



**Tennessee District Attorneys  
General Conference**

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**Tennessee Lifesavers**

The Governors Highway Safety Office will host the State Lifesavers Conference in Nashville August 26th. This one day conference will feature Jim Hall, former director of the National Transportation Safety Board as the keynote speaker. There will be nine breakout sessions. Each participant will be able to attend six of the sessions. To attend contact Rhonda Turner at the GHSO, 615-741-2589.

**TRAINING MOVES EAST  
SEMINARS PLANNED FOR  
Oak Ridge, Kingsport, Cleveland**

The DUI Training Division is coming your way if you are in the eastern section of the State. In conjunction with the Governors Highway Safety office we are moving east. The training year started in Memphis and has moved through Jackson, Nashville, Columbia and Cookeville. The next three months will feature seminars in Oak Ridge, Kingsport and Chattanooga. The seminars will include four days of Protecting Lives; Saving Futures classes which include Standardized Field Sobriety Test classes. The Protecting Lives sessions surround a 24 hour block for the SFST training. The four day class is followed by a one day "Cops in Court" training. Here's the schedule:

Oak Ridge, Protecting Lives: June 20-23 Cops in Court June 24.  
Location: Roane State Community College

Kingsport, Protecting Lives: July 18-21 Cops in Court July 22  
Northeast State Technical Community College

Cleveland, Protecting Lives August 15-18 Cops in Court August 19  
Location: Cleveland State Community College

To sign up for any one of these classes contact: Sherri Harper at 615-253-6733 or me, Tom Kimball at 615-253-6734.

If you are a prosecutor or judge that would like to help police officers learn about what happens in direct and cross examination by assisting in Mock Court at Cops in Court, please let us know at the above numbers.



Cops in Court students listen to instructor. Over 70 officers attended the Nashville session of Cops in Court. After a morning of lectures focused on credibility, knowledge and communication the officers testified and received critiques. This year 200 officers have been instructed in four one day classes in Memphis, Columbia, Jackson and Nashville.



**DUI NEWS**

**LIES, DANG LIES AND STATISTICS?**

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A lifelong baseball fan knows the value of statistics. He also knows how the statistics can cause a lack of appreciation for a player's effort. For instance, some hitters will hit the ball toward right field so the runner on base can advance. The hitter will be thrown out. Statistically he is batting .000 (0-1), but his effort in moving up the runner later results in the runner scoring to win the game. His effort does not look good on the stats page, but should be valued by the fan, the manager and the people that pay his salary.

Statistics can be misleading, but over the course of the 162 game baseball season, they give a decent overall picture of what has happened on the field. The best stat in baseball is the won-loss percentage. It determines which teams make the playoffs.

For prosecutors there is no won-loss percentage. A victory means justice has been served. The conviction of the innocent is no victory. Thus, justice is sometimes served by the dismissal of a case. Freeing the guilty is not a goal of prosecutors. Justice is best served when the guilty are convicted and the innocent are freed. It is with some reluctance that statistics are included in this issue. It is not hard for people with negative agendas to find a way to criticize through the use of statistics. However, it is a good thing to evaluate how things are going in our State. Statistics can give us a snapshot of our efforts. The stats included in this issue have been delivered by the Administrative Office of the Courts. They apply to DUI cases at the jury trial level, which includes Circuit and Criminal Courts. They do not include the General Sessions or Municipal Courts. I suspect a majority of DUI cases are resolved at the Sessions Court level. Page 11 of this issue includes statistics by Judicial District. These stats will compare fiscal year 2002-2003 with fiscal year 2003-2004 in eight categories.

	<u>2002-2003</u>	<u>2003-2004</u>
Cases Filed	9,072	11,685
Dispositions	8,410	11,315
Trial Acquittal	92	105
Trial Conviction	190	217
Dismissal/Nolle Prosequi	2,606	3,371
Guilty Plea As Charged	3,850	4,989
Guilty Plea-Lesser Charge	734	1,000
Other	476	604
Retired/Defendant Unapprehended	393	611

**Got a Vanity Plate?**

Maybe people should pay more attention to their choices when they order vanity plates. A Minnesota man is facing a DUI charge. His plate preference, "TIPSY".

