

## **NOTICE OF PROPOSED GUIDANCE DOCUMENT**

### **Night Time Occupant Protection DSP109**

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Night Time Occupant Protection DSP109, a proposed guidance document.

### **PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION**

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DSP109>

2. Mailing written comments to:

Division of State Patrol  
Wisconsin Department of Transportation  
9<sup>th</sup> Floor South  
4822 Madison Yards Way  
Madison, WI 53705-9100

### **WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT**

The final version of this guidance document will be posted at [wisconsin.dot.gov](http://wisconsin.dot.gov) to allow for ongoing comment.

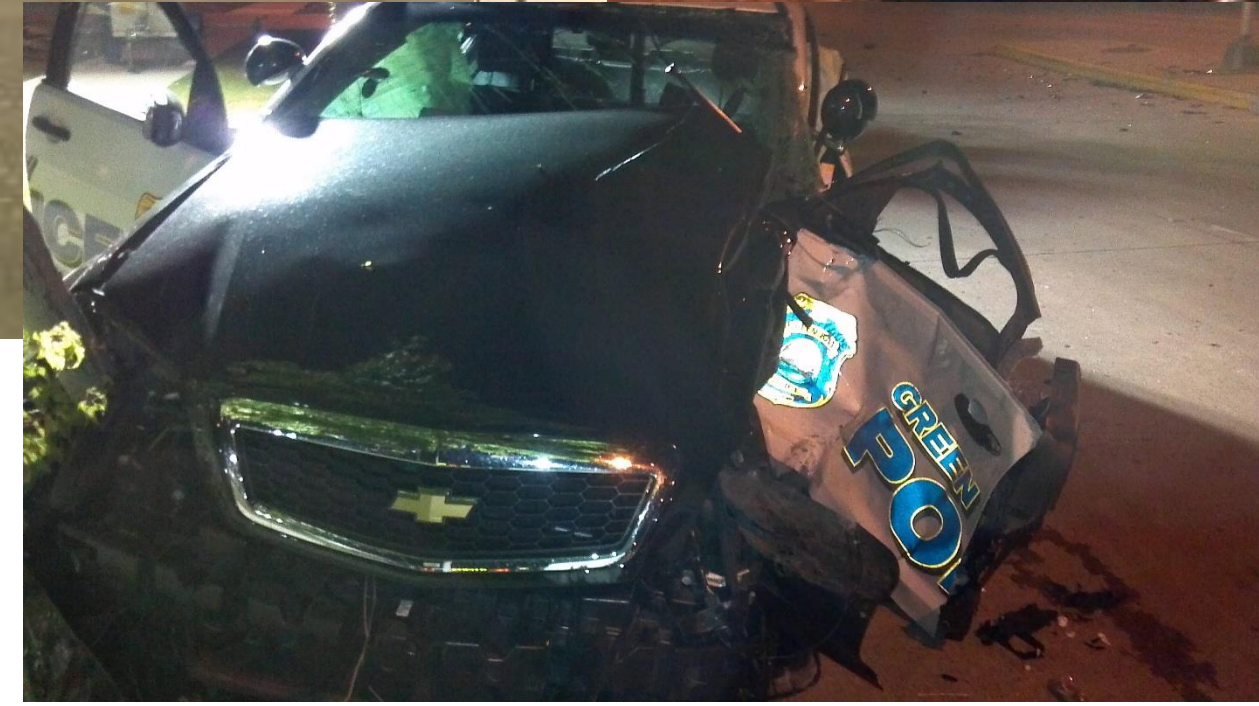
### **AGENCY CONTACT**

[DOTDSPGuidanceDocs@DOT.WI.GOV](mailto:DOTDSPGuidanceDocs@DOT.WI.GOV)

# Night time Occupant Protection

Lt. Karl Ackermann  
Green Bay Police Dept.





# Why Conduct OP at Night?

- ▶ Accidents which necessitated response from GBPD Accident Reconstruction Unit, 01/01/12 to 07/25/17

	Total Injuries	Total Fatal	Day time Injurys	Day time Fatals
2012	3	3	0	0
2013	3	1	0	0
2014		3	2	1
2015	1	7	0	3
2016	0	2	0	0
2017	1	1	0	0
<b>Totals</b>	<b>8</b>	<b>17</b>	<b>2</b>	<b>4</b>



# This is Why....

69% of fatalities happened between 6pm and 6am. (Night time)

31% of fatalities happened between 6am and 6pm. (Day time)

75% of serious injury accidents occurred between 6pm and 6am (Night time)

25% of serious injury accidents occurred between 6am and 6pm (Day time)



# Some quick local facts....

- ▶ COGB Seatbelt citations so far in 2017 = 351
- ▶ Brown Co CIOT Task Force citations in 2017 = 598
- ▶ Brown Co CIOT Task Force citations in 2017 at night = 226
- ▶ 34% of our deployments were night time hours.
- ▶ 38% of our FFS citations were during night time hours.



