



September 2016

Michigan.gov/ohsp

Kid's identification sticker for car seats updated

When first responders arrive at the scene of a traffic crash, it's important to have quick, accurate information about the vehicle occupants. That's why the Office of Highway Safety Planning (OHSP) recently updated its kid's identification sticker for car seats.

For more than 20 years, the sticker has been an easy and effective way to provide crucial details during an emergency. When affixed to a car seat, it gives immediate access to vital facts about a child passenger if injured caregivers or an injured child are unable to do so.

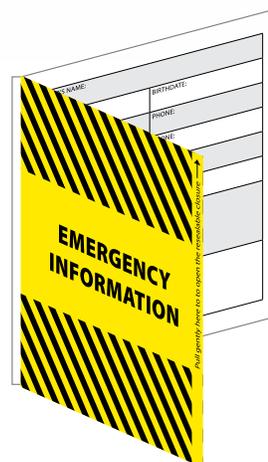
The updated sticker includes spaces for the child's name, as well as larger fields for medical information and allergies. There is additional room to list parents or guardians, the child's physician, and the name and phone number of an emergency contact. The new sticker comes with a flap that

offers privacy and protects the information from fading.

"This sticker is a great item in any child safety advocate's toolkit," said Michael L. Prince, OHSP director. "Michigan has a network of more than 1,000 Child Passenger Safety (CPS) technicians who regularly meet with parents and caregivers to educate them about proper car seat use."

The updated sticker was unveiled during CPS Week, a national initiative that raises awareness about car seat use and encourages caregivers to have their children's car seats inspected by a certified CPS technician.

Children must be properly buckled in a car seat or booster seat until they are 8 years old or 4 feet 9 inches tall. Children younger than age 4 must ride in a car seat in the back seat if a vehicle has a back seat. Babies and toddlers should ride rear-facing



until at least age 2 or the upper weight or height limit of the seat.

To order the kid's identification stickers, go to Michigan.gov/carseats. The website also includes links to child safety seat inspection stations and a series of educational videos on using car seats properly.

S4SD seeks high school applications



Vehicle crashes are the leading cause of death for teens. *Strive for a Safer Drive* (S4SD) is a great opportunity for school leaders to teach teens about safe driving through peer-to-peer teaching. Anyone at the school can oversee the program but it is most often led by groups such as Students Against Destructive Decisions, Student Leadership Services, National Honor Society, Student Council, Student Senate, Link Crew, and others such as English teachers, counselors, school liaison officers, and driver education, audio visual, leadership development, and health education instructors.

All Michigan high schools are eligible to participate and receive \$1,000 to create a traffic safety campaign. Schools showcase their campaign in a PowerPoint or video and cash prizes will be awarded to the top schools. Participating schools have the opportunity to attend the Ford Ride and Drive Event in the spring.

For more information, visit the S4SD website at www.michigan.gov/S4SD or contact OHSP's Linda Fech at 517-284-3063 or fechl@michigan.gov. Applications are due by November 18.

SAFETY Network

Drive Sober or Get Pulled Over campaign supports driving safety



Capt. Gene Kapp, MSP Third District Headquarters, discusses stepped up enforcement at a recent news conference in Saginaw.

Law enforcement officers from police departments, sheriff's offices, and the Michigan State Police (MSP) are hoping the designated driver gets your vote throughout this election season. They recently stepped up drunk driving patrols across the state as part of the *Drive Sober or Get Pulled Over* campaign from August 18-September 5.

because drivers made the wrong choice to drive drunk. The law enforcement officers that participated in this campaign are dedicated to changing that."

To highlight the dangers of drunk driving, law enforcement officials shared safety messages during news events in Clinton Township, Kentwood, and Saginaw.

"When it comes to traffic safety there is no debate, the designated driver always wins, yet Michigan alcohol- and/or drug-involved fatalities were up 20 percent in 2015," said Michael L. Prince, OHSP director. "Hundreds of families are suffering tragic consequences

New roll call video on older driver safety is available



A new video is available on the Safe Drivers Smart Options website to help law enforcement professionals identify potential cognitive impairment problems among older drivers.

The video also explores potential actions if the individual's driving ability is compromised.