**Texan Mistake**

The February 10th issue of the Houston Chronicle included the adamant denials of a widow. She claimed she was not involved in the alcohol poisoning death of her husband. He died from a sherry enema overdose. His blood alcohol level was 0.47. She is free on a \$30,000 bond.

**13th Offender**

Glenn Hansen was convicted in February of his 13th DUI and 6th Habitual Motor Offender. He is serving 5 years as a Range Three offender. Hansen blew a .18.

**Drug Recognition Experts**

The first Tennessee DRE class will complete the 10 day DRE training in Nashville May 4th. The new DRE's will then have a period of time to complete observations of drug impaired persons with instructors watching. By the end of the year DRE cases will be on the dockets in the Nashville area.

**RECENT DECISIONS FROM THE COURTS**



**State v Pinchak**, April 25, 2005

Chattanooga attorney Pinchak was given judicial diversion for a vehicular assault conviction. His violation of implied consent was dismissed sua sponte by Judge Rebecca Stern. The Judge ruled the implied consent charge could not be brought by indictment. The Court reversed and also determined there is no diversion for implied consent violations.

The defendant could not have received diversion for DUI per the statute. The DUI was a lesser included offense of vehicular assault. Only in Tennessee does an impaired driver benefit from causing injury to others while driving under the influence.

**State v Carroll**, 2005 Tenn. Crim. App. LEXIS 127

An ambulance was on the way to an accident with it's siren and lights activated. Defendant turned on right turn signal and began to pull over. As the ambulance passed, the defendant suddenly veered into it. The defendant had his two and four year old children in his car. Defendant refused a blood test. Medical records indicated he could not be fully assessed due to his intoxication. Upon conviction defendant received consecutive 11 month 29 day sentences.

**State v Lee**, 2005 Tenn. Crim. App. LEXIS 399

The defendant was driving down the middle of the road, swerving and crossing the double yellow line. Once stopped he could not walk a line or hold up his foot very well. He did recite his alphabet. His lab test indicated he had no alcohol in his system. He was under the influence of something. Kelly Hopkins, a TBI toxicologist testified about four drugs in his system including 22.4 nanograms of marijuana; methamphetamine, mirtazapine and amphetamine. The TBI analyst could not testify as to how long the drugs were in his system. The defendant was convicted and was ordered to serve 85 days of his 11/29 sentence.

**State v Yates**, 2005 Tenn. Crim. App. LEXIS 188

Defendant landed in a ditch and left his car to find warmth at a marina 150 yards up the road. Thirty minutes later, Sergeant Alford arrived and offered the defendant a ride back to his car. Defendant accepted. Trooper Butler pulled in and noticed an odor of alcohol. The defendant was unsteady on his feet and performed poorly on field sobriety tests. The defendant was not compelled to return to the scene and the denial of his motion to suppress was affirmed.

**State v Williams**, 2005 Tenn. Crim. App. LEXIS 325

Where defendant's vehicle was stopped on a street blocking a lane of travel and the engine was idling, the circumstances warranted a police encounter. Defendant was not entitled to suppress the evidence obtained from the stop in his DUI trial.

