



## LOOKING DOWN THE ROAD

**Wicomico County Sheriff Lewis Challenging Traditional Approach to Traffic Stops**

*By William S. Aiken Jr.*



The first goal when law enforcement is engaging in a traffic stop is for everyone involved to make it home safely. In 1995, Michael Lewis was a Maryland State Trooper when he had a life changing experience. His law enforcement partner, Eddie Plank was shot and killed while conducting an early morning traffic stop. The experience completely changed his thinking on the traditional methods of traffic stops.

Since that tragedy, Sheriff Lewis has made it his mission to articulate the hazards for law enforcement of conducting traffic stops on vehicles' driver's side, while urging law enforcement to make their approach to the vehicle on the passenger's side. He has made numerous presentations on the subject throughout this country and around the world.

Sheriff Lewis was the keynote speaker at a Stop-DWI conference last October, which I attended in Niagara Falls. His presentation on traffic stops was an eye opener for me, along with hundreds of others attending the conference. It never occurred to me how conducting traffic stops on the driver's side puts law enforcement at such an unnecessary risk. I was so inspired by his speech that I contacted my New York Senator and wrote to the Municipal Council on Police Training, advocating for passenger side traffic stops.

Michael Lewis is embarking on his fourth term unchallenged as Wicomico County Sheriff. He took some time amid his hectic schedule to address passenger-side traffic stops with me.



*Sheriff Michael Lewis, Wicomico County, MD*

**1). Prior to the murder of your friend and colleague, Eddie Plank, what was your feeling regarding the law enforcement training you received as it related to traffic stops?**

A.) Prior to the murder of Trooper First Class Eddie Plank, I had never practiced the passenger-side approach during my thousands of violator contacts. Why? Because it was never taught. I had never heard of it. Police officers were still being taught to walk up into the fatal driver's side funnel; exactly where murderers of police officers had been practicing their craft for decades. I knew something had to change, and I knew I had to do it. I was already teaching nationally on drug interdiction, so I simply integrated it into my instructional classes to tens of thousands of police officers throughout the world.

**2) What has been the response to your presentations on traffic stops from the law enforcement community?**

A.) The response to my teaching the passenger-side approach has been overwhelmingly positive. Certainly, you have some police officers who are resistant to change of any kind. However, I've been deluged over the years with life-changing events shared by my students as a direct result of my training in the passenger-side approach. In four cases shared with me by former students, they credit my training with having saved their lives.

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# NEW YORK CAN LEARN FROM UTAH'S SUCCESS IN LOWERING THE BAC LEVEL TO .05

By William S. Aiken Jr.



State Rep. Norm Thurston of Utah's District 64

In 2013, the National Traffic Safety Board released a comprehensive study on the effects of lowering the BAC (Blood Alcohol Content) in America. The study concluded that 800 lives could be saved annually if the legal limit of .05 BAC was the law of the land.

In response, Brooklyn Assemblyman, Felix Ortiz sponsored a bill to lower the BAC in New York State to .06. There

wasn't much movement on the bill until January of this year when The National Academies of Sciences, Engineering, and Medicine published another study recommending that the government lower the BAC to .05. Assembly Ortiz amended his earlier bill, AB4369 to change the BAC threshold to .05.

Utah became the first state to lower their BAC to .05. Utah passed a 0.05 law that will go into effect in December of this year. So it's too early to report on the results. Utah and New York have very different populations. One of those differences is that New York has one of the highest concentrations of bars and restaurant in the nation, while many of Utah residents don't consume any alcohol.

Utah Representative Norm Thurston is the sponsor and catalyst behind Utah's law to lower the BAC to .05. The legislative process in Utah was a long and arduous journey. Rep. Thurston took some time with me to reflect on the evolution of the passage of his bill, HB 155, as well what he sees as its intended effect on drunken driving.

## 1). When HB 155, was first introduced, what were your expectations at that time?

When I first introduced the concept, I was unaware of the large body of scientific evidence and studies that show that .05 is effective in reducing driving after drinking and the negative consequences of impaired driving. I figured that we would be in for a multi-year fight to make the change. Fortunately, I was put in contact with Dr. Bella Dinh-Zarr of the NTSB who shared all of that data with me. I was able to leverage the science and data to convince many skeptics here of the value of this policy. The turning point was when she came in person to testify at the House committee hearing and we gained serious momentum. Having credible, science-oriented supporters really made all the difference in both chambers. We also had incredible support from many stakeholder groups, including the Sutherland Institute and others.

