



The Red Light Alert

Pilot Program and New Tagline Headline May Enforcement

Special Events of Interest

- May 19–June 1: *Click It or Ticket* Mobilization.
- June 16: Cops in Court, Midland.
- June 17–19: Protecting Lives, Saving Futures, Augusta.
- June 27–July 13: *You Drink, You Drive, You Lose* Mobilization.
- August 14–15: Advanced OUIL Prosecution, Grand Rapids.

A new *Click it or Ticket* tagline and high-visibility enforcement pilot program take center stage during the two-week national safety belt mobilization May 19-June 1.

The tagline, *Buckle Up or Pay Up*, has been teamed with *Click it or Ticket* to better focus awareness on enforcement efforts. In addition, more than 500 police agencies across Michigan are making safety belt enforcement high during the blitz and 37 departments are piloting “safety belt enforcement zones” in several areas of the state.

The goal is to achieve what has been eluding the state since the belt law changed in 2000 – real gains in safety belt use rates. Michigan has yet to sustain or build on its all time high of 83.5%. In 2002, 82.9% was achieved.

In 2001, 1,328 people died on Michigan roadways, and nearly 50% of them were unrestrained. The most effective way to save lives on our roads is to increase safety belt use.

A series of six media events throughout the state kick off Monday, May 19 to announce the safety belt campaign.

They are being hosted in the Upper Peninsula, Metro Detroit, Bay City, Grand Rapids area and Lansing. A media event in Traverse City is being hosted on May 27.

Overtime funding will be provided for intense, highly visible enforcement of the state’s safety

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NTLC Develops New Publications

The National Traffic Law Center with NDAA-APRI has developed two very useful publications for prosecutors.

“Crash Reconstruction Basics for Prosecutors” has a wealth of information written in a non-sense fashion by John

Kwasnoski, Professor Emeritus of Forensic Physics at Western New England College.

The second publication is "Admissibility of Horizontal Gaze Nystagmus Evidence." In this issue Dr. Marceline Burns, Dr. Karl Citek and Miami prosecutor Steve Talpins

were a few of the outstanding contributors to the guide that addresses technical issues along with how to jump the foundational hurdles of admissibility.

All elected prosecutor were sent copies of both guides. If you

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CASE LAW ALERT!!

Blood Taken by Search Warrant Doesn't Have to Be Drawn Under a Doctor's Direction.

The defendant was arrested for OUIL and refused a chemical test. A search warrant was obtained, and the blood was withdrawn by a phlebotomist at a hospital. The defendant was convicted of OUIL 3rd offense, and on appeal claimed that the phlebotomist was not acting under the delegation of a physician as required by MCL 257.625a(6)(c).

Judges Markey, Smolenski and Meter affirmed. They held that when a blood sample is taken pursuant to a search warrant, the implied consent statute doesn't apply. Accordingly, it doesn't matter whether the sample was taken under the delegation of a physician as required by MCL 257.625a(6)(c). They further held that the phlebotomist, in performing his assigned duties at the hospital, was delegated to take a blood sample without specific direction from a physician.

On another issue, they held that using a 1993 impaired driving conviction to enhance the defendant's current conviction was not an ex post facto law violation. *People v Callon*, CA No. 234421, April 15, 2003

Buckle Up or Pay Up

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belt law to the Drive Michigan Safely Task Force, which represents 19 counties and approximately 75% of the state's population. All Michigan law enforcement agencies will have the opportunity to win equipment or overtime funds for being a part of the safety belt enforcement mobilization.

Radio, television, and cable advertising promoting the campaign hits the airwaves May 12. The University of Michigan Transportation Institute is conducting statewide pre and post safety belt use observation surveys to capture the effects of the two-week

campaign. Phone surveys are also being used to gauge public awareness of the campaign message and enforcement presence.

To find out more information about the *Click It or Ticket* mobilization, please visit the OHSP website at www.michigan.gov/msp (click on Services to Governmental Agencies and then Office of Highway Safety Planning).

Note: You can also go to www.paamtrafficsafety.com home page and click on the *Click It or Ticket* logo which will take you to the OHSP site.

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have not received a copy, or you would like additional copies, you can go to the NDAA-APRI web site at www.ndaa-apri.org/apri/programs/traffic/ntlc_home.html where you will find the publications in an Adobe format and can then be downloaded. (Note: They are also at www.paamtrafficsafety.com and will be provided at various courses put on by the Traffic Safety Training Program.)

For more information about these or future guides, contact John Bobo, Director, National Traffic Law Center, APRI, 99 Canal Center Plaza, Suite 510, Alexandria, VA 22314, (703)519-1640, john.bobo@ndaa-apri.org