**TRIAL COURT DUI STATISTICS BY JUDICIAL DISTRICT**

Source: Administrative Office Of the Courts

Observations of one stat junkie..	DISTRICT #	FILINGS 2003-2004	DISPOSITIONS 03- 04	AC-QUITAL 03-04	Trial Conviction 2003-2004	DIS-MISSAL 2003-2004	Guilty as charged 2003-2004	Guilty Reduced 2003-2004	Other 2003-2004
Note #1	1	375 278	278 308	0 1	0 4	95 98	155 188	17 12	0 0
Those folks in the 25th District will go to trial. They had 33 trials in 2004.	2	175 201	179 182	0 0	8 4	18 32	88 85	0 3	63 56
	3	72 106	75 101	2 0	1 3	10 10	42 72	0 0	8 9
	4	163 277	126 157	0 2	4 1	39 34	58 108	19 6	1 3
	5	47 37	76 49	0 1	7 2	5 4	49 38	2 0	0 0
	6	839 902	693 838	0 0	6 19	181 272	277 211	4 25	277 304
<b>KNOX COUNTY</b>	7	98 100	101 84	0 2	1 0	53 39	22 18	21 25	3 0
Note #2	8	242 358	199 294	2 8	2 13	33 64	131 163	30 44	1 2
Knox County increased trials by 316%!	9	186 124	268 227	4 2	19 10	86 94	134 101	25 19	0 0
	10	159 199	187 181	5 2	1 4	23 21	81 103	24 13	44 35
	11	919 1024	797 947	2 5	9 6	106 108	672 801	2 19	6 7
	12	538 612	512 580	8 7	16 9	106 111	149 148	15 22	8 14
	13	805 825	778 769	16 4	13 22	336 337	376 354	32 42	0 1
<b>HAMILTON COUNTY</b>	14	88 47	95 83	0 0	0 0	47 41	43 31	3 7	2 2
Note #3	15	194 397	230 334	3 3	0 6	101 170	75 74	47 3	0 0
Hamilton County will convict as charged 85% of the time.	16	469 507	509 441	1 0	2 2	240 208	184 154	68 70	0 1
	17	79 68	80 63	2 0	5 7	23 18	45 36	2 2	1 0
	18	234 215	259 240	3 2	14 13	4 11	86 99	44 25	21 22
	19	239 357	182 335	1 5	4 4	102 194	41 69	28 57	1 0
	20	1197 1161	950 1102	3 4	5 16	404 482	311 391	207 187	1 0
	21	318 326	308 298	4 3	9 8	101 113	179 162	11 5	3 6
<b>DAVIDSON COUNTY</b>	22	481 462	417 487	9 25	14 16	134 139	178 218	71 71	5 6
The State capitol saw an increase in trials from 5 to 16 in one year.	23	182 203	220 168	6 3	6 3	69 52	95 94	10 3	0 4
	24	54 48	62 43	7 1	9 1	9 7	28 34	7 1	1 0
	25	259 229	303 219	11 10	17 23	73 28	159 118	7 2	30 26
	26	184 275	163 229	0 8	7 9	17 22	70 92	12 6	57 89
	27	12 34	9 33	0 2	0 1	6 15	3 14	0 0	0 1
	28	134 260	130 140	0 0	5 0	71 80	44 40	7 16	1 2
<b>SHELBY COUNTY</b>	29	34 35	25 29	0 1	0 0	9 6	15 22	1 0	0 0
First year of Shelby stats	30	1915	2293	4	4	897	930	250	12
	31	77 103	79 61	1 0	4 7	37 24	29 21	6 6	0 1

**MADD ANNOUNCES CHARLES A. HURLEY AS CHIEF EXECUTIVE OFFICER**

**Former National Safety Council Executive Brings More Than 30 Years of Experience in the War on Drunk Driving**



**DALLAS (February 22, 2005)** - Mothers Against Drunk Driving (MADD), the nation's premier anti-drunk driving organization, announces the appointment of Charles A. Hurley as its Chief Executive Officer (CEO) effective March 21. With more than 30 years of experience in highway safety, his career spans the public, private and nonprofit sectors.

"Chuck is a true visionary and instrumental leader in the traffic safety community. His appointment as MADD's CEO comes at a critical time in our history," said Cynthia S. Roark, MADD National Chairman of the Board. "Chuck's dedication, experience and leadership will help us refocus the nation's attention on the dangers of drunk driving and underage drinking."