# 347.48(2m)

- ▶ Wisconsin's seatbelt law requires mandatory use of seatbelts.
- ▶ Wisconsin's seatbelt law is a primary enforcement law, meaning you may be stopped for this reason alone.
- ▶ Statistical data is showing that the violation is occurring at similar or slightly higher rate than day time hours, yet our fatality accident rate is running almost 2:1 and serious injury rate is 3:1 when compared to time of day.



# Why is there a difference in PI & F Crashes?

**Source = 2017 OWI TF Grant #3660**

Speed citations	OWI Citations	OAR citations
268	278	260





**In order to get these drivers off of the road we use the pretext of stopping for FFS in order to assess the potential of OWI.**

Grant #3660	
OWI Citations	OAR citations
278	260



# Pretextual Traffic Stops

- ▶ A **pretextual traffic stop** involves a police officer stopping a driver for a **traffic** violation, minor or otherwise, to allow the officer to then investigate a separate and unrelated, suspected criminal offense.



# Pretextual Traffic Stops

- ▶ In *Whren v United States* (1996), the Supreme Court unanimously held that ***where police have probable cause to stop traffic offenders, a pretextual motive cannot invalidate the stop.***
- ▶ \*\* We are not talking about pretextual stops based on race, gender, sexual orientation or any protected classification under federal or state law. \*\*



## Officer on the Corner (Based on Washington State SB enforcement project)

\*Sting is set up at or just prior to traffic lights to take advantage of the natural ebb and flow of traffic caused by the operating signals. (This is not a road block or a Check point)

\*Officer (Spotter) is placed on street corner or median to make observations on equipment condition of vehicle and any driver/passenger violations such as Seatbelts, Open intoxicants, Texting while driving etc. The officer is in full uniform with Safety vest.

\*Chase squads are set up on all 3 legs (streets) leading away from the intersection and approximately ½ block away.

\*Spotter officer communicates with Chase officers via radio providing vehicle identifying information and the violation.

\*Chase officers make stop based on observations of spotting officer.





**53 Stops** (22 based on intersection observations)

**60 Traffic Citations**

**32 Traffic Warnings**

**12 OAR/OAS Citations**

**8 OWI Citations** (6 from this project)

**2 Open Intoxicant Citations**

**13 Officers involved**



# OWI Task Force Tries New Approach: Standing at a Street Corner

Officers are crediting, in part, a brand new approach to tackling drunk driving.

Eight people were arrested for OWI Friday night in Green Bay. It's the largest number of arrests from the OWI Task Force since April.

For two hours Friday night, a uniformed State Patrol Trooper watched traffic leave downtown at the intersection of Broadway and Walnut Streets.

The trooper was looking for simple violations like no seatbelts, broken tail lights or expired tags. He found them.

"It's something we're definitely going to continue in the future," Mike Panosh said, the regional program director for the Wisconsin State Patrol.

Upon seeing the violations, the trooper radioed another officer working the task force Friday night. Turns out, police say, some of the drivers were drunk.

"For people who don't like it, or don't think it's OK, I mean look at the kind of results we're getting off what is a pretty simple detail for us," Panosh said. In the two hours using this new approach, officers report stopping 22 vehicles from the intersection alone.

Overall in Friday's deployment across Green Bay, eight OWI's were issued along with 60 citations.

"As long as the officer is legally standing where he is at, any observation he makes of illegal activity pretty much are fair game for law enforcement," Lt. Karl Ackermann said with the Green Bay Police Department.

Ackermann says the street corner idea has been tested and proven to work in Washington state. It's one officers across Brown County say they'll use again.

"For people who think we're intruding on people's privacy, or making kind of Chicken Little-kind of stops, they're sorely mistaken," Panosh said. "We're taking people off the road that pose a significant threat to themselves and the public at large."



WBAY TV Sept 16, 2013

# 50%

- ▶ 3 of the 6 drivers stopped in this 2.5 hour sting and subsequently arrested for OWI were not wearing their seat belts!
- ▶ The primary probable cause/reasonable suspicion used to stop the vehicle was a 347.48(2m)





**“It’s dark and I can’t see if they are wearing a seat belt.”**



# Use any legal reason you can find to stop a vehicle and make contact with the operator.

## ▶ Don't look only at moving violations.

- Chapter 341 – Registrations
- Chapter 347 – Vehicle Equipment
- Trans 305 – Vehicle Equipment
- Chapter 346 – Moving Violations
- Chapter 343 – Driver Licensing violations



# Great Advice



Kill one, terrify a thousand.