I could also not have done this without the sincere support of my Senate sponsor, Sen. Adams. He was a true champion and influencer in his body as well and deserves all the credit for shepherding it to the goal line in the Senate.

## 2) What were the biggest obstacles during the legislative process of HB 155?

The biggest obstacle in getting votes (and in avoiding a potential veto) was the misinformation pumped out by the alcohol profiteers. They kept pounding on two things - 1) being tough on drunk driving could have a negative impact on the State's tourist-friendly image and 2) crashes caused by drivers below .08 are not as frequent or serious as other causes so we should be focusing on other policies, such as harsher penalties for repeat offenders, stricter enforcement of interlock requirements, and new laws to crack down on distracted driving.

I used data and facts to combat both of those arguments - 1) Utah was one of the first two states to move from .10 to .08 and tourism increased in the following years, and 2) the studies clearly show that .05 BAC deters driving after drinking at all BAC levels, not just the lower end, saving lives up and down the distribution. Furthermore, there is no reason to not engage in other policies that complement this effort. We can do more than one thing at a time.

## 3). Now that HB 155 will go into effect in December of this year, what results do you anticipate in terms of road safety and DWI arrests?

Given the enormous amount of media attention this law received during and after passage in 2017, I was not surprised to hear from Highway Patrol that there was an immediate, pre-implementation effect. I also have to thank our opposition for taking out full-page ads in the local newspapers. Many people don't pay close attention and believe that the law is already in effect. The DUI squad is already reporting that it is far more difficult to find impaired drivers during saturation blitzes and the crash and death data look like we may be down close to 10% from 2016.

As the National Academy of Sciences report recommends, it is important for this law to be accompanied by media campaigns and increased visibility of enforcement. I am hopeful that as 2018 progresses and the implementation date (12/30/18) nears; this will continue to be in the news and a topic for discussion at every holiday weekend.

The work and lessons learned by Rep. Thurston will be very useful as New York moves forward to pass its bill to lower the BAC. I can't think of a better elected official than Rep. Thurston to assist New York with AB4369. His goal isn't to gain accolades for his success, rather his aim is to share his knowledge and experience to make .05 the standard for the nation's BAC level.

For decades, RID's founder, Doris Aiken, fought vigorously to lower the BAC level. On this issue, she got virtually no support on the legislative level and faced tremendous pushback from the alcohol industry. Although she's not here to witness the fruits of her labor, she would be quite pleased with the recent progress that is being made on .05 legislation.

# OPEN LETTER

Dear RID Members,

We are now celebrating RID's 40th anniversary and the first year has passed without Doris Aiken. Our small team has continued forging ahead with our mission to bring you current news on the fight against drunken driving and ways you can take action to join that fight.

The RID Spring newsletter edition is filled with current reports and updates. We still offer victims of drunken driving our toll free helpline; (888) 283-5144, serve as a watchdog organization monitoring pending DWI cases in the court system, document and track reported DWI arrests, convictions in the print/ TV media, represent RID at anti-DWI conferences, and our partnership with Legicrawler helps RID members to take an active role in the legislative process of DWI bills.

We can't do this work without all of you, as much as we are committed to do RID's work. It may surprise you to know, we receive annual dues from only 10% of our membership, so please consider making a \$20 dollar or more donation if you can. If you prefer to make a donation using Paypal, you can use the link on our website: [www.ridusa@verizon.net](mailto:www.ridusa@verizon.net).

If you would like back issues or extra issue of the newsletter to share with friends, we can provide them. If you wish to receive the newsletter electronically, send us your E-mail address. At this time we face a large fund raising challenge to keep RID in business. Please help us continue to provide this valuable public service.

Thank you for your time, interest and support,

Jane Aiken, Editor

William Aiken, Vice President

## STOP-DWI'S HISTORY: HOW IT GOT STARTED AND HOW IT WORKS

By Michele James and Pam Aini

### NEW YORK STATE STOP-DWI PROGRAM

Driving While Intoxicated, one of the few crimes in New York State that we would dare say most adults have come in contact with! Some fall victim to the horrific crashes caused by an impaired driver, some have a fence, yard or mailbox damaged by the actions of such drivers, some have to deal with an ignition interlock on their vehicle because of a convicted impaired driver living in their home and others simply read the name of an acquaintance in the police blotter. However, if you were to poll this same group of adults, how many would realize that the STOP-DWI Programs in New York State are Nationally recognized as a leader in traffic safety?

