



Quick Notes

From the Idaho Office of Highway Safety

June 15, 2016

Idaho Transportation Department - PO Box 7129 – Boise, ID 83707-1129 -- P: (208) 334-8100 F: (208) 334-4430 -- www.itd.idaho.gov/ohs

Fatalities for 2016 as of 6/27/16 = 108
(Initial number, may change due to unforeseen tragedies.)

School is out, the days are longer, and temperatures are on the rise; which means one thing: summer has officially arrived. Summertime means more drivers are hitting the road for vacation, or a visit to grandma's house. The period between Memorial Day and Labor Day is the most dangerous time of year on Idaho's roads, and across the nation. That is why we are focusing on 100 to 0 this year, to promote the 100 days to reach our ultimate vision of Toward Zero Deaths. Unfortunately, we have already seen more than 30 fatalities since Memorial Day.

A new media campaign, in partnership with KBOI Channel 2, was just released last week. The message is promoting safe driving by making smart choices to save lives. This has been one of the most popular videos we have ever posted to our Facebook page. Currently, we have 8.7K view and 153 shares. This message is critical for everyone to hear, because the reality is choices people make behind the wheel have consequences. [Here is a link to the video](#): Please take the time to watch this, and share it with everyone you know.

During these 100 days between Memorial Day and Labor Day, the Office of Highway Safety has five mobilizations for law enforcement to participate in. We are currently in our second mobilization, which runs through July 6th. Here are the dates of the rest of the mobilizations:

July 8-18
August 12-22
August 26-Sept 5

It is important to get the message out of slowing down, paying attention, wearing your seat belt, not driving impaired or drowsy, and leaving plenty of distance between you and the car in front of you. The other day I found a slogan that is simple yet powerful, "Leave sooner, driver slower, live longer!"

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Office of Highway Safety Recognizes Ada County Sheriff's Office Senior Deputy

Jim Long was recognized by the Idaho Transportation Department's Office of Highway Safety on Thursday during ITD's board meeting in Boise. Jim was presented with a plaque highlighting his work with the statewide elmpact accident reporting program as well as his ongoing commitment to highway safety initiatives and efforts in the **"Toward Zero Death"** campaign. Jim has worked extensively with ITD in these areas and has been invaluable with the ongoing development, testing and teaching of elmpact. His efforts have reached far beyond Ada County. Sheriff Bartlett, Major Freeman, Lieutenant Schneider and Sergeant Rowe were all on hand for the presentation. Excellent work, Jim!



Pictured R-L: Major Freeman, Sheriff Bartlett, Sr. Deputy James Long, Lt. Schneider and Sgt. Rowe.

CDC's 2015 Youth Risk Behavior Survey results were recently released. The survey results include national and state level information about contributing factors for unintentional injuries such as distracted driving, impaired driving, and failure to wear a seat belt and bicycle helmet.

This data can augment your problem identification and strategy selection efforts for safety planning.

You can learn more about the survey and the results at: <http://www.cdc.gov/healthyyouth/data/yrbs/>

This link will take you to the section on unintentional injuries:

<https://nccd.cdc.gov/youthonline/App/QuestionsOrLocations.aspx?CategoryId=C01>



Dear Prosecutors, Law Enforcement and Traffic Safety Partners,

June 27, 2016 - *A message from Idaho Traffic Safety Resource Prosecutor, Jared Olson.*

Last Thursday, the U.S. Supreme Court handed down a written decision in *Birchfield v. North Dakota*. The underlying issue was whether States could criminalize refusal of evidentiary testing in impaired driving cases. The Court specifically focused on breath testing and blood draws. The U.S. Supreme Court held the following:

First, the Fourth Amendment permits warrantless breath tests under the "search incident to arrest" doctrine.

However, the search incident to arrest doctrine does NOT justify the warrantless taking of a blood sample. Law enforcement must seek a search warrant for a blood test unless another exception, such as consent or exigent circumstances, applies. The Court explained that breath tests are "significantly less intrusive" than blood tests, are not a human possessory interest nor does breath have any human emotional attachment, and breath does not "implicate significant privacy concerns."

Second, because the search incident to arrest doctrine does not apply to blood draws, a state cannot criminalize a refusal to submit to a blood test. However, because the search incident to arrest does apply to breath tests, a state may criminalize a refusal to submit to a breath test. In Idaho, we do not have such criminal sanctions, but we do impose civil fines and administrative license suspensions and we are allowed to comment on a person's refusal to submit to testing in a criminal trial – this has not changed.