A link to the roll call video can be found at michigan.gov/agingdriver. The video is the first item on the list under the law enforcement dropdown in the professional's corner.

The professional's corner includes additional reference materials to help law enforcement officers learn more about older driver safety.

Mercer receives Swanson Public Service Award



Betty Mercer was nominated by, from left, Michael L. Prince, director, Michigan OHSP; Troy E. Costales, governor's representative and administrator, Oregon Transportation Safety Division; and Jana R. Simpler, director, Delaware Office of Highway Safety.

Betty J. Mercer, former director of the OHSP, received the Kathryn J.R. Swanson Public Service Award August 30 at the Governors Highway Safety Association (GHSA) annual meeting in Seattle.

The award honors an individual who has made notable improvements in the management or implementation of a highway safety program or policy, or provided outstanding service to the GHSA, federal safety agencies or other national highway safety organizations.

Throughout her career, Mercer has made significant contributions to improving highway safety in Michigan and nationwide. She is an expert on highway safety office administration, a mentor to both GHSA members and staff, and an invaluable resource to GHSA and to state highway safety offices across the country.

Mercer helped create the Michigan Coalition to Reduce Underage Drinking, the Michigan Traffic Safety Summit, the

primary safety belt coalition, the repeat offender task force, the state safety management system, and the Traffic Records Coordinating Committee. She has served as the program organizer for the National Strategic Highway Safety Plan Peer Exchange and worked on a variety of demonstration projects for the National Highway Traffic Safety Administration (NHTSA).

Mercer is a former vice chair at the GHSA, former chair, and current member of the Transportation Research Board Occupant Protection Committee, and serves as a member of the University of Michigan Traffic Research Institute External Advisory Board.

SAFETY Network

Birchfield v. North Dakota and what it means for Michigan

By Kinga Gorzelewski and Kenneth Stecker

On June 23, 2016, the United States Supreme Court in *Birchfield v. North Dakota* cleared up what penalties can be imposed on impaired driving suspects who refuse evidentiary breath and blood tests. A five-justice majority struck down implied consent laws that criminalize refusals of blood tests in drunk driving arrests.¹

At this time, it doesn't appear that this ruling will have an impact on Michigan's implied consent law, which carries only administrative sanctions for breath or blood refusals.

The *Birchfield* Court stated the following, "Our prior opinions have referred approvingly to the general concept of implied consent laws that impose civil penalties and evidentiary consequences to motorists who refuse to comply. Petitioners do not question the constitutionality of those laws, and nothing we say here should be read to cast doubt on them. It is another matter, however, for a State not only to insist upon an intrusive blood test, but also to impose criminal penalties on the refusal to submit to that test."²

The Court consolidated three cases in this opinion—*Birchfield v. North Dakota*, *Bernard v. Minnesota*, and *Beylund v. Levi*. The implied consent laws at issue in both North Dakota and Minnesota make it a misdemeanor to refuse an evidentiary breath or blood test. All three defendants were arrested on drunk driving charges. They each challenged the constitutionality of their state's implied consent laws, alleging Fourth Amendment violations since no warrants were acquired in any of the three cases.

In *Birchfield*, the state trooper who arrested defendant advised him of his obligation under North Dakota law to undergo a blood test and that a refusal could lead to criminal punishment. Defendant refused a blood draw and was charged with a misdemeanor under North Dakota's refusal statute.

Similarly in the second case, an officer read Minnesota's implied consent law to defendant Bernard. Like North Dakota's statute, it informs motorists that it is a crime to refuse to submit to a breath alcohol test. Bernard refused to take the breath test and was subsequently charged with a misdemeanor under the refusal statute.

Unlike in the first two cases, the third defendant Beylund actually agreed to a blood draw after an officer read him North Dakota's implied consent law. He later argued that his consent to the blood draw was coerced by the officer's warning that refusing the test would be a crime in itself.

At issue for the Court to decide was the constitutionality of criminalizing chemical test refusals. In determining whether the search incident to arrest doctrine applies to evidentiary breath and blood tests, the Court examined the extent to which the law infringes on an individual's privacy rights versus the extent to which it is needed to promote a legitimate government interest.