Currently, Hurley is the vice president of the Transportation Safety Group for the National Safety Council. In that role, he leads the Council's efforts in highway safety, truck safety and other activities. He also serves as the executive director of the Council's highly acclaimed Air Bag and Seat Belt Safety Campaign. In 2004, Hurley received the prestigious J. Stannard Baker Award for Highway Safety from the International Association of Chiefs of Police for his lifetime commitment and outstanding contribution to highway safety.

"MADD has a tremendous opportunity to take the next step in saving lives and preventing injuries caused by drunk driving and underage drinking," said Hurley. "As the organization celebrates its 25th anniversary this year, it is important that we recognize the continued devastation that alcohol-impaired driving causes for families in this country and we make real strides toward improving the safety of our roads."

A longtime friend and supporter of MADD, Hurley has played an important role in the organization's history. He attended MADD's first national press conference in October 1980 in Washington, D.C., and helped MADD win support for the Presidential Commission on Drunk Driving. He also worked for and strongly supported MADD's efforts to pass the National 21 Minimum Drinking Age Act of 1984. From 1993 to 1998, Hurley served on the MADD National Board of Directors.

MADD's mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking. With approximately 600 affiliates and 2 million members and supporters nationwide, MADD is one of the nation's largest crime victim service organizations.

The organization will commemorate its 25th anniversary this year by celebrating the nearly 300,000 lives that have been saved because of its work in cooperation with other health and safety organizations.

**Recidivist Wall of Shame**

**BETRAYING TRUST**

A person's position in life does not shield him from committing the crime of DUI. Alcohol effects the brain. People that are responsible people almost every minute of every day can become the fool behind the wheel. This Wall of shame is dedicated to the proposition that all of us must diligently avoid consuming alcohol and driving a car. The following are some examples from reports around the nation of persons of responsibility that failed to use good judgment and landed in jail and on the front page of the local newspaper.

Police Chief Roger Ashley of Middleton, Virginia was held without bail after committing two DUI's the same day. His first arrest was in an unmarked police car. He was held several hours and was arrested in his personal vehicle five hours later.

Virginia State Trooper L.W. Hewitt was suspended after being discovered under the influence parked on the shoulder of a road by another trooper.

Massachusetts attorney Stephen Ranieri, of 33 Hamilton Circle, was suspended after the Board of Overseers of the Supreme Judicial Court discovered he had been convicted of operating under the influence of liquor, third offense.

A former Connecticut Prosecutor, who now represents defendants, Peter Soulsby, 50, of Marlborough was arrested after leaving a birthday party at the home of the Chief State's Attorney. He called his conduct a "stupid mistake".

Brian Dunn, 41, a Wilkes-Barre, PA area School Board member who injured a pedestrian last month was charged Friday with driving under the influence of alcohol.

James Forrester, principal of Newby Memorial Elementary School, was arrested after he became involved in a minor crash at High and Clay streets in Mooresville, Indiana.

Chicago police officer Jason Casper, 24, faces two counts of reckless homicide from impaired driving after causing a wreck that killed two high school students.

Former teacher of the year, Dawn Wheeler, of Spartanburg, South Carolina had a .22 blood alcohol level when she caused a head on crash on the Interstate.

Ravalli County, Montana District Judge Jeffrey Langton pled guilty to DUI per se and an open container violation.

The County Attorney (Prosecutor) in Russell County, Kentucky pled guilty to DUI. Howard K. Cooper was charged February 24th and pled March 3rd.

A city councilman who chairs a committee that oversees the police was charged early Tuesday with driving under the influence of alcohol, police said. Councilman Zachary Reed, 44, was stopped about 2 a.m. on a downtown street when his car was seen swerving, Police Commander Andy Gonzalez said. Reed failed sobriety tests and was found to have a blood-alcohol level above Ohio's legal limit, police said.