~ Sun Tzu

AZ QUOTES

# Perceived obligation to obey the law:

	Agree strongly	Agree	Disagree	Disagree strongly
People should obey the law even if it goes against what they think is right.	33	52	13	2
I always try to follow the law even if I think that it is wrong.	27	58	15	1
Disobeying the law is seldom justified.	25	57	16	2
It is difficult to break the law and keep one's self-respect.	22	49	25	3
A person who refuses to obey the law is a menace to society.	24	50	23	3
Obedience and respect for authority are the most important virtues children should learn.	31	51	15	3

## Why People Obey the Law

T O M R. T Y L E R

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# The Takeaway

- ▶ In most cases, Law Enforcement already has the opinion of 50% or better of the general public on our side.
- ▶ Our goal is voluntary compliance.
- ▶ HVE is our reminder to the community that we are seeking that compliance.
- ▶ HVE campaigns need to be accompanied with media to be effective.



# Gain That voluntary compliance by being visible!



Hence to fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance without fighting.

(Sun Tzu)

[izquotes.com](http://izquotes.com)

# Moving OWI Processing to a Public Space – An Example of HVE











# The Results

<u>Safety Belt</u>		<u>Child Restraint</u>		<u>Speed</u>		<u>OWI</u>		<u>OAR/OAS</u>		<u>Open Intox</u>		<u>Veh Reg</u>		<u>Veh Equip</u>		<u>All Other</u>			<u>Total Citations</u>	<u>Total Warnings</u>	<u>Total Stops Made</u>
C	W	C	W	C	W	C	W	C	W	C	W	C	W	C	W	C	W				
1				1	1	1		1							4	2	1	6	6	4	
					1							1				1	2	2	3	6	
								2				1		1				2	2	4	
				3		2		1								2		8	0	5	
								1										1	0	2	
						1		1								3	1	5	1	5	
				1		1		1										3	0	3	
												1	1			1		2	1	6	
1				1										3	3	2	5	5	12		
						1									1	2		3	1	5	
																	1	0	1	1	
				1				1				1		2				2	3	3	
					1	2		2						1	2			6	2	6	
						3		1		1						2	2	7	2	4	
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2	0	0	0	7	3	12	0	12	0	1	0	3	4	0	13	18	9	55	29	71	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	



- ▶ We repeated this project approximately 1 month later and arrested 16 drivers for OWI.
- ▶ Our deployments are 5 hours long.
- ▶ In 2016 the City of Green Bay had only 2 Fatality accidents due to the stepped up HVE in OWI enforcement.



# So Why Night time OP?

- ▶ Night time provides a higher prevalence of impaired driving, thus a higher rate of fatality and injury accidents.
- ▶ Night time OP when utilized along with OWI enforcement provides another legitimate reason to make contact with drivers and look for other violations.
- ▶ Even when other violations are not found, the HVE involved creates an environment where drivers start thinking about what they are doing and begin minimizing reasons for LE to stop them. (Think HVE)



# OP on its own will lead you to many other traffic and criminal violations...

YTD Totals *												
# Officers Deployed	Total Reimbursable Hours	Match Hours										
419	1627	0										
Citation (C) Written Warning (WW)	Safety Belts	Child Restraints	Speed	OWI	OAR / OAS	Open Intox	Vehicle Reg	Vehicle Equip	All Other	Total Citations Issued	Total Written Warnings Issued	Total Contacts
C (Reimbursable)	713	5	653	0	167	7	68	28	427	2068		
WW (Reimbursable)	53	9	502	0	4	1	157	213	265		1204	
C (Match)	0	0	0	0	0	0	0	0	0	0		
WW (Match)	0	0	0	0	0	0	0	0	0		0	
Contacts with no Action												0
Total Number of Contacts												2345



# How big is the problem of crash-related injuries and deaths to drivers and passengers?

- ▶ A total of 22,441 passenger vehicle occupants died in motor vehicle traffic crashes in 2015.
- ▶ More than half (range: 52%-59%) of teens (13-19 years) and adults aged 20-44 years who died in crashes in 2015 were unrestrained at the time of the crash.



# Injuries

- ▶ More than 2.5 million drivers and passengers were treated in emergency departments as the result of being injured in motor vehicle traffic crashes in 2015.
- ▶ Young adult drivers and passengers (18-24) have the highest crash-related non-fatal injury rates of all adults.





# Everybody speaks \$\$\$\$

- ▶ **Costs**
- ▶ Non-fatal crash injuries to drivers and passengers resulted in more than \$48 billion in lifetime medical and work loss costs in 2010.



# 0513 AM... *a short story*



Thank  
you