As to the first prong, the Court ruled that breath tests do not implicate significant privacy concerns because there is minimal physical intrusion, humans do not have a possessory interest in the air in their lungs, and the tests are only capable of revealing one bit of information—the amount of alcohol in the subject's breath. The Court concluded that breath tests were no more intrusive than swabbing the inside of a suspect's cheek for a DNA sample or scraping underneath a suspect's fingernails to find evidence of a crime, both procedures having been upheld as constitutional warrantless searches.

However, the Court reached a different conclusion with respect to blood tests. Because blood tests implicate significant privacy concerns (significant physical

intrusion, preservation of a sample, etc.), the Court held that their reasonableness as a search incident to arrest must be judged "in light of the availability of the less invasive alternative of a breath test."³ The Court found that there was no satisfactory justification in the cases before it that would justify the officers demanding a warrantless blood draw versus the less-invasive breath test.

In conclusion, the Court held that evidentiary breath tests will continue to fall under the search incident to arrest exception to the warrant requirement, officers need not acquire a search warrant before requesting a breath sample from a drunk driving suspect, and refusals can continue to be criminalized. On the other hand, the Court ruled that warrantless blood draws are in violation of the Fourth Amendment's prohibition against unreasonable searches and therefore a person cannot be charged with a crime for refusing an illegal search in a drunk driving investigation.

It's also important to note that even though the Court approved of implied consent laws that only impose administrative sanctions such as Michigan's, the Court did strongly emphasize a preference for blood draw warrants, absent situations that involve consent and the exigent circumstances exception to the search warrant requirement.

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.



¹ *Birchfield v. North Dakota*, 2016 WL 3434398, ___ S.Ct. ___ (2016)

² *Id.* at 36.

³ *Id.* at 25.



SAFETY Network

GHSA report spotlights dangers of drowsy driving



In today's fast-paced society, Americans are sacrificing sleep, which too often leads to tragic consequences on our roadways. A new report from the GHSA points out that nearly 83.6 million sleep-deprived Americans are driving every day.

Researchers for *Wake Up Call! Understanding Drowsy Driving and What States Can Do* said an estimated 5,000 lives were lost nationwide in drowsy-driving related crashes last year.

The extreme danger posed by tired drivers has prompted the NHTSA to expand its definition of impaired driving to include not only drunk, drugged and distracted, but also drowsy. The NHTSA estimates the annual societal cost of fatigue-related fatal and injury crashes is a staggering \$109 billion, not including property damage.

The GHSA report examines the cause and effect of drowsy driving as well as how states and others can best address it. Additionally, it discusses legislative, enforcement, education, and engineering countermeasures being employed as well as in-vehicle technologies that are available today or on the horizon.

The study also explores the crash characteristics and drivers who are most at risk. Teens and young adults are involved in more than half of all drowsy driving crashes annually. People who work nights or long or irregular shifts are also more likely to get behind the wheel when they are too tired to drive, along with the estimated 40 million Americans who suffer from a sleep disorder.

Riley joins OHSP staff



Jessica Riley recently joined the OHSP staff as the traffic records program coordinator. She will be responsible for implementing the traffic records section of the Highway Safety Plan and overseeing grant development and program coordination with state and local traffic records partners.

Before coming to the OHSP, Jessica worked at the Michigan Department of Treasury as a tobacco field enforcement agent. She also was a data warehouse coordinator and financial business analyst for the Michigan Automated Child Welfare System at the Michigan Department of Health and Human Services.

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Jessica earned a bachelor's degree in family studies from Western Michigan University.

What's Ahead

OCTOBER

- 5 **Traffic Incident Management Action Team meeting.** MSP 7th District Headquarters, 931 S. Otsego Avenue, Gaylord, 9:30 a.m.
- 11 **Occupant Protection Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 10 a.m.
- 19 **Impaired Driving Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 10 a.m.

- 21 **Traffic Records and Information Systems meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1:30 p.m.
- 25 **Distracted Driving Action Team meeting.** MSP Headquarters, 7150 Harris Drive, Dimondale, 1 p.m.

NOVEMBER

- 2 **Michigan Truck Safety Commission.** Michigan Center for Truck Safety, 1131 Centennial Way, Lansing, 9 a.m.