## LIFESAVERS 2005

The National Lifesavers Conference has come and gone and was a remarkable success. Over 1,900 people from all over the country were in attendance. Break out sessions were available for prosecutors, police officers, victim advocates and the data crowd. Here's my diary from Lifesavers 2005:

### March 12

An unexpected treat occurred when I went to my seat in the airplane. Next to me was non other than **Millie Webb**. The past national president of MADD recently spoke at one of our Protecting Lives; Saving Futures seminars. She shared with our Conference her experience when her children were killed and she was burned alive by an impaired driver. As we exchanged ideas during the flight she told of resistance she had faced over the years from various legislators, judges and prosecutors. I asked how she kept up the good fight. Her response...once your kids have been murdered and you've been burned alive there is not much a person can say to hurt me. It takes greater strength and courage for this woman to get dressed every day than it takes for most of us to face the arrows of dissent from defense lawyers, co-workers and sometimes judges as we persist in efforts to save lives through zealous, ethical prosecution.



Millie Webb at Protecting Lives seminar showing the picture of daughter Lori tragically killed and forever missed.

President and First Lady Joe Shirley Jr flank MADD president Wendy Hamilton.



Charlotte, North Carolina is a beautiful, clean, progressive city. Upon arrival I joined my friend, **Bill Eledge**, the DUI prosecutor in the 23<sup>rd</sup> Judicial District in a self conducted walking tour of downtown. We went by the Conference Center to register and pick up materials and on our way back to the hotel came across an early St. Patrick's day celebration. We explored our Irish roots at a genealogy booth and enjoyed the sunshine. Later we joined Traffic Safety Resource Prosecutors from various states and went out for a wonderful dinner. Getting together with like minded individuals from other states provides a host of new ideas. In our small group we freely swipe ideas from one another.

I was inspired by the early success of the new Traffic Safety Resource Prosecutor from Texas, Clay Abbott. His method for getting the message out is to sponsor regional one day meetings for prosecutors and police officers. He sends out a possible agenda to the agencies and let's them pick about four topics on which to concentrate. He then facilitates a group discussion to promote ideas that will improve the local system. You will hopefully see his idea implemented in Tennessee in the next fiscal year.

### March 13

The Conference began with a typical sort of Opening and Welcome. The main room was buzzing. This years attendance was a new record with over 1,900 people. This was my second Lifesavers. From the start I could see that it was organized and managed extremely well.

After the kick off and welcome from the North Carolina hosts there was a choice of ten break out sessions in a variety of tracks. An individual could attend sessions concerning data and research, child passenger safety, impaired driving, adult occupant protection, law enforcement or other highway safety.

(Continued)

Maryland passed the first graduated driver's license program in the United States in 1979, according to the National Highway Traffic Safety Administration. Most states adopted graduated licensing in the 1990s. By 2003, 47 jurisdictions had such programs.

"The riskiest time for teens is when they first start driving," said Sue Ferguson, the Institute's Senior Vice President for Research. "The key to effectiveness of graduated licensing is that it phases in a driver's license over time."

In Pennsylvania, 16-year-old drivers must apply for a learner's permit six months before they take their driving test. They also must complete 50 hours of supervised training and pass their test to receive a junior license. Young drivers must hold the junior license for a minimum of one year before applying for a full license.

Even then, applicants must have been crash- and conviction-free for a year and must have completed a driver's education course before they receive a full license, Haubert said.

The higher crash and fatality rates for teenagers in their first year behind the wheel have prompted highway safety advocates to fight for laws that prevent them from driving unsupervised, at least until they turn 17. Sixteen-year-olds are four times more likely than adult drivers to become involved in a crash and three times as likely to die in one, national statistics show.

Almost all states have some form of graduated licensing, although none go as far as the institute recommends. The institute says the minimum age for a license should be 16, and then parents must certify up to 50 hours of supervised driving. Under an intermediate stage, which would last until the driver is 18, teens could neither drive at night nor have more than one teenage passenger.

Pennsylvania law imposes an 11 p.m. to 5 a.m. curfew on 16-year-olds and forbids them from having more passengers than their car has seatbelts, PennDOT's Haubert said.