How many New Yorkers know that the STOP-DWI Laws in place in our state direct ALL fine monies be returned to the county of conviction? How many realize that NY's STOP-DWI program is the Nation's first and, to date, ONLY self-sustaining impaired driving program? WOW - we truly have the best program in the country in that it is funded entirely from fines paid by convicted impaired drivers, NO tax dollars are used to sustain the programs.

The law that enacted the STOP-DWI Program in 1981 was drafted by Senator William T. Smith, who had suffered the unimaginable tragedy of losing his daughter when a drunk driver hit her vehicle head-on as she was returning home from work. Many people lobbied for the law including Doris Aiken, Founder of RID, who was always a faithful partner.

So what is the STOP-DWI Program, you ask? Well, did you ever wonder who provides mock DWI crashes or presentations being given to your children in school? Do you ever see billboards with the STOP-DWI logo? Have you or your family members ever been to an after prom or graduation party? How are DWI patrols funded? What about jobs in your county that are not funded by taxpayer funds? Or do you ever wonder who monitors ignition interlock cases? Or who oversee DWI Probation or prosecutes DWI cases? Many of these items are funded by the fines collected from those convicted of impaired driving offenses through your county's STOP-DWI Program.

Each county in New York State has a STOP-DWI Program that focuses on the 'local option' as it relates to the needs of that specific county. All fines collected go right back into your county to fund initiatives that are developed individually in every county. Several components are funded as necessary including, law enforcement, probation, District Attorney, rehabilitation and public education and awareness. ALL of which are funded by the fines monies collected from convicted impaired drivers.

If you would like to know more about the program, please visit our website at: [www.stopdwi.org](http://www.stopdwi.org)

Michele James has been the STOP-DWI Coordinator for 17 years in St. Lawrence County. Pam Aini has been the NYS STOP-DWI Association Administrator since 2010.

## Looking Down The Road...

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3) You have made your presentations in other countries. Was your message received any differently than what you experienced in America?

A.) When I've shared our successes with other countries, the response is usually the same; Why isn't the passenger-side approach mandated?

4) When RID first started in 1978, drunken driving was often viewed as an accident, not a crime. While there's been tremendous progress in changing that culture, DWI still remains a stubborn problem. In the past decade, has your department seen a rise or reduction in DWI arrests? And to what do you attribute that change?

A.) Despite awareness campaigns regarding the dangers of drinking and driving, we have seen a recent uptick in the number of DWI arrests, both for alcohol and drugs. My office routinely conducts or participates in DWI Checkpoints in Wicomico County along with our allied agencies to deter drunken driving.

In fact, this year on Saint Paddy's Day, we will be joining the States of Delaware and Virginia along the Eastern Seaboard to simultaneously conduct Tri-State DWI Checkpoints as well as DWI Saturation Patrols. Strong leadership sets the tone for DWI results. Perhaps, that's why we've seen an uptick in arrests.



*Passenger Side Traffic Stops: The right side for Law Enforcement*

The inclination for law enforcement to approach traffic stops on the driver's side has proven to be a habit that's difficult to change. Despite recent changes to the laws that penalize drivers who failed to move over a lane when passing a traffic stop, there is still great risk for officers who continue using the traditional method.

Thanks to Sheriff Lewis' vigilant efforts, a conversation has been started to re-think how law enforcement trains its officers to conduct traffic stops. The lives saved as a result of adopting this approach may never be officially documented, but passenger side traffic stops is an idea that should be implemented in police training all across the nation.

You can see Sheriff Lewis demonstrate how traffic stops conducted on the passenger side employ potential life saving safety measures, by going to this youtube link:

<https://www.youtube.com/watch?v=bSinYGidhwY>

## STOP DWI SYMPOSIUM IN NIAGARA FALLS TACKLES WIDE RANGE OF SAFETY ISSUES

The Niagara Falls Convention Center proved to be a great location for hosting the Stop DWI Symposium, this past October. The agenda offered a diverse set of topics ranging from the collection of DWI fines to the use of Drones in traffic safety from issues surrounding marijuana legalization to how law enforcement should conduct traffic stops in a way that ensures everyone's safety. These presentations were just some of the many subjects addressed at this year's symposium.