- 10 **Senior Mobility and Safety Action Team.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 1:30 p.m.
- 15 **Pedestrian and Bicycle Safety Action Team meeting.** Horatio S. Earle Learning Center, 7575 Crowner Drive, Dimondale, 9 a.m.

SAFETY Network

Enforcement, emergency, first responders remind drivers to move over

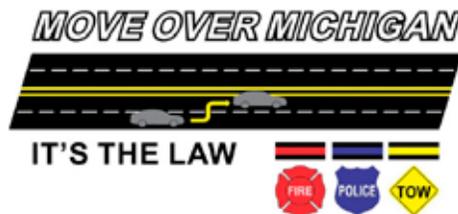
Law enforcement officials, fire and ambulance representatives, and tow and recovery operators are speaking with one voice to remind Michigan drivers to move over and slow down for emergency vehicles.

They are unanimous in agreement that too many drivers are putting emergency responders at risk by failing to obey the state's Emergency Vehicle Caution Law, more commonly known as the move over law. The law requires motorists to move over for stationary emergency vehicles with their lights activated or slow down and pass with caution if it is not possible to safely change lanes.

"I believe we can call this an epidemic," said F/Lt. Ken Dilg, MSP Metro North Post commander. "Near misses are an everyday occurrence. We routinely have to replace vehicles that are struck and destroyed. Worst of all, we have all lost people who

were simply doing their job. It must stop now."

Among those calling for strict adherence to the law are: AAA Michigan, Michigan Association of Ambulance Services, Michigan Association of Chiefs of Police, Michigan Association of Fire Chiefs, Michigan Department of Transportation, OHSP, Michigan Sheriffs' Association,



MSP, Move Over Michigan, Inc., Michigan Towing Association, and the Southeastern Michigan Association of Fire Chiefs.

"Emergency responders are there when and where motorists need help with their vehicle or medical attention," said Wixom

Fire Chief Jeff Roberts. "We are asking drivers to always exercise care and caution when driving past an incident."

The MSP remains committed to strict enforcement of this law statewide. A motorist found responsible for violating the move over law is guilty of a misdemeanor and is subject to four points on their driver's license. Enhanced penalties are assessed of up to 15 years in prison and/or a \$7,500 fine if the violation causes injury or death to a police officer, firefighter or other emergency response personnel.

The law applies to the following emergency vehicles: ambulance, fire, police, rescue, road service, and wrecker.

A 2014 Michigan statewide phone survey commissioned by the OHSP found nearly 80 percent of motorists know of the move over law and know that it applies to police vehicles, fire trucks, and ambulances. Only 60 percent know the law also applies to tow trucks.

Traffic fatalities up sharply nationwide in 2015

The nation lost 35,092 people in traffic crashes in 2015, ending a five-decade trend of declining fatalities with a 7.2 percent increase in deaths from 2014. The final data released recently by the NHTSA showed traffic deaths rising across nearly every segment of the population. The last single-year increase of this magnitude was in 1966, when fatalities rose 8.1 percent from the previous year.

Ten years ago, the number of traffic deaths was nearly 25 percent higher, with 42,708 fatalities reported nationwide in 2005. Since then, safety programs have helped lower the number of deaths by increasing seat belt use and reducing impaired driving. Vehicle improvements, including air bags and electronic stability

control, have also contributed to reducing traffic fatalities. After a decade-long downward trend, traffic deaths in 2015 increased by nearly one-third compared to 2014.

In response, federal officials are issuing an unprecedented call to action to involve a wide range of stakeholders in helping determine the causes of the increase. The NHTSA will share its Fatality Analysis Reporting System (FARS) with safety partners, state and local officials, technologists, data scientists, and policy experts. And private sector partners using new data collection technologies will be offering access to unprecedented amounts of data and new visualizations tools.