According to the insurance institute, California, Georgia, Massachusetts, New Jersey, Oregon, Tennessee and the District of Columbia have the strongest graduated licensing laws, while Arizona, Hawaii, Montana and Wyoming have the weakest. Montana's minimum licensing age is 15, the lowest in the country.

Among all drivers, the fatality rate is largely unchanged from 1993 to 2003. There were 73 fatal accidents per 100,000 drivers in 1993 and 74 per 100,000 in 2003.

Ferguson said that could change if more states pass laws restricting nighttime driving and driving with other teens in the car.

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The Associated Press contributed to this story.

This article first ran in the Allentown, Pennsylvania Morning Call on February, 25, 2005

## STUDY: NEW RULES TRIM AUTO DEATHS FOR 16-YEAR-OLDS

By John L. Micek  
McCall Harrisburg Bureau

**HARRISBURG** The death rate among 16-year-old drivers nationwide has dropped since states began adopting graduated licensing laws that require young motorists to get more experience behind the wheel, a new study has found.

The total number of 16-year-olds killed in traffic crashes fell by 13 percent between 1993 and 2003, despite an 18 percent increase in that segment of the population, according to the Insurance Institute for Highway Safety, an insurer-funded group. Sixteen-year-old drivers accounted for 1,084 fatalities in 1993 and 938 in 2003.

Pennsylvania, which adopted a graduated license law in 1999, saw an initial drop-off in fatalities, from 60 in 1999 to 25 in 2000. But the number of traffic deaths among the youngest drivers since has risen.

Fifty-one Keystone State 16-year-olds died in car crashes in 2003, the most recent year for which data was available. That's well above the 31 who perished in 2002 and the 33 who died in 2001, according to the state Department of Transportation.

PennDOT spokesman Anthony Haubert said the agency could not account for the uptick in fatalities in 2003, apart from the usual reasons cited in young driver deaths — overconfidence, immaturity and a lack of experience.

"Young drivers continue to be the highest-risk drivers," Haubert said.

Rebecca Shaver, executive director of the state branch of Mothers Against Drunk Driving, said 2003 was punctuated by crashes involving multiple fatalities, which could have driven up the deaths among younger drivers. But she could offer no concrete evidence of a link.

"I hope that this is not something that we notice year after year," Shaver said. "I would hate to think that it's complacency ... about DUI and providing alcohol to minors."

The Insurance Institute attributed the nationwide drop in deaths partly to the decrease in the number of 16-year-olds who are licensed to drive. Forty-two percent of 16-year-olds had licenses in 1993, compared to 31 percent in 2003.

That decline is at least partly due to graduated licenses, which not only put teen drivers through extra training but also restrict when and how teens can drive. Although the rules vary by state, graduated licensing programs extend the learner's period, the time that teenagers must drive with an adult in the car. Further, they limit driving under conditions linked to crashes.

I attended a session on the Criminal Justice System and Impaired Driving. This session concentrated on the promise of Treatment Courts. A few facts gathered:

- A recidivist who is jailed or imprisoned without treatment is not likely to change his ways. Sixty seven percent will have been arrested again within three years. Ninety five percent will relapse to substance abuse within three years.
- Treatment alone is a waste of time. Fifty to seventy five percent never show up for Court ordered treatment. Of those that show up, forty to eighty percent quit within three months. Ninety percent drop out within twelve months. The minimum effective duration for treatment is one year.

This begs the question of Tennessee law. Why do we have a 28 day treatment alternative for second offenders? Treatment by itself fails for a simple reason. It is easier to remain addicted than to change. DUI Treatment Courts have been much more successful than incarceration or treatment by themselves. Treatment Courts retain 67-71% of the members after a year. In Tennessee we have got to muster the courage to examine how we need to change our current DUI laws to promote DUI Treatment Courts. The crime of DUI must never go unpunished. Fear of arrest and conviction does have a great impact on repeat offenders. Once we get the offender off the street and convicted we need to try and fix the problem that creates mayhem on our roadways.

