleration	Monitoring of Driving Environment	Fallback Performance of Dynamic Driving Task	System Capability (Driving Modes)
Human driver monitors the driving environment						
0	No Automation	the full-time performance by the human driver of all aspects of the dynamic driving task, even when enhanced by warning or intervention systems	Human driver	Human driver	Human driver	n/a
1	Driver Assistance	the driving mode-specific execution by a driver assistance system of either steering or acceleration/deceleration using information about the driving environment and with the expectation that the human driver perform all remaining aspects of the dynamic driving task	Human driver and system	Human driver	Human driver	Some driving modes
2	Partial Automation	the driving mode-specific execution by one or more driver assistance systems of both steering and acceleration/deceleration using information about the driving environment and with the expectation that the human driver perform all remaining aspects of the dynamic driving task	System	Human driver	Human driver	Some driving modes
Automated driving system ("system") monitors the driving environment						
3	Conditional Automation	the driving mode-specific performance by an automated driving system of all aspects of the dynamic driving task with the expectation that the human driver will respond appropriately to a request to intervene	System	System	Human driver	Some driving modes
4	High Automation	the driving mode-specific performance by an automated driving system of all aspects of the dynamic driving task, even if a human driver does not respond appropriately to a request to intervene	System	System	System	Some driving modes
5	Full Automation	the full-time performance by an automated driving system of all aspects of the dynamic driving task under all roadway and environmental conditions that can be managed by a human driver	System	System	System	All driving modes

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LEVELS OF AUTONOMY:

Five Levels of Vehicle Autonomy

Level 0
No automation: the driver is in complete control of the vehicle at all times.

Level 1
Driver assistance: the vehicle can assist the driver or take control of either the vehicle's speed, through cruise control, or its lane position, through lane guidance.

Level 2
Occasional self-driving: the vehicle can take control of both the vehicle's speed and lane position in some situations, for example on limited-access freeways.

Level 3
Limited self-driving: the vehicle is in full control in some situations, monitors the road and traffic, and will inform the driver when he or she must take control.

Level 4
Full self-driving under certain conditions: the vehicle is in full control for the entire trip in these conditions, such as urban ride-sharing.

Level 5
Full self-driving under all conditions: the vehicle can operate without a human driver or occupants.

Source: SAE & NHTSA

PARTNER PROFILE
Ford Driving Skills for Life

For the last 15 years, the Ford Driving Skills for Life (DSFL) program has been teaching newly licensed teens the skills they need to be safe behind the wheel. Since 2011, they've worked with the OHSP's *Strive for a Safer Drive* (S4SD) program. DSFL and S4SD offer students across Michigan an opportunity to develop a safety awareness campaign. At the end of the campaign, students can attend a Ride & Drive event, where DSFL brings in professional drivers to work with the students in four key areas: hazard recognition, vehicle handling, speed management, and space management. These areas are critical factors in 60 percent of vehicle crashes. DSFL also works with teens in the areas of distracted and impaired driving.

Vehicle crashes are the leading cause of death for teenagers in America. According to the NHTSA, nearly 3,000 teens die annually in crashes. The DSFL program operates internationally, and the program is free.

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