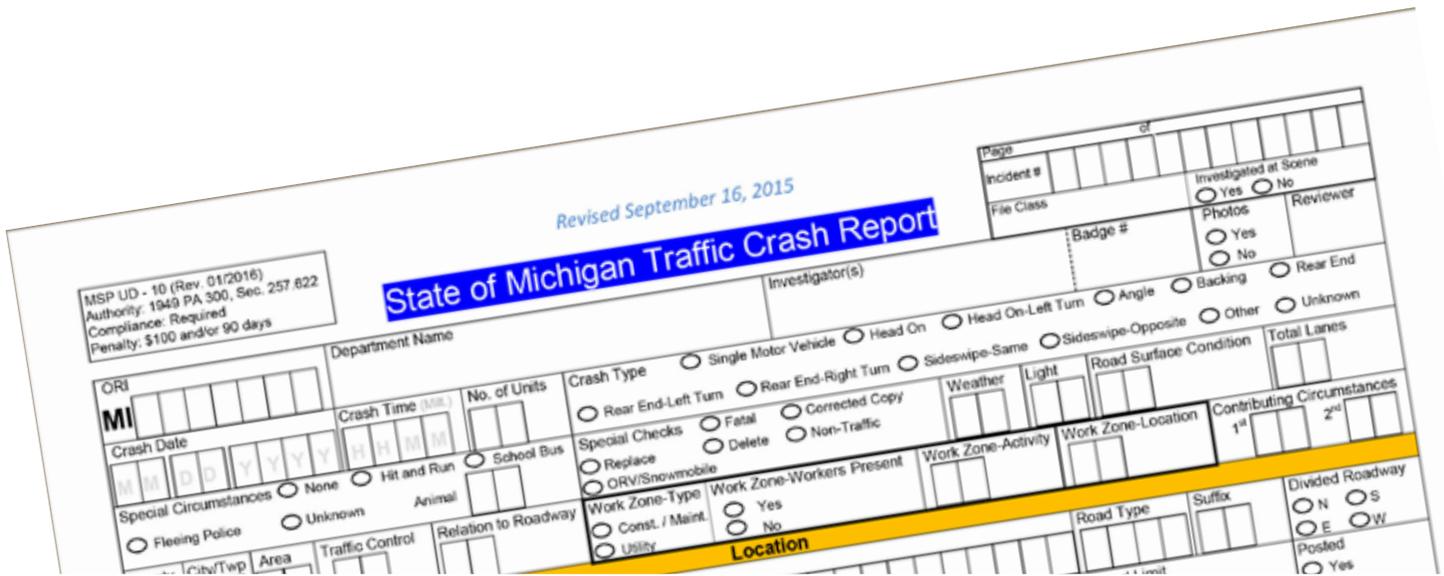
According to the NHTSA, job growth and low fuel prices were two factors

that led to increased driving, including increased leisure driving and driving by young people. More driving can contribute to higher fatality rates. In 2015, vehicle miles traveled increased 3.5 percent over 2014, the largest increase in nearly 25 years.

Pedestrian and pedalcyclist fatalities increased to a level not seen in 20 years. Motorcyclist deaths increased over 8 percent. The NHTSA also noted human factors continued to contribute to the majority of crashes. Almost half of passenger vehicle occupants killed were not wearing seat belts. Research shows almost one in three fatalities involved drunk drivers or speeding. One in 10 fatalities involved distraction.



SAFETY Network



Updates from the Traffic Crash Reporting Unit

By Sgt. Scott Carlson

CONVERSION TO THE 2016 UD-10 FORMAT:

The go-live date for the changes to the UD-10 was Jan. 1, 2016. Of the six electronic vendors only one is fully deployed to the field, two have deployed to some of their agencies, and three have yet to deploy. With that being said, none of the vendors have completed their recertification with the Traffic Crash Reporting Unit (TCRU). The TCRU is working closely with these vendors to ensure a quality product is delivered to the law enforcement agencies.

FARS GUIDE:

A FARS guide was created in 2010 to assist law enforcement officers with alcohol and drug reporting on fatal crashes. That guide is now outdated and does not reflect the revisions made to the UD-10 in 2016. An updated guide has been developed and will be sent to each agency once completed. This is an important area and significant changes have been made that affect how alcohol- and drug-involved crashes are posted to driving records.

UD-10 TRAFFIC CRASH ADVISORIES:

The UD-10 Traffic Crash Advisories have returned and now provide updates on the revisions made to the 2016 UD-10. Because of this form change, please disregard all previous advisories as they may no longer apply. The first edition of the new advisories was published in August 2016 and can be found under the heading "UD-10 Advisories" at www.michigan.gov/crash.