After the 1 ½ hour session we broke for lunch and a tour of the exhibit hall. Over one hundred vendors were present. There was everything from a 3-D ride in a vehicle with Electronic Stability Control to Helmets Are Us. Our friends with the S.C.R.A.M. device which continuously monitors a probationers sweat to determine alcohol consumption were there. Insurance companies and auto manufacturers were happy to show new developments in technology. NHTSA, the National Center for Disease Control and the National District Attorneys Association and American Prosecutors Research Institute has reams of information helpful to prosecution. I can't list them all, but attendance at the exhibit hall alone would have made the trip worthwhile.

My choice for a second breakout session was "Anatomy of a Vehicular Homicide". In this session crash reconstructionist **Lee Cohen** from Fort Lauderdale, Florida and Prosecutor **David Gilbert** of Miami took the audience through the court system from the time of the tragedy through trial. David Gilbert organizes his cases in a special way. He does not organize by case number or by the name of the killer. He organizes by the name of the victim. If you ask him about the Jones case that is set for next week, he won't know what your talking about unless Jones is the victims name. In a system that sometimes appears to revolve around the rights of the defendant, Gilbert makes you concentrate on the person injured or killed.

It's time for a confession now. I spent the week before Lifesavers at an intense training in Jackson, Tennessee. I returned to my family on Friday, March 11<sup>th</sup> at about 8:00 p.m. after having left the previous Sunday at 3:00. I flew to Charlotte the next day. I was pretty beat up on Sunday with no time to recover from a busy week. I skipped the third session when I should have attended Understanding NHTSA's Impaired Driving Data. Please don't tell my boss that I was napping.

### March 14

Refreshed and ready I loved hearing from **Wendy Hamilton** and **Joe Shirley Jr.**, the president of the Navaho Nation to begin Monday. Wendy has been the national president of MADD for the last three years. We will miss her when she leaves office this summer. She has been an innovative and courageous leader.

President Shirley was running for election when tragedy struck. His daughter and grandchild were murdered by an impaired driver. He nearly quit. His elders and medicine men convinced him it was time to wage war against the act of driving under the influence. He told us we must wage war against many enemies like hunger, thirst, poverty, greed, apathy and disease. Our enemies do not sleep, rest or give up. Neither must we. There are no impossibilities in this life. We are children of Holy Ones thus we are part holy ourselves. We can find courage to continue the battle because we have Holy ones as our parents.

Joe's final message:

**"Have hope in this world. A better day is coming."**

**LIFESAVERS continued**

I continue to find amazing motivation from the people most effected by the crime of DUI. I don't pretend to understand what Millie Webb, Wendy Hamilton and Joe Shirley Jr. have suffered. I marvel at the courage they display.

The first breakout of the day featured Traffic Safety Resource Prosecutor **Joel Hand** of Indiana. Joel would later be honored with a national award from Lifesavers for his efforts in Indiana. Joel began a Fatal Accident Crash Team (FACT) that pulls together multiple police agencies and the D.A.'s office to assure that every alcohol or drug related crash is investigated and prosecuted at the highest level possible. The multiple agencies supply off duty officers that respond to the crash. There are at least two reconstructionists, a DUI officer, and Drug Recognition officer and a detective from major crimes at every scene. The crash guys work the scene; the detective takes statements; the DUI officer performs the field sobriety tests and determines probable cause for alcohol if the defendant is impaired by alcohol and the drug recognition officer checks for drug impairment. Either the DUI or DRE officer make sure blood is drawn and transported to the lab for analysis. The D.A. assigned to the team responds to each scene to prepare search warrants and answer any legal questions and later he/she will prosecute the case. At the scene he/she stays out of the way and keeps his/her distance trusting the officers expertise unless needed.