### KEYNOTE SPEAKER SHERIFF LEWIS DELIVERS

The Symposium kicked off with a dynamic speaker, Sheriff Michael Lewis of Wicomico County(MD). Sheriff Lewis launched into how traffic stops done the conventional way put law enforcement and passengers at risk. He masterfully used police dash cam videos to illustrate the point that when law officers make traffic stops and approach a vehicle from the driver's side, they put themselves at an unnecessary disadvantage.

Sheriff Lewis lost his friend and partner, Eddie Plank, who was shot and killed during an early morning traffic stop. This experience changed his life. Since this tragedy, he has devoted himself to reforming the manner in how police are trained to conduct traffic stops.

Using a laser pointer while pausing the video at certain key points, Sheriff Lewis walked his audience of 500 attendees through the process of a traffic stop, illustrating mistakes made that centered on approaching the driver's side of the vehicle. He explained that most people are right handed and suspects can conceal a weapon easier if the officer is on the driver's side. He presented four different videos of traffic stops where approaching the vehicle on the driver's side put law enforcement at a disadvantage.

The final video showed the officer conducting the traffic stop from the passenger's side. The driver was armed and determined not to return to prison. He was caught off guard when the officer yelled commands to him while out of his line of sight. The officer effectively used his position on the passenger's side in a tactical manner making him a difficult target for the shooter. The driver opened his door to further engage the officer in a gun battle. Seconds later the driver fell dead on the pavement. As Sheriff Lewis's presentation exhibited, the choice by the officer to approach the vehicle on the passenger's side very well may have saved his life.

I was so inspired by the Sheriff's presentation, I contacted him along with my State Senator to advocate for implementing re-training of traffic stops. The Sheriff's passion was contagious and resulted in my taking action after the event was over. This presentation is what a Symposium should strive to do, inspire others to actively get involved in solving a problem.

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## STOP DWI HONORS DORIS AIKEN

Janine Schultz put together a huge laminated poster of Doris Aiken citing her accomplishments as a pioneer in starting the movement against drunken driving. This poster was the center of RID's display table along with some of the awards Doris had won over the years. Doris's memoir and DVDs were available as well. Janice and Bill Dikant were a great help in staffing the booth during the event.

Later in a huge room filled with hundreds of attendees, Stop DWI Chairwoman Christina Hale presented me with a quartz clock inscribed to honor Doris as the founder of RID. Christina read a long obituary from the Times Union detailing Aiken's background and achievements as well as RID's long history in the drunken driving movement. In today's world where twitter has conditioned us to have shorter attention spans, I was grateful that Christina took the time in front of the large audience to spell out in vivid detail the impact my mother had in starting RID and changing the culture of how we treat drunken driving.

Thank you Christina!



*William Aiken (center) accepts STOP-DWI award on behalf of the late Dois Aiken*

# RID

## Stop DWI Symposium...

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### HOW THE LEGALIZATION TREND WILL IMPACT DWI

The next session I attended was "Drugs and Driving" which addressed the legalization laws of marijuana in Colorado. Sam Cole, Communications manager of Colorado's Dept. of Transportation, explained how his state is using technology to promote their education on marijuana use and driving. He demonstrated an app they use which sends out educational messages to anyone with smart phones whenever they enter a marijuana dispensary. The strategy to reach out to pot users to inform them of the dangers of driving impaired, rather than condemn them, has proven to be successful in effectively targeting their message.

This session was very useful to see how Colorado, a state that legalized recreational use in 2012, is dealing with the multiple issues the law has created. Cole said working in partnership with the marijuana industry and seeking their input has allowed Colorado to speed up the process of finding effective messaging in their educational campaign.

Colorado has struggled with the issues legalization presents to any state where the voters have signed up for changing the laws. So, as New York and other states address this ongoing trend, it's important for law makers to adopt the lessons learned from Colorado's policies such as partnering with the pot industry on educational campaigns, as well as avoiding policies that have brought on unintended consequences.

### COLLECTING DWI FINES

Another session I attended was about collecting DWI fines. A panel consisting of a Judge, several ADAs and court clerks shared their stories that reflect a lack of enforcement when people convicted of DWI ignore fines leveled against them. STOP-DWI relies heavily on the fines collected from convicted drunken drivers to fund its program. I was glad to see the issue was being addressed at the Symposium.

A large aspect of the problem is that counties with many small townships and villages that collect DWI fines simply aren't capable of managing this responsibility. Yet the lack of technology to track DWI fines in a transparent and efficient manner wasn't the only problem.