Finally, there is nothing in the Court's decision that would invalidate Idaho's implied consent statute. Implied consent laws that impose civil or administrative penalties for refusing to submit to a breath or blood test (urine is mentioned in Footnote 1) remain valid. The Court said the following:

"It is well established that a search is reasonable when the subject consents, and that sometimes consent to a search need not be express but may be fairly inferred from context. Our prior opinions have referred approvingly to the general concept of implied-consent laws that impose civil penalties and evidentiary consequences on 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." (Citations omitted -- See pg. 36 of the opinion)

Extra Comments by Idaho's TSRP:

There are a couple of comments I would make based on this decision.

First, the only immediate potential impact of some significance to Idaho case law I could think of is in relation to unconscious drivers. Currently, Idaho case law holds that an Idaho driver has given their initial consent to evidentiary testing but that this "implied consent" is revocable. Therefore, an unconscious driver has given their initial consent and the cases appear to say that a warrantless blood draw would remain valid under the consent exception. In today's decision, the U.S. Supreme Court briefly mentions the unconscious driver. The Court said they have no reason to believe the situations are common, and when it arises, the police may apply for a warrant if need be. Although dicta, I would recommend applying for a warrant, unless exigent circumstances apply, and NOT rely on the implied consent statute when taking blood from an unconscious driver.

Second, the U.S. Supreme Court recognized an advantage to a blood test is its ability to detect not just alcohol but also other impairing substances. However, the Court would not extend the search incident to arrest doctrine based on this. The Court said, "Nothing prevents the police from seeking a warrant for a blood test when there is

sufficient time to do so in the particular circumstances or from relying on the exigent circumstances exception to the warrant requirement when there is not."

Finally, I think it worth mentioning that today's decision is not insignificant. Although it does not appear to have a major impact on current Idaho law and procedures, it is the first time the U.S. Supreme Court has ruled that (1) the legislature can make it a crime to refuse a breath test; and (2) breath testing is not based solely upon consent, but is a search incident to arrest. It should underscore that the administrative required procedures, such as reading the advisory form, are strictly for the civil cases and have no bearing on the admissibility of the breath test in criminal cases.

The full opinion can be read at the following link:

http://www.supremecourt.gov/opinions/15pdf/14-1468_8n59.pdf

If you have any questions or comments, please do not hesitate contacting me.

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Stronger economy can be bad news for highway safety

Insurance Institute for Highway Safety Highway Loss Data Institute
Status Report, Vol. 50, No. 10 | December 10, 2015

Recent headlines imply that the years of declining traffic fatalities may be over for now. The National Highway Traffic Safety Administration has estimated that crash deaths increased 8 percent during the first six months of 2015. That would put the U.S. on pace for the highest toll since 2008.

Historical crash data point to the economic recovery as one likely cause of the increase in deaths.

For the complete article click <http://ht.ly/Cfv2300Av4s>

Children under 13

Alexander "Sandy" Sinclair, Program Manager, U.S. Dept. of Transportation/NHTSA

NHTSA has strongly recommended for years and continues to recommend that **all children under age 13 should ride in the back seat**. This is due to the fact that frontal crashes are by far the most common type of crash, and because deploying front passenger airbags can injure or kill children, even with the advent of depowered and advanced airbags, which can detect when a child passenger is riding up front.

This is a longstanding recommendation supported throughout the traffic safety community and was first developed following the tragic series of incidents in the 1990s in which child passengers seated in front were killed or injured by first-generation airbags, which deployed with devastating force. Following those tragedies, with a great sense of urgency, a host of actions were taken across society and in the auto industry, and most children now *do* ride in the back seat, although with older children, this remains a problem.

Children's Hospital of Philadelphia "CHOP" has done the seminal research in this area, which also found, by the way, that sitting in back does not provide additional protection for children over age 13 compared to riding up front since kids aged 13 and over are, by and large, tall enough to use the adult seat belts properly, and are more anatomically and behaviorally developed.

The NHTSA car seat recommendations page that has been discussed below focuses on how to choose the appropriate restraint device based on a child's age and size rather than where a child should ride in the vehicle, although that is also vital information to convey to the public.