The National Awards Banquet followed. It was a great day for Tennessee. Our State had three of the twenty honorees. Senator **Mike Williams** and Representative **John Hood** received an award for their efforts in the passage of the primary seat belt law. Safety belt use rates rose to 80% in the nation last year. Since the year 2000, over 2000 lives have been saved due to the increased use of safety belts. Since 2000, use has increased 9%. Every percent increase saves the United States economy about 800 million dollars. Twenty-one states now have primary seat belt laws. Since the passage of the law belt use has increased 3.5% in Tennessee to 72%. We still trail the nation, but we will get there. Arizona has a 95.3% use rate. The President's SAFTEA transportation bill includes 100 million dollars for states with a primary seat belt law.

Another Tennessee Award recipient was **John Maupin Jr.**, D.D.S., President of Meharry College. His award was for closing the gap in seat belt use to underserved populations.



From left, Senator Mike Williams, NHTSA Director Dr. Paul Runge and Representative John Hood



Dr. Runge presenting to Joel Hand, Indiana Traffic Safety Resource Prosecutor.

**LIFESAVERS continued**

The first break out session of the afternoon was a People's Court Mock DUI Trial. This presentation allowed people that had never seen a trial get a new understanding of how hard it can be to convict the guilty. A superb job was done by Kim Overton, the North Carolina Traffic Resource Prosecutor and Ike Avery, who is a NHTSA fellow for the Southeast Region. Ike got into the defense lawyer mode quickly and grated many nerves. Many victim advocates and data people got a nice snapshot of what prosecutors face every day.

My final session of the day focused on drug impaired driving. As I write, preparations are being finalized for a pilot project in Nashville to train twenty officers to become drug recognition experts. Hopefully, the coming year will see a long time dream come true in Tennessee and we will be better equipped to convict the drug impaired driver. Stay tuned for further developments.

Class was dismissed. I gathered our Tennessee prosecutors to join the Traffic Safety Prosecutors for an evening of fun. **Bill Eledge**, Lawrenceburg, **Bret Alexander**, Chattanooga, **Ricky Curtis**, Kingsport, **Michelle McFayden**, Cleveland and I joined the prosecutors from Mississippi, Texas, Michigan, New York, Virginia, Georgia and West Virginia for conversation and dinner. Our DUI prosecutors got to trade ideas with some of the best prosecutors in the nation. Such times are priceless.

**March 15**

This is it. Today the big bird takes us all home. But first, I began at a session titled, "A research based approach to reducing alcohol impaired driving." I know what you are thinking. No I did not snooze. This was another great program. It could have carried a sexier title. Checkpoints and Publicity might have done the job. Included in this session was a review of five states that saved lives through intensive checkpoint campaigns. Remember Checkpoint Tennessee? This program resulted in a 20% reduction in alcohol-related fatal crashes extending at least 21 months after the program ended. Research indicates that highly publicized checkpoints serve as a general deterrent to impaired driving. Some new ideas were exchanged for developing sobriety checkpoints with less manpower and costs. The bottom line? The combination of publicity and enforcement brings change.

They saved the best for last. I had no idea that a session concerning Strategic Enforcement States would be riveting. Our friends in Texas reduced alcohol related fatalities by 101 persons by using a combination of sustained enforcement, periodic enforcement crackdowns and paid media. Grants in 2003 resulted in 8,715 more DUI arrests. The core message of all media, don't drink and drive ever. Included was a billboard showing a blurred car noting the number one murder weapon in Texas, the impaired driver in a car. Texas has hired **Clay Abbott** as Traffic Safety Resource Prosecutor. Many know Clay from his Train the Trainer courses. He will be with us in September at our course in Memphis.

Next years Lifesaver 2006 Conference will be held in Austin, Texas, April 9-11. Mark your calendars. I hope to see you there.

**Web Site:**

This and the previous issue are available at [www.tndagc.com](http://www.tndagc.com).



**Technology News**

A security and supply company has developed the M-II Flashlight camera. The combination flashlight (85,000 Candlepower) and digital camera (1 gigabyte ram) includes infrared illuminators. The video can be loaded to a computer. Imagine the evidence when the feet and eyes of the suspect can be observed in a video.