TRAFFIC CRASH REPORTING SYSTEM WEB REDESIGN:

The TCRU recently kicked off a workgroup to gather requirements for a redesign of our website. This new website will allow for a more user-friendly approach to search our live database for current, up-to-date crash data, and UD-10 reports. This workgroup consists of law enforcement and traffic safety professionals from around Michigan at the local, county, and state levels.

CRASH LOCATION IMPROVEMENT PROJECT (CLIP):

The TCRU is nearing completion of the CLIP. This interface with the electronic

UD-10 applications will allow law enforcement officers to simply place a push pin on a map to record the location of the traffic crash, in lieu of entering a street, distance, direction, and intersecting street on the UD-10. A pilot project is scheduled for the Lansing area this fall.

TRAINING:

Looking for on-site training for your department or agency? Contact Sgt. Scott Carlson with the TCRU to schedule a free UD-10 update class to learn the most common mistakes made on the UD-10 and how to improve your reporting accuracy.

CONTACT INFORMATION

For information on the Traffic Crash Advisories email the TCRU at CrashTCRS@michigan.gov or call 517-241-1699.

For training inquiries or information pertaining to the CLIP or the website redesign, contact Sgt. Scott Carlson at CarlsonS1@michigan.gov or call 517-745-8794.

For specific reports or live data requests, contact our crash analyst, Amanda Heinze, at HeinzeA@michigan.gov or call 517-284-3044.



SAFETY Network

GTSAC seeks nominations for outstanding traffic safety achievements

Each year the Governor’s Traffic Safety Advisory Commission (GTSAC) honors individuals, organizations, and programs by presenting awards for outstanding contributions to traffic safety in Michigan. This is a chance to honor the best of the state’s traffic safety community: people of all ages who are motivated to seek changes and improvements and who work effectively as an individual or as part of a team.

OUTSTANDING TRAFFIC SAFETY ACHIEVEMENT AWARD

Award winners will be individuals or organizations whose contributions during 2014-2016 are judged to stand above others in the state. Nominations must include a well-defined problem and present clear and measurable results.

STUDENT AWARD

This is the first year for the Student Award. The GTSAC will recognize a high school or college student engaged in a traffic safety program.

RICHARD H. AUSTIN LONG-TERM TRAFFIC SAFETY ACHIEVEMENT AWARD

Award winners will be individuals or organizations judged to best represent “the spirit of traffic safety” through a sustained, long-term contribution (10 years or longer) and commitment to traffic safety in Michigan.

INDIVIDUALS, COALITIONS, ASSOCIATIONS, ORGANIZATIONS, AGENCIES

Multiple programs or a single, long-term traffic safety effort are eligible. GTSAC member agencies are not eligible.

The GTSAC will present the awards at a luncheon March 22, 2017, during the Michigan Traffic Safety Summit at the Kellogg Center in East Lansing.

Award nominations must be received by November 4. An electronic version of the nomination form is available at Michigan.gov/gtsac.



Strive 2 Arrive Alive Conference

The Strive 2 Arrive Alive Teen Driver Safety Conference is a youth-led event for high school students across the state. The group’s sixth annual gathering is October 26 at the Celebration Cinema North in Grand Rapids.

There will be simulators for students to test out and heartfelt speakers sharing their experiences about distracted driving. Informational vendors will be on hand and there will be prizes.