The back seat recommendation is included in all or nearly all of our public education and advocacy materials on child passenger safety and is hardly an afterthought. As one example, given that this is a problem that primarily affects children who have outgrown their car seats (typically at around age 4), the following is included in our 2016 Child Passenger Safety Week materials that we provide for use (at www.trafficsafetymarketing.gov) by national, state and local organizations and safety advocates:

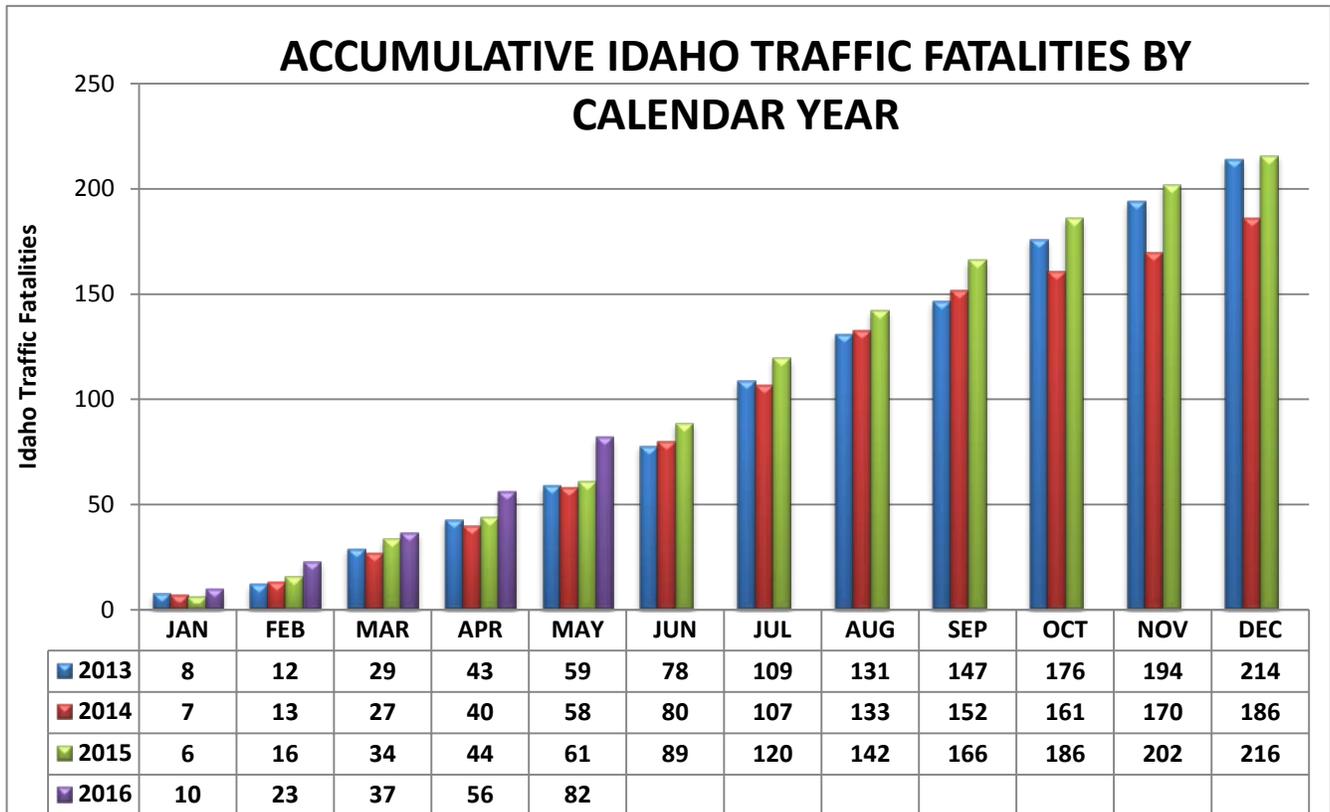
"TWEENS

- Far too many "tween" passengers ride completely unbuckled, exposing them to great risk.
- From 2010 to 2014, among kids 8 to 14 riding in passenger cars, vans and SUVs who died in crashes were unbuckled at the time of the fatal crashes (42% of 8-year-olds, 34% of 9-year-olds, 49% of 10-year-olds, 43% of 11-year-olds, 48% of 12-year-olds, 54% of 13-year-olds and 58% of 14-year-olds.
- From 2010 to 2014, there were 398 children killed while riding in the front seats. All children under 13 should always ride in the back seats."