The panel discussed the lack of accountability when convicted drunken drivers fail to pay fines. An ADA noted that if these convicts were sentenced to weekends in jail and failed to show up, there would be immediate consequences. When they're delinquent with a payment, there's no urgency to hold them accountable. There's no set protocol, procedure or punishment. This lack of policy allows the drunken driver to slip through the cracks.

One of the panelists shared that she was successful in lining up victims of drunken drivers to speak at hearings with the sentencing judge and convicted drunken driver, very similar to how survivors address drunken drivers at Victim Impact Panels. It took some time and effort for the ADA to coordinate these efforts with the judge.

However, in most cases, the ADA reported that after the hearings, the fines were quickly paid up.

It's unfortunate that our legal system has to go to such lengths to shame drunken drivers into honoring the punishment, which they agreed to in their plea deal. However, collecting DWI fines has been a consistently stubborn problem in many municipalities for a long time. I'm glad to report that this tactic has been effective toward helping to resolve this issue. I hope other ADAs follow suit in their jurisdiction. Sharing frustrations and finding solutions in this back and forth forum is why many people come to a Symposium; to get answers to problems.

### REACHING OUT TO ACTIVISTS AND YOUTH

I gave a presentation on RID's partnership with Legicrawler, an on-line service provider that I have written about extensively in this newsletter. I walked the audience through the process of how Legicrawler works and how RID members utilize this service. Afterwards, several people came up with questions and the dozen newsletters I brought were all picked up by the audience. Legicrawler is a great tool for activists, who are interested in getting involved in the legislative process. I was glad for the opportunity to demonstrate why.

I shared my spot on the agenda with Tracy Mance, First Sergeant with the New York State Trooper, who runs a successful educational program called CHOICES, a high impact awareness program targeting impaired driving, alcohol, drug use, and addiction. This innovative program uses a combination of open discussion, visuals, and speakers to increase the overall awareness of the consequences due to risky behaviors. CHOICES currently targets teens from 8th grade and above, with future aspirations to include parent sessions. The goal is to not only increase awareness in the community, but also show the importance of opening the lines of communication about difficult topics.

The CHOICES program has been active since 2005. Mance adjusts her message to the kids depending on their age range. But the impact of showing the finality of some decisions made by their peers when it came to drinking and driving makes a lasting impression. The window to reach kids on such an emotional level is tight. Mance is doing a tremendous job getting her students to consider the long term consequences of bad choices. The impact of her work may never fully be recognized in the hard data of DWI fatalities and serious injuries. However, her intimate and direct style of communicating the importance of driving sober is invaluable in reaching out to connect with the youth of today and saving lives tomorrow.

### STOP-DWI GETS HIGH MARKS FOR SYMPOSIUM

The Niagara Falls Convention Center facility was up to date with technology. A waiting room with six computers was available to registered guests. There was no password required to log on to the system, which was nice. Beforehand, I had difficulty accessing a particular segment of my presentation. I called the CEO of Legicrawler and he walked me through the software using one

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## Stop DWI Symposium...

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of the convention's computers. In short order, the problem was solved. The equipment used in all of the presentations I attended worked flawlessly and the staff was readily available to answer any questions that arose.

An enormous room was divided in half with one side devoted to a tradeshow room and other a banquet dining area with a spacious stage on one side and a buffet on the other with tables in the middle. The caterers for the event provided delicious and healthy choices for breakfast and lunch. It was easy to serve yourself and the waiters/waitresses were very attentive to guests. The tradeshow area had plenty of space to comfortably accommodate all the booths for the vendors.

I stayed at the Niagara Falls Sheraton located directly in front of the Convention Center. Parking wasn't an issue at all. One of the RID members attending required a wheelchair to get around, which the Sheraton provided. He had no problem getting to all of the Symposium's panels. The STOP-DWI Committee made a wise choice in holding its event here and did a tremendous job of putting everything together. The 5 hour drive was a breeze with the balmy weather and my cruise control set at 65mph. I look forward to next year's Symposium. This one will be a hard act to follow.



**What are the issues related to drunken driving in your community?  
If you're interested in submitting an article for the newsletter, or have a comment or suggestion, RID is happy to provide this platform to voice your concerns.**

**William Aiken, Vice President  
ridusa@verizon.net  
or call our tollfree number (888) 283-5144**

## A CITIZEN'S PROJECT TO REMOVE INTOXICATED DRIVERS

P.O. Box 520, Schenectady, New York 12301

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