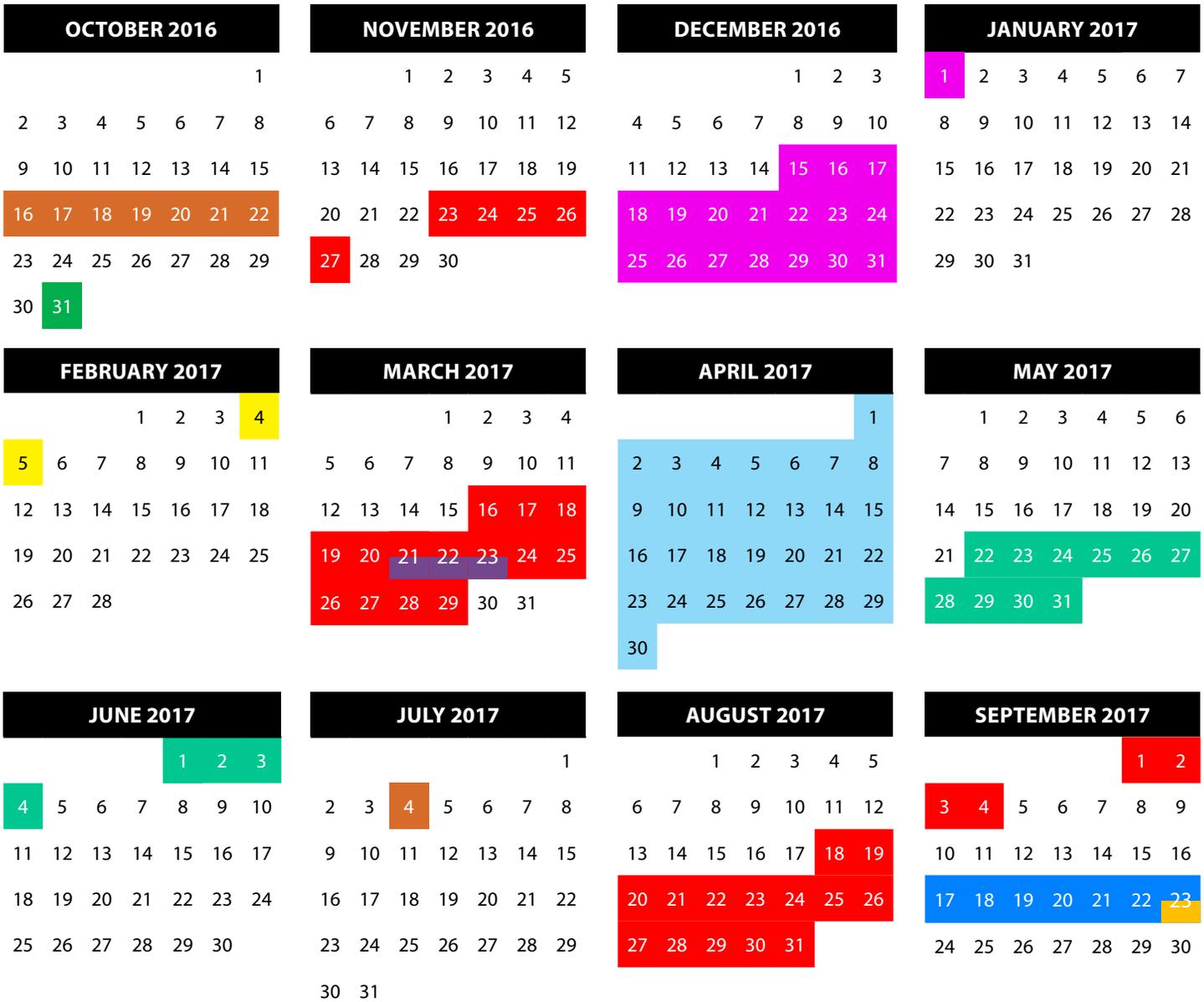
The goal is to educate teens about the dangers of distracted driving and help



reduce fatalities and injuries related to car crashes.

For any schools interested in participating, registration forms and other information are available at <http://www.ioniacountyac.org/strive-2-arrive-alive-conference>.

Michigan Office of Highway Safety Planning FY2017 Traffic Safety Campaigns



Date	Event
Oct. 16-22	Teen Driver Safety Week social media effort
Oct. 31	Halloween enforcement social media effort
Nov.-Feb.	<i>Drive Slow on Ice and Snow</i> advertising campaign
Nov. 23-27	Operation C.A.R.E.
Dec. 15-Jan. 1	<i>Drive Sober or Get Pulled Over</i> enforcement, social media effort
Feb. 4-5	Super Bowl social media effort
Mar. 16-29	<i>Drive Sober or Get Pulled Over</i> crack-down

Date	Event
March 21-23	Michigan Traffic Safety Summit
April	Distracted Driving Awareness Month enforcement
May 22-June 4	<i>Click It or Ticket</i> mobilization
July 4	Fourth of July Social media effort
Aug. 18-Sept. 3	<i>Drive Sober or Get Pulled Over</i> crackdown
Sept. 17-23	Child Passenger Safety Week
Sept. 23	National Seat Check Saturday

SAFETY Network



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