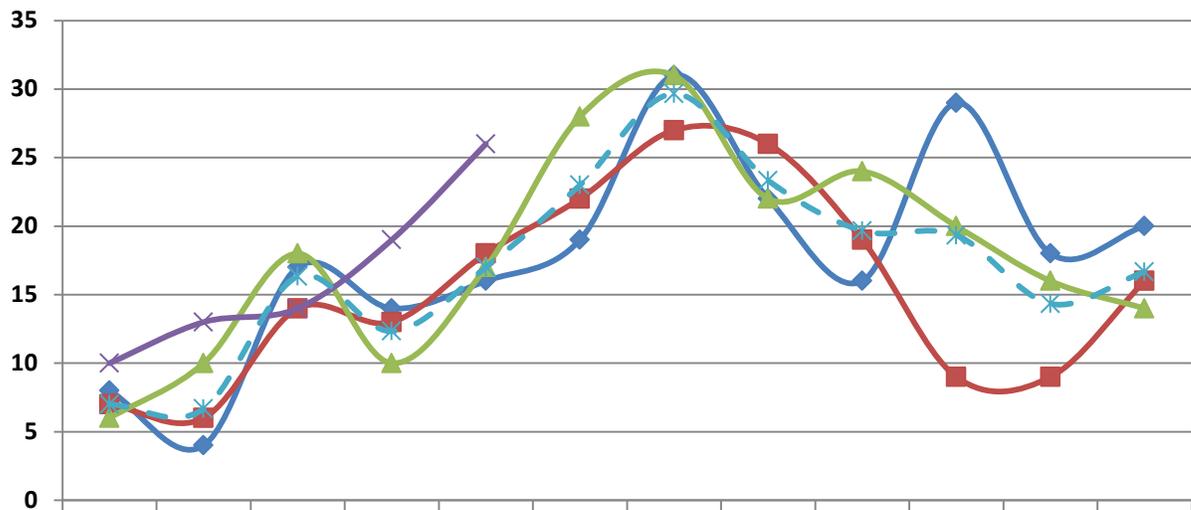
The tweens public service advertising (PSA) campaign that was launched in conjunction with the Ad Council in 2015 can be viewed at [http://www.trafficsafetymarketing.gov/CAMPAIGNS/Teen+Safety/Seat+Belt+Safety+-+Tweens+\(ages+8-14\)](http://www.trafficsafetymarketing.gov/CAMPAIGNS/Teen+Safety/Seat+Belt+Safety+-+Tweens+(ages+8-14)) The resources there (PSAs of all sorts) may be useful tools to share with local schools.

IDAHO TRANSPORTATION DEPARTMENT OFFICE OF HIGHWAY SAFETY
Fatalities By the Month* April 2016

MONTH						CUMULATIVE TOTALS			
	Actual	Actual	Actual	13,14,15	Actual	Cumulative (,13,14,15)			
	2013	2014	2015	AVERAGE	2016	2013	2014	2015	2016
JAN	8	7	6	7	10	8	7	6	10
FEB	4	6	10	7	13	12	13	16	23
MAR	17	14	18	16	14	29	27	34	37
APR	14	13	10	12	19	43	40	44	56
MAY	16	18	17	17	26	59	58	61	82
JUN	19	22	28	23		78	80	89	
JUL	31	27	31	30		109	107	120	
AUG	22	26	22	23		131	133	142	
SEP	16	19	24	20		147	152	166	
OCT	29	9	20	19		176	161	186	
NOV	18	9	16	14		194	170	202	
DEC	20	16	14	17		214	186	216	
YEAR TO DATE	214	186	216	205	82				



IDAHO MONTHLY TRAFFIC FATALITIES



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2013	8	4	17	14	16	19	31	22	16	29	18	20
2014	7	6	14	13	18	22	27	26	19	9	9	16
2015	6	10	18	10	17	28	31	22	24	20	16	14
2016	10	13	14	19	26							
13,14,15	7	7	16	12	17	23	30	23	20	19	14	17

FATAL ROAD CRASHES INVOLVING MARIJUANA DOUBLE AFTER STATE LEGALIZES DRUG

AAA research delivers a case study of what other states could experience



BOISE – (May 10, 2016) – A new study by the AAA Foundation for Traffic Safety shows crashes involving drivers who recently used marijuana doubled in Washington after that state legalized the drug in 2012. The new research also raises the troubling specter that setting legal limits for marijuana and driving is an arbitrary practice, unsupported by science, making enforcement a tougher challenge.

AAA Foundation research that examined drug tests and fatal crashes among drivers in Washington following that state’s December 2012 legalization of marijuana found:

- The percentage of drivers involved in fatal crashes who had recently used marijuana more than doubled from eight to 17 percent between 2013 and 2014.
- One in six drivers involved in fatal crashes in 2014—using the most recent data available—had recently used marijuana.

“The significant increase in fatal crashes involving marijuana is alarming,” said Peter Kissinger, President and CEO of the AAA Foundation for Traffic Safety. Kissinger said Washington serves as an eye-opening case study for other states, including at least 20 which are considering marijuana legalization this year.

States looking for ways to enforce drug-impaired driving are leaning towards the creation of legal, or ‘per se’ limits, which specify the maximum amount of active THC that drivers can have in their system based on a blood test. But setting limits for

THC—the main chemical component in marijuana that can impair driver performance and affect the mind—is not supported by science.

The relationship of specific amounts of alcohol in the blood (BAC) has proven to be an effective and reliable method for enforcing alcohol impairment. But researchers who examined the lab results of drivers arrested for impaired driving concluded that legal limits for marijuana and driving are problematic because:

- ***There is no science showing that drivers reliably become impaired at a specific level of marijuana in the blood.*** Depending on the individual, drivers with relatively high levels of marijuana in their system might not be impaired, while others with low levels may be unsafe behind the wheel. With alcohol, there is clear relationship that crash risk increases significantly at higher BAC levels.
- ***High THC levels may drop below legal thresholds before a test is administered to a suspected impaired driver.*** The average time to collect blood from a suspected driver is often more than two hours because taking a blood sample typically requires a warrant and transport to a facility. Active THC levels may decline significantly, dropping below legal limits during that time.
- ***Marijuana can affect people differently, making it challenging to develop consistent and fair guidelines.*** For example, frequent users of marijuana can exhibit persistent levels of the drug long after use, while drug levels can decline more rapidly among occasional users.

“It is understandable that lawmakers and the public want to set legal limits for marijuana impairment, just as we do with alcohol,” said Dave Carlson, public affairs director for AAA Idaho. “But in the case of marijuana, that approach is flawed and not supported by scientific research. It’s simply not possible today to determine whether a driver is impaired based solely on the amount of the drug in their body.”

What can states do, going forward?

AAA urges states to use more comprehensive enforcement measures to improve road safety. Rather than relying on arbitrary legal limits, states should use a two-component system that requires (1) a positive test for recent marijuana use, and most importantly, (2) evidence of behavioral and physiological impairment.

This two-part system would rely heavily on two current law-enforcement training programs: Advanced Roadside Impaired Driving Enforcement (ARIDE) and the 50-state Drug Evaluation and Classification (DEC) program. These programs teach enforcement officers to recognize drug-impaired driving.

“Marijuana can affect driver safety by impairing vehicle control and judgment,” says Marshall Doney, AAA’s President and CEO. “States need consistent, strong and fair enforcement measures to ensure that the increased use of marijuana does not impact road safety.”

Whether the use of marijuana is legal or not, all motorists should avoid driving while impaired. Just because a drug is legal does not mean it is safety to use while operating a motor vehicle. “Drivers who get behind the wheel while impaired put themselves and others on the road at risk,” said Dave Carlson from AAA Idaho.

Editors: see [Edited B-roll Video](#) footage. Or check out the high resolution images, a U.S. map of marijuana laws, broadcast quality video and fact sheets in more detail at the NewsRoom.AAA.com.

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AAA Idaho is affiliated with AAA Oregon/Idaho, providing more than 774,000 members with travel, insurance, financial and automotive related services. AAA serves 56 million member motorists in North America.

2016 CALENDAR OF EVENTS

To add an event to the calendar, contact lisa.losness@itd.idaho.gov

Date	Event Description, Location
June 24 – July 6	Impaired Driving Traffic Enforcement Mobilization
July 8-18	100 To Zero Traffic Enforcement Mobilization
Aug 12-22	100 To Zero Traffic Enforcement Mobilization
Aug 26 – Sept 5	Impaired Driving Traffic Enforcement Mobilization
Sept 18-24	Child Passenger Safety Week
April 18-19, 2017	Idaho Highway Safety Summit, Boise ID



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Quick Reference Guide – click on the topic to go directly to website.

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[NHTSA](#), National Highway Traffic Safety Administration

[FHWA](#), Federal Highway Administration